

STREET VENDORS

Sec. 23-94. Vending prohibited;

Vending is prohibited in the city, other than in B-2, B-3, and B-3-C zoning districts. Applicants for a vending license shall provide documentation to the city's planning, zoning and building department's licensing division demonstrating:

- (1) Permission (affidavit or notarized statement) from the property owner that the vending vehicle may locate on the property;
- (2) Location of vending vehicle as it relates to other structures on the property where it is to be located;
- (3) Public restroom availability if food, beverages or both are being served; and
- (4) On-site parking availability (parking required by the Zoning Code for existing uses will not be used by vendor).

Mobile vending vehicles that do not set up permanently but that stop only temporarily to make a sale shall be exempt from the limitations and provisions of section 23-94 and section 23-95(3) but shall comply with all other provisions of this article. This exemption shall not apply to non-motorized mobile vending vehicles.

Sec. 23-95. Prohibited conduct.

No vendor shall:

- (1) Vend within five hundred (500) feet of the grounds of any kindergarten, nursery, elementary, middle or high school between one (1) hour prior to the start of the school day and one (1) hour after dismissal at the end of the school day.
- (2) Vend within five hundred (500) feet of any church between one (1) hour prior to the start of any church service, Sunday school or religious ceremonies and one (1) hour after such services have concluded.
- (3) Vend on any public street or sidewalk except as provided in this article. For purposes of this section, "public street or sidewalk" shall mean those owned by, dedicated to or an easement granted to the public.
- (4) Vend in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant or create or become a public nuisance, increase traffic congestion or delay or constitute a hazard to traffic, life or property or an obstruction to adequate access to fire, police or sanitation vehicles.
- (5) Wave, flag or motion to vehicles on the street.
- (6) Sell food or beverages for immediate consumption unless he has available for public use his own litter receptacle which is available for his patrons' use.
- (7) Leave any location without first picking up, removing and disposing of all trash, materials or refuse remaining from sales made by him or the conduct of his operation.
- (8) Allow any items relating to the operation of the vending business to be placed anywhere other than in, on or under the vending vehicle.
- (9) Set up, maintain or permit the use of any table, crate, carton, rack or any other device to increase the selling or display capacity of his vending vehicle, where such items have not been described in this application.
- (10) Allow any fluids to be discharged from a vending vehicle.

- (11) Sell anything other than that which he is licensed to vend.
- (12) Vend without the insurance coverage specified in section 23-112(5).
- (13) Vend without the health certificate specified in section 15-54.
- (14) No vendor vending from a vending vehicle shall:
 - a. Conduct his business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant or create or become a public nuisance, increase traffic congestion or delay or constitute a hazard to traffic, life or property or an obstruction to adequate access to fire, police or sanitation vehicles.
 - b. Stop, stand or park his vending vehicle at a metered parking space for the purpose of selling, or sell on any street under any circumstances during the hours when parking, stopping or standing has been prohibited by signs or curb markings or is prohibited by statute or ordinance when such metered parking spaces, signs, or curb markings have been located on public travelways on private property.
 - c. Stop, stand or park his vending vehicle in order to make or attempt to solicit sales within twenty-five (25) feet of any intersection.

Sec. 23-97. Advertising.

No advertising, except the posting of prices, shall be permitted on any vending vehicle, except to identify the name of the product or the name of the vendor. All signs shall be limited to a size not to exceed four hundred eighty (480) square inches.

Sec. 23-111. Required.

It shall be unlawful for any person to sell or offer for sale any food, beverage or merchandise from a vending vehicle or the vendor's person within the city without first obtaining a license therefor. The annual license fee per vendor or per vending vehicle shall be two hundred dollars (\$200.00). Newspaper vendors shall be exempt from obtaining the license required by this section as well as vendors operating in connection with special events when the vending activities shall last no longer than three (3) days.

Sec. 23-112. Applications.

Application for a license required by this division shall be made to the chief license inspector upon the appropriate forms, such forms shall be available in the office of the chief license inspector during regular working hours. Such application shall be sworn to or affirmed and filed with the chief license inspector and shall contain the following:

- (1) The name, home and business address of the applicant and the name and address of the owner, if other than the applicant, of the vending business or vending vehicle to be used in the operation of the vending business.
- (2) A description of the type of food, beverage or merchandise to be sold.

- (3) A description of the proposed location of the vending business.
- (4) A description and photograph of any equipment or vending vehicle to be used in the operation of the business, including the license and registration number of any motor vehicle used in the operation of the business.
- (5) Proof of an insurance policy, issued by an insurance company licensed to do business in the state, protecting the licensee and the city from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with the license. Such insurance shall be in at least the amounts of three hundred thousand dollars (\$300,000.00) for injury for each occurrence and one hundred thousand dollars (\$100,000.00) per person.
- (6) A health certificate issued by the county health department, if vending food or beverage.
- (7) Those items listed in section 23-94(1) through (4).

Sec. 23-113. Issuance; denial.

Not later than ten (10) days after the filing of a completed application for a vendor's license, the applicant shall be notified by the license inspector of the decision on the issuance or denial of the license. If the issuance of the license is approved, the license inspector shall issue the license. If the license is denied, the applicant shall be provided with a statement of the reasons therefor, which reasons shall be entered in writing on the application. The applicant shall be entitled to an informal hearing with the city manager or his designee, if so requested by the applicant within five (5) days of his receipt of the written denial from the license inspector. A license issued pursuant to this section is valid for a period of one (1) year from October 1 to September 30.

Sec. 23-114. Display of license.

All licenses issued under this division shall be displayed at all times during the operation of the vending business in a place where the license is visible at all times.

Sec. 23-115. Renewal.

All licenses issued under this division are valid for the entire licensing period unless revoked or suspended prior to expiration. An application to renew a license shall be made not later than sixty (60) days before the expiration of the current license.

(Code 1953, § 38-28; Ord. No. C-84-109, § 2, 1-2-85)

Sec. 23-116. Revocation.

Any license issued under this article may be revoked for cause.

Sec. 8-73. Offenses.

It shall be unlawful for any person to solicit on the public beaches or within one hundred and fifty (150) feet of Atlantic Boulevard or Seabreeze Boulevard; provided, however, that this provision shall not apply to newspaper sales, persons operating under beach franchises, concessions, or pursuant to temporary beach license agreements or concessions for special events described in this chapter and established business

operations conducted entirely within an enclosed building or in a permanent structure for which a building permit is required. The terms "solicit" or "soliciting" shall mean and include any one (1) or more of the following activities:

- (1) Seeking to obtain orders for the purchase of goods, merchandise, foodstuff, services or any other thing of any kind, character or description whatsoever for any kind of consideration whatsoever.
- (2) Selling goods, merchandise, foodstuff, services or other thing of any kind, character or description whatsoever, for any kind of consideration whatsoever.
- (3) Selling or seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication for any kind of consideration whatsoever.
- (4) Seeking to obtain gifts, or contributions of money, clothing or any other thing for any reason whatsoever.
- (5) Seeking to obtain orders for, or selling real estate of any kind, character or description whatsoever for any kind of consideration whatsoever.
- (6) Renting or seeking to obtain orders for the rental of goods, merchandise, foodstuff, services, real estate or any other thing of any kind, character or description whatsoever, for any kind of consideration whatsoever.
- (7) Promoting sales or rentals of real estate, services or goods by the offering of any free services or goods of any kind, character or description whatsoever as an inducement to examine the desirability of such purchase or rental.
- (8) Placing or carrying, or causing to be placed or carried any showboard, placard or sign for the purpose of accomplishing any of the activities set forth in paragraphs (1) through (7) of this section.

I have read and understand the City ordinances

Applicant Name _____

Signature _____

Date _____