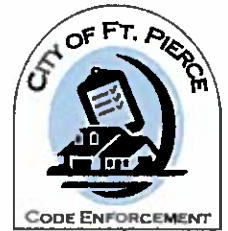




CITY OF FORT PIERCE

COMMUNITY RESPONSE DIVISIONS
MARGARET M. ARRAIZ, CODE COMPLIANCE MANAGER

Protecting the health, safety and welfare of our community



TO: Jim Walker, Assistant City Attorney
CC: Robert V. Schwerer, City Attorney
Robert Bradshaw, City Manager
Nicholas Mimms, Deputy City Manager
FROM: Peggy Arraiz, Code Compliance Manager
RE: Vendor Ordinance Update
DATE: July 1, 2014

Thank you for taking the time to conduct the review of the proposed vendor ordinance. I have addressed the comments you provided and submit the following update:

A. Amend title –

- Having amended approximately 30 sections, listing each in the title seems a little excessive. However, I did expand the title to include the amendment to each division of the article.

B. Expand findings of fact –

- I am uncertain of your comment that “it is misleading to suggest that the only thing being accomplished here is to expand opportunities for vendors and solicitors by allowing for another form of vending.” Although long and detailed, that is exactly what the ordinance does – it is adding another form of vending. What do you suggest that ordinance is doing otherwise?
- I have expanded this area as requested, but do not believe that I was “misleading” anyone with what was originally submitted.
- If you have additional language that you feel should be included, please advise or provide the exact wording you suggest be incorporated.

C. Definition of Itinerant retail produce merchant - concern over the phrase “natural and unaltered state” –

- I am hesitant to change this wording as recommended because I included the wording specifically provided to me by David Marshall, Department of Agriculture, Division of Food Safety Supervisor.
- You are correct – if they choose to alter their food, they would no longer be covered under the title of “itinerant retail produce merchant”. They would instead be required to upgrade to a full mobile food vendors’ permit and obtain all the approvals required by that section.
- Failure to do so would result not only in fines from the City but also the potential to be fined by the Department of Agriculture, to whom we would report the violation.

D. Definition of Seasonal Sales vendor – concern over listing holidays

- As the current ordinance states: “Seasonal commodities include, but are not necessarily limited to, Christmas trees, flowers, and pumpkins”, expanding on the current ordinance did not appear to be a problem. However, I have changed to definition and eliminated any reference to a specific holiday, including the ones already listed in our current ordinance.

E. The basis for 9-79 – breach of peace

- The amendment was added specifically to address concerns raised by several of the organizations I met with and the City Commissioners regarding how vendors will act. In fact, the Commissioners spent a substantial amount of time deciding if there should be regulations on clothing, etc. For example – having a vendor – of either sex – wearing a thong bikini. This was a very serious and long debated issue, complete with photos of such activities from Daytona Beach. Mr. Schwerer cautioned the Commission about placing restrictions on clothing, etc. Therefore, this amendment was added to satisfy those strong objections.

F. Confirmation that the proposed ordinance eliminates both the \$20 permit fee and the \$100 occupational license fee.

- Yes – that is why both fees have been struck through.
- Additionally, this eliminates the phrase “occupational license fee”, which no longer exists.

G. Elements of commercial speech – 3 requirements

- I have inserted a new section, 9-92- Issuance, and renumbered the following sections. For source reference, I merged together ordinances from the following: Miami –Section 39-31 and Ft. Lauderdale – Section 23-113.

H. Conformance with the City’s Code of Ordinance’s number system.

- I added parentheses to the parts and subparts as requested.

I. Plans of the proposed vehicle or unit for mobile merchants

- Yes, we are requiring plans to be drawn to scale.
- No, it is not required to be done by a professional draftsman, which is clearly indicated in Sec. 9-91 (70)(i)(a), which states: The plan does not need to be drawn by a professional, but must be to scale and clear for review.
- I have attached a slide from the DBPR, which shows how to draw your plan to scale without the help of a professional. We can have a similar information sheet on-hand to provide to anyone who questions this requirement.

J. Recommend deletion of 9-91(a)(13)

- This was not an addition or amendment to the code but is part of our existing ordinance. This was simply a renumbering. Please refer to the current code 9-93(a)(9).
- If you still believe that it should be deleted, please feel free to do so. I have no objections and it was not really part of any discussion item during the investigative process.

K. Expanding the non-profit exemption for door-to-door sales

- I incorporated sections of S.S. 501.022(1)(b)(5-7) as recommended.

L. Strike-out old / underline new

- This section was a little difficult when renumbering because there were already items in existence that I wanted included in the new ordinance.
- The original language of both 9-91 and 9-92 is struck out, but you will find it before 9-93, which was changed to 9-91.
- Then I completely deleted 9-94.
- Thus the new 9-92 and 9-93 are simply showing as new language.
- 9-95 follows by being changed to 9-94 because again, there were parts I wanted to remain.
- If you see a more comprehensive way to number this, please feel free to make those changes. I welcome the assistance with this particular issue.

M. City clerk's discretion to issue a permit

- I feel this discretion is implied under the newly added Sec. 9-92 - Issuance, which requires the City Clerk to put the decision of approval or denial in writing.

N. Removal of language relating to fees under Article IV

- This information was not transferred to another location but was simply deleted.
- Then entire section has been replaced by Item A, which changes all the fees to be set by resolution.
- Items B and C were written specifically to address door-to-door sales and places the burden on the City Manager to consider adjusting the fees, which would no longer be applicable anyhow as the fees are set by resolution of the City Commission.
- Section C requires a bond be placed prior to issuing a license and I did not receive any type of support from the Commission for an additional financial burden on the applicants.

O. Revocation of permits

- You are correct to point out that state statute does not grant such authority to the Code Board or Special Magistrate.
- Unfortunately, we do not have any type of "hearing" procedures for the City's Clerk, which is why I originally made the change.
- I amended this whole section by moving 9-92 - Appeal to this area and renumbering the section appropriately. The wording is now for an appeal of either denial or revocation.

P. Variances

- This item was added at the request of several parties and approved by the City Commission.
- Why it is not done for every code, I cannot say, but this is very similar to the land use, where "one size does not fit all" and therefore a request for relief is provided.
- Examples of situations where a variance might be requested:

- i. The code requires a distance separation of 500 feet between a similar type businesses. If the proposed location is 450 feet and the nearby business is not opposed, a request may be made.
 - ii. Using the same code, this would also prevent more than one mobile vendor at a single location. If Home Depot decided they wanted an ice cream vendor and a hotdog vendor, then a request could be made.
- I have amending the previous version by incorporating language borrowed from Chapter 22, but made it specific to this chapter. I have also amended the Fees Resolution to include the cost of the variance request.

Q. Use of public property

- Special events are regulated by Chapter 12, however, the city also recently expanded the use of public property with the adoption of Chapter 22, Article XV – Sidewalk Cafes. Most of the information in this section was copied from that ordinance.
- You caution about selecting a privileged group, yet the City has already done similar with granting Lisa’s Kayaks the exclusive right to vend within a city park.
- Many jurisdictions throughout the state allow use of public property, specifically streets and sidewalks, for vending. For reference, please refer to the following city’s code of ordinances:
 - i. Jacksonville – Chapter 250, Part 3
 - ii. Gainesville – Chapter 19, Article IV
 - iii. Key West – Chapter 18, Article VI
 - iv. Miami – Chapter 39, Article II
 - v. Sarasota – Sec. 23-3.6
 - vi. St. Petersburg – Chapter 16, Section 16.50.450
- Use of the lottery system
 - i. This idea was submitted by one of the organizations I interviewed and the city commission embraced the idea as it opened up the locations to more businesses by not allowing a single vendor the use of a prime location for longer than 12 months.
 - ii. The Miami code of ordinances – Sec 39-33 (5)(c) – is the basis for this section. Their code is much more substantive than what I proposed. I have made some changes to expand this section to more closely align with the Miami ordinance.

R. Itinerant retail produce merchants vs. vendors

- Thank you for catching this. There was no intent to have two different terms. They have now all be changed to say ‘vendor’.

S. Sec. 9-112(e) requires all regulations of Sec. 9-111

- I had previously considered your recommendation to say that all other sections of this code applies, but the fact is, they do not.
- Produce vendors are in a sub-category that is much less restrictive than mobile food vendors and thus most of Article IV does not apply. In fact the Commissioners are very clear that this type of vending NOT be required to do everything mobile food vendors are required to do. That is why there is only limited reference to 9-111.

T. Ice Cream vendors – noise limits

- This was not an addition or amendment to the code, but simply a re-numbering.
- See the strike through of Sec. 9-81. That entire section was simply copied and re-numbered to 9-113.
- I do not see the need to strike it from this section and amend section 11-48, as that section is enforced by the police department. By leaving it in its existing location, the matter is enforceable by code enforcement.

U. Sec. 9-114 – Seasonal Sales Vendors

- Yes, it was my intent to have these vendors apply for and obtain a permit the same as other vendors. Thank you for catching this error.

V. Request to view comments from other departments

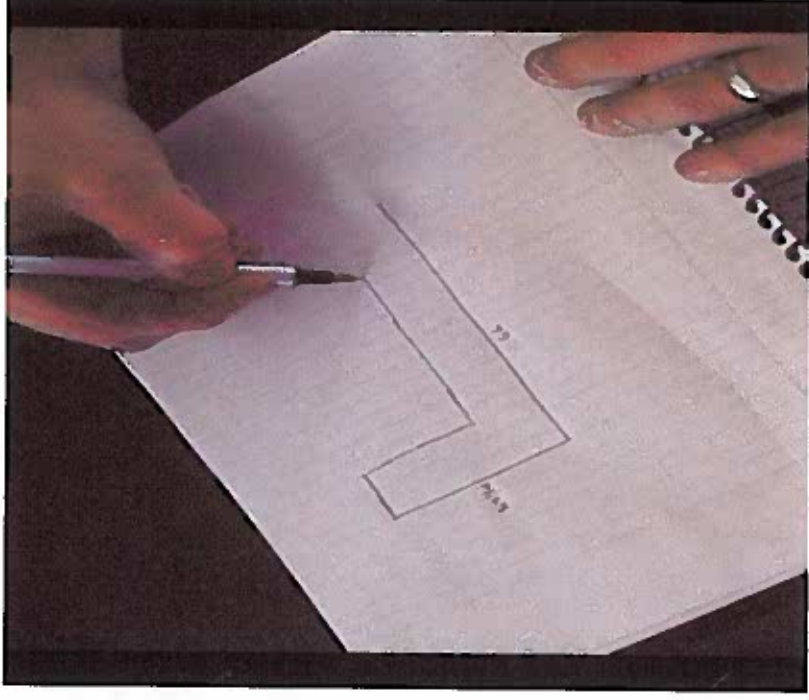
- I have attached the comments from the City Clerk's office and from the FPPD. I do not have written comments from the Planning Department.
- For the record, I have had several discussions with Linda Cox regarding Jeanette's comments and actually have inserted a new section into this draft in response. Please refer to Sec. 9-53, which has been copied from Jacksonville's ordinance Sec. 250.110.

Thank you again for your thorough review of the proposed ordinance and the time taken to review the new changes and amendments I have made in response to your comments. I am hopeful that this 2nd draft will bring us much closer to a final version.

Step 3: How to draw your plan to scale

The plan does not have to be drawn by a professional, but must be to scale and clear for review.

- ***Measure inside the MFDV to get your scale.***
- ***Get a piece of paper and draw the outline of the vehicle. Imagine your vehicle has a invisible roof on which you are standing.***
- ***Draw in all equipment, sinks, hot water heater, etc.***
- ***Submit a side view photo or drawing of the vehicle which shows its wheels and service window.***





INTEROFFICE MEMORANDUM
FROM THE OFFICE OF THE
CITY CLERK

TO : Karen Emerson, Assistant City Attorney
From: Jeanette Conlon, Deputy City Clerk (SC)
RE : Street Vendor Ordinance
DATE : August 2, 2013

RECEIVED
TIME _____
SEP 12 2013
CITY OF FT. PIERCE
CITY MANAGER'S OFFICE

After reviewing the draft copy of the ordinance the changes to the ordinance by the City Clerk's office are as follows:

No - ref permission from private property
Page 1---Sec.9-76-Definitions- Itinerant retail produce merchant shall mean any person going from place to place who engages in a seasonal business, by selling or offering for sale to consumers, any fruit, vegetables, or garden produce, which are sold in their natural and unaltered state.

Page 2---Sec. 9-78-Records- All violations of this article shall be reported to the city clerk code enforcement department all convictions for violation of this article and the city clerk code enforcement department shall maintain a record for each license-permit issued and record the reports of violations therein.

Page 3---Sec. 9-8079-Street vendors Permit and Business Tax Receipt. (this should not be added).

(b) It shall be unlawful for any person to sell or attempt to sell any commodity by means of vending such commodity upon any street, sidewalk, right of way or private property in the city, without first securing a business tax receipt. (this should not be added, should not be both permit and business tax, and street vendor permits are limited to certain areas, this makes it seem like it's okay to do it anywhere in the city).

Page 13---Sec. 9-114-Seasonal Sale Vendors

(1) Every person who engages in the business of seasonal sales within the corporate limits of the city, before engaging in such business, shall apply for and obtain a mobile vending permit and business tax receipt from the city pursuant to this division.
(business tax receipt should not be required for seasonal sales, it is not a requirement now of seasonal sales, and it should not be both permit and business tax receipt).



Re: Mobile Vendors Ordinance - 1st draft <Watchdog: Virus checked>

Sean Baldwin

to:

Peggy Arraiz

07/19/2013 03:16 PM

Hide Details

From: Sean Baldwin <sbaldwin@fppd.org>

To: Peggy Arraiz <parraiz@city-ftpierce.com>

Peggy,

The only input that I have from an enforcement perspective is that the Sec. 9-97 indicates "General violations of this article are considered a Class II violation.." I am not clear on what constitutes a "general violation" and whether that differs from any other violation. I see that there are "general regulations" in Division 3 – so are violations of this section considered a "general violation"? If so, what is the penalty for not having a permit at all? If the intent is that all violations of this article are Class II violations, then we should retitle this section as "Penalties" and state that "ALL violations of this article are Class II violations..."

Along the same lines, I believe that there should be a greater penalty for those that operate without the permit at all as opposed to those that have a permit and just don't put a trash can out or stop their ice-cream truck for more than 5 minutes. Just seems like not having the permit is a more serious infraction. Operating without a business tax receipt is a misdemeanor – I believe.

Just interested... Why don't we require the produce vendors to hold a business tax receipt? Our code says it's illegal to do business without one and I think that's a good idea, unless there is some sort of exemption for farmers I don't know about.

From: Peggy Arraiz <parraiz@city-ftpierce.com>

Date: Monday, July 15, 2013 2:43 PM

To: Anne Satterlee <asatterlee@city-ftpierce.com>, "RSweeney@City-FtPierce.Com" <RSweeney@City-FtPierce.Com>, "AAvery@city-ftpierce.com" <AAvery@city-ftpierce.com>, "JSinger@City-FtPierce.Com" <JSinger@City-FtPierce.Com>, "SCoss@city-ftpierce.com" <SCoss@city-ftpierce.com>, Nicholas Mimms <NMimms@City-FtPierce.Com>, Karen Emerson <Kemerson.cfp@city-ftpierce.com>, Sean Baldwin <sbaldwin@fppd.org>

Cc: "ChristineFamularo@city-ftpierce.com" <ChristineFamularo@city-ftpierce.com>, "CGreer@City-FtPierce.Com" <CGreer@City-FtPierce.Com>, "MaryPeregrin@city-ftpierce.com" <MaryPeregrin@city-ftpierce.com>

Subject: Mobile Vendors Ordinance - 1st draft <Watchdog: Virus checked>

Here is the first draft of the proposed vendor ordinance. It took a major overhaul of Chapter 9, Article IV, so there is a lot of red-lining going on. It may be easier to read it in the final mode rather than final with markups, which is the version being sent. I would appreciate it if you could take the time to review the proposed ordinance and forward me any recommendations you have regarding this matter.

Thank you!

Margaret M. (Peggy) Arraiz
Code Compliance Manager
City of Ft. Pierce
Code Enforcement & Animal Control Divisions
772-467-3148

parraiz@city-ftpierce.com

***** LEGAL DISCLAIMER *****

Mail is intended for work preparation purposes only. No legal definite promise.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CHAPTER 9, ARTICLE IV, "PEDDLERS, SOLICITORS AND CANVASSERS"; AMENDING DIVISION 1 - MODIFYING DEFINITIONS, ESTABLISHING THE DUTY TO ENFORCE AND RETAIN RECORDS, MODIFYING PROHIBITED ACTS, AND REQUIRING A PERMIT AND; AMENDING DIVISION 2 - ESTABLISHING PERMIT APPLICATION REQUIREMENTS AND REGULATIONS, PERMIT FEES, EXHIBITION OF PERMIT REQUIREMENTS AND PENALTIES, PROVIDING RIGHTS OF APPEAL, REQUESTS FOR VARIANCES AND PERMITTING LIMITED USE OF PUBLIC RIGHT OF WAY AND; AMENDING DIVISION 3 - ESTABLISHING AND MODIFYING REGULATIONS FOR MOBILE VENDORS, ITINERANT RETAIL PRODUCE VENDORS, ICE CREAM VENDORS AND SEASONAL SALES VENDORS AND; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Code of Ordinances of the City of Fort Pierce, Florida regulates the sale of goods and merchandise by persons operating as vendors or solicitors; and

WHEREAS, the City of Fort Pierce, Florida wishes to expand these types of sales to include mobile vending to benefit its residents and visitors; and

WHEREAS, to ensure that these services remain a benefit and do not become a burden on neighboring businesses and residents, the City of Fort Pierce, Florida shall provide such regulations as necessary; and

WHEREAS, certain limited use of public lands and right of ways will be impacted by such mobile vending being permitted at designated locations within the City limits; and

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Fort Pierce, Florida:

SECTION 1. Chapter 9, Article IV of the Code of Ordinances of the City of Fort Pierce, Florida, is hereby amended so that the same shall read hereinafter as follows:

Article IV. – ~~Peddlers, Vendors~~ & Solicitors and Canvassers

Division 1. - Generally

Sec. 9-76. Definitions.

As used in this article:

~~Agent is defined to be a person engaged in telephone canvassing or solicitation, or in a house-to-house canvass, demonstrating or taking orders for any goods, wares or merchandise or taking orders from samples where goods are to be delivered later. Goods, wares and merchandise as herein defined shall be held to include, but not restricted to, a photograph and coupons or tickets good in whole or in part for a photograph, magazine, periodical or other merchandise.~~

~~Canvasser, vendor or solicitor is defined as any individual, whether resident of the city or not, soliciting by telephone or traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed at said time or in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not; provided further, that such definitions shall include any person who, for himself or for another person, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment,~~

~~shop or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery.~~

Commissary is a state approved facility that provides support services for specific required functions to any mobile food vendor, including but not limited to a mobile food vehicle or a mobile food cart. Services required of the commissary are based upon the food sold and the mobile food vendor type. A private residence may not be used as a commissary.

~~*Itinerant peddler or hawker* is defined to be a nonresident of the city who, by telephone sales, or one who goes from house to house, or place to place, exposing for sale and selling goods, wares or merchandise under the conditions and circumstances stated in the following paragraph.~~

Itinerant Retail Produce Vendor shall mean any person going from place to place who engages in a business, by selling or offering for sale to consumers, any fruit, vegetables, or garden produce, which are sold in their whole, natural and unaltered state.

Mobile Food Dispensing Vehicle (MFDV) is classified as a vehicle-mounted public food service establishment, self-propelled or otherwise movable from place to place. Such vehicles must be self-sufficient for utilities (e.g., gas, water, electricity, and liquid waste disposal). Each MFDV is required to have a state approved commissary that they report to at least once a day. MFDVs may also be referred to as Mobile Food Establishments.

- a. *Hot dog carts* are MFDVs that limit food preparation to hotdogs and sausages only and the sale of limited pre-packaged food.
- b. *Mobile food carts* are any non-motorized MFDV used to store, prepare, cook and / or serve food and beverages for immediate consumption.
- c. *Ice Cream Vendors* and MFDVs that limit food sales to pre-packaged individually portioned frozen novelties, soft served or hand dipped frozen dairy products or frozen water based products.
- d. *Lunch Trucks* are MFDVs that are transient in nature and specifically authorized to cater to customers on private commercial or industrial property for a short period of time not to exceed 60 minutes.
- e. *Mobile food vehicles* are any motorized MFDV used to store, prepare, cook and / or serve food and beverages for immediate consumption.

Mobile merchant sales shall include any vendor selling non-food products.

Mobile merchant vehicle shall be any vehicle mounted establishment, which is self-propelled or otherwise movable from place to place utilized for mobile merchant sales.

~~*Peddler* is defined to be a person who solicits by telephone or who brings goods, wares or merchandise from outside the city or state or where the goods, wares or merchandise is manufactured in the city for sale at retail, and is in this state at the time that all negotiations prior to and at the sale thereof are had, and the goods, wares or merchandise is not sold in original packages in interstate commerce but at retail, in small quantities, by means of telephone solicitation or house to house, or place to place, canvass. Goods ordered, or in transit, that were so ordered without reference to particular sales, shall be deemed to be in the state.~~

Place of business shall include any commercial zoned off-street location, lot, or premises where any truck, wagon, automobile, trailer, cart, or vehicle is parked, with written permission from the property owner, wherein there shall be kept for sale, or to be offered for sale, any prepared food, beverages, fruit, vegetable, or garden produce.

Seasonal sales vendor shall mean outside vendors of products traditionally associated with seasonal sales or holidays.

(Code 1960, § 14-30(a-d))

Sec. 9-77. Duty of police to enforce.

It shall be the duty of any police officer or code enforcement officer of the city to ~~require any person seen soliciting or canvassing, and who is not known by such officer to be duly licensed, to produce his solicitor's or canvasser's license and to~~ enforce the provisions of this article against any person found to be violating the same.

(Code 1960, § 14-36)

Cross reference— Police department, Ch. 14.

Sec. 9-78. Records.

~~The chief of police shall~~ All violations of this article shall be reported to the city clerk code enforcement department, who all convictions for violation of this article and the city clerk shall maintain a record for each license permit issued and record the reports of violations therein.

(Code 1960, § 14-37)

Sec. 9-79. Prohibited acts.

- (a) It shall be unlawful for any person to enter upon any private premises without permission or invitation from the occupant or homeowner.
- (b) It shall be unlawful for any solicitor, canvasser or peddler vendor to refuse or fail to leave any private premises in the city upon being requested by the owner, occupant or person in charge thereof.
- (c) No solicitor, canvasser or peddler vendor shall enter in or upon any house, building or other structure or upon any land or property, without the prior consent of the owner or occupant thereof, where there is placed or posted on the premises in a conspicuous position at or near the usual means of ingress, a sign or other form of notice stating or indicating that the owner or occupant thereof forbids or otherwise does not desire persons engaged in such or similar activity to enter upon the premises.
- (d) No solicitor, canvasser or vendor shall conduct themselves or their business in an unlawful manner or in such manner as to constitute a breach of peace, offensive to public decency or menace to the health, safety or general welfare of the public in violation of § 877.03 Florida Statutes.

(Code 1960, § 14-30)

State law reference— Burglary and trespass, F.S. Ch. 810.

Sec. 9-80. ~~Street vendors—~~Permit.

- (a) It shall be unlawful for any person to sell or attempt to sell any commodity by means of vending such commodity upon any street, sidewalk, public right of way or private property in the city, without first securing a permit and ~~paying a fee of twenty dollars (\$20.00) therefor and an annual occupational license fee of one hundred dollars (\$100.00)- the annual permit fee, such fee to be set by resolution of the City Commission.~~
- (b) Violations of this section shall be a Class III violation.

(Code 1960, § 14-61)

~~Sec. 9-81. Same—~~Regulation.

- a.—~~General.~~ The rules in this section shall be complied with by each person using a vehicle for street vending.

- b.—*Prohibited sales.* It shall be unlawful for any street vendor to sell or attempt to sell any commodity:
- 1.—By means of any outcry, sound, speaker or amplifier, or any instrument or device which can be heard for a distance greater than three hundred (300) feet, or when passing a hospital, church or other place of worship during the hours when services are being held.
 - 2.—Within five hundred (500) feet of any school during the school year.
- e.—*Noise—Vehicle stopped.* It shall be unlawful for any such vendor to use, play or employ the use of any sound, outcry, amplifier, loudspeaker, radio, phonograph with a loudspeaker or amplifier or any other instrument or device when the vehicle such vendor is using is stopped for the purpose of making a sale.
- d.—*Same—Hours.* The use by the vendor of any such noise, instrument or device which emits a loud sound shall be prohibited before the hours of 9:00 a.m. on weekdays and 1:00 p.m. on Sundays, or after 7:00 p.m. on any day.
- e.—*Traffic.* It shall be unlawful for any vendor to:
- 1.—Exceed a speed of twelve (12) miles an hour when cruising neighborhoods seeking sales or when attempting to make a sale.
 - 2.—Stop anywhere within twenty-five (25) feet of an intersection when making a sale or attempting to make a sale.
 - 3.—Double park, or park in any manner contrary to any ordinance relating to parking, when attempting a sale or when making a sale.
 - 4.—Make a U-turn on any block.
 - 5.—Drive his vehicle backwards to make or attempt to make a sale.
 - 6.—Sell to any person who is standing in the street.
 - 7.—Permit any person to hang on the vehicle or permit any person to ride in or on the vehicle except a bona fide assistant or assistants.
 - 8.—Remain standing or stopped at any place for a period of time exceeding five (5) minutes.
 - 9.—Sell or attempt to sell along any particular route more than one time during a twenty-four-hour period.

(Code 1960, § 14-62)

Sec. 9-82. Seasonal vendors; permit.

It shall be unlawful for any person to sell or attempt to sell on private property any seasonal commodity without first securing a permit. Seasonal commodities include, but are not necessarily limited to, Christmas trees, flowers, and pumpkins. A permit may not be issued unless the applicant has written permission of the property owner or agent to conduct the seasonal sale for which application is made.

(Ord. No. K-09, § 1, 4-17-00; Ord. No. K-142, 3-18-02)

Secs. 9-83~~1~~—9-90. Reserved.

Division 2. – License Permit Generally

Sec. 9-91. Required:

It shall be unlawful for any solicitor, canvasser, peddler, hawker, itinerant merchant, transient vendor of merchandise or agent as defined in section 9-76 to engage in such businesses within the corporate limits of the city without first obtaining a permit and license therefor in compliance with the provisions of this article, excepting therefrom persons engaged solely in interstate commerce, who shall be exempt from license fees only.

~~(Code 1960, § 14-29)~~

~~Sec. 9-92. Appeal.~~

~~Any person aggrieved by the action of the chief of police or the city clerk in the denial of a permit or license as provided in section 9-94, or the revocation by the city manager in the assessing of the fee as provided in section 9-95(e) shall have the right of appeal to the city commission. Such appeal shall be taken by filing with the city commission, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The commission shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in section 9-98 for notice of hearing on revocation. The decision and order of the city commission on such appeal shall be final and conclusive.~~

~~(Code 1960, § 14-39)~~

~~Sec. 9-93~~**1. Application.**

- (a) Applicants for permit ~~and license~~ under this article must file with the city clerk a sworn application in writing ~~in duplicate~~ which shall give the following information:
- (1) Name ~~and description~~ of the applicant.
 - (2) Permanent home address and ~~full local address~~ valid telephone number of the applicant.
 - (3) A brief description of the nature of the business and the goods, food or beverages to be sold.
 - (4) ~~If employed, the name and address of the employer, together with credentials establishing the exact relationship.~~ E-mail address of the applicant.
 - (5) ~~The length of time for which the right to do business is desired.~~ The address of the planned vending site, including the property owner's name and telephone number.
 - (6) ~~The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time said application is filed, and the proposed method of delivery.~~ For Mobile Food Dispensing Vehicles:
 - (i) Copy of current license from the State of Florida / Department of Business & Professional Regulations or Department of Agriculture; and
 - (ii) Copy of the vehicle or unit plans as submitted to the State of Florida / Department of Business & Professional Regulations or Department of Agriculture.
 - (iii) Copy of the notarized Commissary Agreement and submitted to the State of Florida / Department of Business & Professional Regulations or Department of Agriculture.
 - (7) ~~A photograph of the applicant, taken within sixty (60) days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner.~~ For Mobile Merchant Sales:
 - (i) Submit a plan of the proposed vehicle or unit.
 - a) The plan does not need to be drawn by a professional, but must be to scale and clear for review.
 - b) The plan should show both a top view and front view of the vehicle or unit.
 - c) The plan should include, but is not limited to, all equipment, shelving, windows, wheels, umbrellas, or awnings.
 - (8) ~~The fingerprints of the applicant and the names of at least two (2) reliable property owners of the county who will certify as to the applicant's good character and business responsibility or, in lieu of the names of the references, such other available evidence as to the good character and business responsibility of the applicant as will~~

- enable an investigator to properly evaluate such character and business responsibility. Copy of a valid vehicle registration for any motorized unit.
- (9) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor. For use of any private commercial property, a limited site plan must be submitted.
- (i) The plan does not need to be drawn by a professional, but must be to scale and clear for review. A general survey or sketch will be acceptable. For large properties, only a drawing of the immediate area is required.
 - (ii) The plan must show all existing structures or significant features.
 - (iii) Diagram of all available parking, identifying both required parking and additional parking spaces and proposed location of unit.
 - (iv) Identify appropriate set-backs for accessory structures.
 - (v) A notarized affidavit of permission to vend from the property owner, if different from the applicant.
- (10) For door-to-door solicitors or vendors:
- (i) If employed, the name and address of the employer, together with credentials establishing the exact relationship.
 - (ii) The length of time for which the right to do business is desired.
 - (iii) Minors conducting home solicitation sales under the supervision of an adult, or solicitors, salespersons, or agents making calls or soliciting orders on behalf of a religious, charitable, scientific, educational, or veterans' institution or other non-profit organization are exempt from this section.
- (11) A statement by a reputable physician of the city, dated not more than ten (10) days prior to submission of the application, certifying the applicant to be free of contagious, infectious or communicable disease. A photograph of the applicant, taken within sixty (60) days immediately prior to the date of the filing of the application, which picture shall be two-inches by two-inches showing the head and shoulders of the applicant in a clear and distinguishing manner.
- (12) At the time an applicant requests permission to solicit within the city a fee of twenty dollars (\$20.00) for each applicant shall be paid to the city clerk to cover the cost of investigation of the facts stated in the application, but in no event shall the application be refunded. Photographs of the vehicle or unit, showing front, side and back views.
- (13) A sworn affidavit as to whether or not the applicant has been convicted of any felony or misdemeanor, the nature of the offense and the punishment or penalty assessed.
- (14) Proof of general liability insurance, such proof in a form acceptable to the City, issued by an insurance company that is licensed to do business in the State of Florida, protecting the applicant from all claims for damages to property or bodily injury, including death, which may arise from operations under or in connection with mobile vending. If applying to use public property or right-of-way, City of Fort Pierce is to be named as an additional insured.
- (15) For all motorized mobile vending units, proof of auto liability insurance, such proof in a form acceptable to the City, issued by an insurance company that is licensed to do business in the State of Florida, protecting the applicant from all claims for damages to property or bodily injury, which may arise from the use of a motor vehicle in connection with mobile vending and shall be in an amount no less than \$500,000 per occurrence.
- (16) Any permit application and / or review fee that may be assessed by resolution of the City Commission.

Sec. 9-94. Investigation; issuance.

- a. ~~Upon receipt of the completed applications by the city clerk, the original shall be referred to the chief of police, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good. At least ten (10) days shall be allowed for such investigation.~~
- b. ~~If as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the chief of police shall endorse on such application his disapproval and his reasons for the same, and return the said application to the city clerk, who shall notify the applicant that his application is disapproved and that no permit and license will be issued.~~
- e. ~~If as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the chief of police shall endorse on the application his approval. Such application, signed by the chief of police or his designated subordinate, along with a permit (identification card) shall be returned by the police department to the city clerk who shall, upon payment of the prescribed license fee, if any, deliver to the applicant his permit (identification card) and prescribed license. The said permit (identification card) shall contain the following:~~
 1. ~~Photograph of applicant.~~
 2. ~~Fingerprint of applicant.~~
 3. ~~Date of issuance and date of expiration.~~
 4. ~~Name and address of applicant, and the business applicant is representing.~~
 5. ~~That said permit may be revoked at the discretion of the city commission.~~
 6. ~~That the permit is not transferable.~~
 7. ~~That the permit must be carried on the person and shown on request.~~
 8. ~~Solicitors must not go to back or rear doors.~~
 9. ~~Statement that the issuance of said permit is not an endorsement of the bearer or the merchandise or service offered, nor the business methods used in selling the same.~~
 10. ~~Signature of the city clerk.~~

(Code 1960, § 11-32)

Sec. 9-92. Issuance

Not later than 30 days after the filing of a completed application for a vendor's license, the applicant shall be notified by the city clerk's office of the decision on the issuance or denial of the license. If the issuance of the license is approved, the city clerk 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. Failure of the city clerk to place notification of said decision in the mail or personally notify the applicant with acknowledgment shall require immediate issuance of the requested license to the applicant.

Sec. 9-953. Fees.

- (a) The fee which shall be charged by the city for a license under this article shall be one hundred dollars (\$100.00). All fees required for permit application review and the annual permit fee shall be established by resolution by the City Commission.
- (b) Permit fees collected under this Article are fees paid for the purpose of defraying the cost of administration of this Article and are declared to be regulatory fees in addition to and not in lieu of the business tax receipt imposed by Sec. 9-16 of this Chapter. The payment of a permit fee under this Article shall not relieve any person of liability for and the responsibility of paying a business tax where it is required by Sec. 9-16 of this Chapter and for doing such acts and

~~providing such information as may be required by this Chapter. None of the license fees provided for by this article shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by a licensee or applicant for license to place an undue burden upon such commerce, he may apply to the city manager for an adjustment of the fee so that it shall not be discriminatory, unreasonable or unfair as to such commerce. Such application may be made before, at or within six (6) months after payment of the prescribed license fee. The applicant shall, by affidavit and supporting testimony, show his method of business and the gross volume or estimated gross volume of business and such other information as the city manager may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The city manager shall then conduct an investigation, comparing applicant's business with other businesses of like nature and shall make finding of fact from which he shall determine whether the fee fixed by this article is unfair, unreasonable or discriminatory as to applicant's business and shall fix as the license fee for the applicant an amount that is fair, reasonable and nondiscriminatory, or if the fee has already been paid, shall order a refund of the amount over and above the fee so fixed. In fixing the fee to be charged, the city manager shall have the power to base the fee upon a percentage of gross sales, or any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the fees as prescribed by subsection (a). Should the city manager determine the gross sales measure of the fee to be the fair basis, he may require the applicant to submit, either at the time of termination of applicant's business in the city or at the end of each three month period, a sworn statement of the gross sales and pay the amount of fee therefor, provided that no additional fee during any one calendar year shall be required after the licensee shall have paid an amount equal to the annual license as prescribed in subsection (a):~~

- ~~(c) Every applicant not a resident of the city, or who being a resident of the city represents a firm whose principal place of business is located outside the state, shall file with the city clerk a surety bond, running to the city in the amount of one thousand dollars (\$1,000.00) with surety acceptable to and approved by the city attorney, conditioned that the applicant shall comply fully with all the provisions of the ordinances of the city and the statutes of the state regulating and concerning the business of solicitor, and guaranteeing to any citizen of the city that all money paid as a down payment will be accounted for and applied according to the representations of the solicitor, and further guaranteeing to any citizen of the city doing business with said solicitor, that the property purchased will be delivered according to the representations of said solicitor. Action on such bond may be brought in the name of the city for the use or benefit of the aggrieved person:~~

~~(Code 1960, § 14-33)~~

Sec. 9-96. Badges.

~~The city clerk may issue to each licensee under this article at the time of delivery of his license a badge which shall contain the words "licensed solicitor," the period for which the license is issued and the number of the license, in letters and figures easily discernible from a distance of ten (10) feet. Such badge shall, during the time such licensee is engaging in soliciting, be worn constantly by the licensee on the front of his outer garment in such a way as to be conspicuous.~~

~~(Code 1960, § 14-34)~~

Sec. 9-974. Exhibition of license permit.

~~Solicitors, canvassers, agents or peddlers, hawkers, itinerant merchants or transient Approved vendors of food or merchandise are required to exhibit their licenses at the request of any police officer or any person being solicited permits at all times in a prominent location, no lower than 40" and no higher than 65" above the ground. Approved canvassers or solicitors must show their permit upon the request of any person being solicited or by any representative of the City.~~

~~(Code 1960, § 14-35)~~

Sec. 9-985. Revocation Penalties.

(a) Unless otherwise stated, violations of this article are Class II violations as defined in Section 2-260 and shall be addressed as provided for in Chapter 2, Article XIII.5 of the City Code.

(a)(b) Permits and licenses issued under the provisions of this article may be revoked by the city clerk after notice and hearing, for any of the following causes:

- (1) Fraud, misrepresentation or false statement contained in the application for license permit;
- (2) Fraud, misrepresentation or false statement made in the course of carrying on or conduct of a business as solicitor, canvasser, agent, peddler, hawker, itinerant merchant or transient vendor or activities for which the city has issued a permit under this article;
- (3) Any Two or more violations of this article;
- (4) Conviction of any crime or misdemeanor involving moral turpitude Operating outside vending locations approved under the permit issued; or
- (5) Conducting the business of soliciting, canvassing or peddling vending in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- (6) Failure to comply with any conditions included in the permit.

Sec. 9-96. Appeal

(b) Any person aggrieved by the denial or revocation of a permit as provided in this article shall have the right to appeal to the city manager. Such appeal shall be taken by filing with the city manager's office, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the ground of the appeal. Complaint The city manager shall set a date and the time and place of hearing of such appeal. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five (5) days prior to the date set for hearing. The decision and order of the city manager on such appeal shall be final and conclusive.

Sec. 9-97. Request for Variance.

Any person who wishes to obtain a mobile vending permit that does not comply with the provisions of this article must petition the city commission for a variance. Variance requests will not be accepted for mobile vending permits issued for public property use.

- (a) Application for a variance shall be made by the owner of the property where the variance is requested by filing an application on a form prescribed by the city and submitted to the city clerk's office.
- (b) The applicant is responsible for submitting the variance request fee, which shall be set by resolution as well as all advertising costs.
- (c) The city commission shall hold a public hearing prior to acting on the variance request.
- (d) In permitting a variance, the city commission may impose, in addition to those standards and requirements expressly specified in this chapter, any condition which it finds to be necessary to protect the best interest of the surrounding property of the city.

Sec. 9-98. Use of City Property.

- (a) The City will maintain a map of approved vending locations that utilize public property or right of way.
- (b) Approved city vending locations will be assigned by lottery, which shall be drawn annually at the first Commission meeting in September.

- a. “Notice of Vending Opportunities for the South Beach and Downtown Areas” shall be publicly advertised in a newspaper of general circulation fifteen (15) days prior to the drawing and shall indicate the pending availability of exclusive vending sites, the terms of such availability, including the date, place and time of the lottery.
 - b. Vendors who wish to participate in the annual lottery must provide a completed application and all required documents as required in Sec. 9-91 of this chapter.
 - c. All qualified vendors shall have their names placed into containers for a public drawing by the city clerk.
 - d. The rights to use public property assigned by the lottery shall be for a term of 12 months, beginning on October 1st and expiring on September 30th of the following year.
 - e. For vending sites that become available during the standard license period due to vacancy, abandonment, or enforcement action, the city clerk may specify the date, time and place for the holding of a special lottery for such designated vending site(s) and shall publicly advertise said information as for a posted notice lottery.
- (c) No other use of city property or right of way is permitted without a special event permit, a valid sidewalk café permit or approval of the City Commission.

(Code 1960, § 14-38)

Secs. 9-99—9-110. Reserved.

DIVISION 3. ~~ITINERANT PRODUCE VENDOR’S LICENSE~~ MOBILE VENDING

Sec. 9-111. Definitions.

For the purposes of this division:

Itinerant retail produce merchant shall mean any person who engages within the limits of the city in a seasonable business during certain seasons of the year only, by selling or offering for sale at retail to consumers, any fruit, meat, meat products, vegetables, garden produce, flowers or shrubs.

Place of business shall include any commercial zoned off street location, lot, or premises where any truck, wagon, automobile, trailer, or other vehicle is parked, with written permission from the property owner, wherein there shall be kept for sale, or to be offered for sale, any fruit, meat, meat products, vegetables, garden produce, flowers, or shrubs. It shall be unlawful for any person to place or cause to be placed at such place of business any box, crate, stand, counter, or shelving independent from said truck, wagon, automobile, trailer, or other vehicle used in and about the conduct of such business.

Sec. 9-111. General Regulations.

- (a) The telephone number included on the permit application must remain valid and active at all times. The vendor is responsible for notifying the city of any changes to their contact information.
- (b) Mobile vending units must comply with the following minimum distance requirements, which shall be measured from the approved vending location to the nearest point of an established property line:
 - (1) 500 ft. from a similar type business
 - (2) 300 ft. from a school or church
 - (3) 1000 ft. from an approved special event
- (c) May not block the ingress / egress to any property, sidewalk or street.
- (d) May not block or impede pedestrian or vehicular traffic.
- (e) Mobile vending units operating on the sidewalk or City right-of way must allow for five (5) foot clear pedestrian clearance.

- (f) May only operate at the approved location, clearly identified on the permit.
- (g) May have one (1) advertisement sign with a maximum size of sixteen (16) square feet. Such sign may not be free standing, illuminating, moving, flashing or utilizing neon color typically reserved for emergency services. Such restriction to be separate from any business name, decal or logo professionally installed on any motorized MFDV.
- (h) May have one (1) menu sign with a maximum size of nine (9) square feet.
- (i) No amplified sounds, music or other loud noises, except as provided for in Sec 9-113 – Ice Cream Vendors.
- (j) A trash receptacle must be provided and must be removed by the operator daily. Trash may not be placed within public street side trash receptacles.
- (k) Mobile vendors are responsible for picking up all litter and waste within twenty-five (25) feet of their unit.
- (l) No wastewater leakage or any other leakage is allowed.
- (m) A single umbrella is permitted provided it is maintained in good condition and does not impede traffic or block clear vision areas.
- (n) It shall be unlawful to place any chair, table, box, crate, stand, counter or shelving independent from the approved mobile vending unit.
- (o) No mobile vending unit is to be left unattended at any time and must be removed from the location when not in operation.

(Code 1960, § 11-27; Ord. No. 1-123, § 7, 8-5-85)

Sec. 9-112. Required Itinerant Retail Produce Vendor.

- (a) Every person who engages in the business of an itinerant retail produce ~~merchant~~ vendor within the corporate limits of the city, before engaging in such business, shall apply for and obtain a license mobile vending permit ~~therefor~~ from the city ~~clerk to do so~~ pursuant to this division.
- (b) ~~No occupational license fee shall be required for the sale by any farmer of any fruits, vegetable or garden produce raised by such farmer, exhibiting a valid Florida grower's permit. A business tax receipt is not required for itinerant retail produce vendors.~~
- (c) All products and produce offered for sale under this division must be clean, wholesome and in good sanitary condition and their state and condition shall comply with the pure food laws of the state.
- (d) Itinerant retail produce vendors are permitted to vend from any truck, wagon, automobile, trailer or other vehicle provided that the vehicle is properly registered with the State of Florida. A copy of such registration shall be submitted with the permit application.
- (e) All other regulations as outlined in section 9-111 of this chapter shall apply.

(Code 1960, § 11-28; Ord. No. 1-123, § 8, 8-5-85)

Sec. 9-113. Approval of health department required.

~~An applicant for a license under this division shall receive approval of the county health department as to the location and vehicle or vehicles to be used in the conduct of the business.~~

Sec. 9-113. Ice Cream Vendors.

- (a) General. The rules in this section shall apply to each person lawfully permitted as an ice cream vendor.
- (b) Prohibited sales. It shall be unlawful for any ice cream vendor to sell or attempt to sell any commodity:

- (1) By means of any outcry, sound, speaker or amplifier, or any instrument or device which can be heard for a distance greater than three hundred (300) feet, or when passing a hospital, church or other place of worship during the hours when services are being held.
- (2) Within five hundred (500) feet of any school during the school year.
- (c) Noise—Vehicle stopped. It shall be unlawful for any such vendor to use, play or employ the use of any sound, outcry, amplifier, loudspeaker, radio, phonograph with a loudspeaker or amplifier or any other instrument or device when the vehicle such vendor is using is stopped for the purpose of making a sale.
- (d) Same—Hours. The use by the vendor of any such noise, instrument or device which emits a loud sound shall be prohibited before the hours of 9:00 a.m. on weekdays and 1:00 p.m. on Sundays, or after 7:00 p.m. on any day.
- (e) Traffic. It shall be unlawful for any vendor to:
 - (1) Exceed a speed of fifteen (15) miles an hour when cruising neighborhoods seeking sales or when attempting to make a sale.
 - (2) Stop anywhere within twenty-five (25) feet of an intersection when making a sale or attempting to make a sale.
 - (3) Double-park, or park in any manner contrary to any ordinance relating to parking, when attempting a sale or when making a sale.
 - (4) Make a U-turn on any block in a residential zone.
 - (5) Drive his/her vehicle backwards to make or attempt to make a sale.
 - (6) Sell to any person who is standing in the street.
 - (7) Permit any person to hang on the vehicle or permit any person to ride in or on the vehicle except a bona fide assistant or assistants.
 - (8) Remain standing or stopped at any place for a period of time exceeding five (5) minutes.
 - (9) Sell or attempt to sell along any particular route more than one time during a twenty-four-hour period.

(Code 1960, § 11-29)

Cross reference— Health, § 2-261 et seq.

Sec. 9-114. Screens on vehicle windows.

~~All windows and other openings of the truck, wagon, automobile, trailer or other vehicle, or compartments where fruits, vegetables or garden produce for human consumption are stored or handled, shall be closed by metal screens having a mesh not coarser than sixteen (16) wires to the inch as will as far as possible keep out all flies and other sources of contamination.~~

Sec. 9-114. Seasonal Sale Vendors.

The rules of this section shall apply to each person lawfully permitted as a Seasonal Sales Vendor.

- (a) Every person who engages in the business of seasonal sales within the corporate limits of the city, before engaging in such business, shall apply for and obtain a mobile vending permit from the city pursuant to Division 2 of this Article.
- (b) Tents or canopies larger than 12' x 12' are prohibited unless a supplemental tent permit is obtained. Application for such permit shall be made with the Building Department. A sketch of the property showing the location of the tent or canopy on the property and a certificate of flame resistance shall be required to be submitted with the application.
- (c) Seasonal sales permits will be issued no sooner than thirty (30) days prior to the associated holiday and shall expire seven (7) days following the holiday.

(Code 1960, § 11-30)

Sec. 9-115. Condition of products; compliance with state law.

All products and produce offered for sale under this division must be clean, wholesome and in good sanitary condition and their state and condition shall comply with the pure food laws of the state.

(Code 1960, § 11-31)

State law reference—Food generally, F.S. Ch. 500.

Sec. 9-116. Condemnation authority given to health officers.

It shall be lawful for the county health officer or his designated representative to condemn, take and destroy, or cause to be condemned, taken and destroyed, any fruit, vegetables or garden produce which, in his opinion, is unwholesome or unfit for human consumption by reason of unsoundness, contamination, adulteration or sophistication.

(Code 1960, § 11-32)

Sec. 9-117. Manner of transporting produce; standards for vehicles, receptacles.

All fruits, vegetables, garden produce, flowers and shrubs under this division shall be so carried and conveyed that they shall not tend to injure or annoy the public health or comfort, and only in vehicles or receptacles which are neat and clean and do not leak.

(Code 1960, § 11-33)

Sec. 9-118. Assistant allowed; limitation.

Upon a truck, wagon, automobile, trailer or other vehicle licensed under the provisions of this division, there shall be permitted only one helper or assistant to the driver or operator of such vehicle.

(Code 1960, § 11-34)

Sec. 9-119. Itinerant vending of foods, flowers, etc., on city streets.

It shall be unlawful for any person to engage in or manage the business of vending, hawking, peddling, selling or offering for sale at retail to consumers upon any public street, alley, public place or highway within the city from any truck, wagon, automobile, trailer or other vehicle driven by power or otherwise, any fruit, meat, meat products, vegetables, garden produce, flowers, shrubs, nuts, popcorn, sandwiches, pastries, candy or carbonated drinks.

(Code 1960, § 11-26)

Cross reference—Streets and sidewalks, Ch. 17.

Secs. 9-12015—9-130. Reserved.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

SECTION 4. This Ordinance is and the same shall become effective immediately upon final passage hereof.

Linda Hudson, Mayor

ATTEST:

Linda W. Cox
City Clerk

APPROVED AS TO FORM AND CORRECTNESS:

Robert V. Schwerer, Esquire
City Attorney

CITY OF FORT PIERCE

DIVISIONS OF CODE ENFORCEMENT & ANIMAL CONTROL



MARGARET M. ARRAIZ, CODE COMPLIANCE MANAGER

EXHIBIT A

Fees:

Application Fee	One time, non-refundable	\$100.00
Plan Review Fee	Required for mobile merchandise vendors	\$150.00
Annual Mobile Vending Permit Fee	Must be paid prior to October 1 st of each calendar year. Applications approved after January 1 st will be pro-rated.	\$250.00
Reduced Mobile Vending Permit Fee	To be eligible, must have an existing licensed business and utilize the same name on the mobile unit as the licensed location. Limit 1 per licensed business.	\$50.00
Itinerant Retail Produce Merchants	Must comply with requirements specified in Section 9-112.	Application fee only
Door-to-Door Sales / Solicitation	Non-profit or religious organizations are exempt	Application fee only
Seasonal Sales Vendor	Must comply with requirements specified in Section 9-114.	Application and plan review fee only.
Variance Request	For private property only	\$250.00

Number of Permits:

Downtown	Identified by the City – see attached maps.	3
South Beach	Identified by the City – see attached maps.	4
Other Commercial Zoned Districts	Locations to be determined by request of private property owner.	10
Other	Any location not identified above. If utilizing public property, request must be approved by the City Commission.	3
Itinerant Retail Produce Merchant	Locations to be determined by the request of private property owner.	No limit
Door-to-door sales / solicitation		No limit
Seasonal Sales Vendor	Locations to be determined by the request of private property owner.	No limit