



PROPOSED VENDOR ORDINANCE

City Commission Meeting – August 4, 2014

Timeline



- ❑ Spring 2012 – Directed by the Commission to begin investigating a proposed vendor ordinance.
- ❑ October 2012 – At conference agenda, directed to speak with local organizations to obtain input and opinions.
- ❑ Fall / Winter 2012 – I met with representatives from: the Farmer's Market, Lincoln Park Main Street, Downtown Business Association, Fort Pierce Main Street, the Parks Committee, and Fort Pierce Area Council.
- ❑ Spring / Summer 2013 – Several conference agenda meetings were held to continue updating the Commission and gathering additional direction.
- ❑ September 2013 – 1st draft of a proposed ordinance submitted to the Legal Department for review.
- ❑ July 2014 – A final proposed ordinance has been approved by the Legal Department.

Definitions



- ❑ Definitions were updated
 - Took the definitions scattered throughout the previous code and grouped them all together
 - Added the term “vendor”
 - Added definitions from the State for Mobile Food Dispensing Vehicles (MFDV) and Commissaries
 - Identified different types of MFDVs
 - Added definitions for Mobile Merchant Sales
 - Amended definition for Seasonal Sales Vendor



Department Involvement



- ❑ Enforcement shall be by both FPPD and Code Enforcement.
- ❑ Permits will be issued and maintained by the City Clerk's office.
- ❑ Violation records will be kept in Code Enforcement office.
- ❑ Planning Department will assist with plan review, if needed.



Vendor Permit Application

- ❑ Apply in City Clerk's office
- ❑ Food Vendors require (prepared food)
 - License by the State of Florida
 - Vehicle / unit plans
 - Commissary agreement
- ❑ Mobile Merchant Sales require
 - Sponsorship by an existing City business
 - Vehicle / unit plans

Florida Department of
Business &
Professional
Regulation



Vendor Permit Application



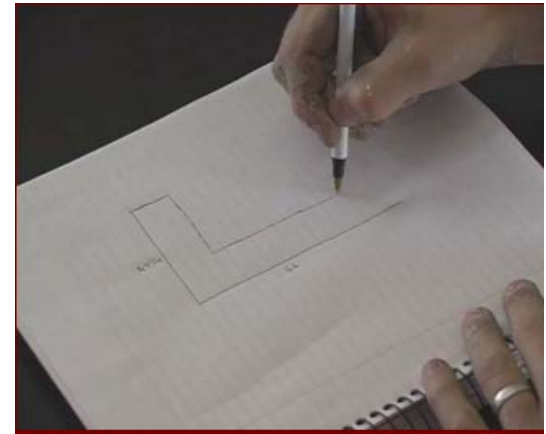
- ❑ All applications must include the following:
 - Photograph of applicant
 - Photograph of vehicle or unit
 - A criminal history affidavit
 - General liability insurance – if using ROW, City named as additional insured
 - Motorized units require auto insurance
 - Required fees



Vendor Permit Application

❑ For private commercial property

- Must submit site plan
(can be a general survey or sketch – professional plans not required)
- Identify required parking for primary business
- Identify set-backs
- Notarized statement from owner authorizing unit on property.



Fees

❑ Required fees (set by separate resolution)

- Application fee \$100
- Plan Review fee \$150
- Annual Permit fee \$250
- Reduced Permit fee \$50*
- Request for Variance \$250

*Must have an existing brick and mortar location within the city

❑ Exceptions

- Itinerant Retail Produce Merchant and Door-to-door Sales - Application fee only
- Seasonal Sales Vendor - Application and plan review fee

Vendor Permit Application



- ❑ City Clerk may deny application if:
 - Applicant has been convicted of a crime of moral turpitude, fraud or sale of controlled substances
 - False statements or information on the application
 - Failure to submit all required information
- ❑ City Clerk may revoke permit if:
 - False information on application
 - 2 or more citations
 - Operating outside approved location
 - Failure to comply with conditions of permit

Enforcement



- ❑ If application is denied or revoked, may appeal to City Manager's office. City Manager's decision is final.
- ❑ Operator may request a variance to the distance restriction, which must be approved by the City Commission.
- ❑ Business Tax Receipt must also be obtained.
- ❑ Enforced by citation.
 - Permit Required – Class III Violation - \$250 for 1st offense
 - All other violations – Class II Violation - \$100 for 1st offense

Use of City Property – The Lottery



And the winner is....

Use of City Property



- ❑ The City will maintain a map of approved vending locations, which will be adopted by resolution.
- ❑ Vending locations will be assigned by an annual lottery drawn each September. Permit term is from October 1st to September 30th of each year.
- ❑ Vendors who wish to participate must submit a completed application and all required documents to be included in the drawing.
- ❑ Special lotteries may be held to assign locations that become available due to vacancy, abandonment or enforcement action.

Locations - Downtown



- ❑ 3 Downtown locations have been suggested:
 - In front of County Court House
 - In front of Federal Court House
 - Near Marina and Manatee Center

Locations - Downtown



Locations - Downtown



Locations – South Beach

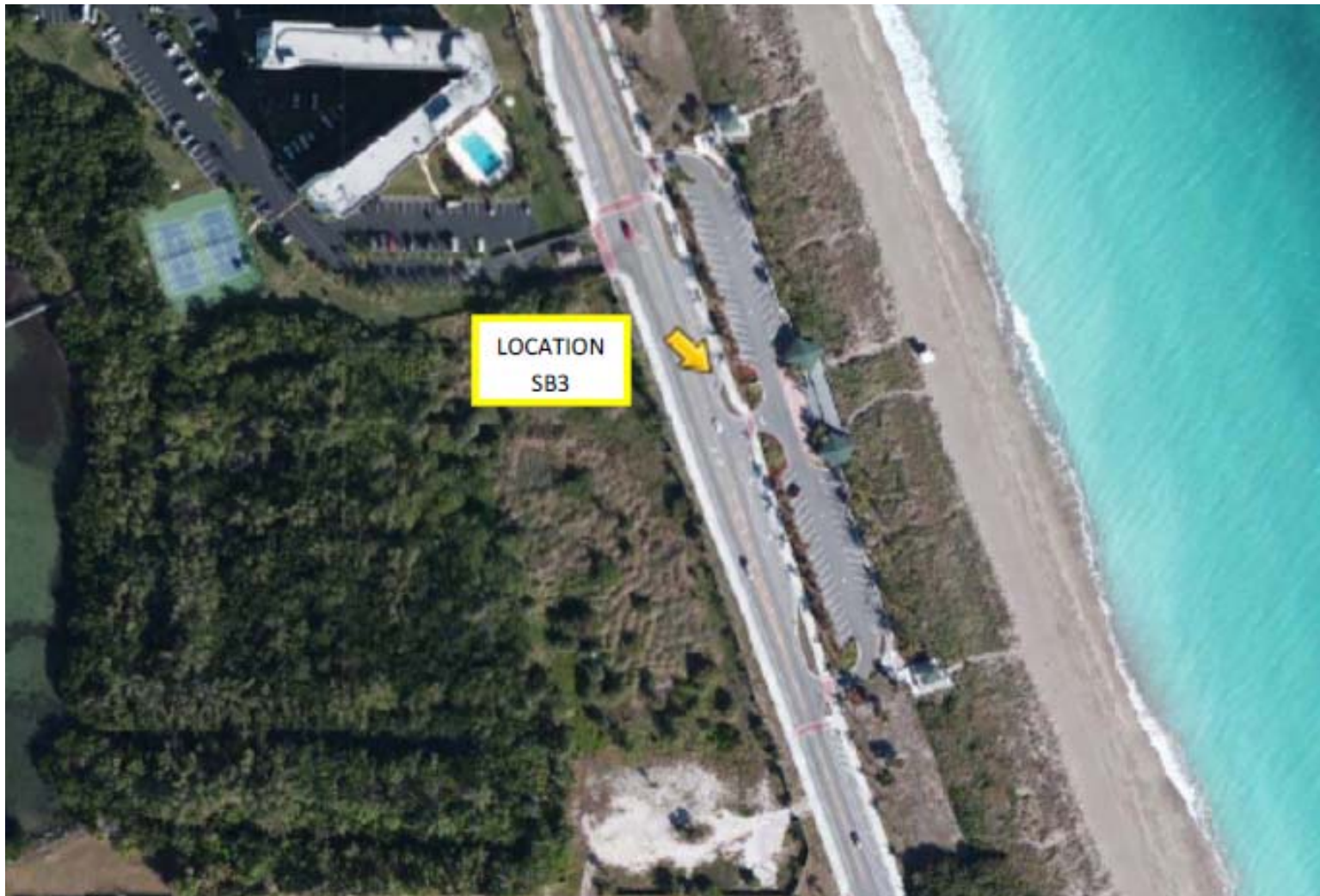


- ❑ 4 Beach locations have been suggested:
 - 2 along the South Causeway Park
 - 1 along South Beach Park
 - 1 along Surfside / Jaycee Parks

Locations – South Beach



Locations – South Beach



Locations – South Beach



General Regulations



General Regulations



- ❑ Must maintain minimum distance from similar businesses, schools or churches, and approved special events.
- ❑ May have one (1) advertising sign, max. 16 sq. ft. and one (1) menu sign, max. 9 sq. ft.
- ❑ May have one (1) umbrella
- ❑ Must have a trash receptacle
- ❑ Must operate within approved area

General Regulations



- ❑ May not play loud music
- ❑ May not allow unit to leak
- ❑ May not impede either vehicle or pedestrian traffic
- ❑ May not place tables, chairs, etc. around unit
- ❑ May not leave unit unattended at any time
- ❑ May not allow litter within 25 feet of their unit
- ❑ May not “conduct themselves or their business...in such a manner as to constitute a breach of peace, offensive to public decency...in violation of 877.03 Florida Statutes”

Special Types of Permits



❑ Itinerant Retail Produce Merchant

- Must obtain a vendor permit
- Application fee only – no business tax receipt or plan review fees required
- Fruits and vegetables must be in their whole and natural state
- If sold from a vehicle, vehicle must be properly registered.
- All other rules apply, such as permission from the property owner



Special Types of Permits



❑ Ice Cream Vendors

- No change to ordinance other than Sec. #
- Must obtain both a vendor permit and business tax receipt
- No loud music within 300 feet of hospital or church or within 500 feet of a school
- May not stop within 25 feet of an intersection
- May not exceed 15 mph
- May not make a U-turn or back-up



Special Types of Permits

❑ Seasonal Sale Vendors

- Must obtain a vendor permit
- Business tax receipt not required
- Plan review fee required
- May not use a tent larger than 12' x 12' unless a supplemental tent permit is obtained
- Will be issued no earlier than 30 days prior to the holiday and expire 7 days following the holiday.



Proposed Vendor Ordinance



Questions?