

ORDINANCE NO. 19-042

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING **CHAPTER 9, ARTICLE IV VENDORS, SOLICITORS AND CANVASSERS, DIVISION 3 – MOBILE VENDING** OF THE CODE OF ORDINANCES; AMENDING **SECTION 9-111 – GENERAL REGULATIONS**; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a portion of the Vendor Ordinance adopted by the City via Ordinance 14-019 was challenged in court, Benigno Diaz v. City of Fort Pierce, et al., Circuit Court Case No. 2018-CA-002259; and

WHEREAS, the City agreed to modify the existing ordinance to remove the prohibition against mobile vending units being within five hundred feet of a similar type of business.

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

SECTION 1. Chapter 9, Article IV, Division 3, Section 9-111, of the Code of Ordinances, is hereby amended to read as follows:

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) Five hundred (500) feet from a similar type business.~~
 - ~~(2)~~ (1) Three hundred (300) feet from a school, church, or any city or county park.
 - ~~(3)~~ (2) One thousand (1,000) feet 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) May only operate at the approved location, clearly identified on the permit.
- (f) May have one 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.
- (g) May have one menu sign with a maximum size of nine (9) square feet.
- (h) No amplified sounds, music or other loud noises, except as provided for in [section 9-113](#), ice cream vendors.
- (i) 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.
- (j) Mobile vendors are responsible for picking up all litter and waste within twenty-five (25) feet of their unit.
- (k) No wastewater leakage or any other leakage is allowed.
- (l) A single umbrella is permitted provided it is maintained in good condition and does not impede traffic or block clear vision areas.
- (m) It shall be unlawful to place any chair, table, box, crate, stand, counter or

- shelving independent from the approved mobile vending unit.
- (n) No mobile vending unit shall remain at approved location for more than three (3) consecutive days.
 - (o) A temporary use permit, pursuant to Sec. 22-65, shall not be required if a vendor permit under this chapter is issued.

SECTION 2. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

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

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

APPROVED AS TO FORM & CORRECTNESS:

Peter J. Sweeney
City Attorney

STATE OF FLORIDA
COUNTY OF ST. LUCIE

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 19-042 was duly advertised by title only in the St. Lucie News Tribune on September 27, 2019; copy of said Ordinance was made available at the office of the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on October 7, 2019; and was duly introduced, read by title only, and passed on second and final reading October 21, 2019, by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this 4th day of September, 2019.

Linda Hudson
MAYOR COMMISSIONER

ATTEST

Linda W. Cox
CITY CLERK

(CITY SEAL)