

ORDINANCE NO. 2020-00

AN ORDINANCE AMENDING CHAPTER 26 BUSINESSES, DIVISION 3 ROADSIDE AND MOBILE VENDORS, AMENDING DEFINITIONS, REQUIREMENTS AND LOCATION OF ROADSIDE VENDORS; PROHIBITED PERMANENT STRUCTURES; LIMITING SIGNAGE; PROVIDING FOR ADEQUATE PARKING; PROVIDING FOR WASTE DISPOSAL; PROHIBITING CERTAIN IMPROVEMENTS; PROHIBITING SALE OR CONSUMPTION OF ALCOHOL; PROVIDING FOR PUBLIC SAFETY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Whereas, the Chapter 26, Division 3 provides for various requirements and restrictions regarding roadside vendors located in the City; and

Whereas, the City Commission finds that it is in the best interest of its citizens and the public to amend Sections 26-41 amending the definition of roadside vendors ; and

Whereas, the City Commission finds that it is in the best interest of public safety to amend Section 26-42 regarding the requirements of roadside vendor stands, tents, vehicles, and appurtenances, as set forth below; and

Whereas, the City Commission finds that it is in the best interest of public safety to amend Section 26-43 regarding location on road rights of way, as set forth below; and

Whereas, the City Commission finds that it is in the best interest of public safety to amend Chapter 26 to add Section 26-44 regarding signage, as set forth below; and

Whereas, the City Commission finds that it is in the best interest of public safety to amend Chapter 26 to add Section 26-45 prohibiting the sale of alcohol by roadside or mobile vendors or consumption of alcoholic beverages at their location; and

Whereas, the City Commission finds that it is in the best interest of public safety to amend Chapter 26 to add Section 26-46 regarding waste management by roadside and mobile vendors; and

Whereas, the City Commission finds that it is in the best interest of the public welfare to require existing Roadside Vendors to meet the requirements of Chapter 26, Division 3, Section 26-41 through Section 26-46 within sixty (60) days of the effective date of this Ordinance.

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Bellevue as follows:

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein, but need not be set forth in the City Code.

Section 2. Chapter 26, Division 3, Section 26-41 through Section 26-43 is hereby amended to read as follows:

“Sec. 26-41. - Definitions.

Alcoholic Beverage. A drink containing ethanol (commonly known as “alcohol”), including but not limited to beer, wine and distilled liquors.

Mobile Vendor. A mobile vendor is a person or entity that makes retail sales from food trucks, trailers, carts or other mobile units.

Roadside Vendor. A roadside vendor is a person or entity that makes retail sales at a stand that is intended to be temporary or is capable of being moved from one location to another, whether the stand is located within or on the premises of a fixed facility (such as a kiosk at a shopping center) or is located on unimproved real estate.

Sec. 26-42. - Roadside and Mobile Vendor Requirements.

- (a) Every roadside or mobile vendor shall submit notarized permission from the property owner for use of the property as a Roadside or Mobile vendor.
- (b) Every roadside or mobile vendor shall submit a "Site Plan", drawn to scale, showing location of all present and proposed carts and/or trucks, access, parking and signs.
- (c) Site Plans (as required by this Section) shall be submitted with a business tax license application. Roadside/mobile vendors shall not qualify as a restaurant for said business tax receipt (BTR).
- (d) Mobile vendors must obtain any required state licenses prior to obtaining a BTR from the City.
- (e) Roadside and mobile vendors shall adhere to all City Code regulations and requirements for any structures on the property.
- (f) All mobile vendor vehicles must have valid and current tags and registrations.
- (g) Every roadside or mobile vendor must be licensed by the Florida Department of Business Regulation, Division of Hotels and Restaurants or with the United States Department of Agriculture.
- (h) Roadside and mobile vendors shall comply with all applicable federal, state, county and city laws and regulations.
- (i) Sale of the merchandise or consumables shall be from a mobile vendor or from a flame retardant tent or pole-barn type facility, EXCEPT the sale of peanuts, produce, Christmas

trees and food or drinks. Such tent or facility shall be located on private property, which is either owned or leased by the vendor.

(j) Roadside and mobile vendors are intended to function independently. Services such as electric, water, and sewer shall not be permitted. All operations shall be contained within the temporary stand or food trucks, trailers, carts or other mobile unit.

(k) Permanent structures such as, but not limited to, sheds, carports, modular buildings, fences, walls, portable restrooms, picnic tables, etc., shall be prohibited.

Sec. 26-43. - Location Restrictions.

(a) Roadside or mobile vendors shall not locate on road rights of way, including the “shoulder” of any road, street or other thoroughfare within the City of Belleview.

(b) Roadside or mobile vendors shall not be located upon City of Belleview property without the express permission of the City of Belleview. Examples of permitted uses of City property by roadside or mobile vendors include, but are not limited to: the Splash Park, Founders Day celebration, Foodie Fest, and the Chili Cook Off.

(c) Roadside or mobile vendors, located upon commercial property, shall be located so that the available parking spaces for said commercial property are equal to or greater than the minimum required for the business or other use located upon said property.

(d) No roadside or mobile vendor shall be located so that such location interferes with traffic or obstructs the view or effectiveness of any traffic control device or traffic marking.

(e) No roadside or mobile vendor shall be located so that such location obstructs the sight line (sight triangle) for motorists or pedestrians entering a roadway, street or thoroughfare.

(f) A roadside stand for the sale of farm products raised or produced on the premises shall be permitted provided such stands are located not less than 30 feet from any street, highway or right-of-way. A site plan will be submitted as part of the building permit process for a permanent structure or for the installation of electrical, water or rest room facilities.

(g) A truck must be open for business when parked at a City approved vendor parking location.

Sec. 26-44. – Sign Restrictions.

Vendors shall be permitted a maximum of one (1) sign or banner, no larger than twenty (20) square feet and one (1) feather flag per vendor. Snipe signs are prohibited as per Sec. 126-10(a)(6). All advertising signs shall be removed when the roadside/mobile vendor ceases business for the day.

Sec. 26-45. – Sale and Consumption of Alcoholic Beverages Prohibited.

(a) It shall be unlawful for roadside or mobile vendors to sell alcoholic beverages at their roadside or mobile site in the City of Belleview.

(b) It shall be unlawful to consume alcoholic beverages at roadside or mobile vendor sites in the City of Belleview.

Sec. 26-46. - Disposal of Garbage and Waste

(a) Roadside/mobile food vendors are required to provide proper disposal of trash and waste associated with their operation on a daily basis.

(b) Vendors must keep clean the site where they operate, including rights of ways within 25 ft. of the subject property of their operation. This includes grease, trash, cups, cans and any other items associated with the vending operation.

(c) Liquid waste or grease may not be disposed of in tree wells, storm drains, sanitary manholes and cleanouts, or onto streets, sidewalks or any other public or private property. Vendors are responsible for removal of grease or liquids wastes from their operation, including the legal disposal of wastewater and grease in accordance with City Code.

Section 3. Conflicts. In the event that the provisions of this ordinance are in conflict with any other ordinance, then the provisions of this Ordinance shall prevail.

Section 4. Saving Clause. If any section, sentence, provision or phrase of this Ordinance is held to be Invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

BE IT FURTHER ORDAINED by the City Commission of the City of Belleview, Florida that Sections of this ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section", "article" or other appropriate designation.

BE IT FURTHER ORDAINED that this Ordinance shall become effective immediately upon adoption.

CERTIFICATE OF ADOPTION AND APPROVAL

The above and foregoing ordinance was duly read and approved upon First Reading by a ___ vote of the City Commission of the City of Belleview, Florida, at a Regular Meeting held on the ___ day of _____, 2020. Said ordinance was duly read, passed, and adopted upon Final Reading by a ___ vote of the City Commission of the City of Belleview, Florida at a Public Hearing held on the ___ day of _____, 2020.

CHRISTINE K. DOBKOWSKI
Mayor/Commissioner

Attest:

Margaret DeGennaro, MMC, CPS
City Clerk

Approved As To Form And Legality:

FREDERICK E. LANDT, III
City Attorney

CERTIFICATE OF ADVERTISING

I HEREBY CERTIFY that foregoing Ordinance was advertised for a Public Hearing in the _____ edition of the _____ in accordance with Florida Statutes.

Margaret DeGennaro, MMC, CPS
City Clerk