

ORDINANCE 2025-01

AN ORDINANCE AMENDING CHAPTER 26, ARTICLE II, DIVISION 3 REGARDING MOBILE VENDORS; PROVIDING DEFINITIONS; PROVIDING REQUIREMENTS; PROVIDING FOR LOCATION RESTRICTIONS; REQUIRING SITE PLANS; PROVIDING FOR SIGN RESTRICTIONS; PROHIBITING THE SALE OF ALCOHOLIC BEVERAGES; PROVIDING FOR REMOVAL OF GARBAGE AND TRASH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 26, Division provides requirements and restrictions for mobile vendors; and

WHEREAS, the City Commission finds that it is in the public interest to amend the City Code regarding mobile vendors regarding restrictions on location, parking, placement of tables and chairs and to require site plans; and

WHEREAS, the City Commission finds that it is in the best interest of the public welfare to amend Chapter 26, Division 3, as set forth herein.

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Belleview, Florida that Chapter 26, Article II, Division 3 of the City Code is amended as set forth herein and shall read as follows:

“DIVISION 3. ROADSIDE VENDORS

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 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 the location of all present structures and proposed carts and/or trucks, access, paved parking, and signs.

(c) Site Plans (as required by this section) shall be submitted with a business tax receipt application. Roadside/mobile vendors shall not qualify as a restaurant for said business tax receipt. The receipt must be displayed in plain view.

(d) Mobile vendors must obtain any required state licenses prior to obtaining a BTR from the city. Roadside and mobile vendors shall adhere to all City Code regulations and requirements for any structures on the property.

(e) All mobile vendor vehicles must have valid and current tags and registrations and shall remain moveable at all times.

(f) Every roadside or mobile vendor must be licensed by the Florida Department of Business Regulation, Division of Hotels and Restaurants or with the Florida Department of Agriculture and Consumer Services.

(g) Roadside and mobile vendors shall comply with all applicable federal, state, county and city laws and regulations.

(h) Sale of the merchandise or consumables shall be from a mobile vendor or from a flame-retardant tent, except the sale of peanuts, produce, and Christmas trees. Such tent or facility shall be located on private property, which is either owned or leased by the vendor.

(i) 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.

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

(k) All outdoor areas, including seating and sidewalk areas, shall maintain the ADA required minimum five (5) foot unobstructed pathway at all times.

Sec. 26-43. Location Restrictions.

(a) Roadside or mobile vendors shall not locate on road rights-of-way within the City of Belleview, including the "shoulder" of any road, street alley, or other thoroughfare for vehicular traffic.

(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 Founders Day celebration, Foodie Fest, and Light Up Lake Lillian.

(c) Roadside or mobile vendors; located upon commercial property, shall not occupy more than one parking space, provided that the remaining parking spaces available for said commercial property are equal to or greater than the minimum required for the business or other use located upon said commercial 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) Food vendors may not operate upon any parcel that has a restaurant or sells food and beverages, with the exception of gas stations.

(g) 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.

(h) Mobile vendor's food trucks, trailers, carts or other mobile units must be open for business when parked at a city approved vendor parking location.

(i) Mobile vendors may not operate on any vacant parcel that does not have a principal use unless a specific site plan has been approved for the mobile vendor and a permit issued or unless a special event permit has been obtained.

(j) No more than two (2) food trucks may operate on one parcel.

(k) Vendors shall not allow any items relating to the operation of the vending business to be placed anywhere other than in, on, or under the vending vehicle.

(l) Roadside and mobile vendors may not decrease the amount of available parking that is required for businesses located on a subject parcel.

(m) Locations with excess parking available will be permitted to have one six (6) foot table and (6) chairs, provided the parking is not decreased. Table and chairs shall not be placed in a parking stall and shall be removed at the end of business together with the mobile vending vehicle/trailer. Properties that are owned and operated by the vendor, with adequate parking to accommodate vehicle parking together with the tables and chairs, shall be allowed no more than two (2) six (6) foot tables and twelve (12) chairs.

Sec. 26-44. **Sign restrictions.**

Vendors shall be permitted a maximum of one sign or banner, no larger than 20 square feet and one feather flag per vendor. Snipe signs are prohibited as per section 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. 26-45.1. **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 feet of the subject property of their operation. This includes grease, trash, cups, cans and any other items associated with the mobile 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, grey water, other liquids and wastes from their location.

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 ____ to ____ vote of the City Commission of the City of Belleview, Florida, at a Regular Meeting held on January 21, 2025. Said ordinance was duly read, passed, and adopted upon **Final Reading** by a ____ to ____ vote of the City Commission of the City of Belleview, Florida, at a Public Hearing held on February 4, 2025.

CHRISTINE DOBKOWSKI
Mayor

Attest:

MARIAH MOODY, CMC
City Clerk

Approved as to Form and Legal Sufficiency
For the use and Benefit of the City of Belleview Only:

FREDERICK E. LANDT, III
City Attorney

CERTIFICATE OF ADVERTISING

I HEREBY CERTIFY that foregoing Ordinance was advertised for a Public Hearing in the January 23rd edition of the Voice of South Marion newspaper in accordance with Florida Statutes.

Mariah Moody, CMC
City Clerk