

ORDINANCE NO. 2021-012

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 16, "OUTDOOR SALES AND ACTIVITIES," ARTICLE I, "IN GENERAL," RENAMING ARTICLE II, "TEMPORARY STATIONARY PEDDLING/VENDING SALES AND OUTDOOR USES REGULATIONS," AS "TEMPORARY MOBILE VENDING SALES AND OUTDOOR USES REGULATIONS," AND AMENDING SAME AND RENAMING ARTICLE III, "MOBILE PEDDLING/VENDING SALES," AS "MOBILE VENDING SALES," AND AMENDING CHAPTER 17, "STREETS, SIDEWALKS, WATERWAYS AND OTHER PUBLIC PLACES," ARTICLE II, "PICKETING, PARADES, DEMONSTRATIONS, BLOCK PARTIES," TO UPDATE LANGUAGE IN CHAPTERS 16 AND 17 AFFECTING OUTDOOR ACTIVITIES AND EVENTS TO REFLECT CURRENT PROCEDURES, TERMS AND DEPARTMENT NAMES, REMOVE OBSOLETE PERMITTING AND LICENSURE REQUIREMENTS FOR FOOD AND BEVERAGE VENDORS, AND CLARIFY THAT FIREARMS ARE NOT REGULATED BY THE CITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the City's regulations are current and consistent with the City's regulatory needs; and

WHEREAS, the City Commission desires to address outdoor spaces, activities, and events by amending Chapter 16, "Outdoor Sales and Activities," and Chapter 17, "Streets, Sidewalks, Waterways and Other Public Places," to reflect current procedures and terminology, remove obsolete permitting and licensure requirements for food and beverage vendors, and clarify that firearms are not regulated by the City; and

WHEREAS, the City Commission finds this ordinance is in the best interest of the health, safety, and welfare of the City and its residents.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:

Section 1: Ratification. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance.

Section 2: Amendment. That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 16, "Outdoor Sales And Activities," to read as follows:

Chapter 16 - OUTDOOR SALES AND ACTIVITIES

ARTICLE I. - IN GENERAL

Sec. 16-1. Purpose and intent.

(a) *Purpose.* This chapter shall be known as the outdoor sales and activities ordinance. The purpose of the chapter shall be to protect the privacy rights of the residents of the city, and promote the health, safety and welfare of the residents-fairs, while still providing a forum for and protecting constitutional rights.

Sec. 16-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Ongoing construction site means a site or sites where construction materials are actively being placed in a permanent manner or where substantial demolition, excavation or removal of existing material is being carried out and a valid building permit has been issued by the city.

Mobile food dispensing vehicle means any vehicle that is a 'public food service establishment' as defined in section 509.013(5), Florida Statutes, as amended, that is self-propelled or otherwise movable from place to place.

Mobile ~~peddler~~/vendor or temporary mobile vendor means any person, corporation, company or business engaged in the selling, or offering for sale of pre-packaged food, or beverages, services, and goods from a mobile ~~peddler~~, vending vehicle or from his or her person and not from an enclosed permanent structure. The term "mobile vendor" for the purposes of this section shall include itinerant merchants and/or ~~peddlers~~, but shall exclude state regulated mobile food dispensing vehicles.

Mobile ~~peddler~~/vendor vehicle means any vehicle or device or cart, bicycle, wagon, or similar apparatus used for the display, storage or transportation of articles offered for

sale by a peddler or vendor, whether or not the vehicle is required to be licensed and registered by the state department of motor vehicles.

Seasonal/occasional vendor means a peddler/vendor engaged in the selling of merchandise for a definite time period not to exceed forty-five (45) days.

Sidewalk sale means the sale of merchandise outside of an established business location.

Soliciting means and includes any one (1) or more of the following activities:

- (1) Seeking to obtain orders for the purchase of food, beverages, services, and goods, of any kind, character or description whatever, for any kind of consideration;
- (2) Seeking to obtain prospective customers for application, purchase or subscription of any type of product, service, or insurance;
- (3) ~~Peddling,~~ Selling or attempting to sell food, beverages, services, or goods while carrying such items or the materials necessary to provide services.

~~*Temporary stationary peddler/vendor* means any person, corporation, company or business engaged in the selling, or offering for sale of food, beverages, services, goods, wares, foodstuff, or merchandise from a vehicle based in an outdoor temporary location.~~

Vending means the act of selling, offering for sale, transferring or offering to transfer goods to another for pecuniary or monetary gain.

Weapon, or Dangerous Weapon, means an instrument, object or device, other than a gun or firearm, that, because of the way it is used, is capable of causing serious bodily injury or death, or can be used or is designed to be used to injure or kill someone.

Zoning lot means a single tract of land located within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. A zoning lot, therefore, may not necessarily coincide with a lot of record, but may be part of a lot of record or may include one (1) or more lots of record, provided all are under the same ownership and are subject to a unified title.

ARTICLE II. TEMPORARY MOBILE STATIONARY ~~PEDDLING/VENDING~~ SALES AND OUTDOOR USES REGULATIONS

Sec. 16-3. Temporary mobile stationary ~~peddler, vendor,~~ and accessory outdoor uses regulations; in general.

(a) ~~Peddling/V~~Vending/accessory outdoor uses permitted.

- (1) Temporary mobile stationary ~~peddling/vending~~ and state-licensed mobile food dispensing vehicles shall be permitted on all ongoing construction sites within

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the city irrespective of the zoning category. Written permission of the property owner of the zoning lot shall be submitted with the application set forth in subsection (c).

- (2) Temporary ~~mobile stationary peddlers/vendors~~ and state-licensed mobile food dispensing vehicles using private property to vend shall not be permitted to store equipment or apparatus associated with the vending business unless said equipment or apparatus is stored within a totally and permanently enclosed vehicle. Outside of the vehicle, no tables, displays, tents, canopies, umbrellas, etc. may be used to exhibit merchandise or conduct business.
 - (3) Temporary stationary accessory outdoor uses are permitted subject to the conditions and requirements set forth in this section 16-3.
- (b) *Temporary ~~mobile stationary peddling/vending, sales from state-licensed mobile food dispensing vehicles~~ and accessory outdoor uses prohibited in zoning district; exceptions:*
- (1) Prohibition. Temporary ~~mobile stationary peddling/vending, selling from a mobile food dispensing vehicle,~~ and temporary stationary accessory outdoor uses are prohibited in the city except in B-2, B-3, B-4 and commercial land use modules of PUD's or PCD's zoning districts or as permitted in section 16-3~~(a)~~(2).
 - (2) Exception. Temporary mobile vendors or mobile food dispensing vehicles, with City or state license as applicable pursuant to subsection (c) below, are permitted at ~~ongoing construction sites as defined in section 16-2, or at any site if specifically provided for in a special event permit for that site. Only for temporary stationary peddlers/vendors as defined herein.~~ ongoing construction sites as defined in section 16-2, or at any site if specifically provided for in a special event permit for that site.
- (c) *License required and effective period.*
- (1) It shall be unlawful to operate a mobile food dispensing vehicle on any ongoing construction site or within any permitted zoning lot, until the proper license has been issued by the Florida Department of Business and Professional Regulation pursuant to Section 509.241, Florida Statutes, as amended. The license number shall be, at all times during the period for which the license is valid, displayed in a prominent place on the side of the vehicle as required by state law.
 - (2) It shall be unlawful, unless operating a state licensed mobile food dispensing vehicle, to sell or offer for sale any food, beverage, service or merchandise or to conduct any business comprising a temporary stationary accessory outdoor use on any ongoing construction site or within any permitted zoning lot from any wagon, truck, auto, push cart, motor vehicle, trailer or by any other means, until the proper license has been issued by the sustainable development services department. The license shall be, at all times during the period for which the license is valid paid, securely affixed and attached in a conspicuous place on the wagon, truck, motor vehicle, trailer or other vehicle used in the business by the ~~peddler,~~ vendor or operator of a business. All licenses shall be valid for a period of one (1) year commencing the first day of

October of each calendar year. Each license may be renewed on an annual basis utilizing the method of renewal of business tax receipt~~occupational licenses~~. If the applicant files a ~~peddlers and vendors~~ application or application for license as required by this subsection during the period from October first through March thirty-first, the applicant shall pay the entire amount of the license fee. If the applicant files an application during the period from March thirty-first, through September thirtieth, the license fee shall be one-half the normal fee. Licenses shall be not be transferable or assignable. A city license is not required for mobile food dispensing vehicles subject to licensing by the State of Florida.

~~(32) Health and sanitation. Peddlers and vendors, or other operators of business subject to this subsection shall comply with the requirements and standards of the county department of health and the following:~~

~~i. The equipment used in vending food shall be inspected by the department of health upon application for a license and receive a certificate of inspection upon compliance with this section.~~

~~ii. Each food vending business shall be so inspected at least twice a year.~~

~~iii. For temporary stationary accessory outdoor uses, copies or evidence of any licenses, permits and approvals issued by any governmental entity or agency shall be submitted to the city concurrently with the application for the license required by subsection (c)(24) hereof.~~

(d) *Application.* The application for a license required by section (c)(2) ~~the provisions of this section~~ shall provide the following information on forms made available in the city's sustainable development services department. Such information shall be sworn to or affirmed, filed with the said department and shall state or include the following:

~~(1) Copies of all valid health certificates, if applicable, for vendors of food or a certificate of inspection for vendors of food as issued by the county department of health;~~

~~(12) Information as to whether the applicant, upon the sale or order, shall demand, accept or receive payment or deposit of money in advance of the final delivery;~~

~~(23) The local and permanent address of the applicant and the local and permanent address and the name of the person, if any, that the applicant represents, including the owner of the vehicle, business or commissary, and, if applicable, the name and address of the permanent principal business, and the owner thereof, to which a temporary stationary accessory outdoor use is an accessory use;~~

~~(34) The corporate name, corporate address, resident agent name and resident agent address of those applicants representing corporations;~~

~~(45) The type and description of goods, wares, merchandise, services, or business in which the applicant wishes to engage within the city;~~

~~(56) Proof of an insurance policy issued by an insurance company licensed to do business in the state protecting the licensee and the city from all claims for~~

damages to property and bodily injury, including death, which may arise from operations under or in connection with the license; ~~such insurance shall be at least the amount of three hundred thousand dollars (\$300,000.00) for each occurrence and one hundred thousand dollars (\$100,000.00) dollars per person.~~ such insurance shall be at least the amount of one million dollars (\$1,000,000.00) for each occurrence combined single limit for Bodily Injury and Property Damage including coverage for premises/operations, contractual liability, personal injury, and products/completed operations. This policy of insurance shall be written in an "occurrence" based format.

~~(67)~~ Permission (affidavit or notarized statement) from the property owner and the principal business owner that the vending or mobile food dispensing vehicle and sales operation or business may be located on the property in accordance with local codes and regulations.

~~(78)~~ The name, home and business address of the applicant and the name, home and business address of the owner if different than the applicant of the vending business, mobile vending vehicle, or temporary stationary accessory outdoor use to be used in the operation of the business or service along with name and address of the commissary, if applicable.

~~(9)~~ ~~A description of the type of food, beverage, merchandise or service to be sold or provided.~~

~~(840)~~ A description and photograph of any equipment or mobile vending vehicle(s) or trailer to be used in the operation of the business including copies of the license and registration of any mobile vending vehicle or trailer used in the operation of the business.

~~(11)~~ ~~Copies of all health certificates, if applicable, issued by the appropriate governmental agencies.~~

~~(942)~~ Any other documents as may be required by other provisions of this section or other chapters of the City of Coconut Creek Code of Ordinances.

~~(1043)~~ For temporary stationary accessory outdoor uses only, a site plan ~~consistent with the applicable requirements of sections 13-546 through 13-549 of the City of Coconut Creek Code of Ordinances~~ depicting the location of the temporary use, permanent structures, parking, paving and sidewalk areas, and other safety protocols necessary to ensure the safety of patrons, pedestrians, and the motoring public.

(e) *Issuance, application fee, denial of application.*

(1) Issuance of a decision shall ~~not~~ be rendered not later than fifteen (15) days after the filing of the completed application for a vendor's or accessory outdoor use license. The applicant shall be notified by email providing either notice of application approval or reasons for denial of the application. ~~contact the development services department to determine what decision was made regarding the issuance or denial of the license.~~ If the issuance of the license is approved, the department authority shall issue the license after the

application/license fee is paid as noted in section 13-82 or Chapter 18, Coconut Creek Code of Ordinances.

(f) *Hours of operation and location.*

- (1) The hours of operation for ~~peddlers and vendors~~ and mobile food dispensing vehicles within the city shall be 8:00 a.m. to sunset, Monday through Sunday, or as otherwise specifically provided by a special event permit issued by the City.
- (2) Temporary ~~mobile stationary peddlers/vendors~~ and mobile food dispensing vehicles may not remain in one location (i.e. zoning lot or ongoing construction zone) for more than ~~one (1)~~ two (2) hours or as otherwise approved by the City.
- (3) Temporary stationary accessory outdoor uses shall be permitted to operate in accordance with any conditions imposed on the approval to ensure compatibility with adjacent uses and the approved for the site plan for the property approved by the City planning and zoning board and the temporary accessory outdoor use shall not to exceed two (2) days per week. Operation for any two (2) consecutive days is permissible. Vehicles or equipment must be removed from the approved location or site during times when not permitted. Hours of operation shall not occur prior to 7:00 a.m. nor later than 9:00 p.m. including set up and removal of equipment.
- (4) No mobile vendor, mobile food dispensing vehicle, temporary stationary accessory outdoor use or accessory outdoor use may operate in any required parking, loading, or unloading space unless specifically authorized in a designated location as part of a special event permit or other City approval.

(h) *Advertising ~~s~~Signage.* ~~No advertising, except the posting of prices, shall be permitted on or attached to any peddler/vendor vehicle.~~ All signs shall be limited in size so as not to exceed a cumulative total of four hundred eighty (480) square inches. This section does not prohibit the use of umbrellas, bearing logos of products sold.

(i) *Denial, suspension and revocation.* Any license issued by the City may be denied, suspended or revoked in accordance with the procedures set forth in the code enforcement system ordinance of Chapter 2 of the Coconut Creek Code of Ordinances for the following causes:

- (1) Fraud or misrepresentation contained in the application for the license;
- (2) Fraud or misrepresentation made in the course of carrying on the business of vending;
- (3) ~~Carrying or possessing~~ Using or threatening to use a dangerous weapon to threaten, intimidate, or harm an individual or property;
- (4) Conduct the licensed business in such manner as to create a public nuisance or constitute a danger to the public health, safety or welfare;
- (5) Violation of any provision contained in this chapter or any other chapter of the Coconut Creek Code of Ordinances.

- (j) ~~An~~Every application must be submitted or resubmitted~~is re-evaluated~~ each year to determine compliance with all existing and amended regulations.
- (k) *Operation of mobile medical unit within certain residential areas.* Nothing contained herein shall be construed to prohibit the temporary occasional operation of a mobile medical unit or vehicle, including a bloodmobile, mobile mammography unit or any other unit the purpose of which is to provide medical testing services or deliver medical services from within the unit only, within areas zoned RC-8, RM-10 or within multifamily residential modules of PUD's with a density of no less than eight (8) dwelling units per acre.
- (l) Violations. Violation of this section shall be punishable as provided in F.S. Ch. 162, as currently enacted or as may be amended from time to time, or by any other means authorized by law. ~~Penalty. Any person found to be in violation of any provision of this chapter shall be subject to the penalties and fines set forth in the code enforcement system ordinance.~~

ARTICLE III. MOBILE PEDDLING/VENDING SALES

Sec. 16-4. Mobile peddling/vending regulations.

Section 3: Amendment. That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 17, "Streets, Sidewalks, Waterways And Other Public Places," Article II, "Picketing, Parades, Demonstrations, Block Parties," Division 1, "Generally," and Division 2, "Permit," to read as follows:

Chapter 17 STREETS, SIDEWALKS, WATERWAYS AND OTHER PUBLIC PLACES

ARTICLE II. PICKETING, PARADES, DEMONSTRATIONS, BLOCK PARTIES

Sec. 17-21. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Private personal issue or cause are those issues or causes which are unique or special to an individual.

Weapon, or Dangerous Weapon, means an instrument, object or device, other than a gun or firearm, that, because of the way it is used, is capable of causing serious bodily injury or death, or can be used or is designed to be used to injure or kill someone.

Sec. 17-27. Weapons prohibited.

It shall be unlawful for any person to carry any ~~gun~~, knife, blackjack, nightstick, other dangerous weapon or any instrument utilized as a weapon while participating in a parade, picket line, group demonstration or block party.

Sec. 17-54. Issuance or denial; hearing.

(a) The director of sustainable development ~~services~~, after approval by the chief of ~~policedirector of public safety~~, shall issue a permit properly applied for, except as follows:

- (1) No permit shall be issued for a parade, picket line, group demonstration or block party if it is to be held at the same time and place as that set forth in a permit issued pursuant to a written application previously received.
- (2) The director of sustainable development ~~services~~ and/or the chief of ~~policedirector of public safety~~ may deny an application for a permit if either determines that the date, time, duration, location or route of the proposed parade, picket line, group demonstration or block party would create hazardous traffic conditions or unduly disturb the public.

(b) The director of sustainable development ~~services~~ and/or the chief of ~~policedirector of public safety~~ shall act upon the application for a parade, picket line, group demonstration or block party permit within twelve (12) hours after the filing thereof. If the director of sustainable development ~~services~~ and/or the chief of ~~policedirector of public safety~~ disapprove the application, they shall notify the applicant, stating the reasons for their denial of the permit.

(c) If an application for a permit as required in this article is denied by the director of sustainable development ~~services~~ or the chief of ~~policedirector of public safety~~, the applicant may apply to the city commission for a hearing concerning the same. At such hearing the applicant shall have the right to show that the permit should have been issued. The director of sustainable development ~~services~~ and the chief of ~~policedirector of public safety~~ shall be heard in rebuttal for the granting of the application. If, after the hearing the applicant and the director of sustainable development ~~services~~ and chief of ~~policedirector of public safety~~, the city commission shall find as a fact that the proposed permit should have been granted, using the standards outlined in this article, the application shall be granted by the city commission. Otherwise, the action of the director of sustainable development ~~services~~ and the chief of ~~policedirector of public safety~~ in denying the application shall stand.

Sec. 17-55. Revocation.

The director of sustainable development ~~services~~ and the chief of ~~policedirector of public safety~~ shall revoke any permit granted pursuant to this division if the activity covered by the permit shall not be conducted as required by this article and the permit.

Secs. 17-56—17-59. Reserved.

Section 4: Conflicts. That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 5: Severability. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

Section 6: Codification. That the provisions of this ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

Section 7: Effective Date. That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 10TH DAY OF JUNE, 2021.

PASSED SECOND READING THIS 24TH DAY OF JUNE, 2021.

Rebecca A. Tooley, Mayor

Attest:

Leslie Wallace May, City Clerk

	<u>1st</u>	<u>2nd</u>
Tooley	<u>Aye</u>	<u>Aye</u>
Rydell	<u>Aye</u>	<u>Aye</u>
Sarbone	<u>Aye</u>	<u>Aye</u>
Welch	<u>Aye</u>	<u>Aye</u>
Railey	<u>Aye</u>	<u>Aye</u>

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