

DRAFT

Marina Village Mobile Vendor s - New Code Amendment

(City's existing code modified for a new area)

Definitions:

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

Certificate of occupancy: means a certificate issued by the City of Riviera Beach Building Official to a builder or renovator, indicating that the building is in proper condition to be occupied.

Disposable tableware: Eating and drinking utensils made of paper and/or plastic that are disposed of after initial use.

Ice cream truck: A motor vehicle utilized as the point of retail sales of prewrapped or prepackaged ice cream, frozen yogurt, frozen custard, flavored frozen water or similar frozen dessert products.

Mobile vending unit: Any motorized or non-motorized vehicle, trailer, kiosk, pushcart, stand or other device designed to be portable and not permanently attached to the ground from which goods, wares, merchandise or food is peddled, vended, sold, displayed, offered for sale or given away.

Mobile vendor: A person who peddles, vends, sells, displays, offers to sell or gives away merchandise from a mobile vending unit which is parked or located on a parcel of private property.

Mobile vending operation: Peddling, vending, selling, displaying, offering for sale or giving away goods, wares, merchandise or food from a mobile vending unit located on private property.

Prepackaged food: means any properly labeled and processed food, prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer, and prepared at an approved source.

Restricted mobile vendor: A mobile vendor offering only prepackaged food, snow cones, raw produce, or prepackaged ice cream from a mobile vending unit, or a mobile automobile detailer.

Street-side vendor or road-side vendor: A person who peddles, vends, sells, displays, offers to sell or gives away any food products, wares, or merchandise while located in or on a public street, sidewalk, or right-of-way.

Temporary mobile vendor: A person and or group who peddles, vends, sells, displays, offers to sell or gives away merchandise from a mobile vending unit for less than 15 days per calendar year.

Marina Village boundaries for this purpose shall be between 16th street and 11th Street, and Broadway and Lake Worth Inlet.

Permitted Locations

- a) Mobile Operators shall only operate in locations approved by the Community Redevelopment Agency
- b) Mobile Vendors shall submit a sketch depicting the location of the mobile vendor on the property, including the designated parking spaces.
- c) Mobile Vendors shall be setback a minimum of 35 feet from all intersections

Hours of Operation

- a) Mobile vendors are restricted to the following hours of operation:
 1. Monday to Saturday 7:00am to Midnight
 2. Sunday: 8:00am to 10 pm
- b) A mobile vendor shall not operate between the hours of 12:00am and 6am
- c) The mobile vending unit shall be removed from the site during the hours of non-operation unless approved by the Community Redevelopment Agency to remain.

Signage:

- (a) All signs advertising for the mobile vending unit must meet the following requirements;
 - (1) Signs must be placed flat against the mobile vending unit.
 - a. Sandwich board signs are prohibited.
 - b. Any type of design or artwork that advertises the use of the mobile vending unit is considered to be a sign.
 - (2) Signs may not be larger than nine square feet.
 - (3) No more than three signs may be placed on the mobile vending unit.
 - (4) All signs must be approved by the city prior to being posted.
- (b) Mobile vendors are prohibited from using right-of-way signs and off-premises signs.

(c) Alternate signage may be installed if approved by the Community Redevelopment Agency, and in compliance with The City of Riviera Beach Sign Code.

Exemptions and Restrictions:

- a) Temporary connections to potable water are prohibited unless approved by the Community Redevelopment Agency and installed in conformance with the City of Riviera Beach Building Code.
- b) Electrical power shall be provided in conformance with the City of Riviera Beach Building Code.
- c) A mobile vendor shall at no time utilize outdoor storage, or warming or refrigeration devices.
- d) A drive through is not permitted in conjunction with the mobile vendor
- e) The area within which a mobile vending unit is operating shall at all times be kept clean and free from litter, garbage, rubble and debris.
- f) Mobile vendors providing food or beverage intended for immediate consumption must provide a trash receptacle within ten feet of the mobile vending unit and be responsible for disposing of trash on a daily basis.
- g) The use of amplified music is prohibited, except as approved by the Community Redevelopment Agency.
- h) The current business tax receipt must be posted in a visible location on the mobile vending unit.

Restricted Mobile Vendors: see section 10-267

Licensing Requirements:

Prior to the issuance of a business tax receipt, mobile food vendors must comply with the following State of Florida and local requirements as applicable:

- (1) Mobile food vendors engaged in the selling of cooked or prepared food must be licensed by the Florida Division of Hotels and Restaurants.
 - a. Obtaining licensing from the Florida Division of Hotels and Restaurants does not guarantee approval by the City of Riviera Beach Planning and Zoning Division.
 - b. Mobile food vendors must pass all inspections conducted by the Florida Division of Hotels and Restaurants to maintain the business tax receipt for their establishment.
 - c. Current inspection results must be conspicuously posted on the mobile vending unit.
- (2) Mobile food vendors engaged in the selling of prepackaged ice cream, popcorn, raw produce, or smoothies must be licensed by the Florida Department of Agriculture and Consumer Services.

- a. Obtaining licensing from the Florida Department of Agriculture and Consumer Services does not guarantee approval by the City of Riviera Beach Planning and Zoning Division.
 - b. Mobile food vendors must pass all inspections conducted by Florida Department of Agriculture and Consumer Services to maintain the business tax receipt for their establishment.
 - c. Current inspection results must be conspicuously posted on the mobile vending unit.
- (3) Mobile food vendors must pass an inspection by the City of Riviera Beach Fire Department.
- a. Obtaining a passing inspection does not guarantee approval by the City of Riviera Beach Planning and Zoning Division.
 - b. Mobile food vendors must pass all inspections conducted by the City of Riviera Beach Fire Department to maintain the business tax receipt for their establishment.

Parking Requirements

- a) Mobile food vendors shall not sell to customers parked in areas designated as public-rights-of-way.
- b) Mobile food vendors shall not solicit or conduct business with any customers in motor vehicles

Enforcements:

The provisions of this article may be enforced through the city's code enforcement procedures or as otherwise authorized in this Code and may be pursued by appropriate remedy in a court of competent jurisdiction at the city's discretion. If code enforcement is utilized to enforce this article, a resulting code enforcement lien may be assessed against the private property upon which the mobile vending operation operates or operated.