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DATE: JULY 8, 2008

TO: HONORABLE MAYOR AND CITY COMMISSIONERS

THRU: RUSS BLACKBURN, CITY MANAGER

FROM: ERIK A. BREFELDT AND RALPH HILLIARD, PLANNING & DEVELOPMENT SERVICES

SUBJECT: SECOND READING – ITINERANT FOOD VENDOR ORDINANCE
EXPLANATION OF MODIFICATION – VERSION 1 AND VERSION 2

On July 14th, the City Commission will consider adoption of an ordinance on second reading concerning allowing itinerant food vendors in the General Business zoning district in association with retailers over 50,000 square feet in size.

During consideration of the ordinance on first reading at the June 23rd hearing, Commissioner Donovan inquired about a reference to service to the disabled on pg. 12 of the Ordinance under additional regulations applying to itinerant vendors.

Following research by Plan staff as well as the Equal Opportunity Office and the City Attorney, no basis for this reference in the ordinance could be found with respect to the Americans with Disabilities Act (ADA) or other pertinent statutory authority.

Therefore, Plan staff has provided two version of the subject section of pg. 12 of the Ordinance for Commission consideration. Version # 1 deletes the reference to requests made by a person with disability; Version #2 deletes the reference but provides some clarifying language.

Since staff can find no justification for the language it is recommended that the Version # 1 substitution be adopted by the Commission on second reading.

- 1 (4) Change of ownership, ~~booth/conveyance~~ ~~eat~~ or location will require that the
2 owner apply for a new vending~~er~~ booth or itinerant food vendor permit.
- 3 (5) All required licenses must be conspicuously displayed on the vending booth or
4 itinerant food vending conveyance.
- 5 (6) Vending booths and itinerant food vending conveyances must be provided with at
6 least one approved portable fire extinguisher having a minimum rating of 8 BC.
- 7 (7) All liquefied petroleum gas containers must be installed on the outside of the
8 vending booth or itinerant food vending conveyance, protected from physical damage
9 and, if enclosed, vented at the lowest point of the enclosure. All liquefied petroleum gas
10 containers must be properly secured and comply with all applicable standards.
- 11 (8) Signs using lettering painted on or applied to the canopy valance will be allowed.
12 Two additional signs in conformity with the City's sign regulations will be allowed at a
13 maximum size of six square feet each, to be mounted on the vending booth or itinerant
14 food vending conveyance. No other signs, pictures or advertisements of any kind, such as
15 stickers, flags, balloons, inflatables or lights shall be allowed.
- 16 (9) The vendor must obtain a local business tax receipt from the City.
- 17 (10) The vendor shall keep the sidewalks, parking areas and other spaces adjacent to
18 their vending sites or locations clean and free of paper, peelings and refuse of any kind
19 generated from their vending operation.
- 20 (11) Sales shall be oriented to pedestrians. No vendor shall sell or attempt to sell any
21 product or engage in any commercial transaction with the occupant of any motor vehicle,
22 unless requested by a person with a disability.

(4) Change of ownership, booth/conveyance ~~east~~ or location will require that the owner apply for a new vending ~~booth~~ or itinerant food vendor permit.

(5) All required licenses must be conspicuously displayed on the vending booth or itinerant food vending conveyance.

(6) Vending booths and itinerant food vending conveyances must be provided with at least one approved portable fire extinguisher having a minimum rating of 8 BC.

(7) All liquefied petroleum gas containers must be installed on the outside of the vending booth or itinerant food vending conveyance, protected from physical damage and, if enclosed, vented at the lowest point of the enclosure. All liquefied petroleum gas containers must be properly secured and comply with all applicable standards.

(8) Signs using lettering painted on or applied to the canopy valance will be allowed. Two additional signs in conformity with the City’s sign regulations will be allowed at a maximum size of six square feet each, to be mounted on the vending booth or itinerant food vending conveyance. No other signs, pictures or advertisements of any kind, such as stickers, flags, balloons, inflatables or lights shall be allowed.

(9) The vendor must obtain a local business tax receipt from the City.

(10) The vendor shall keep the sidewalks, parking areas and other spaces adjacent to their vending sites or locations clean and free of paper, peelings and refuse of any kind generated from their vending operation.

(11) Sales shall be oriented to pedestrians. No vendor shall sell or attempt to sell any product or engage in any commercial transaction with the occupant of any motor vehicle, unless service is requested by a person operating a motor vehicle bearing a state-issued disabled person parking permit placard or disabled person license plate ~~unless requested by a person with a disability.~~