

LEGISLATIVE #

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ORDINANCE NO. 110283

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Code of Ordinances, related to vending booths and itinerant vendors by amending Chapter 19, Article IV, section 19-93(b) to extend the permissible hours of operation for itinerant food vendors; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, at least 10 days’ notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a public hearing to be held in the City Commission Auditorium, City Hall, City of Gainesville; and

WHEREAS, the Public Hearings were held pursuant to the published notice described at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. Section 19-93(b) of the Gainesville Code of Ordinances, is hereby amended to read as follows:

Sec. 19-93. – Regulations.

- (b) The following additional regulations shall apply to itinerant food vendors:
 - (1) Tent structures shall not be permitted.
 - (2) No alcoholic beverages may be sold.
 - (3) All food shall be prepared on-site from the itinerant food vending conveyance.

- 1 (4) There shall be only one itinerant food vending conveyance per parcel, location
2 or development.
- 3 (5) No itinerant food vendor shall be permitted to operate in any of the following
4 areas:
 - 5 a. Within 25 feet of any loading zone or bus stop.
 - 6 b. Within 15 feet of a building entrance or exit.
 - 7 c. Against display windows of a business.
 - 8 d. Within 25 feet of any fire hydrant, fire escape or fire control device.
 - 9 e. Within 25 feet of any parking space or access ramp designated for
10 persons with disabilities.
 - 11 f. Outside of the established building setbacks of the zoning district.
 - 12 g. Within required parking spaces or within the required interior or
13 terminal islands of the vehicle use area.
 - 14 h. On a vacant lot or property.
- 15 (6) Itinerant food vending shall be limited to the hours between 7:00 a.m. and
16 ~~10:00 p.m. daily~~ 3:00 a.m. the following day and shall take place only at the
17 approved location. The itinerant food vending conveyance shall not be set up
18 prior to 6:00 a.m. and must be removed by ~~11:00 p.m. of that same~~ 4:00 am
19 the following day.
- 20 (7) Outdoor seating shall not be permitted.
- 21 (8) An itinerant food vending conveyance shall not exceed a size of ten feet in
22 width and 20 feet in length. If the itinerant food vending conveyance is a

1 trailer, the trailer shall be unhitched from the motorized vehicle and stabilized
2 prior to operating the vending conveyance and it is the trailer alone that will
3 be considered the itinerant food vending conveyance for purposes of the size
4 limitation.

5 (9) The itinerant food vending conveyance shall not be operated in a manner that
6 destroys existing sodded areas, results in erosion or breaks down the previous
7 or impervious surface of the site. In the event of erosion or destruction of the
8 site surface, the owner of the site shall be required to restore the site to its
9 original condition.

10 **Section 2.** It is the intention of the City Commission that the
11 provisions of Section 1 shall become and be made a part of the Code of
12 Ordinances of the City of Gainesville, Florida, and that the Sections and
13 Paragraphs of this Ordinance may be renumbered or relettered in order to
14 accomplish such intentions.

15 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this
16 ordinance or the application hereof to any person or circumstance is held invalid or
17 unconstitutional, such finding shall not affect the other provisions or applications of the
18 ordinance which can be given effect without the invalid or unconstitutional provisions or
19 application, and to this end the provisions of this ordinance are declared severable.

20 **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the
21 extent of such conflict hereby repealed.

22 **Section 5.** This ordinance shall take effect immediately upon adoption.

1 PASSED AND ADOPTED this ____ day of _____, 2012.

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12 This Ordinance passed on first reading this ____ day of _____, 2012.

13 This Ordinance passed on second reading this ____ day of _____, 2012.

CRAIG LOWE,
MAYOR

ATTEST: Approved as to form and legality

KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY