

1 **ORDINANCE NO. 110283**

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4 **An ordinance of the City of Gainesville, Florida, amending the**  
5 **City of Gainesville Code of Ordinances, relating to vending**  
6 **booth vendors and itinerant food vendors; by amending**  
7 **Chapter 19, Article IV, sections 19-93(a) and 19-93(b) to**  
8 **extend permissible hours of operation for vending booth**  
9 **vendors and itinerant food vendors in the Central City District,**  
10 **and vending booth vendors in the College Park Special Area**  
11 **Plan; providing directions to the codifier; providing a**  
12 **severability clause; providing a repealing clause; and**  
13 **providing an immediate effective date.**  
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15 **WHEREAS,** at least 10 days’ notice has been given once by publication in a newspaper  
16 of general circulation notifying the public of this proposed ordinance and of a public hearing to  
17 be held in the City Commission Auditorium, City Hall, City of Gainesville; and

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

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

23 **Section 1.** Subsections (a) and (b) of Section 19-93 of the Gainesville  
24 Code of Ordinances, are hereby amended to read as follows:

25 **ARTICLE IV. - VENDING BOOTHS AND ITINERANT VENDORS**

26 **Sec. 19-93. – Regulations.**

27 (a) *Vending booths and itinerant food vending conveyances operating in the city shall be*  
28 *subject to the following regulations:*

- 1 (1) The county/state health department must license any vending booths and  
2 itinerant food vending operations preparing and selling food items. All  
3 applicable codes of the health department shall be met.
- 4 (2) A trash container must be available on the vending booth or itinerant food  
5 vending conveyance.
- 6 (3) Lighting may be used to continuously illuminate the vending booth or  
7 itinerant food vending conveyance canopy and provide task lighting for night  
8 operation, provided it is in conformity with the city's lighting regulations.
- 9 (4) Change of ownership, booth/conveyance or location will require that the  
10 owner apply for a new vending booth or itinerant food vendor permit.
- 11 (5) All required licenses must be conspicuously displayed on the vending booth  
12 or itinerant food vending conveyance.
- 13 (6) Vending booths and itinerant food vending conveyances must be provided  
14 with at least one approved portable fire extinguisher having a minimum rating  
15 of 8 BC.
- 16 (7) All liquefied petroleum gas containers must be installed on the outside of the  
17 vending booth or itinerant food vending conveyance, protected from physical  
18 damage and, if enclosed, vented at the lowest point of the enclosure. All  
19 liquefied petroleum gas containers must be properly secured and comply with  
20 all applicable standards.
- 21 (8) Signs using lettering painted on or applied to the canopy valance will be  
22 allowed. Two additional signs in conformity with the city's sign regulations  
23 will be allowed at a maximum size of six square feet each, to be mounted on

1 the vending booth or itinerant food vending conveyance. No other signs,  
2 pictures or advertisements of any kind, such as stickers, flags, balloons,  
3 inflatables or lights shall be allowed.

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

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

8 (11) Sales shall be oriented to pedestrians. No vendor shall sell or attempt to sell  
9 any product or engage in any commercial transaction with the occupant of any  
10 motor vehicle.

11 (12) Vendors shall not conduct business in a way that will restrict or interfere with  
12 the entrance or exit of a business, create a nuisance, create a hazard to  
13 pedestrians, life or property, or obstruct vehicular circulation, pedestrian  
14 circulation, or access to emergency exits.

15 (13) Vending booth vendors operating within the Central City Zoning District  
16 (CCD), as this area is shown on the City's zoning map atlas, and the College  
17 Park Area, as delineated in the College Park- Master Plan and Regulation Plan  
18 for New Construction map in Appendix A Section 3 of the Land Development  
19 Code, shall be limited to the hours between 7:00 a.m. and 3:00 a.m. the  
20 following day and shall take place only at the approved location. The  
21 "vending booth" conveyance shall not be set up prior to 6:00 a.m. and must be  
22 removed by 4:00 a.m. the following day.

1 (14) Itinerant food vendors operating within the Central City Zoning District  
2 (CCD), as this area is shown on the City's zoning map atlas, shall be limited  
3 to the hours between 7:00 a.m. and 3:00 a.m. the following day and shall take  
4 place only at the approved location. The "vending booth" conveyance shall  
5 not be set up prior to 6:00 a.m. and must be removed by 4:00 a.m. the  
6 following day.

7 (b) The following additional regulations shall apply to itinerant food vendors:

8 (1) Tent structures shall not be permitted.

9 (2) No alcoholic beverages may be sold.

10 (3) All food shall be prepared on-site from the itinerant food vending conveyance.

11 (4) There shall be only one itinerant food vending conveyance per parcel, location  
12 or development.

13 (5) No itinerant food vendor shall be permitted to operate in any of the following  
14 areas:

15 a. Within 25 feet of any loading zone or bus stop.

16 b. Within 15 feet of a building entrance or exit.

17 c. Against display windows of a business.

18 d. Within 25 feet of any fire hydrant, fire escape or fire control device.

19 e. Within 25 feet of any parking space or access ramp designated for  
20 persons with disabilities.

21 f. Outside of the established building setbacks of the zoning district.

22 g. Within required parking spaces or within the required interior or  
23 terminal islands of the vehicle use area.

- 1           h.       On a vacant lot or property.
- 2       (6)   Except as provided in section 19-93(a), Itinerant food vendors shall be  
3       limited to the hours between 7:00 a.m. and 10:00 p.m. daily and shall take  
4       place only at the approved location. The itinerant food vending conveyance  
5       shall not be set up prior to 6:00 a.m. and must be removed by 11:00 p.m. of  
6       that same day.
- 7       (7)   Outdoor seating shall not be permitted.
- 8       (8)   An itinerant food vending conveyance shall not exceed a size of ten feet in  
9       width and 20 feet in length. If the itinerant food vending conveyance is a  
10      trailer, the trailer shall be unhitched from the motorized vehicle and stabilized  
11      prior to operating the vending conveyance and it is the trailer alone that will  
12      be considered the itinerant food vending conveyance for purposes of the size  
13      limitation.
- 14      (9)   The itinerant food vending conveyance shall not be operated in a manner that  
15      destroys existing sodded areas, results in erosion or breaks down the previous  
16      or impervious surface of the site. In the event of erosion or destruction of the  
17      site surface, the owner of the site shall be required to restore the site to its  
18      original condition.

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

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


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

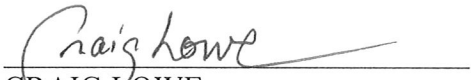
8           **Section 5.** This ordinance shall take effect immediately upon adoption.

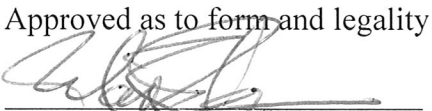
9           **PASSED AND ADOPTED** this 7 day of June, 2012.

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ATTEST:

  
KURT M. LANNON  
CLERK OF THE COMMISSION

  
CRAIG LOWE,  
MAYOR

Approved as to form and legality  
  
MARION J. RADSON  
CITY ATTORNEY

JUN - 7 2012

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This Ordinance passed on first reading this 17<sup>th</sup> day of May, 2012.

This Ordinance passed on second reading this 7<sup>th</sup> day of June, 2012.