

**ORDINANCE NO. 14- 2013**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 22, ARTICLE III, OF THE TOWN CODE ENTITLED "MOBILE VENDORS; PROVIDING FOR AMENDMENTS PERTAINING TO FOOD AND MERCHANDISE SALES AND SERVICES BY MOBILE VENDORS IN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Lake Park, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, the Town Commission has adopted general provisions pertaining to solicitation in the Town, which have been codified at Chapter 22, of the Code of Ordinances; and

**WHEREAS**, Town staff has recommended to the Town Commission that Sections 22-103, 22-104, 22-105, 22-109, 22-110 and 22-111 of Chapter 22 be amended to provide additional guidelines, controls, and standards for mobile vendors within the Town; and

**WHEREAS**, the Town Commission, has reviewed the recommendations of staff and has determined that amending Chapter 22, Article III of the Code Town would further the public health, safety and general welfare.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:**

**Section 1.** The whereas clauses are hereby incorporated as true and correct findings of fact of the Town Commission.

**Section 2.** Chapter 22, Article III, Sections 22-103, 22-104, 22-105, 22-109, 22-110 and 22-111, of the Code of Ordinances of Town of Lake Park, Florida are hereby amended to read as follows:

**Sec. 22-103. Exemptions.**

The following activities, businesses, and/or persons, as such are commonly known, are exempt from coverage of this article, but this exemption shall not be construed to limit or restrict the application of other laws and regulations pertaining to such activities, businesses and/or persons:

- (a) Newspaper couriers;
- (b) Lemonade stands;
- (c) Stands used to sell or distribute flowers, fruit, vegetables, produce or plants grown on the property where the stand is located; or at a town sanctioned public outdoor green market;
- (d) Delivery or distribution of food, goods, services or products ordered or purchased by customers from a source or point of sale other than a mobile food vehicle operated for the purpose of soliciting customers while traveling or while located on town streets or property;
- (e) Delivery or distribution of food by or for any not-for-profit organization, governmental agency, or other charitable organization, including without limitation Meals on Wheels and the Food Bank; and
- (f) Concessionaires as defined in this chapter, except that concession agreements with the town shall include health, sanitation and insurance requirements generally conforming to those established for similar businesses and vendors covered by this chapter.

**Sec. 22-104. Limitation on activities permitted by mobile vendor license.**

Mobile vendors shall not:

- (a) Operate the motor vehicle in such a manner as to impede the normal usage of the arterial streets;
- (b) Stop on the traveled portion of the street or within 50 feet from a corner to dispense food products;

- (c) Stop in dangerous locations for dispensing **food** products **or services**, such as on streets with inadequate shoulders and restricted sight distance;
- (d) Be operated on any arterial street during the peak hours of traffic, generally between 4:00 and 6:30 p.m.

**Sec. 22-105. Application.**

A person, firm, or corporation desiring to secure a license as a mobile vendor shall make application to the community development department. Such application shall be made on a form provided by the department, which at a minimum shall include:

- (a) The name or names and address of the applicant;
- (b) Vehicle license number of all vehicles from which the applicant proposes to conduct business;
- (c) Description of the general type of food, **service** or merchandise to be sold if applicable;
- (d) The place or places where the applicant proposes to engage in business;
- (e) A letter from the Palm Beach County Health Department, certifying that the motor vehicle vending business has complied with health department regulations.

**Sec. 22-109. Health regulations.**

All mobile **food-related** vendors shall comply with all laws, rules and regulations regarding food handling, and all vehicles, equipment, and devices used for the handling, storage, transportation and/or sale of food shall comply with appropriate county and state regulations, as presently worded and as may be amended by law, in addition to any other rules and regulations respecting such vehicles, equipment, devices as may be established by state or local governments.

**Sec. 22-110. Mobile vendor standards.**

All mobile vendors licensed under this chapter shall conform to the following standards:

- (a) *Geographical restrictions for **food, service and merchandise sales**.* No mobile vendor shall SELL a food, **service** or merchandise from his or her vehicle or conveyance:

- (1) Within 400 feet of a public or private school grounds during the hours of regular school session, classes, or school-related events in said public or private school, except when authorized by said school; or
  - (2) Within 1,000 feet of the entrance to a business establishment which is open for business and is offering for sale the same or similar product as an item offered for sale by the mobile vendor; or
  - (3) Within 1,000 feet of a restaurant, cafe, deli or any type of eating establishment which is open for business; or
  - (4) Within 1,000 feet of a public park of the town where a town-authorized concession stand is located during times other than during the course of a public celebration except as approved by the town manager or designate; or
  - (5) Within 1,000 feet of town property where a town-authorized concession stand is located during the course of a public celebration when nonprofit organizations are permitted to engage in the sale of merchandise and food in such park; or
  - (6) Within any one block for more than one hour in any four-hour period, except this shall not apply in those situations where the mobile vendor is serving organized and sanctioned community-sponsored ball games at public parks and schools provided there is no town-approved concession in the park or at the school.
- (b) No mobile vendor shall conduct business so as to violate any ordinances of the town, including those regulating traffic and rights-of-way, as now in effect or hereafter amended.
- (c) No mobile vendor shall obstruct or cause to be obstructed the passage of a sidewalk, street, avenue, alley, or any other public place by causing people to congregate at or near the place where food, service or merchandise is being SOLD OR OFFERED FOR SALE, or the service is being conducted.
- (d) No customer shall be served on the street side of the mobile unit. Service by mobile vendors is limited to the curb side, or on authorized private property, when the mobile unit is on or abutting a public street.
- (e) All mobile vendors shall provide garbage receptacles for customer use as may be needed.

- (f) No mobile vendor shall locate his or her vehicle or other conveyance in such a manner as to cause a traffic hazard or obstruct a designated customer parking space.
- (g) At the conclusion of business activities at a given location, the mobile vendor shall clean all the public way surrounding his or her vehicle of all debris, trash and litter generated by the vendor's business activities.
- (h) All mobile vendors preparing food by cooking, frying or other means shall be equipped with at least one 2A-40-BC fire extinguisher.
- (i) All mobile vendors shall conclude daily business activities at sunset.

**Sec. 22-111. Mobile vendor insurance requirement.**

No license shall be issued to a mobile vendor selling food, merchandise or services from a truck or other motor vehicle unless a certificate is furnished to the town showing that the mobile vendor is carrying the following minimum amounts of insurance:

- (a) Public liability insurance in an amount of not less than \$500,000 for injuries, including those resulting in death, resulting from any one occurrence, and on account of any one accident; and
- (b) Property damage insurance in an amount of not less than \$25,000 for damages on account of any one accident or occurrence.

**Section 3. Severability.** If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by a Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

**Section 4. Repeal of Laws in Conflict.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Section 5. Codification.** The provision of this Ordinance shall become and be made a part of the Code of Ordinances for the Town of Lake Park. The Sections of the Ordinance maybe renumbered or re-lettered to accomplish such.

**Section 6. Effective date.** This Ordinance shall take effect immediately upon passage.

Upon First Reading this 18 day of September, 2013, the foregoing Ordinance was offered by Commissioner O'Rourke who moved its approval. The motion was seconded by Commissioner Rapoza and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER MICHAEL O'ROURKE	<u>/</u>	_____
COMMISSIONER KATHLEEN RAPOZA	<u>/</u>	_____

**PUBLISHED IN THE PALM BEACH POST THIS 22 DAY OF September, 2013**

Upon Second Reading this 2 day of October, 2013, the foregoing Ordinance, was offered by Commissioner O'Rourke, who moved its adoption. The motion was seconded by Vice-Mayor Glas-Castro and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER MICHAEL O'ROURKE	<u>/</u>	_____
COMMISSIONER KATHLEEN RAPOZA	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No.** 14-2013 duly passed and adopted this 2 day of October, 2013.

TOWN OF LAKE PARK, FLORIDA

BY: James DuBois  
Mayor, James DuBois

ATTEST:

Vivian Mendez  
Town Clerk, Vivian Mendez  
(Town Seal)

Approved as to form and legal sufficiency:

Thomas J. Baird  
Town Attorney, Thomas J. Baird

FLORIDA

**RECEIPT**

Ad Name: 266873A Ad ID: 266873 Original Ad ID:

Start: 09-22-2013  
Stop: 09-22-2013  
Issues: 1  
Words: 217  
Dimension.. 1 X 52  
Color:

**Editions:**  
PB Post Web  
PB Post

**LEGAL NOTICE OF PROPOSED  
ORDINANCE**

**TOWN OF LAKE PARK**

Please take notice that on Wednesday, October 2, 2013 at 6:30 p.m. or soon thereafter the Town Commission, of the Town of Lake Park, Florida in a regular session to be held in the Commission Chambers, Town Hall, 535 Park Avenue, Lake Park, Florida will consider the following Ordinance on second reading and proposed adoption thereof:

**ORDINANCE NO. 14-2013**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 22, ARTICLE III, OF THE TOWN CODE ENTITLED "MOBILE VENDORS"; PROVIDING FOR AMENDMENTS PERTAINING TO FOOD AND MERCHANDISE SALES AND SERVICES BY MOBILE VENDORS IN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Vivian Mendez, CMC, Town Clerk  
Town of Lake Park, Florida  
PUB: The Palm Beach Post  
9-22/2013 #124633

Ad shown is not actual print size.

LEGAL NOTICE OF PUBLIC HEARING FOR SPECIAL EXCEPTION USE  
APPLICATION - TOWN OF LAKE PARK

PLEASE TAKE NOTICE AND BE ADVISED that the Town of Lake Park Town Commission will hold a public hearing on Wednesday, October 2, 2013, at 6:30 p.m. or as soon thereafter as can be heard, in the Lake Park Town Commission Chambers at Town Hall, located at 535 Park Avenue, Lake Park, Florida for a Special Exception Use application filed by Offlease Automart LLC, for a Vehicle Sales with accessory vehicle repair shop establishment within the Commercial-1 Business District, for a property located at 1301 10th Street, in the Town of Lake Park, Florida.

All documents pertaining to said application are available in the Community Development Department, 535 Park Avenue, Lake Park, Florida, and may be reviewed by the public during normal business hours, 8:30 a.m. to 5:00 p.m., Monday through Friday, telephone number (561) 881-3318.

If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian Mendez, Town Clerk at (561) 881-3311.

Town Clerk: Vivian Mendez  
PUB: The Palm Beach Post  
9-22/ 2013 #123460

---

**Palm Beach Post, The**  
09/22/2013  
Miscellaneous Notices

LEGAL NOTICE OF PROPOSED ORDINANCE  
TOWN OF LAKE PARK

Please take notice that on Wednesday, October 2, 2013 at 6:30 p.m. or soon thereafter the Town Commission, of the Town of Lake Park, Florida in a regular session to be held in the Commission Chambers, Town Hall, 535 Park Avenue, Lake Park, Florida will consider the following Ordinance on second reading and proposed adoption thereof:

ORDINANCE NO. 14-2013

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 22, ARTICLE III, OF THE TOWN CODE ENTITLED "MOBILE VENDORS"; PROVIDING FOR AMENDMENTS PERTAINING TO FOOD AND MERCHANDISE SALES AND SERVICES BY MOBILE VENDORS IN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Vivian Mendez, CMC, Town Clerk  
Town of Lake Park, Florida  
PUB: The Palm Beach Post  
9-22/ 2013 #124633

---