

ORDINANCE NO. 9906-26

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA; AMENDING THE CODE OF ORDINANCES, CHAPTER 28, ARTICLE I, AMENDING SECTION 28.04 TRADING AND SELLING ON STREETS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 28 of the Code of Ordinances sets forth provisions related to streets, sidewalks, and other public places in the City of Clearwater ("City"); and

WHEREAS, Section 28.04 prohibits the trading and selling of goods, wares, or merchandise on any street, right-of-way, sidewalk, or park within the City unless authorized by a Special Event permit; and

WHEREAS, the City, Clearwater Downtown Development Board ("DDB"), and the Clearwater Community Redevelopment Agency ("CRA") seek to activate the Cleveland Street District and create opportunities for mobile vendors; and

WHEREAS, in order to create such opportunities, mobile vendors will be permitted to sell retail goods, wares, or merchandise within the 400 and 500 blocks of Cleveland Street, subject to certain conditions; and

WHEREAS, the City has determined that the adoption of this Ordinance to be in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA, THAT:

Section 1: Section 28.04 of the Code of Ordinances of the City of Clearwater is hereby amended to read as follows:

Sec. 28.04. Trading and selling on streets.

- (1) Except for the sale of ice cream from ice cream trucks on streets in residential areas, ~~which have been issued a city business tax receipt for such use,~~ and unless authorized by Article III of Chapter 22 which pertains to special events, it shall be unlawful for any person to sell, barter, exchange, or offer to sell, barter or exchange any goods, wares or merchandise of any kind or nature whatsoever in or on or over any street, right-of-way or public property, sidewalk or park within the city.
- (2) This section 28.04 shall not apply to curb service furnished by any regularly established and licensed place of business in the city, and this section 28.04 shall not apply to the holding of bazaars or other sales not made or carried on for personal profit, where such sales are operated in front of or adjacent to a store or place of business with the consent of the owner or manager thereof. The

prohibition set out in subsection (1) of this section 28.04 shall not prevent the operation of an outdoor cafe on the public right(s)-of-way where the outdoor cafe is permitted under the provisions of section 3-909 of the Community Development Code.

(3) This section 28.04 shall not apply to the sale of retail goods, wares, or merchandise by mobile vendors within the 400 and 500 blocks of Cleveland Street. Mobile vendors must comply with the following conditions:

- a. Mobile vendors must obtain a Downtown Mobile Vendor Right-of-Way Permit prior to operating.
- b. Mobile vendors must be mobile, or readily moveable at all times. Mobile vendors must not be anchored to the ground, have any structures attached (such as decking or pergolas), or have the axles removed.
- c. When not in operation, mobile vendors must leave the site and be stored off-site. Mobile vendors may not be left unattended.
- d. The use of outdoor speakers and amplified music is prohibited.
- e. Mobile vendors may only operate during approved days and hours and in approved locations as specified by the permit.
- f. Mobile vendors must maintain ADA compliant pedestrian clearance and not obstruct sidewalks, fire lanes, hydrants, or access to any building.
- g. Mobile vendors are responsible for cleanliness and waste removal within their operating area.
- h. The city may limit the number of mobile vendors or approved locations due to capacity and city operational needs.

Coding: Words in strikethrough type are deletions from existing text.
Words in underline type are additions.

Section 2: It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Clearwater, that the sections of the Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 3: If any clause, section, or other part or application of this Ordinance shall be

held in any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and shall not affect the validity of the remaining portions or applications which shall remain in full force and effect.

Section 4: All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 5: This Ordinance shall become effective immediately upon adoption, unless otherwise provided.

PASSED ON FIRST READING _____

PASSED ON SECOND AND FINAL READING AND ADOPTED _____

Bruce Rector
Mayor

Approved as to form:

Attest:

Owen Kohler
Interim City Attorney

Rosemarie Call
City Clerk