

37 **NOTE:** Underlined words constitute additions to the City of Flagler Beach Code of Ordinances
38 and Land Development Code, asterisks (***) indicate an omission from the existing text which is
39 intended to remain unchanged, and ~~strikethrough~~ constitutes deletions from the original Code of
40 Ordinances and Land Development Code.

41 **NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of Flagler
42 Beach, Florida, as follows:

43
44 **SECTION 1.** Chapter 16, Article VIII, "MOBILE VENDORS," of the Code of Ordinances is
45 hereby amended as follows:

46 ARTICLE IX. - MOBILE VENDORS

47
48 Sec. 16-221. Definitions.

49 For the purposes of this article, the following terms, phrases, words, and their derivations
50 shall have the meanings given in this section. When not inconsistent with the context, words used
51 in the present tense include the future, words in the plural number include the singular number,
52 and words in the singular number include the plural number. The word "shall" is always mandatory
53 and not merely directory.

54 ~~Mobile food service operation shall mean the preparation/cooking, serving and/or sale of~~
55 ~~food conducted from a portable stand, vehicle or trailer; provided, however, that vehicles solely~~
56 ~~making deliveries shall not be included in this definition. Each such stand, vehicle or trailer shall~~
57 ~~be considered a mobile food service operation.~~

58 Mobile food dispensing vehicle means any vehicle, cart, and/or trailer that is a ‘public food
59 service establishment’ as defined by Chapter 509, Florida Statutes and that is self-propelled or
60 otherwise movable from place to place and includes self-contained utilities, including, but not
61 limited to, gas, water, electricity, or liquid waste disposal.

62
63 Mobile sales operation shall mean the sales of products, that are conducted from a portable
64 stand, vehicle or trailer; provided, however, that vehicles solely making deliveries and door-to-
65 door solicitors issued a permit by the city pursuant to article II shall not be included in this
66 definition. Each such portable stand, vehicle or trailer shall be considered a mobile sales operation.

67 Mobile operations shall mean mobile food dispensing vehicles and mobile sales operations,
68 collectively.

69
70 Sec. 16-222. Mobile operations.

71 (a) Except as otherwise specifically provided in paragraph (b) below regarding areas mobile food
72 dispensing vehicles are allowed to operate, mobile sales operations shall be prohibited unless
73 conducted in an area specifically allowed herein or when such mobile operations are
74 conducted at a City hosted event, an event conducted at and included in the permit for a special
75 event for which a special event permit has been issued by the city pursuant to chapter 4, article
76 III or at a farmers' market possessing a current local business tax receipt for a farmer's market

77 pursuant to section 18-18. All mobile sales operations ~~conducted at special events or farmers'~~
78 ~~markets~~ shall be subject to following regulations:

79 (1) Mobile operations shall not be located on public rights of way or other City property
80 unless in accordance with an event approved or hosted by the City;

81 (2) Mobile operations shall not be located in any driveway aisles, sidewalks, no-parking
82 zones or loading areas, nor may mobile operations impede the on-site circulation of
83 pedestrians or motor vehicles.

84 ~~(2)~~(3) The utilization of any off-street parking spaces for the operation of a mobile
85 operation must not cause the site to become deficient in the number of required off-
86 street parking spaces.

87 ~~(3)~~(4) Alcoholic beverage sales and use of sound amplification devices are prohibited.

88 ~~(4)~~(5) Mobile operations shall not be located on or immediately adjacent to the rights-of-
89 way of S.R. 100 or A-1A.

90 (6) Mobile operations shall have available on site a copy of all permits and licenses required
91 by the State.

92
93 (b) Mobile food dispensing vehicles shall be allowed to operate in accordance with State
94 requirements and the City regulations stated in (a)(1)-(6) above upon private property within
95 the City in non-residential and non-planned unit development zoning districts located on the
96 mainland side of the intercoastal waterway.

97
98 ~~(b)~~(c) Mobile operations that sell only prepackaged ice cream products shall be exempt from
99 the prohibition contained in this section provided, however, that no such mobile operation
100 shall stop or park on or immediately adjacent to the rights-of-way of S.R. 100 or A-1A for the
101 purpose of conducting any service or sales.

102 ~~(e)~~(d) The city may enforce the provisions of this article through any legal means including
103 prosecuting violations of this article pursuant to F.S. Ch. 162, issuance of civil citations, or
104 instituting legal action.

105 **SECTION 2. Severability.** If any portion of this Ordinance is declared invalid or unenforceable,
106 then to the extent it is possible to do so without destroying the overall intent and effect of this
107 Ordinance, the portion deemed invalid or unenforceable shall be severed here from, and the
108 remainder of this Ordinance shall continue in full force and effect as if it were enacted without
109 including the portion found to be invalid or unenforceable.

110 **SECTION 3. Conflicts.** All ordinances or parts of ordinances in conflict herewith are hereby
111 repealed.

112 **SECTION 4. Codification.** It is the intent of the City Commission of the City of Flagler Beach
113 that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal

114 authority in renumbering and codifying the provision of this Ordinance; article and section
115 numbers assigned throughout are suggested by the City.

116
117 **SECTION 5. Effective date.** This Ordinance shall take effect immediately upon adoption as
118 provided by the Charter of the City of Flagler Beach.

119
120 PASSED ON FIRST READING THIS X DAY OF MONTH 2023.

121
122 PASSED AND ADOPTED THIS X DAY OF MONTH, 2023.

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124
125 CITY OF FLAGLER BEACH, FLORIDA
126 CITY COMMISSION

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129 _____
130 Suzie Johnston, Mayor

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134 Penny Overstreet, City Clerk

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