

## **PART 5. DOWNTOWN SIDEWALK VENDORS AND OPEN AIR MARKETS\***

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**\*Editor's note:** Ord. No. 2004-421-E, § 2, added "AND OPEN AIR MARKETS" to the title of Part 5, and added "SUBPART A. DOWNTOWN SIDEWALK VENDOR," and "SUBPART B. DOWNTOWN OPEN AIR MARKET."

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### Sec. 250.501. Intent.

The primary purpose of public sidewalks is for use by pedestrian traffic. However, vending on public sidewalks promotes the public interest by contributing to an active and attractive pedestrian environment. Therefore, to permit such activity it is necessary to provide reasonable regulation of downtown sidewalk vending to protect the public, health, safety and welfare and to promote free, unimpeded and safe vehicular and pedestrian traffic flow. Part of this protection involves regulation of vending cart size, designation of vending locations and size, and insurance requirements to adequately protect the rights of citizens. The regulations contained in this Part do not prohibit pure speech under the United States Constitution, but merely regulate the activities which are commercial in nature.

(Ord. 93-1761-1390, § 1)

### Sec. 250.502. Area of application.

The provisions of this Part shall apply only to the downtown area of the City defined as the downtown area bounded on the south by the St. Johns River, on the east by Catherine Street northerly to Duval Street, then westerly on Duval Street to Newnan Street; then north on Newnan Street to Beaver Street, then west on Beaver Street to Broad Street, south on Broad Street to the easterly Acosta Bridge right-of-way, then southeasterly on the right-of-way line to the St. Johns River, together with the area on the south bank of the St. Johns River north of Prudential Drive and south of the river, except for the area bounded on the south by the St. Johns River, on the east by Newnan Street, on the north by Independent Drive and on the west by Hogan Street, together with the areas under the control of the Parks, Recreation, Entertainment, and Conservation Department pursuant to Section 667.110, Ordinance Code, for regulation of park vendors.

(Ord. 93-1761-1390, § 1; Ord. 2004-421-E, § 2; Ord. 2005-1283-E, § 7)

### Sec. 250.503. Permit required.

It shall be unlawful and a class C offense against the City to distribute or offer to distribute, or sell, or offer for sale, any food, beverage, merchandise or services on any sidewalk within the downtown area described in Section 516.101, Ordinance Code, without first obtaining a permit therefor from the Tax Collector as provided in this Part.

(Ord. 93-1761-1390, § 1; Ord. 2004-421-E, § 2; Ord. 2004-536-E, § 4)

### Sec. 250.504. Application for permit.

A person desiring to be permitted as a downtown sidewalk vendor or an open air market shall file an application with the Tax Collector on a form prescribed by the Downtown Development Authority, a division of the Jacksonville Economic Development Commission, and furnished by

the Tax Collector. The application shall contain at least the applicable information required by Section 250.103, Ordinance Code, and Section 667.105, Ordinance Code, together with such other information as may be required by the Downtown Development Authority by properly adopted rule of the Authority. Initial applications shall be made in person, but all subsequent renewals may be done by mail.  
(Ord. 93-1761-1390, § 1; Ord. 2004-421-E, § 2)

#### SUBPART A. DOWNTOWN SIDEWALK VENDOR

##### Sec. 250.505. Rules and regulations.

The Tax Collector and Downtown Development Authority are authorized and directed to promulgate rules and regulations for the administration of vending activities in their respective areas of supervision. It is the intent of the Council that these rules and regulations be similar to, but not necessarily the same as, the provisions set forth in Chapter 667 concerning park vendors. The Consumer Affairs Division shall make periodic site visits to downtown sidewalk vending sites to ascertain whether these rules and regulations are being complied with.

(a) Vendor rules and regulations:

- (1) Each downtown sidewalk vendor shall obtain a general liability insurance policy in the amount of \$200,000 with the City as an additional insured, and shall present acceptable proof of such insurance to the appropriate permitting agency prior to issuance of the vending permit.
- (2) The term vendor applies not only to the business or individual named on the permit, but also to anyone working with or for the vendor at vendor's site.
- (3) Vending permits must be current and visibly displayed at all times during operation of vending unit.
- (4) All downtown sidewalk vendors must use and be limited to vending carts which shall be mobile and on wheels and shall be limited to a self-contained unit no greater than four feet wide by six and one-half feet long. Self-contained shall mean that the cart is not connected or attached to an adjoining building, structure, planter or other landscaping, and does not receive power or water from adjoining buildings structure, planter or other sources or by means of wires, hoses, or other connections.
- (5) Each vending cart may be accompanied by no more than two ice chests, coolers, or other accessory containers, in addition to one trash receptacle, and one chair or stool for use by the vendor only. Coolers must be of hard-finish plastic, no styrofoam, and not larger than 94 quarts. These accessory containers must be placed on or immediately adjacent to the vending cart, and may not be allowed to impede the free flow of pedestrian or vehicular traffic or to pose a safety hazard.
- (6) Any cooking, heating or warming unit must be an integral part of the vending unit.
- (7) A vendor may simultaneously hold a maximum of two downtown sidewalk vending permits within the vending district. A separate permit must be obtained for each unit.
- (8) Vendor may operate a maximum of one vending unit per site.
- (9) Vendor may vend only from the site and vending unit for which the vending permit was issued.
- (10) Vendor must keep clean at all times the area within 15 feet of the vending unit.
- (11) Vendor shall not operate nor cause to be operated any loudspeaker system, radio, bull horn or other device to attract attention to the vending site.

- (12) Vendor shall not manipulate price(s) of goods and/or services for the sole purpose of discouraging other vendors from vending.
  - (13) Vendor's permits can be preempted by City-sponsored or co-sponsored events in vendor's area.
  - (14) Vending unit must be removed in its entirety at the close of its vending day.
  - (b) Vending unit and site criteria:
    - (1) Vending unit must be in the site for which the vending permit was issued.
    - (2) The permitted vending site shall be no larger than 12 feet long by five feet wide and no larger than 60 square feet in size.
    - (3) Site location of vending units must provide a minimum of six feet clearance to pedestrians.
    - (4) Vending unit must be at least ten feet from any driveway.
    - (5) Vending unit must be a minimum of 50 feet from other vending units except where separated by a public street.
    - (6) Vending unit must be a minimum of 15 feet from an intersection or crosswalk.
    - (7) Vending unit must be a minimum of 15 feet from any building entrance or exit.
    - (8) Vending unit may not obstruct any view of traffic or signage.
    - (9) Vending unit must be a minimum of 100 feet from the center of any customer entrance of any establishment if vending like goods, except where separated by a public street.
    - (10) Vending unit must be a minimum of ten feet from any bus stop.
    - (11) Vending unit must be a minimum of 100 feet from any principal arterial intersection. The intersection of Bay Street and Main Street is a principal arterial intersection. In addition, vending unit must be a minimum of 50 feet from the following: any at-grade intersection with Main Street, the intersection of Bay Street and Ocean Street, the intersection of Bay Street and Broad Street.
- (Ord. 93-1761-1390, § 1; Ord. 2004-421-E, § 3)

Sec. 250.506. Types of permits, fees and charges.

The Tax Collector and Downtown Development Authority are authorized to impose and the Tax Collector is authorized to collect and deposit into the revenue account of the Downtown Development Authority the following fees and charges and to issue the following types of permits under this Part:

- (a) One-day permit . . . \$10
- (b) Three-day permit (consecutive days) . . . 15
- (c) One-month permit . . . 35
- (d) Six-month permit . . . 150
- (e) One-year permit . . . 250
- (f) Replacement of lost, destroyed or damaged permit

Vending permits shall be issued on a first-come, first-serve basis. Vending permits shall be effective from the first day of the month in which the permit is issued and shall expire at midnight of the last day of the month, except for one-day and three-day permits, which expire at midnight of the last day of the permit.

A person issued a permit for a period of six months or longer shall be required to actually occupy and utilize the permitted site for at least 60 percent of the workable days of the permit or the site may be considered abandoned and re-permitted to another vendor.

(Ord. 93-1761-1390, § 1; Ord. 96-235-101, § 3)

Sec. 250.507. Additional applicable provisions.

Permit fees collected under this Part are fees paid for the purpose of defraying the cost of administration of this Part and are declared to be regulatory fees in addition to and not in lieu of the occupational license taxes imposed by Chapters 770 and 772. The payment of a permit fee under this Part shall not relieve a downtown sidewalk vendor or other person of liability for and the responsibility for paying an occupational license tax where it is required by Chapters 770 and 772 and providing such information as may be required by those Chapters. Furthermore, persons operating pursuant to this Part shall be subject to all applicable provisions of local and state health regulations.

(Ord. 93-1761-1390, § 1)

Sec. 250.508. Part inapplicable to certain special events.

In the case of a special event sponsored by the City and at other times as directed by the Mayor for special occasions, the provisions and requirements of this Part shall not be applicable to persons who are participating in such special event or occasion, even if they would otherwise be required to be permitted under this Part, for as long as and with respect to the place where the special event or occasion is held.

(Ord. 93-1761-1390, § 1)

Sec. 250.509. Reserved.

**Editor's note:** The provisions of former § 250.509, relative to existing street vendors, were deleted as part of the Super Supplement to the Code. Former § 250.509 derived from Ord. 93-1761-1390, § 1.

Sec. 250.510. Enforcement.

The Downtown Development Authority is hereby authorized to enforce the provisions of this Part and all terms and conditions of a permit issued hereunder by issuing citations to those vendors who have failed to comply with the terms and conditions of a downtown sidewalk vendor's permit issued pursuant to this Part or have otherwise violated any provision of this Part or of this Chapter applicable to downtown sidewalk vendors.

(Ord. 93-1761-1390, § 1)

## SUBPART B. DOWNTOWN OPEN AIR MARKET

Sec. 250.511. Intent.

This Subpart and its Sections are intended to be utilized for the purpose of establishing an open air market area, as defined in Section 250.101, Ordinance Code, in which there may be numerous stalls, displays or sales locations on private or public property within the downtown area, as defined in Section 516.101, Ordinance Code.

(Ord. No. 2004-421-E, § 4)

Sec. 250.512. Permit required.

No person, either alone or jointly, or any entity of any nature, shall conduct any open air sales without first obtaining a permit from and paying applicable fees to the Tax Collector and Occupational License department.

(Ord. No. 2004-421-E, § 4)

Sec. 250.513. Application for permit.

A person desiring to be permitted as a downtown open air market shall file an application with the Tax Collector on a form prescribed by the Downtown Development Association and furnished by the Tax Collector.

(Ord. No. 2004-421-E, § 4)

Sec. 250.514. Requirements for plans and specifications.

Prior to the issuance by the Tax Collector of a permit for an open air market, it shall be necessary for the person or persons, or any other entity seeking to have an open air market, to submit an open air market application and specifications showing layout, site plan, floor requirements, liability insurance, procedures to protect against insects and rodents, procedures relating to cleanliness, maintenance and disposal of debris or garbage, signage, construction or electrical requirements, and any other information to the JEDC/DDA, Risk Management, Parks and Recreation, Consumer Affairs, and Occupational License Department that would be reviewed and approved by the JEDC/DDA, Risk Management, Public Works, Parks and Recreation and any other applicable agencies. The approving agencies shall have the authority to place any and all appropriate restrictions on the operation of an open air market.

(Ord. No. 2004-421-E, § 4)

Sec. 250.515. Area of application.

The provisions of this part shall apply to the downtown area as defined by Section 516.101, Ordinance Code.

(Ord. No. 2004-421-E, § 4)

Sec. 250.516. Rules and regulations.

(a) Open Air Market Rules and Regulations needs to comply with:

(1) *Insurance.* Each open air market shall obtain a general liability policy in the amount of \$1,000,000 with the City listed as additional insured, and shall present acceptable proof thereof to the Tax Collector prior to the issuance of the open air market permit.

(2) *Permit display.* Open air market permits must be current and visibly displayed at all times during operation of the open air market.

(3) *Size of market.* The open air market shall not occupy more than 40 percent of the usable space at any location.

(4) *Operation of speaker system.* Vendor shall not operate or cause to be operation any loud speaker system, radio, bullhorn, or other device.

(5) *Signage.* All provisions of Section 656, Part 13, Ordinance Code, downtown sign ordinance shall be strictly adhered to.

(6) *Preemption.* Open air market permits can be preempted by City sponsored or cosponsored events.

(7) *Daily removal.* Open air market individual vending booth must be completely removed in its entirety at the close of the open air market day.

(8) *Protect against insects or rodents.* Effective measures by the person, persons or entity that receives a permit for the market area shall be taken to protect against the entrance into the market area and the breeding or presence in the area of insects or rodents.

(9) *No live animals or birds.* No live birds or animals shall be allowed in any of the open air market area used for the sales by the vendors, provided guide dogs accompanying blind persons may be permitted in these areas.

(10) *Disposal of debris and garbage.* The market operator shall advise all vendors that garbage and debris must be disposed of on a daily means acceptable to the solid waste department.

(11) *Construction and electrical elements.* Any construction or electrical elements shall be in accordance with the permit requirements or, if applicable, specific Code requirements of the city.

(12) *Maintain cleanliness.* All parts of the market area and its premises shall be kept neat, clean and free of litter and debris.

(13) *Hours of operation.* The market shall set limited hours of operation but consider flexibility as not to disrupt normal business activities. The market may be pre-empted by approved special events in the market area.

(b) *Open air market site criteria.* The open air market shall be limited to one (1) permit per site and only for the following locations:

(1) Hemming Plaza;

(2) South Bank near Riverplace Drive;

(3) South Bank near Riverplace Tower;

(4) North Bank Riverwalk;

(5) South Bank Riverwalk;

(Ord. No. 2004-421-E, § 4)

Sec. 250.517 Types of permits, fees and charges.

The open air market individual vending booths shall be required to pay up to a \$500 annual market set-up fee. This fee covers all vendors, person or entities operating in the open air market. The open air market operator shall be responsible for all fees required under Chapter 770 and 772.

(Ord. No. 2004-421-E, § 4)

Sec. 250.518. Compliance with permit requirements.

All private property owners, market operators and vendors within the market area shall comply with requirements of the permit. Failure to comply with any other such requirements shall result in the closing of that vendor's stand or, location, or if necessary the entire market area.

(Ord. No. 2004-421-E, § 4)

Sec. 250.519. Location of open air markets.

Open air markets may be operated on private or public property (with permission) within the jurisdictional boundaries of the Jacksonville Downtown Area, as defined by Section 516.101, Ordinance Code.

(Ord. No. 2004-421-E, § 4)

//Jacksonville, Florida/ORDINANCE CODE City of JACKSONVILLE, FLORIDA All bills enacted through May 13, 2008. (Supplement No. 27)/Chapter 250 MISCELLANEOUS BUSINESS REGULATIONS\*/PART 5. DOWNTOWN SIDEWALK VENDORS AND OPEN AIR MARKETS\*