



**CITY OF SARASOTA
LOCAL BUSINESS TAX RECEIPT DIVISION**

APPLICATION FOR VENDOR TAX RECEIPT

LOCAL BUSINESS TAX RECEIPT NUMBER _____

Return w/payment to:
City of Sarasota
Local Business Tax
2nd Flr Annex Bldg
1565 1st Street
Sarasota, FL 34236
Call 941.954.4186
with any questions

REQUESTED VENDING LOCATION: _____

NAME OF BUSINESS: _____

BUSINESS NAME DBA: _____ PHONE _____

APPLICANT: _____

MAIL TAX RECEIPT TO: _____

COMMISSARY & STORAGE ADDRESS: _____

PROVIDE ONE (1) OF THE FOLLOWING NUMBERS BELOW:

_____ FEDERAL TAX ID or SALES TAX ID or DRIVER'S LICENSE NUMBER

PLEASE DO NOT WRITE IN THIS SPACE

CHECKLIST OF DOCUMENTS REQUIRED AT APPLICATION:

- DIVISION OF CORPORATION DOCUMENTATION OR FICTITIOUS NAME REGISTRATION
- DEPARTMENT OF BUSINESS REGULATION LICENSE / RECEIPT
- PROOF OF INSURANCE
- PHOTOGRAPH OF VENDING DEVICE
- SITE PLAN OF PROPOSED VENDING LOCATION

THE APPLICANT ACKNOWLEDGES THAT:

- HE/SHE IS IN RECEIPT OF SECTION 23 OF THE CITY ORDINANCE AND HE/SHE CAN ONLY VEND AT THE LOCATION LISTED ON THIS APPLICATION.
- THIS APPLICATION IS VALID FOR THREE (3) MONTHS FROM THE DATE OF SUBMISSION.

Signature of Applicant

Date

FOR ZONING DEPARTMENT USE ONLY
APPLICATION IS APPROVED DENIED
BY: _____ DATE: _____

BLANK PAGE

ARTICLE I. - IN GENERAL(63)

Sec. 23-1 - Soliciting funds, distributing materials to persons traveling in or on vehicles.

It shall be unlawful for any person to solicit or attempt to solicit funds or contributions from persons traveling in or on vehicles, whether such vehicles be actually moving or temporarily stopped. It shall be unlawful for any person to distribute or attempt to distribute literature or other materials to persons traveling in or on vehicles, whether such vehicles be actually moving or temporarily stopped.

(Code 1971, § 37-2.1)

Sec. 23-2 - Selling in streets, right-of-way, etc.

(a) It shall be unlawful for any person to sell, dispense, peddle, hawk, display, offer to sell or solicit for sale by offering or exposing for sale any goods, wares, merchandise or services in or on any street, alley, thoroughfare, public right-of-way, public parking lot or median in the city from any table, booth, stand, cart, motor vehicle, showcase, bench, rack, push cart, wagon or any other wheeled vehicle or device which may be moved with or without the assistance of a motor or engine. It shall be unlawful for any person to sell, dispense or display for sale any food items or beverages in or on any street, alley, thoroughfare, public right-of-way, public parking lot or median in the city unless a permit for such purpose has been issued pursuant to Section 6-28 of the Zoning Code of the city.

(b) The terms of this section shall not apply to the business operations of any public transportation system, taxi cabs or other vehicles for hire nor shall the same apply to the commercial servicing or repair of any disabled motor vehicle or any commercial activity involving pick up, delivery or unloading so long as the same is temporary and is done in conformity with other applicable provisions of this Code and other applicable laws.

(Code 1971, § 37-3; Ord. No. 84-2790, § 2, 4-30-84)

Sec. 23-3 - Soliciting customers on streets, sidewalks, etc.

No merchant, hawker or peddler, or their agents or employees, shall solicit customers on any street, sidewalk or alley, or within any public place in the city, by stopping passersby or by yelling or making any loud noise to attract persons to their places of business, or by exhibiting or having any attraction which blockades or obstructs any street, alley, sidewalk or public place within the city.

(Code 1971, § 37-4)

Sec. 23-3.5 - Commercial vending during special events.

(a) The sponsor of a special event shall obtain temporary commercial vending permit for all commercial vending proposed to occur on public property or on public right-of-way as part of the special event of the sponsor. The sponsor shall submit to the city manager, or his designee, an application that shall identify each vendor participating in the special event. The provisions of section 23-3.6(d), pertaining to commercial vending permits shall apply. Provided, however, that should a conflict or inconsistency occur between section 23-3.6(d) and this section, the provisions of this section shall prevail.

(b) The sponsor shall submit an application, which shall identify the name and location proposed for each vendor and the duration of the special event. The application shall be submitted at least five (5) working days prior to the special event.

(c) The sponsor shall procure public liability insurance and property damage insurance providing coverage for all commercial vendors of the special event in the amount and form as required by section 23-3.6(d)(3).

(d) The application fee required by section 23-3.6(d)(4) shall not be applicable to temporary commercial vending permits issued to sponsors of special events. If the sponsor is a nonprofit entity, no fee shall be required. For-profit sponsors shall pay a temporary commercial vendors permit fee as established by resolution of the city commission.

(e) Temporary commercial vending permits for special events shall be valid only for the period of the special event.

(f) No special event vendor shall participate in a special event unless approved by the city manager, or his designee. All special event vendors shall be required to display a temporary vending permit for each special event. The vendor shall affix the permit to the vendor's booth, stand, cart, motor vehicle, showcase, bench, rack, push cart, wagon, or any other wheeled vehicle or device utilized by the vendor at the special event in a clearly visible location.

(g) The provisions of this section shall not apply to designated park vendors who have contracted to conduct business pursuant to section 23-3.6(j).

(h) Special event vendors may be authorized, by the city manager, to vend in public parks including those designated pursuant to section 23-3.6(j). Park vendors approved under the terms of section 23-3.6 shall have a continuing right to vend in public parks during all special events.

(i) No commercial vending shall be allowed during a special event, unless the vendor possesses a temporary commercial vending permit obtained pursuant to the application of the special event sponsor.

(Ord. No. 92-3581, § 1, 3-15-93; Ord. No. 04-4557, § 1, 8-2-04)

Editor's note— Ord. No. 92-3581, § 1, adopted March 15, 1993, amended the Code by adding a new section designated as section 23-3. In order to avoid a conflict in section numbering, the editor has re-designated the provisions of Ord. No. 92-3581 as section 23-3.5.

Sec. 23-3.6. - Commercial vending on public property and public right-of-way.

(a) Definitions. For the purposes of this section the following words will have the meanings set forth hereafter:

(1) Commercial vending. To sell by dispensing, peddling, hawking or offering for sale by soliciting or displaying any foodstuffs or beverages from other than a structure which is permanently erected or constructed with a fixed location on or in the ground. Commercial vending shall not include the use of public property or public right-of-way by any person pursuant to a franchise granted by the city.

(2) Approved park vendor. A person who has a written contract with the city to engage in commercial vending within a municipal park which has been designated pursuant to subsection (j) of this section for vending purposes. Requirements pertaining to a vendor's becoming approved to vend within a designated park shall be established by the city commission in a request for proposals pertaining to each specific park.

(3) Person. An individual, group of individuals, any partnership, limited partnership, trust, association, corporation, firm, association or business entity, by whatever name identified, owning or responsible for the placing, maintaining or controlling of any commercial vending activity which is regulated by this section. The use of the singular shall include the plural.

(4) Vendor. Any person who engages in a commercial vending activity.

(5) Public property. Any real property owned by the city, in fee, which is not classified as public right-of-way, as defined in (6) below, whether or not the same has been improved, and shall include driveways and parking lots.

(6) Right-of-way. All that land area owned by the city, in fee, or in which the city has an easement, which is dedicated to public use for pedestrian movement, or which is used for motor vehicle or pedestrian safety and control or for the locating of traffic-control signs and devices or public utilities, including land adjacent thereto, whether landscaped or not, and shall include land area that is dedicated to public use whether or not the same has been improved for its intended purpose. Right-of-way shall specifically include but shall not be limited to any street, alley, thoroughfare, median or sidewalk.

(b) Commercial vending on public property. Except for approved park vendors in designated public parks, no person shall engage in the activity of commercial vending on property owned by the City of Sarasota unless the city commission shall have granted permission therefor as part of a special event or pageant, open to the general public, which shall be of a limited duration of time.

(c) Commercial vending on public right-of-way. No person shall engage in the activity of commercial vending on public right-of-way within the RSF, RMF, RSM-9, OPB, OPB-1 or CT zone districts. Commercial vending may be permitted, within zone districts other than those enumerated, pursuant to a permit issued in accordance with paragraph (d) hereof or pursuant to a written contract with an approved park vendor in a designated public park.

(d) Commercial vending permits. The city manager, or his designee, may issue permits, upon application submitted in accordance with the following requirements:

(1) Applications for a permit shall be submitted, on forms prescribed by the city manager.

(2) Any person regulated, as to sanitary practices, by the department of health and rehabilitative services of the state, shall submit with the application proof of compliance with applicable regulations of said department and the county health department as a condition precedent to the issuance of any permit pursuant to this section. Any person required to maintain commissary facilities shall identify, on the application, the business address of that facility and shall produce proof of compliance with applicable regulations of the department of health and rehabilitative services and the county health department relating thereto, prior to the issuance of any permit pursuant to this section.

(3) All persons, prior to receiving a permit, shall procure public liability and property damage insurance, in a minimum amount of commercial general liability one million dollars (\$1,000,000.00) per occurrence and two million dollars (\$2,000,000.00) in the aggregate per occurrence and fire damage in a minimum amount of three hundred thousand dollars (\$300,000.00) per occurrence, which shall name the City of Sarasota as an additional insured; and the same shall provide that the policy shall not terminate or be canceled prior to the expiration date without thirty (30) days' advance written notice to the city. Proof of such insurance, issued by an insurance company licensed to do business in the state, shall be delivered prior to the issuance of a permit to the city manager or his designee.

(4) An application fee in the amount of one hundred fifty dollars (\$150.00) shall be payable at the time the application for a permit is filed. In the event that the requested permit shall not be issued, the permit fee shall be refunded to the vendor and the vendor shall be notified, in writing, as to the reasons for the denial of the permit.

(5) Permits shall be valid for a period of no more than one (1) year and shall expire on October 1. Permits issued after October 1 of any given year shall be issued through the following September 30.

(6) No permit shall be issued if the commercial vending requires the use of any device which is of such physical size so as to impede or interfere with the flow of pedestrian or vehicular traffic on or across the right-of-way.

(e) Responsibilities of vendors. A person who is issued a permit pursuant to this section shall:

(1) Engage in commercial vending only after having obtained an occupational license from the building, zoning and code compliance department.

(2) Engage in commercial vending only between 6:00 a.m. and 12:00 midnight.

(3) Provide a litter receptacle for use by patrons or customers.

(4) Leave a location only after picking up, removing and disposing of all trash or refuse remaining from the commercial vending activity.

(5) Not set up, maintain or permit the use of any crates, cartons, coolers, ice chests, freestanding racks, chairs for customers, tables or boxes. Notwithstanding the foregoing, a vendor may set up and use a chair for rest during working hours.

(6) Not solicit, offer to sell or make any sales to persons in motor vehicles which are traveling on any street, roadway, thoroughfare or alley.

(7) A permit shall specify a vending site and authorizing the vendor to occupy and use that specific location. The permit and the site specified therein shall be personal to the vendor named in the permit and the permit or site to which it pertains shall not be sold or transferred by the vendor to any other person or entity. A vending site may only be transferred by the city manager upon the termination of a vending permit. A vendor may not grant permission for a substitute person or entity to operate under the vendor's permit. Notwithstanding the foregoing, a vendor may hire one (1) employee per site and said employee may occupy the site in vendor's stead so as to work the vending cart thereby allowing the vendor time off while maintaining the business as well as allowing the vendor to make provisions for vacation, scheduled appointments, business meetings, illness and the like.

(8) Annually, a vendor may request renewal of a valid vending permit. The vendor shall be entitled to renew the permit for the vending site provided for in an expiring permit so long as the application for the new permit is made. An application made within the first seven (7) working days of the month of October shall be deemed timely. If a previously assigned vending site is not renewed because an application for renewal was not submitted in a timely manner, then that particular vending site may be assigned to the first vendor making application therefore.

(9) Should a vendor abandon the site identified in the vending permit, without prior approval of the city manager, the vending permit shall be deemed automatically terminated and the city manager may then issue a permit to a new vendor for that vending site. "Abandonment"

shall be deemed to have occurred if a vendor fails to occupy and vend from the permitted vending site for seven (7) or more working days in succession. Provided, however, that a vendor may temporarily interrupt the conduct of business at the vending permit site by giving advance written notice to the city manager, specifying the reasons for the temporary suspension of business.

(f) Interference with traffic prohibited: Persons issued permits pursuant to this section shall not impede or interfere with the flow of pedestrian or vehicular traffic along or across the right-of-way. No person shall conduct a commercial vending activity within five hundred (500) feet of any other person who has received a permit to conduct such activity. Should any person refuse to move or disperse, upon the order of the city manager, his designee, or any member of the police department of the city, the permit issued to allow the commercial activity of such person shall be subject to revocation. No person shall conduct his or her commercial vending activity so as to hawk, offer, solicit or sell to operators or passengers in motor vehicles if the motor vehicle must be stopped or parked illegally in or on the public right-of-way in order for the vendor to engage in the commercial vending activity.

(g) Revocation of permit. The city manager or his designee may revoke any permit issued pursuant to this section for the failure of a permittee to adhere to any standard or requirement of this section. Prior to revoking a permit, the permittee shall be given written notice of the violation and the action necessary to correct the same. The notice shall be delivered by U.S. registered mail, return receipt requested, or by hand delivery. The notice shall provide that failure to correct the offending condition, within five (5) days, shall result in the revocation of the permit. Within five (5) days of the receipt of the aforementioned notice, the permittee may request an opportunity to appear before the city manager or his designee in order to show cause why the permit should not be canceled. However, such appearance shall not be required in the event that the permittee takes corrective action within the time designated.

(h) Appeal. A permittee may appeal, to the city commission, any decision of the city manager or his designee, pertaining to the denial of a permit applied for, or the revocation of an issued permit pursuant to paragraph (g) above. An appeal must be requested within ten (10) days of the action, determination or notice from which the appeal is taken. An appeal shall be deemed perfected when the permittee has submitted, in writing, a statement of the administrative action being appealed and the basis for such appeal and has delivered the same to the city auditor and clerk. The city auditor and clerk shall schedule the appeal for consideration by the city commission at its next regular meeting. At the hearing before the city commission, the permittee shall be given a reasonable opportunity to be heard in order to show cause why the action, determination or notice appealed from should be reversed or modified. In all such cases, the burden of proof shall be upon the permittee to show that there was no substantial evidence to support the action, determination or notice. At the conclusion of the hearing, the decision of the city commission shall be final.

(i) Penalty. Any act prohibited, made or declared to be unlawful by the terms of this chapter or the doing of any act prohibited or the failure to do any required act shall be deemed a misdemeanor punishable by a fine not exceeding five hundred dollars (\$500.00), or imprisonment for a term not exceeding sixty (60) days, or by both such fine and imprisonment. Each day any violation of this chapter shall continue shall constitute a separate offense.

(j) Commercial vending in designated public parks. Selby Five Points Park, Centennial Park and Pineapple Park and the sidewalks abutting each park, from the park boundary to the curblin, are hereby designated as public property where commercial vending may take place pursuant to a contract between the vendor and the city. No person or entity shall engage in the activity of commercial vending in a designated park except pursuant to a contract with the city, which has been approved by the city commission. Vendors contracting with the city to vend in a designated park shall adhere to those requirements of this section 23-3.6, which the contract with the city specifically identifies as applicable. The contract shall provide that the city manager, or his designee, shall have continuing authority to grant permission for temporary commercial vending in designated parks as part of a special event or pageant open to the general public and which is of a limited duration of time. During such special event, the city manager, or his designee, may prioritize space allocation within the designated public park for the duration of the special event. The right of a person to engage in commercial vending in designated parks may include the right to vend on the sidewalks abutting the designated park, as provided for by contract. Conditions placed on the activities of designated park vendors, other than as provided for in this section or other applicable codes of the city shall be specified in the vendor's written contract with the city. Vendors who have obtained a commercial vending permit pursuant to subsection (d) of this section are specifically prohibited from vending in a designated public park or the sidewalk abutting the park.

Ord. No. 98-4079, § 1, 10-21-98; Ord. No. 04-4557, § 2, 8-2-04; Ord. No. 05-4602, § 1, 2-7-05; Ord. No. 05-4654, §§ 1—4, 11-21-05)

(63) Editor's note— The addition of §§ 23-4, 23-5 as Art. II has caused the designation of the existing provisions of this chapter, §§ 23-1—23-3, as Art. I.