



**AGENDA ITEM COVER PAGE**

**File ID: #14018**

**Ordinance**

**First Reading**

**Sponsored by: Manolo Reyes, Commissioner**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 39/ARTICLE II OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, TITLED "PEDDLERS AND ITINERANT VENDORS/SIDEWALK AND STREET VENDORS," TO REGULATE THE SALE OF CERTAIN ITEMS BY PEDDLERS, ADDING DEFINITIONS AND REGULATIONS AND PROVIDING PENALTIES; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.



# City of Miami

## Legislation

### Ordinance

**File Number: 14018**

**Final Action Date:**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 39/ARTICLE II OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, TITLED “PEDDLERS AND ITINERANT VENDORS/SIDEWALK AND STREET VENDORS,” TO REGULATE THE SALE OF CERTAIN ITEMS BY PEDDLERS, ADDING DEFINITIONS AND REGULATIONS AND PROVIDING PENALTIES; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, Chapter 39, Article II of the Code of the City of Miami, Florida, as amended, (“City Code”) sets forth requirements for peddlers and itinerant vendors in the City of Miami, Florida (“City”); and

WHEREAS, the City desires to clarify and provide new regulations related to the sale of consumer items from mobile vehicles, other than “mobile food dispensing vehicles” as defined in Section 509.102, Florida Statutes, as amended; and

WHEREAS, the proliferation within the City of peddlers and vendors who conduct sales from mobile vehicles has a negative effect on the ability of the brick and mortar retail businesses, that are the backbone of a local economy to thrive; and

WHEREAS, the heretofore unregulated nature of the mobile sales vehicles has led to the sales of products that the City has determined should be regulated; and

WHEREAS, this amendment will bring a greater uniformity, calmness and enjoyable experience to the use of the City’s public rights-of-way for both residents, brick and mortar businesses and visitors and is in the best interests of our community as a whole;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Ordinance are adopted and incorporated as if fully set forth in this Section.

Section 2. Chapter 39, Article II of the City Code is amended in the follow particulars:<sup>1</sup>

“CHAPTER 39

PEDDLERS AND ITINERANT VENDORS

\* \* \*

ARTICLE II

<sup>1</sup> Words/and or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

## SIDEWALK AND STREET VENDORS

\* \* \*

Sec. 39-26. - Definitions.

For the purposes of this article:

*Business tax receipt (BTR)* as defined in Chapter 31 of the City of Miami Code.

\* \* \*

*Flowers, plants and produce* means freshly cut flowers and fresh fruits and vegetables but does not include consumable hemp or cannabis products.

\* \* \*

*Mobile food dispensing vehicle* means any vehicle that is a public food service establishment and that is self-propelled or otherwise movable from place to place and includes self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal or as defined in Section 509.102, Florida Statutes, as amended.

*Mobile sales vendor* means any person engaged in retail sales from a Motor vehicle, other than a Mobile food dispensing vehicle, that sells consumer products other than flowers, plants, and produce and is self-propelled or otherwise movable from place to place and includes self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal.

*Motor vehicle* is defined as any vehicle used for the displaying, storing, or transporting of articles offered for sale by a vendor, which is required to be licensed and registered by the department of highway safety and motor vehicles.

\* \* \*

Sec. 39-38. - Prohibited conduct.

No vendor shall:

- (1) Leave any stand or motor vehicle unattended.
- (2) Store, park, or leave any stand overnight on any street or sidewalk, or park any motor vehicle other than in a lawful parking space, in conformance with city and state parking regulations.
- (3) Sell food for immediate consumption unless he/she has available for public use his/her own litter receptacle, which is available for his/her patrons' use.

- (4) Allow or keep any animals in motor vehicles or stands.
- (5) Leave any location or vending zone without first picking up, removing, and disposing of all trash and refuse remaining within a 15-foot radius. Each vendor shall be responsible for maintaining a 15-foot radius trash and refuse clear area around himself/herself. Said area shall overlap other vendor cleanup areas and no vendor shall leave a location, or vending zone, without cleaning up as required.
- (6) Allow any items relating to the operating of the vending business to be placed anywhere other than in, on, or under the stand or motor vehicle.
- (7) Set up, maintain, or permit the use of any table, crate, carton, rack, or any other device to increase the selling or displaying capacity of his/her stand, or motor vehicle, where such items have not been described in his/her application.
- (8) Solicit or conduct business with persons in motor vehicles located on traffic lanes of public streets and highways.
- (9) Sell anything other than that for which he/she is licensed to vend.
- (10) Use any noise-making device after 9:00 p.m., except during special events, and at no time shall such a vendor use his/her traffic warning device on any vehicle, except to give necessary signals while in traffic. It shall be unlawful for any vendor to use any noise-making device that either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others within the city. Any vendor who violates this section shall upon written notice from the city manager or his/her authorized representative remove said noise-making device from the vehicle or reduce the volume of such noise-making device so that the same shall not be in violation of this section. Failure to comply with such notice shall subject such a vendor to the penalties as set forth in section 39-50.
- (11) Allow the stand or any other item relating to the operation of the vending business to lean against or hang from any building or other structure lawfully placed on public property.
- (12) Allow any animals to remain within 25 feet of a stand for a period longer than necessary to complete a sale to the person having possession, or control of said animals.
- (13) No vendor or Mobile sales vendor vending from a motor vehicle shall:
  - a. Conduct his/her business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, or create or become a public nuisance, increase traffic congestion or delay, or constitute a hazard to traffic, life or property, or an obstruction to adequate access to fire, police or sanitation vehicles.
  - b. Stop, stand, or park his/her motor vehicle upon any street, or permit it to remain there except on the roadway at the curb for the purposes of vending therefrom or in instances where there is no curb, off the roadway. In either instance, sales shall be to occupants of abutting property only.

- c. Stop, stand, or park his/her motor vehicle upon any street for the purpose of selling, or sell on any street under any circumstances during the hours when parking, stopping or standing has been prohibited by signs or curb markings or is prohibited by statute or ordinance.
- d. Remain in any one place for a period longer than necessary to make a sale after having been approached or stopped for that purpose.
- e. Stop, stand, or park his/her motor vehicle within 20 feet of any intersection, except that vehicles vending products likely to attract children as customers shall park curbside when stopping to make a sale, as close as possible to a pedestrian crosswalk without entering the intersection or otherwise interfering with the flow of traffic.
- f. Vend within a restricted or special vending district.
- g. Vend anywhere prohibited by section 39-32(2) through (9) or engage in right-of-way Stationary Vending anywhere in the City other than a Special Vending District under the applicable Special Vending District requirements.
- h. Vend any product other than flowers, plants, or produce.

\* \* \*

Sec. 39-50. - Penalty.

Except as may be provided in section 39-51, any person violating any provision of this article ~~shall be guilty of a misdemeanor and upon conviction,~~ shall be punished as provided in section 1-13, or pursuant to chapter 2, article X of the City Code. These penalties shall not preclude any other remedies available at law or in equity, including, injunctive relief in the circuit court.

Sec. 39-51. - Violation a nuisance; summary abatement.

(a) The placement of any stand or device on any sidewalk or street in violation of the provisions of this article is declared to be a public nuisance. The police department may cause the removal of any stand or device found on a sidewalk or street in violation of this article and is authorized to store such stand or device until the owner thereof shall redeem it by paying the removal and storage charges therefor to be established by the police department.

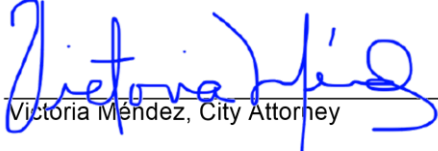
(b) Any Motor vehicle operated by a Mobile sales vendor in violation of this article may be seized and impounded by the City. The Motor vehicle will be returned to the Mobile sales vendor after any towing and storage fees have been satisfied.

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Section 3. If any section, part of a section, paragraph, clause, phrase, or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 4. This Ordinance shall become effective immediately after final reading and adoption thereof<sup>2</sup>

APPROVED AS TO FORM AND CORRECTNESS:

  
Victoria Méndez, City Attorney 5/16/2023

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<sup>2</sup> This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten (10) days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission or upon the effective date stated herein, whichever is later.