



City of Pompano Beach Business Tax Receipt Office



Moving/Stationary Vendor Affidavit

State of Florida }
County of Broward }

I _____ am the _____
Name (Print) Title

of the business known as _____
operating within the City of Pompano Beach, Florida. I acknowledge that I
have received, read and understand the provisions of section 115.18 of the
City of Pompano Beach Code of Ordinance pertaining to the regulations
governing Moving Vendors. I further acknowledge that all activity
pertaining to my business shall be conducted in accordance with these
provisions.

Signature: _____

SWORN TO AND SUBSCRIBED before me this ____ day of _____
20 ____, at Pompano Beach, Broward County Florida.

Notary Public
Seal of Office

Notary Public, State of Florida

___ Personally Known

___ Produced Identification

Type of Identification Produced:

§ 115.18 MOVING VENDOR, ITINERANT MERCHANT, OR PEDDLER.

(A) Definitions.

(1) **MOBILE VENDOR.** A person, corporation, company, or business which sells or offers for sale goods, wares, merchandise, beverages, or foodstuffs of any kind or nature whatsoever from a mobile vending vehicle or from his person and not from an enclosed structure. The term **MOBILE VENDOR**, for the purposes of this section, shall include itinerant merchants and/or peddlers.

(2) **MOBILE VENDING VEHICLE.** Any vehicle, cart, bicycle wagon or similar apparatus used for displaying, storing, or transporting articles for sale by a mobile vendor.

(3) **PUBLIC STREET** or **PUBLIC SIDEWALK.** Any street, right-of-way, or sidewalk owned by, dedicated to or an easement granted to the public.

(B) Intent. It is found and declared that:

(1) The purpose of the public street and sidewalk is for use by vehicles and pedestrian traffic.

(2) The prohibition of street and sidewalk vending is necessary to protect the public health, safety, and welfare of the traveling public.

(3) The regulations contained in this section do not restrict the pure speech rights of organizations, but merely regulate the activities of organizations which are commercial in nature or which present safety hazards to the general public.

(C) Mobile vendor(s) on private property shall be governed by the following requirements and restrictions:

(1) Applicants for a vending business tax receipt shall provide documentation to the city's Business Tax Receipt Inspector demonstrating the following:

(a) Permission (affidavit or notarized statement) from the property owner that the vending vehicle may be located on the property;

(b) A diagram or site plan depicting the location of the vending vehicle as it relates to other improvements on the property where it is to be located (other improvements shall include, but not be limited to, structures, accessways, parking areas, and fire lanes or firefighting apparatuses);

(c) Proof of public restroom availability if food, beverages, or both are being served; and

(d) Proof of on site parking availability (parking required by the zoning code for existing uses may not be used by vendor);

(e) The name, home and business address of the applicant and the name, home and business address of the owner if other than the applicant of the vending business or mobile vending vehicle to be used in the operation of the vending business along with the name and address of the commissary, if applicable;

(f) A description of the type of food, beverage, or merchandise to be sold;

(g) A description and photograph of any equipment or mobile vending vehicle(s) to be used in the operation of the business including copies of the license and registration of any mobile vending vehicle used in the operation of the business;

(h) Copies of all health certificates, if applicable, issued by the appropriate governmental agencies;

(i) Any other documents as may be required by other provisions of this chapter or other chapters of the city code of ordinances; and

(j) Mobile vendors that do not set up permanently shall be exempt from the limitations and provisions of § [115.18\(C\)\(1\)\(a\)](#) through (1)(d) provided the mobile vendor stops only to make an immediate sale and remains stationary no longer than necessary to comply with the requirements of this section but in no event shall the mobile vendor remain stationary for more than ten minutes after the last sales transaction.

(2) Mobile vendors that are not entitled to the exemption set forth in § [115.18\(C\)\(1\)\(j\)](#) above shall only be permitted in areas zoned B-4 or I-1.

(3) Mobile vendors using private property to vend shall not be permitted to store equipment or apparatus associated with the vending business unless said equipment or apparatus is stored within a totally and permanently enclosed building.

(4) Sales shall be limited to individuals located on the private property where the mobile vendor is located.

(D) Mobile vendor(s) on public streets shall be governed by the following requirements and restrictions.

(1) Applicants for a mobile vendor business tax receipt shall provide the following information on forms made available in the city's Business Tax Receipt Division. Such information shall be sworn to or affirmed and filed with the city's Business Tax Receipt Division.

(a) The name, home and business address of the applicant and the name, home and business address of the owner, if other than the applicant of the vending business or mobile vending vehicle to be used in the operation of the vending business along with the name and address of the commissary, if applicable;

(b) A description of the type of food, beverage, or merchandise to be sold;

(c) A description and photograph of any equipment or mobile vending vehicle(s) to be used in the operation of the business including copies of the license and registration of any mobile vending vehicle used in the operation of the business;

(d) Copies of all health certificates, if applicable, issued by the appropriate governmental agencies;

(e) Proof of an insurance policy issued by an insurance company properly authorized and approved to do business in the state protecting the business tax receipt holder and the city from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with the subsection; such insurance shall be at least the amount of \$300,000 for each occurrence and \$100,000 per person; and

(f) Any other documentation as may be required by other provisions of this chapter or other chapters of the city code of ordinances.

(2) Mobile vending vehicles shall not be permitted to be stationary and shall stop only to make an immediate sale. A mobile vending vehicle shall be deemed stationary in the event the mobile vendor allows the mobile vending vehicle to remain in any location for more than necessary to comply with the requirements of this section but in no event to remain stationary longer than ten minutes after the last sales transaction.

(3) Persons holding valid mobile vending vehicle business tax receipts issued by the city may make sales from vehicles on the right-of-way only to occupants of abutting private property and shall comply with all other provisions of this section.

(4) This section shall not affect any constitutionally protected First Amendment rights and in no way will prohibit the vending of books, magazines, newspapers, pamphlets, maps, printed matter, and other constitutionally protected material.

(5) No mobile vendor shall be located within 50 feet of any bus stop. The distance restrictions shall be measured from the nearest point of any structure(s) associated with the bus stop or from an area designated as a bus stop, whichever is greater.

(6) No mobile vendor shall be located on a public sidewalk or interfere with the free passage of pedestrian traffic on a public sidewalk.

(7) No mobile vendor shall interfere or restrict the ingress or egress of the abutting property owner or tenant or obstruct access to fire, police, emergency, or sanitation vehicles or personnel.

(8) No mobile vendor shall operate prior to 7:00 a.m. or after 5:30 p.m. Eastern Standard Time or 8:00 p.m. during Eastern Daylight Savings Time.

(9) No mobile vendor shall stop, stand, or park a vending vehicle in order to make a sale within 25 feet of any intersection including, but not limited to, private drives, accessways, or intersecting rights-of-way.

(10) No mobile vendor shall stop, stand, or park a vending vehicle at a metered parking space for the purpose of selling or sell on any street under any circumstances during the hours where parking, stopping, or standing has been prohibited by signs or curb markings or is prohibited by state statute or ordinance when such metered parking spaces, signs, or curb markings have been located on public streets, public property, or private property.

(E) In addition to the restrictions and requirements contained in subsections (C) and (D) of this section, no mobile vendor located on public or private property shall:

(1) Vend within 500 feet of any kindergarten, nursery, elementary, middle, or high school;

(2) Vend within 500 feet of any church, Sunday school, or other religious institution;

(3) Vend within 500 feet of any public park, public parking facility, or other public institution;

(4) Vend within 500 feet of any lawful existing establishment that sells the same or similar goods, wares, merchandise, beverages, or food stuff during the hours of operation of the establishment;

(5) Allow any items related to the operation of the vending business to be placed anywhere other than in or on the vending vehicle;

(6) Sell food stuff or beverages for immediate consumption without providing a litter receptacle available for patron's use;

(7) Leave any location without first picking up, removing and properly disposing of all trash, materials, or refuse remaining from any sales, transactions, or the conduct of the operation;

(8) Allow any fluids to be discharged from the vending vehicle;

(9) Set up, erect, maintain, or permit the use of any chair(s), table(s), crate(s), carton(s), rack(s), or other device(s) to increase the selling or display capacity of the vending vehicle or to be used in any other way by the vendor or the vendor's patrons;

(10) Set up, erect, maintain, or permit any signs or advertising devices except the posting of prices or to identify the name of the product or the name and address of the vendor provided the sign(s) is/are attached to the mobile vending vehicle;

(11) Sell anything other than which the vendor maintains a valid business tax receipt to vend unless such activity is constitutionally protected;

(12) A separate business tax receipt will be required for each mobile vending vehicle;

(13) All business tax receipts and certifications issued or required under this section shall be displayed at all times during the operation of the vending business in a place where the document(s) is/are visible at all times;

(14) The provisions of this section shall not apply to those vendors which obtain a business tax receipt under the provisions of § [113.40](#), temporary holiday sales vendors; and

(15) In addition to the provisions contained in this section, all mobile vendors must adhere to all traffic laws or other applicable laws.

(F) Issuance; denial. A decision shall be rendered not later than ten days after the filing of a completed application for a vendor's business tax receipt. The applicant shall contact the business tax receipt inspector to determine what decision was made regarding the issuance or denial of the business tax receipt. If the issuance of the business tax receipt is approved, the business tax receipt inspector shall issue the license. If the business tax receipt is denied, the applicant shall be provided with a statement of the reasons therefor, which reasons shall be entered in writing on the application. The applicant shall be entitled to an informal hearing with the City Manager or his or her designee, if so requested by the applicant within five days of his receipt of the written denial from the business tax receipt inspector. A business tax receipt issued pursuant to this section is valid for a period of one year from October 1 to September 30.

(G) Display of business tax receipt. All business tax receipts issued under this subsection shall be displayed at all times during the operation of the vending business in a place where the business tax receipt is visible at all times.