

656.361.6

(h)

*River Park District:* The River Park District, which includes Metropolitan Park, the Riverwalk and Kids Campus, will be developed to integrate with the Stadium Sports Complex, the Shipyards and development to the east in the Riverfront District. Marina and other water-related activities are encouraged in this District.

a, b, e, f, g, h, i, j, k, l, n, r, y and z.

In addition to the above uses, outside sales and services in connection with uses which are of a nature customarily incidental and normally associated with a major attraction which is being held on the same day in the River Park District.

(i)

*Stadium Complex District:* The Stadium District should encourage redevelopment of existing industrial structures for entertainment use. The following uses are permitted:

a, b, d, g, i, j, k, l, m, n, o, q, y and z.

In addition to the above uses, outside sales and services in connection with uses which are of a nature customarily incidental and normally associated with a major attraction which is being held on the same day in the Stadium District.

#### **Sec. 656.361.4. - General standards.**

The land included within the Downtown Overlay Zone shall be subject to the Downtown District Regulations contained in this Subpart H. These regulations shall supersede the other provisions of this Chapter, except as otherwise specifically provided herein. DDRB may develop and approve Supplemental Design Guidelines to further clarify the intent of the Downtown District Regulations and all development shall be subject to those additional guidelines. All development and redevelopment in the Downtown Overlay Zone including, but not limited to, all Public Works projects and streetscape projects, partnerships with the City that require funding and all projects that require permits of any type for the development or redevelopment of a site, building or structure, shall be subject to the following general standards:

(a)

The use shall be consistent with the Downtown Master Plan, Community Redevelopment Plans, Consolidated Downtown Development of Regional Impact (DRI) Development Order, and the Transportation Concurrency Exception Area Implementation Plan.

- (b) The use shall be in keeping with the general purpose and intent of the Downtown Overlay Zone, and Downtown Districts, including Supplemental Design Guidelines developed and approved by DDRB.
- (c) The use and building shall be compatible with the character of the area where it is proposed and with the size and location of the buildings in the vicinity.
- (d) The use will not negatively impact or injure the value of adjacent properties by noise, lights, traffic or other factors or otherwise detract from the immediate environment.
- (e) All applications and plans submitted shall be considered within the context of the Downtown Master Plan and the Downtown District Regulations to assure a consistency and compatibility among proposed and existing development, with respect to parking requirements, access, setbacks, building height, mass and transparency, etc.
- (f) All applications and plans submitted shall be consistent with the Consolidated Downtown DRI Development Order Conditions and the Transportation Concurrency Exception Area Implementation Plan to assure consistency with the mitigation requirements of the applicant to support the proposed development. The requirements associated with the above are implemented separately with DIA through the approval of a redevelopment agreement and associated allocation of DRI development rights which includes mitigation of impacts (transportation, utilities, police and fire protection, and similar impacts) by the applicant resulting from the development. Approval of the application and plans can occur during the above review, or before the above review, at the discretion of the applicant, subject to compliance with the above DRI and TCEA requirements before building permit applications are filed with the Building Official.

Jacksonville, Florida, Code of Ordinances >> TITLE VI - BUSINESSES, TRADES AND OCCUPATIONS  
>> Chapter 250 - MISCELLANEOUS BUSINESS REGULATIONS >> PART 1. - IN GENERAL >>

PART 1. - IN GENERAL

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- Sec. 250.122. - Conflict.
- Sec. 250.123. - Feeding of the homeless for bona fide religious motivations.

**Sec. 250.101. - Definitions.**

As used in this Chapter:

- (a) *Auctioneer* means a person who manages or engages in the business of selling or offering for sale at public auction or public outcry tangible personal property for his own gain or for a fee for services rendered.
- (b) *Authority* means the Downtown Development Authority.
- (c) *Department* means the Neighborhoods Department.
- (d) *Director* means Director of the Neighborhoods Department.
- (e) *Distribute* means to give, offer, provide or offer to give, offer or provide, at a significantly reduced or no cost, any food, beverages, merchandise or services on private property or public sidewalks or property.
- (f) *Distributor* means any person who distributes or offers to distribute to the public, at a significantly reduced cost or at no cost, any food, beverages, merchandise or services on private property or public sidewalks or property; provided however, that this definition excepts and excludes (1) any person on real property owned by a religious organization and motivated by *bona fide* religious beliefs as protected by the First

Amendment to the United States Constitution, the Florida Constitution, and any Religious Freedom Restoration Act of the state or federal government and who is otherwise compliant with the Duval County Health Department requirements or, (2) any person on real property owned by such person who is otherwise compliant with the Duval County Health Department requirements.

- (g) For the purposes of this Part, Duval County Health Department requirements include, but are not limited to, the requirement that a person shall not distribute food or beverage to any person unless a trash receptacle is located within 50 feet of the location of such distribution of any food or beverage, and shall not distribute any food or beverage to any person unless a restroom facility is available for the use by such person and unless the restroom facility is located within 100 feet of the location where the distribution of such food or beverage shall occur. The foregoing requirement regarding proximity to restroom facilities shall not apply to the feeding of the homeless pursuant to Section 250.123, Ordinance Code.
- (h) *Downtown sidewalk vendor* means any person who distributes or offers to distribute, or sells or offers to sell food, beverages, merchandise or services on the public sidewalks in the downtown area, in accordance with Part 5.
- (i) *Peddler* means a person who sells or offers for sale merchandise or services or both by carrying any such merchandise if selling or offering to sell same, without operation from a fixed business location for the exhibition and sale of such merchandise or services or both.
- (j) *Sidewalk vendor* means any person who distributes or offers to distribute, or sells or offers to sell food, beverages, merchandise or services on or near public sidewalks.
- (k) *Solicitor* means a person engaged in soliciting as that term is defined in Section 250.701(a).
- (l) *Street vendor* means a person engaged in the activities defined in Part 6.
- (m) *Transient merchant* means a person who sells or offers for sale merchandise at any place in the City temporarily and who does not intend to become and does not become a permanent merchant at such place and who, for the purpose of carrying on such business, hires, leases or occupies, either in whole or in part, a business location for the exhibition and sale of merchandise. The activities of a transient merchant take place on private property.

(Ord. 93-1761-1390, § 1; Ord. 2004-421-E, § 1; Ord. 2004-536-E, § 1; Ord. 2004-1149-E, § 1; Ord. 2007-611-E, § 1; Ord. 2008-682-E, § 1; Ord. 2011-732-E)

### **Sec. 250.102. - Administration of Chapter; rules.**

Unless otherwise stated within this Chapter, responsibility for the administration of this Chapter is vested in the Department. The Director may make, amend and repeal rules, regulations and administrative orders to implement and enforce this Chapter.

(Ord. 93-1761-1390, § 1)

### **Sec. 250.103. - Permit required.**

Unless otherwise set forth in this Chapter, no person shall engage in any of the businesses, activities or conduct regulated by this Chapter without a permit from the Tax Collector. Such a permit may be obtained by filing an application with the Tax Collector which contains the following information:

- (a) The name and age of the applicant or, in the case of a business entity, the names and ages of its principals and officers.
- (b) The type of permit desired.
- (c) If the applicant is applying for a permit as a transient merchant, the location of the business and the zoning at the proposed business location. Each transient merchant permit application shall contain a letter of permission from the property owner, his authorized agent or other person with the legal right to authorize utilization of the property on which the applicant intends to operate. This letter shall contain the name, address and telephone number of the property owner, his agent, or other legally authorized person.
- (d) The type or types of products or services which the applicant will sell or attempt to sell, according to a classification developed by the Department or the Authority (as to Part 5) and contained in their respective rules.
- (e) The period of time for which the registration is being sought, which shall be for one of the periods provided in Section 250.106
- (f) A statement that the applicant will observe and comply with the requirements of this Chapter and the rules, regulations and administrative orders made by the Department or the Authority (as to Part 5) pursuant to this Chapter.
- (g) A statement that the application is made under the penalties of F.S. § 837.06 and that the giving of false or misleading information in the application is recognized as grounds for the suspension or revocation of the permit.
- (h) If food is to be sold or distributed, proof of a health permit must be shown to the Tax Collector.
- (i) Proof of payment of appropriate occupational license taxes.
- (j) The names and ages of all employees who will work under the permit.
- (k) A certificate of zoning as supplied by the Planning and Development Department.
- (l) Proof of insurance (where required).
- (m) A photograph of the vending unit as it will be used.

(Ord. 93-1761-1390, § 1; Ord. 2004-536-E, § 1; Ord. 2007-611-E, § 1)

#### **Sec. 250.104. - Grounds for denial of permit.**

The Tax Collector shall deny a permit under this Chapter whenever he finds:

- (a) That the applicant or any of its principals or officers:
  - (1) Are under 18 years of age.
  - (2) Have been convicted of a violation of this Chapter or any similar ordinance or had a permit revoked under this Chapter or any similar ordinance.
- (b) That the applicant does not, in the case of a transient merchant applicant, have permission in writing from the owner of the property, his agent or other legally authorized person, to operate the business, for which the application is being made, on the permit property. The written permission must be not less than six months old.
- (c) That the applicant has requested a permit location which lies within 300 feet of the property line of any property on which is located any established permanent business which sells the same types of products or services as requested to be sold by the permit applicant or in a zoning district not permitting such activity. This subsection shall not apply to downtown sidewalk vendors permitted pursuant to Part 5 herein.

(Ord. 93-1761-1390, § 1)

**Sec. 250.105. - Periods of registration.**

A permit may be applied for in one of five periods, as follows:

- (a) A one-day permit.
- (b) A three-day permit, which shall be effective for a period of three consecutive days from the date of issuance.
- (c) A one-month permit, which shall be effective from the first day of the month through the last day of the month of issuance.
- (d) A six-month period, which shall be effective for a period of six months from the first day of the month of issuance.
- (e) A one-year permit, which shall be effective for a period of 365 consecutive days from the date for which it becomes effective.

A time period may not be altered by the Tax Collector or the applicant but it may be terminated in advance of its expiration date by the revocation of the registration. Suspension of a registration shall not toll any period.

(Ord. 93-1761-1390, § 1)

**Sec. 250.106. - Permit; conditions of use.**

- (a) If the application for permit is approved, the Tax Collector shall issue to the permittee, a permit upon payment of the fees prescribed by this Chapter. The permit shall be serially numbered in a unique series and state the name of the person to whom it is issued and, if applicable, the name of each employee authorized to act under the permit, and the type or types of products or services which he is authorized to exhibit and sell. The permit shall also bear a photograph of the individual to whom it is issued. Alternatively, the Department may require the individual to supply a photograph of himself for the permanent files maintained by the Department.
- (b) Except where otherwise noted in this Chapter, the permit shall be used subject to the following conditions:
  - (1) The permit shall not be transferable.
  - (2) The permit shall be issued to one individual or entity only.
  - (3) The permit shall be carried on or near any person acting under authority of the permit and shall be displayed to a law enforcement officer or authorized representative of the Department or Authority upon demand. Identification of the permit holder and employees shall also be displayed when requested. Permits issued to distributors shall be current and visibly displayed at all times during which the distributor is distributing any food or beverages.
  - (4) The permit shall be subject to suspension or revocation at any time for violation of this Chapter or of any rule of the Department made pursuant to this Chapter.
  - (5) If the permit is lost, destroyed or stolen, a replacement permit, having the same number as the original, shall be issued by the Tax Collector upon request of the individual to whom it was issued and payment of \$5.
  - (6) The issuance of the permit does not constitute an endorsement by the Department, the Authority or by the City of the product or service exhibited or sold by the individual

to whom it is issued and no such endorsement shall be asserted or implied by the permittee.

(Ord. 93-1761-1390, § 1; Ord. 2004-1149-E, § 1)

### **Sec. 250.107. - Fees and charges.**

- (a) The Department is authorized to impose and the Tax Collector is authorized to collect the following fees and charges for peddlers, sidewalk vendors, motorized vehicle peddlers, transient merchants, auctioneers and door-to-door solicitors:
- (1) For the one-day permit of registration .....\$10
  - (2) For the three-day permit of registration ..... 15
  - (3) For the one-month permit or registration .....35
  - (4) Replacement of lost, damaged or destroyed permit .....5
  - (5) Issuance of permit to additional individual member or employee of the group, organization or company .....5
  - (6) For a six-month permit .....150
  - (7) For a one-year permit .....250
- (b) The funds collected by the Tax Collector under this Chapter shall be used by the City to defray the costs and expenses of administering this Chapter, including a reasonable allocation of personnel salaries and benefits.

(Ord. 93-1761-1390, § 1)

### **Sec. 250.108. - Expiration and renewal of permits.**

A permit issued under this Chapter shall be renewed upon the filing of a renewal application within five working days of the expiration date unless the permit is under suspension or revocation pursuant to this Chapter or unless the permit site, during a time in which the permit expired, has been permitted to another person.

(Ord. 93-1761-1390, § 1)

### **Sec. 250.109. - Permit suspension and revocation.**

- (a) *Grounds.* In addition to any other penalty, the Director or Downtown Development Authority may suspend or revoke a permit for:
- (1) Violation of a provision of this Chapter or any provision of the Code relating to deceptive trade practices, or public health.
  - (2) Conviction for:
    - (i) Fraud or misrepresentation of the sale of merchandise;
    - (ii) A deceptive trade practice; or
    - (iii) Sale of food, drink or drugs in violation of the health code or any similar state or federal law.
  - (3) The giving of false or misleading information on the application or in connection with the investigation of the application.
  - (4) The violation of a provision of this Chapter or of a rule made pursuant to this Chapter and applicable to the permittee.
  - (5) Conviction of the permittee of a crime or ordinance violation involving disturbing the peace, obstructing public passages, disorderly intoxication, assault or battery,

unlawful assemblies, fraudulent practices or theft and arising out of the permitted activities.

- (6) Conviction shall include a plea of nolo contendere and include a withhold of adjudication.
- (b) *Procedure:*
- (1) The Director or Downtown Development Authority shall deliver to the holder of the permit, by mail or delivery at the business premises, written notice of the proposed cause for suspension or revocation and of the date, time and place of the hearing at which the holder of the permit may be heard, be represented by counsel and produce evidence.
- (2) At the hearing, the Director or Downtown Development Authority shall consider the evidence produced and enter an appropriate order, a copy of which shall be delivered to the holder of the permit by mail or delivery at the business premises. An order of suspension or revocation shall be effective on the fifth day after delivery or mailing.

(Ord. 93-1761-1390, § 1)

### **Sec. 250.110. - Occupational license taxes required to be paid.**

License fees collected under this Chapter are fees paid for the purpose of defraying the cost of administration of this Chapter 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 license fee under this Chapter shall not relieve any person of liability for and the responsibility of paying an occupational license tax where it is required by Chapters 770 and 772 and for doing such acts and providing such information as may be required by those Chapters.

(Ord. 93-1761-1390, § 1)

### **Sec. 250.111. - Penalty.**

It shall be unlawful for any person to violate any provision of this Chapter. Where no other penalty is provided, violation of any provision of this Chapter shall be punishable as for a class C offense and, upon conviction for a second offense within a one-year period, the permit issued pursuant to this Chapter shall be suspended for one week by the Director or Downtown Development Authority. Upon conviction for a third offense during a one-year period the permit shall be revoked for one year. Conviction shall include a plea of nolo contendere or a withhold of adjudication of guilty. Additionally, the Chief of Consumer Affairs, or his or her designee, is authorized to immediately seize or otherwise take control over any goods or materials being sold or offered for sale in violation of this Chapter.

(Ord. 93-1761-1390, § 1; Ord. 2004-1379-E, § 1)

### **Sec. 250.112. - Hours of sale of precious stones and jewelry.**

No auctioneer, transient merchant, sidewalk vendor, peddler street, vendor or downtown sidewalk vendor shall sell or offer for sale any precious or semiprecious stones or imitations thereof, set or unset, or any watches, clocks, jewelry, silverware or glassware, between the hours of 6:00 p.m. and 6:00 a.m. The label required on such property shall contain:

- (a) The true name, weight, quality and fineness of such stones, and imitations shall be described as such.



- (b) The kind and quality of the metal of which the property is composed.
- (c) The percentage or carat or purity of such metal.
- (d) In the case of plated or overlaid metals, the material or metal so plated or overlaid.

(Ord. 93-1761-1390, § 1)

**Sec. 250.113. - Excessive noise prohibited.**

It shall be unlawful and a class D offense for any person licensed or required to be licensed pursuant to this Chapter to use any sound amplifier, loud speaker, radio, or any similar instrument or device which can be heard for a distance greater than 50 feet while engaged in activities regulated by this Chapter. This prohibition shall not apply to street vendors.

(Ord. 93-1761-1390, § 1)

**Sec. 250.114. - Accosting or intimidating another; obstructing pedestrian or vehicular traffic.**

- (a) It shall be unlawful for any person permitted, or required to be permitted, under this Chapter to engage in activities which require a permit under this Chapter and at the same time:
  - (1) Accost another;
  - (2) Intimidate another;
  - (3) Obstruct pedestrian or vehicular traffic; or
  - (4) Grab, touch, hold, or push a pedestrian.
- (b) For the purposes of this Section, the following words shall have the following meanings:
  - (1) *Accost* means to approach or speak to another in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his/her person or upon property in his/her immediate possession.
  - (2) *Intimidate* means to act or speak in such a manner so as to attempt to coerce an unwilling person to give money or goods to the speaker or actor.
  - (3) *Obstruct pedestrian or vehicular traffic* means to walk, stand, sit, lie or place an object in such a manner as to block the passage of another person which such other person has a right to make, or to take any sudden or abrupt action with the intent to require another person or the driver of a vehicle to take sudden or abrupt evasion action to avoid physical contact.

(Ord. 93-1761-1390, § 1)

**Sec. 250.115. - Peddling door-to-door.**

The act of peddling door-to-door in residential neighborhoods shall be governed by Part 7 of this Chapter.

(Ord. 93-1761-1390, § 1)

**Sec. 250.116. - Display on public property.**

No person shall sell or attempt to sell or display merchandise on City property except where authorized by this Chapter or other law.

(Ord. 93-1761-1390, § 1)

**Sec. 250.117. - Excluded areas.**

- (a) Unless a permit is granted pursuant to Part 5 of this Chapter, nothing in this Chapter shall grant the right to anyone to engage in vending, peddling or solicitation or like activities in City parks or within 500 feet of City parks without obtaining a permit required under Chapter 667
- (b) Nothing in this Chapter shall grant the right of anyone to engage in vending, peddling, commercial solicitation or the like in any area regulated by Part 5 of this Chapter without fully complying with the requirements of Part 5.
- (c) Nothing in this Chapter shall grant the right to anyone to engage in vending, peddling, commercial solicitation, or the like in that area bounded by Florida Avenue, Talleyrand Avenue, the expressway and the St. Johns River.
- (d) Nothing in this Chapter shall grant the right to anyone to engage in vending, peddling, commercial solicitation or the like on the premises of the convention center or on the sidewalk immediately adjacent to the convention center property or within 500 feet of the convention center.
- (e) 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 Chapter 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. Nothing in this Chapter shall grant the right to anyone to engage in vending, peddling, commercial solicitation, or the like at a special event sponsored by the City without obtaining the necessary permits to engage in such activity at such special event.

(Ord. 93-1761-1390, § 1)

**Sec. 250.118. - Newspaper street sales allowed.**

- (a) Notwithstanding the provisions of Section 804.805, newspaper street sales shall be allowed throughout the City, provided the requirements in subsection (b) of this Section are met. For purposes of this section, a "newspaper" means any current news publication printed in the language most commonly spoken in the area within which it circulates, which is readily available for purchase by all inhabitants in its area of circulation, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper the primary function of which is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.
- (b) Persons who are authorized and credentialed by a newspaper business shall be allowed to sell or offer for sale newspapers while the newspaper salesperson or customer or both are upon the paved portion of a street providing the following circumstances are met:
  - (1) Newspaper salespersons on paved portions of the street must wear at least one-half of one square foot of high visibility, reflective clothing on the front and back.
  - (2) Newspaper salespersons may sell or offer to sell only to stopped motor vehicles and shall not hinder or impede traffic.
  - (3) Newspaper salespersons may approach only the driver's side of a vehicle unless there is a passenger on the passenger side of the vehicle.
  - (4) No newspaper salespersons shall be in the paved portion of the street if a traffic light which faces the salespersons and which is within 100 feet of the salesperson is green or flashing yellow.
  - (5) No newspaper salespersons shall be less than 18 years of age.

- (6) No newspaper salespersons shall bang, hit, tap, knock or touch the outside of a motor vehicle which is in operation on a street in such a manner as would reasonably be expected to attract the attention of any occupant of the motor vehicle.
- (7) Any person who acts as a newspaper salesperson in the paved portion of the street shall, by written instrument, expressly agree to indemnify and hold harmless the City against any and all claims, demands and actions in law or equity that may be made or brought against the City due to any such activity of a newspaper salesperson.
- (8) All newspaper salespersons shall be authorized to do sales by the newspaper business, and shall, at the time of such sales, be wearing a photo ID badge clearly identifying the newspaper business, the newspaper business phone number, and some form of identifying name or number which can be used to identify the salesperson.
- (9) Newspaper businesses shall annually review such Jacksonville Sheriff's Offices reports that provide traffic accident frequency, relative to intersection location, and shall refrain, during the following year, from allowing newspaper sales at the 10 intersections and two corridors on such report(s) which have the highest number of accidents.
- (c) This Section shall constitute the only exception to Section 804.805 and shall not allow charitable solicitations or other sales.
- (d) This Section shall apply throughout Duval County except in the second, third, fourth and fifth urban service districts.

(Ord. 2004-822-E, §§ 1, 2; Ord. No. 2007-980-E, § 1)

#### **Sec. 250.119. - Exemption.**

No permit or fee shall be required under this Chapter for any person:

- (a) Engaged exclusively in the sale or distribution of newspapers, magazines, periodicals, literature, leaflets, books, pamphlets, or any other like materials protected under the First Amendment of the United States Constitution, or
- (b) On real property owned by a religious organization and engaged in the exercise of his or her religious beliefs, as protected by the Florida constitution and statutes, and/or the United States Constitution and statutes, who is otherwise compliant with the Duval County Health Department requirements or,
- (c) On real property owned by such individual or entity who is otherwise compliant with the Duval County Health Department requirements.

(Ord. 95-853-443, § 1; Ord. 2007-611-E, § 1)

#### **Sec. 250.120. - Enforcement.**

The provisions of this Chapter may be enforced:

- (a) By citation for civil penalties pursuant to the authority granted by F.S. Ch. 162, Part II, and Ch. 609, Ordinance Code; and
- (b) By an action for injunctive relief, civil penalties, or both, through a court of competent jurisdiction.

(Ord. 2004-429-E, § 12)

### **Sec. 250.121. - Food distributors; trash receptacles and access to restroom facilities required.**

Any distributor, who intends to distribute any food or beverage as provided in Section 250.101 (e) above, shall not distribute such food or beverage unless a trash receptacle is located within 50 feet of the location of such distribution of any food or beverage, and shall not distribute any food or beverage to any person unless a restroom facility is available for the use by such person and unless the restroom facility is located within 100 feet of the location where the distribution of such food or beverage shall occur. A distributor shall not distribute any food or beverage unless the restroom facility located within such 100-foot location is open for use by any person to whom such distributor shall distribute any food or beverage. The foregoing requirement regarding proximity to restroom facilities shall not apply to the feeding of the homeless pursuant to Section 250.123, Ordinance Code.

(Ord. 2004-1149-E, § 2; Ord. 2008-682-E, § 1)

*Editor's note—*

Ord. 2004-1149-E, §§ 2 and 3, amended the Code by adding new §§ 250.120 and 250.121. In order to prevent duplication of section numbers, the new provisions have been renumbered as §§ 250.121 and 250.122, respectively, at the discretion of the editor.

### **Sec. 250.122. - Conflict.**

Notwithstanding any reference in this Chapter to "beverage(s)," the provisions of this Chapter shall not be deemed to supercede or conflict with any law, rule or regulation pertaining to the requirements to obtain a permit to sell or distribute alcoholic beverages as may be required by law.

(Ord. 2004-1149-E, § 3)

*Note—See editor's note, § 250.121*

### **Sec. 250.123. - Feeding of the homeless for bona fide religious motivations.**

Notwithstanding any other provisions in Chapter 250, Part 1, Ordinance Code (Sections 250.101 through 250.122, Ordinance Code), special considerations warrant the following modified procedures for instances in which persons or organizations feed the homeless due to protected bona fide First Amendment religious motivations.

- (a) *Permit required.* Presently, persons who feed the homeless because they are motivated by bona fide protected religious beliefs are excluded from the definition of "Distributor" under section 250.101(f), Ordinance Code, and thus from permitting requirements under part I, Chapter 250, Ordinance Code under certain circumstances. However, notwithstanding this exclusion, a permit shall be required in single family residential zoning districts and when twenty-one (21) or more homeless persons are being fed by persons so motivated by such religious beliefs simultaneously or contemporaneously at the same contiguous place or physical location. This requirement is for purposes of coordination as to other events on public property which may be occurring at the same time in the area; to avoid potential disruption of vehicular and pedestrian traffic; and for other similar considerations.
- (b) *Issuance of Permit.* Notwithstanding any other provisions of Chapter 250, Part I, including in particular Section 250.103 as to issuance of permits, the permit required

- under subsection (a) shall be issued by the Manager of the Office of Consumer Affairs, or his or her designee ("Manager").
- (c) *Duration and condition of permit.* Upon receipt of an appropriate application and the determination of appropriate qualifications for permitting, as hereinafter described, a permit shall be issued for a period of one calendar year to the Applicant, hereinafter defined, by the Manager. No Applicant shall charge any price, fee or cost to any homeless person fed hereunder.
- (d) *Permit Fee.* The fee for issuing such permit authorized under Sections 250.123(a), (b) and (c), above, shall be at the actual cost to the Office of Consumer Affairs for investigating, accepting and processing the application. Such costs shall be determined by the Manager, and the Council shall be notified annually of such costs by an appropriate notification to be filed by the Manager with the Legislative Services Division and the Council Auditor.
- (e) *Limited Modification of Proximity Requirement.* Notwithstanding any other provision or requirement in Chapter 250, Part I, Ordinance Code, regarding Distributors who distribute food or beverage to the public, there shall be no requirement pertaining to proximity of available rest room facilities (either for toilets or sinks or any other related purpose) before homeless persons may be fed for religious purposes, with or without a permit, whether under this section, or as provided elsewhere in this Chapter. In particular, the requirements of Section 250.121, Ordinance Code, regarding availability of restroom facilities within 100 feet of the location where distribution of food or beverages occurs shall not apply to the activity of feeding of the homeless for bona fide religious purposes.
- (f) *Application procedures and processing of application.* Where permits for feeding the homeless are required under this section, the application shall be made to the Manager on a form to be developed by the Manager in conjunction with the Office of General Counsel. Such form shall identify the person or organization submitting the application to feed the homeless for bona fide religious reasons (the "Applicant"), and shall include the address and a working telephone number where the Applicant can be reached as to permitting application decisions. Additional relevant information may be required in the discretion of the Manager and the General Counsel, or their respective designees, such as the date, place and anticipated duration when a projected event or activity for feeding of the homeless is anticipated to occur.
- (g) *Time limit.* Applications submitted shall be acted upon by the Manager within no later than ten business days of submittal.
- (h) *Approval or denial of permit.* The granting of an application shall be deemed and considered to be essentially a ministerial activity, provided truthful information has been supplied and all requested information has been provided, and provided that the expressed religious motivation or intent of the Applicant does not appear to the Manager to be an obvious sham or a ruse. However, permits may be denied for the reasons stated in Section 250.104, Ordinance Code. In addition, a permit may be denied or conditioned, as to a particular date or location, if:
- (i) The activity will substantially interfere with any special event for which a permit already has been granted pursuant to Chapter 191
  - (ii) The activity will substantially interfere with the provision of public safety or other City services in support of such other previously scheduled special event;
  - (iii)

If the activity will have an unmitigatable adverse impact upon residential or business access and traffic circulation in the area in which the activity is to be conducted;

- (iv) If the activity will substantially interrupt the safe and orderly movement of public transportation or other vehicular or pedestrian traffic in the area of the requested activity;
  - (v) If the activity will cause unresolvable conflict with construction or development in public rights-of-way or at the public property where the activity is to be held; if it is to be held on public property;
  - (vi) If it will close streets during peak commuter hours on weekdays between 7:00 a.m. to 9:00 a.m., or between 4:00 p.m. to 6:00 p.m., so as to cause unsafe conditions for the public; or
  - (vii) If the expected attendance at the activity will exceed the lawful capacity of the property under the City's Fire Code, if applicable.
- (i) *Appeals.* If a permit is denied, the Manager shall provide the Applicant with written reasons for denial within five business days. The Applicant, within five business days after denial, may appeal the denial to a committee composed of the Chief Administrative Officer, the Director of the Neighborhoods Department (or successor), the Sheriff, the Fire Chief and the General Counsel, or their respective designees, for a final decision by majority vote based upon the documents and circumstances presented. Such decision shall be rendered within five business days after receipt of the appeal. Except for the provisions of subsection (j) below, judicial review of any such final decision may be obtained by the Applicant by a writ of common law certiorari in the Circuit Court of the Fourth Judicial Circuit, within five business days of rendition of the final decision.
- (j) *City invoked judicial review.* In the event that an Applicant alleges that a permit denial is a First Amendment prior restraint, and if any appeal under subsection (i) immediately above has been denied, the City will promptly institute judicial proceedings and must prove that any alleged protected First Amendment expression either:
- (1) Is without constitutional or statutory protection; or
  - (2) That the permit denial is not based on expressive content; or
  - (3) That denial is otherwise permissible under the First Amendment or the State Constitution, or any Religious Freedom Restoration Act of the State or Federal government.
- Permit denial, in the face of such judicial review, will continue only to preserve the status quo until such time as judicial review and determination is complete. The City will request expedited judicial determination to ensure a prompt final judicial resolution.
- (k) *Limited cost waivers generally.* The Manager is authorized to waive the fee for applying for a permit under this section if the Manager, upon consultation with the General Counsel, or his or her respective designee, determines that the proposed event or activity is exclusively or primarily for speech or other expressive or religious expression or activity protected by the First Amendment to the United States Constitution, and that the permit fee is unreasonably burdensome or cannot be met due to insolvency or indigency as set forth below.

(l)

*Cost waivers authorized to avoid unreasonable burdens upon protected First Amendment expression; alternative venues for activities.* In order to secure a waiver of costs,

- (1) The Applicant shall file an affidavit stating that it is made under oath and under penalty of perjury and that the Applicant believes the subject feeding activity's purpose is exclusively or primarily for bona fide religious motivations, or for First Amendment speech or expression purposes, and that the Applicant has determined that the cost for the permit is so financially burdensome that it would constitute an unreasonable restriction on the right of First Amendment activity, belief or expression, or that it has been or would be impossible due to the insolvency or indigency of the Applicant to conduct the proposed feeding event or activity for the group of homeless individuals anticipated to attend if the permit fee were not to be waived; and
- (2) The Applicant shall complete as part of the affidavit, a listing on a monthly basis of the information about his, her or its income, assets, expenses and liabilities contained in a form to be developed by the Manager in consultation with the Office of General Counsel and to be made available to the Applicant.
- (3) Notwithstanding any waiver or reduction authorized by this section, the Applicant shall be required by contract to defend, indemnify and hold harmless the City from any claim or liability occasioned by the permitted activity.
- (4) Upon receipt of the affidavit, the Manager shall conduct an examination as expeditiously as possible, but in any event within 30 days, as to the income, assets, expenses, and liabilities listed to the extent practicable from information available as part of the public record to determine if any discrepancies exist. If any discrepancies are found, the Applicant shall be so notified within ten business days after the conclusion of the investigation and shall be given an additional ten business days to explain or correct any incorrect information discovered. If the discrepancies are due to inaccurate or incomplete information provided to the Manager in the affidavit, the request for a waiver of costs due to indigency or insolvency shall be denied. In such event, all costs required by this chapter shall be paid and posted, or the activity in issue shall not be permitted to proceed.
- (5) Approvals of waivers shall be granted by the Manager within five business days after completion of the financial investigation, unless a discrepancy has been discovered. A waiver may be denied if the Manager determines that:
  - (i) Inaccurate or incomplete information was provided;
  - (ii) There is no undue burden on First Amendment rights; or
  - (iii) There is no demonstrated insolvency or indigency.

The Manager shall provide the applicant with written reasons for any denial within five business days after completion of the investigation. The denial may be appealed within five business days after denial, to a committee composed of the Chief Administrative Officer, the Director of the Planning and Development Department, and the General Counsel, or their designees, for a final decision by majority vote based upon the documents and circumstances presented. The decision on the appeal shall be rendered within five business days of receiving the appeal. If the Manager's decision is sustained, the denial shall stand. If the Manager's decision is overturned, the waiver shall be deemed granted.
- (6)

For purposes of this section, an Applicant shall be considered insolvent or indigent if the monthly expenses and liabilities disclosed by the affidavit exceed the monthly income and the equity available in any owned assets. Further, for purposes of this section, payment of the permit fee requirements of this section shall be deemed unduly burdensome and unreasonably restrictive of First Amendment rights of expression or the exercise of protected religious rights if such compliance would impose a severe hardship financially which could foreseeably cause insolvency or indigency to occur within 90 days after compliance.

- (7) In any case where an Applicant permit fee waiver is granted, the requested activity shall be allowed to proceed if any other applicable requirements of this section and this chapter are timely met.
- (8) With respect to requested activities that are exclusively or primarily for protected First Amendment expressive activity, a particular venue need not be made available if there are scheduling conflicts, or one or more of the circumstances described in section 250.123(h) are or reasonably may be present as to a particular date or location. In such situation, the City will make available an alternate venue at which the activity can be conducted.

*(Ord. 2008-682-E, § 1; Ord. 2011-732-E)*

*Editor's note—*

Ordinance 2007-839-E, § 18, authorized updated department/division names pursuant to reorganization.



Jacksonville, Florida, Code of Ordinances >> TITLE VI - BUSINESSES, TRADES AND OCCUPATIONS  
>> Chapter 250 - MISCELLANEOUS BUSINESS REGULATIONS >> PART 8. - DOWNTOWN SIDEWALK  
CAFES >>

PART 8. - DOWNTOWN SIDEWALK CAFES

Sec. 250.801. - Definitions.

Sec. 250.802. - Permit required.

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Sec. 250.808. - Form and conditions of permit.

Sec. 250.809. - Denial, revocation or suspension of permit.

Sec. 250.810. - Additional applicable provisions.

Sec. 250.811. - Conflicts.

**Sec. 250.801. - Definitions.**

*Adjacent* means being located in the area bounded by the café, bar or restaurant property, the invisible line extending from the property side lot lines to the street, and the street. For those café, bar or restaurant properties that are located at the intersection of two or more streets, the area includes that portion of the sidewalk located between the invisible line extending from the two property front lot lines to the street.

*Bar* means a bona fide standard bar located within the boundaries of the ~~E-Town~~ (Entertainment Town) Zone and shall be subject to the following criteria:

- a. All beverages (including alcoholic beverages) are prohibited from being prepared outside the main structure on the premises of the bar (including the sidewalk area or alleyway) and all beverages (including alcoholic beverages) must be served from within the main structure on the premises of the bar.
- b. The bar shall be properly licensed by the State of Florida to serve alcoholic beverages (including those served in the sidewalk cafe area or alleyway).
- c. The bar owner shall, in addition to all other requirements of law, take reasonable steps to insure that alcoholic beverages are consumed only by patrons of the bar who are of legal age and not by passersby or persons who are not of legal age or who are obviously intoxicated. Patrons of the bar shall not be allowed to leave the bar or sidewalk cafe area while drinking alcoholic beverages. Reasonable steps shall include the use of moveable barriers, such as moveable planters or fences to define the permitted area, supervision of the outside area by security or staff personnel, and/or surveillance by electronic monitors. Failure by the bar owner to take such reasonable steps and use them at all times that alcoholic beverages are consumed in the sidewalk cafe area is grounds for termination of the sidewalk cafe permit and shall not be deemed an adverse action against the issuance of any future the sidewalk cafe permit.

*Cafe or restaurant* means a bona fide standard cafe or restaurant located within the boundaries of the Central Business District, as defined by the Comprehensive Plan, the boundaries of which are coterminous with the Downtown Overlay as defined by Section 656.361.12, (and meeting the definition of commercial zone) and shall be subject to the following criteria:

- a. All food must be prepared on the premises of the cafe or restaurant (excluding the sidewalk area) and all food and beverages must be served from the premises of the cafe or restaurant.
- b. The cafe or restaurant shall, on an annual-calendar year-basis, derive not less than 51 percent of its gross income from the sale of food and nonalcoholic beverages prepared, sold and consumed on the premises and sidewalk area.
- c. The cafe or restaurant shall be open for the sale and purchase of prepared food at any time alcoholic beverages are available for sale and purchase.
- d. The cafe or restaurant owner shall comply at all times with the Downtown Property Maintenance Code.

*Commercial zone* means abutting property which is zoned CCBD, CCG-1 or CCG-2 pursuant to City Code Chapter 656, Zoning Code or any other zone which may be created as a successor zone to such existing commercial zones within the jurisdictional area of the Jacksonville Downtown Development Authority (herein, DIA).

*Community event* means an event wherein the DIA anticipates crowds sufficient to necessitate utilization of all of the sidewalk area or alleyway for pedestrian or crowd control needs. A community event may be restricted to some or all areas wherein sidewalk cafe permits have been issued.

***E-Town (Entertainment Town) Zone*** means properties located within the **E-Town (Entertainment Town) Zone** area, which abuts Bay Street from Liberty Street to Ocean Street, Forsyth Street from Liberty Street to Main Street, Ocean Street from Bay Street to Adams Street, Adams Street from Newnan Street to Main Street, Newnan Street between Bay Street and Forsyth Street and Market Street between Bay and Forsyth Street.

*Operate a downtown sidewalk cafe or bar* means serving food or beverage (including alcoholic beverages) if the cafe or restaurant, or bar is legally authorized to serve same) from a cafe, restaurant or bar to patrons seated at tables located within the sidewalk area or alleyway adjacent to the café, bar or restaurant frontage. Excluded and precluded from this definition is the preparation or storage of food/beverage (including alcoholic beverages) on the sidewalk or alleyway. Such approved and valid sidewalk cafe or bar permitted areas are deemed part of the permitted premises for all requirements of the law.

*Sidewalk* means the paved pedestrian walkway alongside the street.

(Ord. 96-253-101, § 1; Ord. 96-542-392, § 2; Ord. 2007-107-E, § 2; Ord. 2011-443-E, § 2; Ord. 2011-727-E, § 1; Ord. 2012-364-E, § 10)

### **Sec. 250.802. - Permit required.**

Operating a downtown sidewalk cafe or bar on City sidewalks is unlawful without a permit. No person shall conduct a business as herein defined without first obtaining a permit from the DIA and paying the fee therefor to the Tax Collector.

(Ord. 96-253-101, § 1; Ord. 96-542-392, § 2; Ord. 2007-107-E, § 2; Ord. 2012-364-E, § 10)

**Sec. 250.803. - Permit fee.**

The annual permit fee for operating a downtown sidewalk cafe or bar shall be \$250, with this fee to become effective as of the date this Part becomes law. The permit fee shall be collected by the Tax Collector and shall be deposited into the revenue account of the DIA to cover the DIA's costs of administering this Part 8.

(Ord. 96-253-101, § 1; Ord. 96-542-392, § 2; Ord. 2007-107-E, § 2; Ord. 2011-443-E, § 2; Ord. 2012-364-E, § 10)

**Sec. 250.804. - Application for permit.**

Application for a permit to operate a downtown sidewalk cafe or bar shall be made at the office of the JEDC in a form deemed appropriate by the JEDC. Such application shall include, but not be limited to, the following information:

- (1) Name and address of the applicant (and agent, if applicable).
- (2) Address and legal description of property with cafe or bar, current zoning.
- (3) A copy of applicant's business license.
- (4) A drawing showing the width of the applicant's existing cafe, bar or restaurant facing the sidewalk area requested to be used, location of doorways, width of sidewalk, distance from curb to building face, if different, location of trees, parking meters, bus shelter, sidewalk benches, trash receptacles, or any other semi-permanent sidewalk obstruction(s).
- (5) A drawing (which shall be binding) showing the area requested for use as a downtown sidewalk cafe or bar with the table locations together with the area which will be occupied by the table and accompanying chairs, location and size of any required features used to delineate the area such as portable planters, etc. and visually depicting the reasonable steps proposed by the applicant to comply with the necessary patron control requirements.
- (6) Such additional information (including other permits or approval by other governmental agencies) as may be needed by the DIA to evaluate the compatibility of the proposed use of the sidewalk with the City's pedestrian and other uses of the sidewalk.

(Ord. 96-253-101, § 1; Ord. 96-542-392, § 2; Ord. 2007-107-E, § 2; Ord. 2012-364-E, § 10)

**Sec. 250.805. - Reserved.**

*Editor's note—*

Ord. 96-542-392, § 2, enacted August 27, 1996, amended the Code by repealing § 250.805 in its entirety. Former § 250.805 pertained to permit requirements, and derived from Ord. 96-253-101, § 1.

**Sec. 250.806. - Location rules and review.**

The applicant will be guided by the following in the drawing required in Section 250.804(4):

- (1) The area to be considered must have sidewalks or alleyways which are 12 feet in width or greater. This condition can be reduced if such reduction will not have a

- detrimental impact on the public health, safety or welfare nor impede pedestrian travel along the sidewalk or alleyway, as determined by DIA.
- (2) Downtown sidewalk cafes or bars proposed for areas which have a high density of pedestrian usage will be located such that there is a clear pedestrian passageway of at least six feet; otherwise, four feet of clear pedestrian passageway will be required. This condition can be reduced if such reduction will not have a detrimental impact on the public health, safety or welfare nor impede pedestrian travel along the sidewalk or alleyway, as determined by DIA.
  - (3) The proposed location shall be approved by DIA.
  - (4) DIA may require the downtown sidewalk cafe or bar area to be separated from the designated pedestrian passageway by barrier, such as a planter, decorative wall or fencing surrounding the perimeter. If required, the height of the barrier, decorative wall or fencing shall be at least three feet. If a hole in the sidewalk is used for the barrier, it shall be capped when the barrier is not in place. The barrier, fence or wall shall be of material and design in keeping with the character of the neighborhood.
  - (5) No obstruction shall be placed within 18 inches of the face of any curb, within five feet of any fire hydrant, fire exit, or building entry, nor within ten feet of any bus stop.
  - (6) No additional signage shall be permitted on the sidewalk.
  - (7) Non-amplified presentation of entertainment shall be permitted in the outdoor eating and drinking areas.
  - (8) The use of public sidewalks for cafe or bar service shall not be permitted when it has been determined that:
    - (i) The number of pedestrians using the public sidewalk is too great to allow any obstruction;
    - (ii) The sidewalk is being used to store or prepare food/beverage for serving patrons in the downtown sidewalk cafe, bar or main seating area of the restaurant. It is intended that the downtown sidewalk cafe or bar area be used solely to serve patrons with food/beverage stored/prepared in the adjacent cafe/bar/restaurant.
    - (iii) The obstruction of the public sidewalk or alleyway for cafe or bar use may in any other way endanger the health, safety or welfare of the public, or be detrimental to surrounding property values by reason of such factors as noise, litter, lighting, security, outside cooking (odors, smoke), hours of operation, nuisance, etc.
  - (9) No obstruction shall be permitted on Ocean Street before 9 p.m.

(Ord. 96-253-101, § 1; Ord. 96-542-392, § 2; Ord. 2007-107-E, § 2; Ord. 2011-443-E, § 2; Ord. 2011-727-E, § 1; Ord. 2012-364-E, § 10)

### **Sec. 250.807. - Liability and insurance.**

Prior to any use of the public sidewalk, the applicant shall provide certificates evidencing the following insurance to the DIA (which insurance certificates shall name the City and DIA as additional insureds on all policies, and the DIA shall review and secure the approval of same by City's Risk Management Division):

1. *General Liability:*  
Premises Operations, \$1,000,000 per occurrence, \$1,000,000 aggregate  
Medical Payments coverage, \$5,000

- Blanket X, C, U Hazards
- Products/Completed Operations
- Contractual Liability
- Independent Contractors
- (30-day cancellation notice)
- 2. Liquor Liability (if applicable): \$1,000,000
- 3. Workers' Compensation:
  - Florida Statutory coverage and Employee's liability (including appropriate Federal Acts)
  - (30-day cancellation notice).

(Ord. 96-253-101, § 1; Ord. 96-542-392, § 2; Ord. 2007-107-E, § 2; Ord. 2012-364-E, § 10)

### **Sec. 250.808. - Form and conditions of permit.**

The permit issued shall be in a form deemed suitable by DIA. In addition to naming the permittee and other information deemed appropriate, the permit shall contain the following conditions:

- (1) Each permit issued, or renewal thereof, shall be for a period of one year from date of approval.
- (2) The permit issued shall be personal to the permittee only and is not transferable in any manner.
- (3) The permit may be temporarily suspended by DIA when it determines that an event is scheduled which merits community event status due to pedestrian needs for the sidewalk area under a cafe/bar permit.
- (4) The permit is specifically limited in the area shown on the drawing submitted in the application which is attached or made part of the permit.
- (5) The permittee shall assure that its use of the sidewalk in no way interferes with sidewalk users or limits their free and unobstructed passage, by provision of planters, walls, fences or other similar measures subject to Section 250.806 of this Part.
- (6) The sidewalk and all things placed thereon shall at all times be maintained in a clean and attractive condition; and at such times that the permittee is not utilizing the sidewalk as authorized, all things shall be removed therefrom. At least two trash containers shall be provided on site for use by the cafe/bar patrons and employees.
- (7) The permittee shall promptly notify the JEDC when operation of the downtown sidewalk cafe or bar initially begins and provide a schedule of operating days and hours.
- (8) The permittee and property owner shall, in consideration for the privilege of utilizing public property, execute:
  - (a) A covenant not to sue, (in a form approved by the Office of General Counsel) wherein such parties agree to forego any claim against the City based upon a temporary or permanent denial of the right to continued use of public property arising from a suspension or revocation of such use due to negligent operation and City needs for the public property (e.g. street widening; sidewalk closure for repairs, placement or repair of utility lines; suspension for community event, etc.); and
  - (b)

An indemnity agreement in favor of the City of Jacksonville (in a form approved by the Office of General Counsel).

- (9) The permittee shall at all times comply with the requirements of the Downtown Property Maintenance Code.
- (10) In the event of foul weather including winds, all chairs, umbrellas, food, table accessories, trash or other debris shall be secured so as to not create any risk to public safety, including in adjacent streets or water bodies. Tables and railing/planter components shall also be secured. All table accessories and food items shall be removed during hours of non-operation and stored within the cafe/bar/restaurant and all tables, chairs, etc., shall be secured.
- (11) Any and all food and beverage spills shall be promptly cleaned up. All trash and debris within and around the outdoor dining area shall be picked up immediately and not allowed to collect, litter or blow into the public right-of-way.

(Ord. 96-253-101, § 1; Ord. 96-542-392, § 2; Ord. 2007-107-E, § 2; Ord. 2011-443-E, § 2; Ord. 2012-364-E, § 10)

### Sec. 250.809. - Denial, revocation or suspension of permit.

- (1) The DIA may deny, revoke, or suspend the permit for any downtown sidewalk cafe or bar authorized in the City if it is found:
  - (a) That the provisions of this Part have been violated.
  - (b) Any necessary health or other regulatory permit has been suspended, revoked, or canceled.
  - (c) The permittee does not have insurance which is correct and effective in the minimum amount prescribed above in Section 250.807
  - (d) A "community event" requires the suspension.
  - (e) The City needs to do utility work street repairs or sidewalk closure for other repairs.
  - (f) Failure to document to the reasonable satisfaction of the DIA compliance with the 51 percent sales from food and nonalcoholic beverages criteria established in the definition of "cafe or restaurant".
  - (g) The permittee operates the sidewalk cafe or bar when such permit has been suspended.
- (2) Upon denial or revocation, the DIA shall give notice of such action to the applicant or permittee in writing stating the action which has been taken and the reason therefor. If the action of the DIA is based upon Subsection (1)(b), (c) or (d) of this Section, the action shall be effective upon giving such notice to the permittee; otherwise, such notice shall become effective within ten days of notice unless appealed to the Executive Director of the DIA (or his designee) by filing a written notice of appeal within ten days or receipt of the notice of denial or revocation. Any revocation effective immediately may also be appealed to the Executive Director of the DIA (or his designee) within ten days. Appeals shall state the reasons for reinstatement or issuance of the permit. The DIA Executive Director (or his designee) shall review the appeal and provide written notice of his decision to the applicant/permittee within ten business days of the receipt of such appeal. During the course of any appeal, any permit which has been revoked shall be automatically suspended until such appeal is resolved.

(Ord. 96-253-101, § 1; Ord. 96-542-392, § 2; Ord. 2007-107-E, § 2; Ord. 2011-443-E, § 2; Ord. 2012-364-E, § 10)

### Sec. 250.810. - 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 sidewalk permit holder 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. 96-253-101, § 1; Ord. 96-542-392, § 2; Ord. 2007-107-E, § 2)*

#### **Sec. 250.811. - Conflicts.**

Any ordinance in conflict herewith is repealed to the extent of such conflict, including any ordinance which prohibits the consumption of alcoholic beverages on public property. In the event any portion of the Part is deemed to be unconstitutional or unlawful in any manner, that offending portion shall be stricken, and the remainder shall remain in full force and effect.

*(Ord. 96-253-101, § 1; Ord. 96-542-392, § 2; Ord. 2007-107-E, § 2)*





Jacksonville, Florida, Code of Ordinances >> TITLE VI - BUSINESSES, TRADES AND OCCUPATIONS  
>> **Chapter 250 - MISCELLANEOUS BUSINESS REGULATIONS >> PART 10. - SPECIAL EVENTS VENDORS >>**

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**PART 10. - SPECIAL EVENTS VENDORS**

Sec. 250.1001. - Intent.

Sec. 250.1002. - Area of application.

Sec. 250.1003. - Time of application.

Sec. 250.1004. - Definitions.

Sec. 250.1005. - Vending license agreement.

Sec. 250.1006. - Application for license agreement.

Sec. 250.1007. - Rules and regulations.

Sec. 250.1008. - Liability and insurance.

Sec. 250.1009. - Additional applicable provisions.

Sec. 250.1010. - Enforcement.

Sec. 250.1011. - Certain permitted vendors grandfathered.

**Sec. 250.1001. - Intent.**

- (a) 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 designation of vending locations, 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.
- (b) During certain major special events such as the Super Bowl, it may be necessary and desirable to use portions of the street for special events vending. During such periods, it is necessary to provide reasonable regulation of downtown street vending similar to that required of downtown sidewalk vendors. Therefore, the provisions of this Part shall be applicable to special events vending occurring on city streets.
- (c) Special Events and the vending needs associated therewith create unique circumstances not customarily associated with downtown sidewalk vendors at other times. It is therefore necessary to establish the regulations contained in this part during the time periods and in the said locations and areas set forth in this Part.

*(Ord. 2004-429-E, § 13)*

**Sec. 250.1002. - Area of application.**

The provisions of this Part shall apply generally only within the boundaries of the Downtown Overlay Zone, as defined in Section 656.361.2, Ordinance Code. For individual Special Events, this Part shall apply to such Downtown Overlay Districts, as defined in Section 656.361.2, Ordinance Code, as are determined by the Chief to be Downtown Overlay Districts within which activities

associated with the particular Special Event are presumed to occur. ~~This Part shall not apply to the Jacksonville Landing~~, including the leased premises and the exterior common areas as those terms are defined in the Disposition, Development and Lease Agreement ("Lease Agreement") approved by Ordinance 84-1478-798, as amended, for those uses and activities otherwise allowed under the terms of that Lease Agreement and no Special Events Vending License Agreement shall be required or granted for such uses and activities.

(Ord. 2004-429-E, § 13)

### **Sec. 250.1003. - Time of application.**

The provisions of this Part shall apply during those times designated by the Mayor or the Chief as the time period during which the particular Special Event is being conducted.

(Ord. 2004-429-E, § 13)

### **Sec. 250.1004. - Definitions.**

As used in this part:

- (a) *Chief* means Economic Development Officer of the City (f/k/a the Executive Director of the JEDC), or his or her designee.
- (b) *Downtown Overlay District* means those Downtown districts identified and described in Section 656.361.2, Ordinance Code.
- (c) *Downtown Overlay Zone* means that area comprising the Downtown Overlay Zone as defined in Section 656.361.2, Ordinance Code.
- (d) *Special Event* means a preplanned single gathering, event, or series of related events of any entertainment, cultural, recreational, political, religious or sporting nature expected to draw 500 or more persons as participants or spectators, and sponsored by an individual or entity, whether private or governmental, within the Downtown Overlay Zone.
- (e) *Special Event Vendor* means any person who sells or offers to sell food, beverages, merchandise or services on the public sidewalks, streets or other city property within the Downtown Overlay Zone during a Special Event.

(Ord. 2004-429-E, § 13; Ord. 2011-732-E, § 39)

### **Sec. 250.1005. - Vending license agreement.**

- (a) It shall be unlawful for any person to sell or offer to sell food, beverages, merchandise or services on the public sidewalks, streets or other city property in the Downtown Overlay Zone during a Special Event without first obtaining a license agreement therefore from the Chief as provided in this Part.
- (b) The Vending License Agreement between the City and the Downtown Special Event Vendor shall, at a minimum, include the revenue to be received from the City pursuant to the License Agreement, the location at which the vending unit is to be located, any conditions associated with the vendor's operation in addition to those set forth in Section 250.1007, Ordinance Code, and the period of the license agreement.

(Ord. 2004-429-E, § 13)

### **Sec. 250.1006. - Application for license agreement.**

A person desiring to obtain a license agreement as a Downtown Special Event Vendor shall file an application with the Chief on a form prescribed by the Chief.

(Ord. 2004-429-E, § 13)

### **Sec. 250.1007. - Rules and regulations.**

- (a) The Chief is authorized and directed to promulgate rules and regulations for the administration of Downtown Special Event vending activities, in addition to the rules and regulations set forth below.
- (b) Downtown Special Event Vendor rules and regulations:
  - (1) The term "vendor" applies not only to the individual or business named in the license agreement, but also to anyone working with or for the vendor at the vendor's site.
  - (2) The vending license agreement must be current and available for inspection at all times during operation of the vending unit.
  - (3) The vending unit must be on the site for which the vending license agreement was issued.
  - (4) The location of vending units must provide a minimum of six feet sidewalk clearance to pedestrians.
  - (5) The vending unit must be at least ten feet from any driveway.
  - (6) The vending unit must be a minimum of 15 feet from an intersection or crosswalk.
  - (7) The vending unit must be a minimum of 15 feet from any building entrance or exit.
  - (8) The vending unit may not obstruct any view of traffic or signage.
  - (9) The vending unit must be a minimum of 100 feet from the center of any customer entrance of any establishment vending like goods, except where separated by a public street.
  - (10) The vending unit must be a minimum of ten feet from any bus stop.
  - (11) Any signs associated with the vending unit shall be located in or on the vending unit.

(Ord. 2004-429-E, § 13)

### **Sec. 250.1008. - Liability and insurance.**

Prior to any use of the public sidewalk, street, or other city property, the applicant shall provide certificates evidencing the following insurance to the Chief (which insurance certificates shall name the City as additional insureds on all policies, and the Chief shall review and secure the approval of same by City's Risk Management Division):

- (a) Commercial General Liability, including Premises, Products and Completed Operations, Blanket Contractual Liability and Independent Contractors, at minimum limits of \$1,000,000 per occurrence, \$1,000,000 aggregate (30-day cancellation notice); and
- (b) Liquor Liability (if applicable): \$1,000,000 minimum limits per occurrence.

(Ord. 2004-429-E, § 13)

### **Sec. 250.1009. - Additional applicable provisions.**

License agreement revenues collected under this Part are in addition to and not in lieu of the occupational license taxes imposed by Chapters 770 and 772, Ordinance Code. The payment of license revenues under this Part shall not relieve a Downtown Special Event Vendor or other

person of liability and responsibility from paying an occupational license tax where it is required by Chapter 770 and Chapter 772, Ordinance Code. Further, persons operating pursuant to this Part, shall be subject to all applicable provisions of law, including local and state health regulations.

*(Ord. 2004-429-E, § 13)*

#### **Sec. 250.1010. - Enforcement.**

The requirements of this Part shall be enforcement by the Chief as follows:

- (a) By citation for civil penalties pursuant to the authority granted by F.S. Ch. 162, Part II, and Ch. 609, Ordinance Code, in the maximum amount of \$500; and/or
- (b) By an action for injunctive relief, civil penalties, or both, through a court of competent jurisdiction.

*(Ord. 2004-429-E, § 13)*

#### **Sec. 250.1011. - Certain permitted vendors grandfathered.**

Notwithstanding anything in the Ordinance Code, to the contrary, those persons holding Downtown sidewalk vending permits issued pursuant to Chapter 250, Part 5, Subpart A, issued at least six months before any special event as contemplated by this Chapter, including the Super Bowl, shall be authorized to conduct business, Mondays through Fridays, from 8:00 a.m. through 5:00 p.m. in accordance with their permits and Chapter 250, Part 5, during any such special event, subject to such reasonable minor adjustments in location as may be determined by the Special Events Division.

*(Ord. 2004-1330-E, § 2)*