

RESOLUTION NO. 2019-06

A RESOLUTION OF THE CITY OF MEXICO BEACH, FLORIDA WAIVING FOR THE REMAINDER OF 2019 THE BEACH VENDING PERMIT REQUIREMENT THAT THE UPLAND BUSINESS MUST BE OPERATING; CONFIRMING THE PERMISSIBLE LOCATIONS FOR BEACH VENDING BUSINESSES; REQUIRING PERMITTEES TO COMPLY WITH TEMPORARY BEACH CLOSURES AND OTHER DIRECTIVES RELATED TO SAFETY OR BEACH CONSTRUCTION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, the City of Mexico Beach (the "City") adopted Ordinance 688 to establish a uniform system for permitting and regulation of beach vendor businesses, including defining the allowable locations for beach vending businesses; and

WHEREAS, Ordinance 688 required that certain types of businesses must be operating validly under City and State law in the area upland of the beach vending business and that if the upland business ceases operations for more than one week, the location would not be eligible for a Beach Vending Permit and any existing Beach Vending Permit would automatically be suspended, and

WHEREAS, Ordinance 688 referred to four locations meeting all the criteria to be eligible to sponsor a beach vending business; and

WHEREAS, on October 9, 2018, those locations were 719 US-98 (the location of Toucans), 903 US-98 (the location of the Beuna Vista Motel), 1701 US-98 (the location of the El Govenor Motel); and 2105 US-98 (the location of the Driftwood Inn); and

WHEREAS, on October 10, 2018, Hurricane Michael struck the City, causing massive damage to all beachfront businesses in the City; and

WHEREAS, it is unlikely that any of the upland locations that previously qualified under Ordinance 688 to sponsor a Beach Vending Permit will have an operational business in 2019; and

WHEREAS, it will be over a year before businesses are reestablished in those locations, which would resemble the business that have been located there historically; and

WHEREAS, the City has determined that it does not want to effectively prohibit all beach vending for the indefinite future and has determined that it is in the best interest of the City to waive for the remainder of the 2019 calendar year the requirement that the upland business must be operational; and

WHEREAS, the City Council has determined that it would not be prudent to allow all gulf front General Commercial and Tourist Commercial parcels to be able to sponsor a Beach Vending

Permit in 2019 and, instead, has determined that parcels that were eligible on October 9, 2018 should retain that eligibility despite the damage to the upland businesses.

**BE IT RESOLVED** by the City of Mexico Beach the following:

1. For the remainder of the 2019 calendar year, the City waives the requirement in Section 5. of Ordinance 688 that the upland hotel, motel, restaurant, tavern, or bar must be operational for the issuance of Beach Vending Permit and the requirement that such business remain operating. Allowable locations are still limited to 719 US-98 (the location of Toucans), 903 US-98 (the location of the Beuna Vista Motel), 1701 US-98 (the location of the El Govenor Motel); and 2105 US-98 (the location of the Driftwood Inn). All other requirements of Ordinance 688 continue to apply, including the requirement to have written permission from the owner or lessee of the qualifying upland parcel.
2. Beach protection and restoration construction projects will be ongoing for many months, so as a condition of permit issuance, all holders of Beach Vending Permits must comply with any temporary closure of a portion of the Beach and any directives of the City relating to safety generally or construction on any portion of the Beach near the location covered by the Beach Vending Permit. Such directives may include a requirement to temporarily remove all beach vendor property from the Beach or to adjust activities to avoid damage to newly constructed projects on the Beach.

**THIS RESOLUTION** shall be effective immediately upon passage.

**PASSED** this 17 day of June, 2019.

**CITY OF MEXICO BEACH**

By: 

William A. Cathey, Mayor

**ATTEST:**

  
Jenny Myrick, City Clerk