

ORDINANCE 848

AN ORDINANCE OF THE CITY OF MEXICO BEACH, FLORIDA AMENDING ORDINANCE NO. 581 CODIFIED IN CHAPTER 111 OF THE CODE OF ORDINANCES; ADDING DEFINITIONS; CLARIFYING LICENSING AND OPERATIONAL REQUIREMENTS; PROVIDING FOR VIOLATIONS AND PENALTIES; PROVIDING FOR INCLUSION IN THE CODE, REPEAL OF CONFLICTING PROVISIONS, SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, AND LIBERAL CONSTRUCTION; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MEXICO BEACH, FLORIDA AS FOLLOWS:

SECTION 1: INDEX AMENDMENT. The Index for Chapter 111 of the Mexico Beach Code of Ordinances is amended as follows:

111.01	<u>DEFINITIONS</u> PEDDLER LICENSING REQUIRED
111.02	<u>PEDDLER LICENSING REQUIRED</u> FEE
111.03	<u>FEE</u> CANVASSING OR SOLICITING
111.04	<u>EXCEPTIONS</u>
111.05	<u>ALLOWABLE</u> PEDDLING LOCATIONS
111.06	<u>PROHIBITED HOURS OF PEDDLING</u> VIOLATION
111.07	<u>VIOLATIONS</u>
111.08	<u>PENALTIES FOR VIOLATIONS</u>

SECTION 2: TEXT AMENDMENTS. Chapter 111 of the Mexico Beach Code of Ordinances is amended as follows:

§ 111.01 DEFINITIONS

"Aggressive Manner" means:

(A) Approaching or speaking to a particular person or persons, or physically following a particular person or person before, during, or after peddling or soliciting, if that conduct is intended or likely to cause a reasonable person to:

(1) Fear bodily contact or harm to oneself or to another, or damage to or loss of property; or

(2) Otherwise perceive a threat or intimidation to give money or other thing of value.

or

(B) Intentionally touching or causing physical contact with another person or a vehicle operated by another person, without that person's consent, in the course of peddling or soliciting; or

(C) In the course of peddling or soliciting, intentionally blocking or interfering with the safe or free passage of any pedestrian or vehicle by any means, including causing any pedestrian or vehicle operator to take evasive action to avoid the peddling or solicitation; or

(D) Forcing oneself upon the company of another by continuing to peddle or solicit the person addressed after that person has made a negative response by oral utterance, by physical sign, by attempt to leave or avoid the presence of the person peddling or soliciting, or by other negative indication; or

(E) Peddling or soliciting on any public sidewalk or pedestrian area of a public right-of-way in a group of two (2) or more persons appearing to a reasonable person to be engaged in peddling or soliciting and to be associating with each other for that purpose.

"Peddler" means any individual without a fixed established place of dealing or business in the City, whether a resident of this City or not, traveling by foot, wagon, motor vehicle or any other type of conveyance from place to place, from house to house, or from street to street for the sale of, as well as selling, offering for sale or taking or attempting to take orders for the sale of goods, wares, merchandise, retail products or food or other personal property of any nature whatsoever for future delivery or for immediate delivery in the case of retail products or food, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or not or whether he or she is collecting advance payments on such sales or not; such definition shall include any individual that seeks a future engagement or appointment for the sale of such goods and/or services, for himself or for another individual; such definition shall further include any person who, for himself, herself or for another person, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery or for offering high cost items, including motor vehicles, for immediate or future sale, with or without trade-ins or financing agreements. The term "high-cost item" shall mean

a single piece of personal property, including but not limited to a motor vehicle, with a fair market value in excess of \$1,000.00 (one thousand dollars). The word "Peddler" shall include the terms "canvasser," "solicitor", "transient or itinerant photographer". The term "peddler" shall not include any person holding a valid beach vending permit or beach delivery permit under chapter 114 of the code of ordinances of the city.

"Peddle" or "Peddling" means the acts of a peddler.

§ 111.012 PEDDLER LICENSING REQUIRED.

(A) It shall be unlawful for any person to engage in business as a peddler without first obtaining a city peddler's license. The registrant shall complete an application for a peddler's license, providinggive his or her complete identification, his or her signature, the name of his or her employer, the nature of the products or services in which he or she intends to peddle, the duration of the peddling activities and a document evidencing written permission from the property owner where the peddling will occur.

(B) Every peddler having a license issued under the provisions of this chapter and while doing business within the city shall display his or her license upon the request of any person.

(C) Every license issued under the provisions of this chapter shall be valid for a period outlined in the license, not to exceed six months.

(D) Any license issued under the provisions of this chapter may be revoked by the city for the violation by the licensee of any applicable provision of this code, state law, or city or county ordinance, rule or regulation.

§ 111.023 FEE.

Each registrant shall pay to the City Clerk a licensing fee of \$50 for the period expiring six months after the date of said licensing, or \$15 for a two-day license. No city license shall be issued involving the sale of retail food products, neither temporary nor permanent without prior approval by the State Department of Agriculture.

~~§ 111.03 CANVASSING OR SOLICITING.~~

~~No person shall solicit or canvass within the corporate limits of the city.~~

§ 111.04 EXCEPTIONS.

The provisions of this chapter shall not apply to the following:

(A) Sales made to permanent merchants by commercial dealers selling in the usual course of business;

(B) Sheriffs, law enforcement, bona fide assignees, receivers or trustees in bankruptcy, or other public officers selling goods, wares and merchandise according to law;

(C) Solicitations or sales made by charitable, educational or religious organizations/institutions;

(D) Canvassing or soliciting for political reasons concerning federal, state, county or local elections solicited in accordance with federal, state or local elections laws; or

(E) Youth-oriented organizations such as Girl Scouts, Boy Scouts, school-related fund raisers and the like;

(F) Special event sales by merchants or motor vehicle dealers who maintain fixed established places of business within the City, whether conducted at their fixed places of business or elsewhere in the City;

(G) Bona fide residents of the state selling fruits, vegetables or farm products which were produced on land within the state, owned or controlled by such vendor; i.e, from an approved roadside stand or in a farmers' market type arrangement;

(H) Food, grocery and package delivery companies and the like, examples of which include pizza or food delivery, or packages previously purchased or mail deliveries; or

(I) Any person for whom the City Council waives the applicability of this chapter.

§ 111.05 ALLOWABLE PEDDLING LOCATIONS.

(A) Peddling is allowed in two specific zoning categories: General Commercial and Tourist Commercial, but within those land use categories/that zoning, peddling shall not be allowed on any property on which a residential structure of any kind is located (regardless of whether a single-family or multi-family structure). The Peddler must coordinate and obtain written permission from an existing or established business owner located in the zoning categories previously mentioned authorizing peddling.

(B) Peddling on or from vacant property is not allowed. Except as limited by § 114.05 of the code of ordinances.

(C) Any peddling which is proposed from a location on the privately owned beach also requires City Council approval and a separate beach vending permit.

(D) Peddling on any private premises is not allowed when such premises is posted with a sign stating "No Peddlers Allowed" or "No Solicitations Allowed" or other words to such effect.

§ 111.06 PROHIBITED HOURS OF PEDDLING.

It shall be unlawful for any peddler to engage in the business of peddling within the city between the hours of 6:00 p.m. (or after sunset if earlier than 6:00 p.m.) to 9:00 a.m. the following morning, or at any time on Sundays or state or federal holidays, except by specific appointment with or invitation from the prospective customer.

§ 111.07 VIOLATIONS.

It shall be a violation of this chapter to do any of the following:

(A) Peddle or solicit in an Aggressive Manner.

(B) Make false or fraudulent statements concerning the quality of his or her goods, wares, merchandise or services for the purpose of inducing another to purchase the goods, wares, merchandise or services.

(C) Make false or fraudulent statements concerning any warranties offered with a high cost item, the title to any motor vehicle offered for sale, or how or when the peddler shall pay-

off and clear any liens on a motor vehicle taken as a trade-in as part of the transaction.

(D) Give any false or misleading information in connection with their application for a license required by this chapter.

(E) Enter upon premises owned, leased or rented by another to refuse to leave such premises after having been notified by the owner or occupant of such premises, or his or her agent, to leave the premises and to not return to such premises.

(F) Peddle without a valid license from the city.

(G) Violate any provision of this chapter.

§ 111.68 PENALTIES FOR VIOLATIONS.

Any person or persons violating this chapter is guilty of a misdemeanor of the second degree, punishable as provided by other provisions of the code of ordinances, not to exceed the penalty provisions of state statutes; i.e., imprisonment in the county jail not to exceed 60 days and/or a fine not to exceed \$500.00, or both for each violation. In addition to and not in lieu of any criminal enforcement, this chapter may be enforced by any code enforcement officer of the city pursuant to the terms of the city's code of ordinances.

SECTION 3. INCLUSION INTO THE CODE OF ORDINANCES.

It is the intent of the City Council that the provisions of this ordinance shall become and be made a part of the Mexico Beach Code of Ordinances, and that the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 4. REPEAL OF CONFLICTING PROVISIONS.

All ordinances, parts of ordinances, resolutions, or parts of resolutions in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 5. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the

validity of the Ordinance as a whole, or any part thereof, other than the part so declared.

SECTION 6. CORRECTION OF SCRIVENER'S ERRORS.

The City Attorney may correct any scrivener's errors found in this Ordinance, without public hearing, by filing a corrected copy of the Ordinance with the Clerk. A scrivener's error may not include an amendment that changes the context or meaning of the Ordinance.

SECTION 7. ORDINANCE TO BE LIBERALLY CONSTRUED.

This Ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon its passage.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Mexico Beach, Florida as of this 11th day of March, 2025.

CITY OF MEXICO BEACH, FLORIDA



RICHARD WOLFF, Mayor

ATTEST: 

TAMMY BRUNSON, City Clerk

*In this Ordinance, language added to an existing section is printed in underscored type, and language deleted is printed in ~~struck through type~~.