

INTRODUCED BY:



ORDINANCE NO. 2008-06

**A BILL TO BE ENTITLED**

**AN ORDINANCE OF THE CITY OF NEPTUNE BEACH,  
FLORIDA AMENDING CHAPTER 17 SALES ARTICLE III  
OPEN AIR SALES AND MARKET SECTIONS 17-36 OPEN AIR  
MARKET AREA AND 17-36 HOURS OF OPERATIONS AND  
PROVIDING AN EFFECTIVE DATE.**

**Whereas**, the City Council of the City of Neptune Beach, Florida heretofore has determined that it is in the best interest of the city to amend the open air sales and market ordinance.

**Now, Therefore**, be it ordained by the City Council of Neptune Beach, Florida:

**Section 1.** Sec. 17-36 Open air market area of the Code of Ordinances of the City of Neptune Beach is hereby amended as follows:

ARTICLE III. OPEN AIR SALES AND MARKETS

Sec. 17-33. Generally.

The provisions of subsection 27-227(b)(21) relating to retail sales shall be inapplicable to open air sales and markets.

Sec. 17-34. Open air markets.

Open air markets are defined as areas in which vendors sell flowers, plants, plant materials, fruits, produce, vegetables and other non-commercially processed food items and hand-crafted items which are made by the vendor or the vendors' immediate family, only under the permits issued under this chapter and who do not sell those items exclusively in compliance with the licensing and building regulations relating to permanent business establishments.

Sec. 17-35. Location of open air sales and markets.

Open air sales and markets shall be operated exclusively on private property within the central business district and the C-3 Commercial District of Neptune Beach.

Sec. 17-36. Open air market area.

This chapter and its sections are intended to be utilized for the purpose of establishing an open air market area, in which there may be numerous stalls, display or sales locations for the items listed above on private property within the central business district ~~and~~ the C-3 Commercial District and Jarboe Park.

Sec. 17-37. Requirement of plans and specifications.

Prior to the issuance by the city manager of a permit for any open air market, it shall be necessary for the person or persons, or any other entity seeking to have the open air market, to submit to the planning and development review board plans and specifications showing layout, site plan, floor requirements, height of displays, restroom facilities, liability insurance; procedures to protect against insects or rodents; procedures relating to cleanliness; maintenance and disposal of debris or garbage; signage; construction or electrical requirements and any other information required by the planning and development review

board. The planning and development review board shall have the authority to place any and all appropriate restrictions on the operation of an open air market. The planning and development review board shall conduct a hearing on the application for the open air market and shall forward its recommendations on the application to the city manager.

Sec. 17-38. Permit.

No person, either alone or jointly with another, or any entity of any nature, shall conduct any open air sales without having first obtained a permit to do so from the city manager. Subsequent to the review by the planning and development review board set forth above, this permit may be issued to the owner of the private property within the central business district and the C-3 Commercial District on which the open air market is to be located under such terms and conditions as the city manager deems appropriate.

Sec. 17-39. Compliance with permit requirements.

All private property owners and vendors within the market area shall comply with all requirements of the permit. Failure to comply with any other such requirements may result in the closing of that vendor's stand or location or, if necessary, the market area.

Sec. 17-40. Protection against insects or rodents.

Effective measures by the person, persons or entity that receives a permit for the market area shall be taken to protect against the entrance into the market area and the breeding or presence in the area of insects or rodents.

Sec. 17-41. No live birds or animals.

No live birds or animals shall be allowed in any of the market area used for the sales by the vendors; provided guide dogs accompanying blind persons may be permitted in these areas.

Sec. 17-42. Disposal of garbage and debris.

The private property owner issued the permit and all vendors shall dispose of their garbage and debris on a daily basis by a means acceptable to the city manager.

Sec. 17-43. Construction and electrical elements.

Any construction or electrical elements shall be in accordance with the permit requirements or, if applicable, the Code requirements of Neptune Beach.

Sec. 17-44. Maintain cleanliness.

All parts of the market area and its premises shall be kept neat, clean and free of litter and debris.

**Section 2.** Sec. 17-45 Hours of operation of the Code of Ordinances of the City of Neptune Beach is hereby amended as follows:

Sec. 17-45. Hours of operation.

The market area shall be limited to Saturday mornings and the hours of operation being from 8:00 a.m. to ~~3:00~~ 5:00 p.m.

Sec. 17-46. Waiver of licenses and fees.

Any licenses and fees which might otherwise be required by the city for the operation of the market area are hereby waived for vendors and the person, persons or any other entity issued a permit to operate the market area.

**Section 3.** The Ordinance shall become effective immediately upon its adoption by the City Council.

VOTE RESULTS OF FIRST READING:

Mayor Richard A. Brown.  
Vice Mayor Harriet Pruette  
Councilor Fred E. Lee, Jr.

Councilor Eric Pardee  
Councilor John Weldon

Passed on First Reading this day of , 2008.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Richard A. Brown.  
Vice Mayor Harriet Pruette  
Councilor Fred Lee, Jr.  
Councilor Eric Pardee  
Councilor John Weldon

Passed on Second and Final Reading this day of , 2008.

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Richard A. Brown  
Mayor

ATTEST:

\_\_\_\_\_  
Lisa Volpe, CMC  
City Clerk

Approved as to form and correctness:

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Christopher A. White  
City Attorney