

INTRODUCED BY:



ORDINANCE NO. 2009-xx

A BILL TO BE ENTITLED

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 26 VENDING MACHINES, SECTION 26-1 DEFINITION AND ADDING SECTION 26-7 OUTDOOR MACHINES AND PROVIDING AN EFFECTIVE DATE.

Whereas, the City Council of the City of Neptune Beach, Florida has determined that it is necessary to amend the following:

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

Section 1. Section 26-1 Definition is hereby amended as follows:

Sec. 26-1. Definition.

For the purpose of this chapter, the term "vending machine" means any ~~automatic coin-operated machine vending merchandise, unattended machine operated by coin, currency, credit card, slug, token, coupon or similar device, which dispenses food, beverages or other items of tangible personal property~~, except any such machine exempt from the payment of a ~~municipal occupational license tax~~ local business tax receipt by state law.

(Code 1959, § 13-28)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 26-2. Owner's license; application.

Licenses on merchandise vending machines shall only be issued at the instance of the owner of the machine for which the license is desired. The owner shall fill out, sign and file with the city manager the required license application stating the name of the owner of the machine, the character and description of the machine, the serial or manufacturer's number, and the place or location at which the machine is to be placed and operated. All applications for license shall be sworn to by the applicant.

(Code 1959, § 13-29; Ord. No. 1996-27, § 1, 10-7-96)

Sec. 26-3. Operation in several locations requires retail merchant's license.

Persons operating merchandise vending machines distributed in more than one (1) location shall, in addition to securing the license imposed by this or any other applicable section on each machine, be classed as a retail department store and shall pay the license amount provided in section 21-53.

(Code 1959, § 13-30)

Sec. 26-4. Substitution or relocation of machines.

If any owner of any machine licensed as provided in sections 26-1 and 26-2 desires to substitute another machine for the licensed machine, or to place the licensed machine at a different location from that at which it was originally licensed, each substitution or relocation shall only be permissible upon application to and the permission of the city manager. Such application shall contain information of the same scope as is provided for in the application for original issuance. (Code 1959, § 13-31; Ord. No. 1996-27, § 2, 10-7-96)

Sec. 26-5. Permits required; attachment to each machine.

In addition to the licenses provided in this chapter there shall be issued a permit for each machine, whether licensed individually or collectively with other machines. Such permit shall consist of a tag, label or insignia issued by the city manager to the owner of each licensed machine, which shall at all times during the operation or display for operation of the machine be displayed prominently thereon.

(Code 1959, § 13-32; Ord. No. 1996-27, § 3, 10-7-96)

Sec. 26-6. Responsibility of person in charge of premises.

If any vending machine of the kind and description set out in this chapter is operated or displayed for operation without having the tag, label or insignia displayed as required in section 26-4 the owner or person in charge of the premises upon which the machine is operated or displayed for operation, either or all, shall be guilty of an offense.

(Code 1959, § 13-33)

Section 2. Section 26-7 Outdoor machines is hereby added as follows:

Sec. 26-7. Outdoor machines

Outdoor vending machines are limited as an accessory use to any permitted use in the C-2 and C-3 zoning districts. It must be placed under the roof overhang adjacent to the wall of the permitted use and meet all aspects of Chapter 27. No more than one vending machine per retail/business location.

Section 3. This Ordinance shall become effective immediately upon its final passage and adoption by the City Council.

VOTE RESULTS OF FIRST READING:

Mayor Harriet Pruette
Vice Mayor John Weldon
Councilor Fred Lee
Councilor Eric Pardee
Councilor Kara Tucker

Passed on First Reading this day of , 2009.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Harriet Pruette
Vice Mayor John Weldon
Councilor Fred Lee
Councilor Eric Pardee
Councilor Kara Tucker

Adopted on Second and Final Reading this day of , 2009.

Harriet Pruette
Mayor

ATTEST:

Lisa Volpe, CMC
City Clerk

Approved as to form and correctness:

Christopher A. White
City Attorney