

Sponsored by: Lindsey  
Introduction Date: February 13, 2018  
Public Hearing Dates: March 27, 2018  
April 10, 2018  
Enactment date: April 10, 2018

**CITY OF MARATHON, FLORIDA  
ORDINANCE 2018-02**

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, RELATING TO MOBILE VENDOR FOOD UNITS, MAKING REVISIONS TO CITY OF MARATHON CODE OF ORDINANCES, APPENDIX A (LAND DEVELOPMENT REGULATIONS); AMENDING CHAPTER 104, SECTION 104.62 OF THE CITY CODE; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Florida Statutes, provides for comprehensive plan implementation through the enactment of certain ordinances; and

**WHEREAS**, the City of Marathon is located within an Area of Critical State Concern (ACSC), pursuant to Sections 380.05 and 380.0552, Florida Statutes, hereinafter referred to the “Keys ACSCs”; and

**WHEREAS**, Keys’ Local Governments have adopted state-mandated Comprehensive Plans and Land Development Regulations pursuant to both Chapters 163 and 380.055, Florida Statutes, which have been approved by the State, as required by law, and;

**WHEREAS**, Chapter 166, *Florida Statutes*, grants the City of Marathon (the “City”) broad municipal home rule powers to provide for the health, safety and welfare of its residents, business owners and visitors by enacting business regulations for the protection of the public; and

**WHEREAS**, based upon citizen input provided at a legally noticed workshop held on January 23, 2018, The City Council requested that staff prepare revisions to Section 104.62 – “Mobile Vendor Food units,”

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:**

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SECTION 1. The above recitals are true, correct, and incorporated herein by this reference.

SECTION 2. Amend Chapter 104, Article 3, Section 104.62 to read as follows:

1 Section 104.62. - Mobile Vendor Food Units.

2 The following regulations are established for non-motorized food vendor carts, which are small,  
3 lightweight, and often mounted on a single-axle (two-wheeled) chassis and mobile food units,  
4 which are vehicle mounted and are self-propelled, and designed to be movable from place to  
5 place. Sale of products other than food under the license authorized in this section is prohibited.

6 Mobile vendor food units (MVFU) are permitted pursuant to Table 103.15.1 as of right on  
7 developed private property in all commercial and industrial districts with the written consent of  
8 the property owner, subject to the following requirements:

9 **A. Licenses for Mobile Vendor Food Units shall be issued by the City of Marathon**  
10 **Planning Department and generally be limited to a total of seven (7) licenses. An individual**  
11 **license shall not be utilized at two locations (or vehicles) simultaneously. All licenses shall**  
12 **be subject to annual renewal and approval and shall not be transferable. The number of**  
13 **licenses and associated license fees may be modified by the City Council from time to time**  
14 **by affirmative Resolution of the City Council.**

15 **B. MVFUs Utilizing Fixed Locations**

16 **A.1.** Location: Mobile vendor food units shall be placed only on properties with a legally  
17 operating permanent business **during that business's normal hours of operation** and shall  
18 comply with the following location criteria:

19 **1.a.** The mobile vendor food units shall not be located within any required front or  
20 street side yard setback; and

21 **2.b.** The mobile vendor food units shall not interfere with vehicular and pedestrian  
22 movement or visibility, block required sight distances, or damage landscaped areas.

23 **c. Shall be able to provide adequate additional parking spaces so parking**  
24 **spaces required for the host business location are not impacted.**

25 ~~**3. The mobile vendor food units may operate within the City of Marathon rights-of-**~~  
26 ~~**way subject to conditions set out in Subsection 104.62B. so long as their activity does not**~~  
27 ~~**disrupt the normal flow of vehicular traffic.**~~

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28 **B.2.** Limited Hours of Operation: A vendor licensed under ~~this section 104.62 B.~~ may  
29 only remain at ~~the~~ an approved private property location (set out in Subsection  
30 104.62A.B.1.) for a period not to exceed eight (8) consecutive hours in a 24-hour period. An  
31 MVFU may be approved to operate at multiple locations during different time periods.  
32 ~~A mobile vendor food unit licensee may not remain at an individual location on the~~  
33 ~~City's rights-of-way for a period longer than ten (10) minutes. The City Council may~~  
34 ~~grant a temporary permit to extend the maximum stop duration in order to meet a~~  
35 ~~defined community need.~~

36 **C.3.** Storage: The food vendor shall remove the mobile vendor food unit from the ~~site~~  
37 point of sale or store the unit out of public view at the end of each business day.

38 **D.4.** Trash Receptacles: The food vendor shall provide receptacles for litter associated  
39 with the sales activity. The food vendor shall leave the site in a clean state at the end of each  
40 business day.

41 **C. MVFUs Utilizing Public Rights-Of-Way**

42 **1. The mobile vendor food units may operate within the City of Marathon rights-of-**  
43 **way so long as their activity does not disrupt the normal flow of vehicular traffic.**

44 **2. An MVFU licensee shall not remain at an individual location on the City's rights-of-**  
45 **way for a period longer than ten (10) fifteen (15) minutes.**

46 **3. MVFUs licensed under 104.62 C. shall only be allowed to operate during daylight**  
47 **hours (dawn to dusk).**

48 **4. While stationary and conducting business, an MVFU shall turn off all music or**  
49 **other amplified noise.**

50 **D. Exceptions**

51 **1. Hot Dog Carts may operate without a City license under this section as long as said**  
52 **unit is associated on the same property with a restaurant licensed by the State of**  
53 **Florida and is itself licensed by the State.**

54 **E. Additional Permits and licenses: All MVFUs licensed under this Section shall obtain**  
55 **all necessary permits, licenses, and inspections required by the Florida Department of**  
56 **Agriculture and Consumer Services, Florida Department of Health, and Florida**  
57 **Department of Business and Professional Regulation, prior to conducting any business**  
58 **approved under this Section as may be required by the City, County, or State pursuant to**  
59 **Chapter 5K-4.002, Florida Administrative Code (F.A.C.).**

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**SECTION 3.** All other existing provisions of Appendix A, “Land Development Regulations,” Chapter 102, of the Code of Ordinance of the City of Marathon, Florida shall be renumbered accordingly.

**SECTION 4.** The Provisions of the Code of Ordinances, City of Marathon, Florida and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 5.** The provisions of this Ordinance are declared to be severable, and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences, sections, clauses or phrases of the Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 6.** It is the intention of the City Council and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Marathon Code, that sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word “Ordinance” shall be changed to “Section” or other appropriate word.

**SECTION 7.** The provisions of this Ordinance constitute a “land development regulation” as state law defines that term. Accordingly, the City Clerk is authorized and directed to forward a copy of this Ordinance to the State Department of Economic Opportunity for approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

**SECTION 8.** This Ordinance shall be effective immediately upon approval by the State Department of Economic Opportunity pursuant to Chapter 380, Florida Statutes.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 10<sup>th</sup> DAY OF APRIL, 2018.**

**THE CITY OF MARATHON, FLORIDA**



**Michelle Coldiron, Mayor**

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AYES: Zieg, Bartus, Senmartin, Coldiron  
NOES: None  
ABSENT: Cook  
ABSTAIN: None

**ATTEST:**

  
\_\_\_\_\_  
Diane Clavier, City Clerk

(City Seal)

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE  
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**

  
\_\_\_\_\_  
David Migut, City Attorney

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