



BUSINESS LICENSE APPLICATION MOBILE VENDOR

(Revised 08/04/2020)

CITY OF KEY WEST
PO Box 1409 (1300 White St.)
Key West, FL 33041
licensing@cityofkeywest-fl.gov

Application Type:

New

Date: 3/18/2024

Transfer: BTR # _____ / Name: Colby Fisher

Mobile Vendor Type:

Services or Rentals Describe: Sale of Goods

Owner's Name (must be an individual's name): Michael Atkins

Residence/Mailing Address: 1042 Caribbean Dr E Summerland FL 33042

Email Address: michaelatkins65@gmail.com

Contact Phone #: 616-516-3703

Social Security # (last 4-digits): 9180

Height: 6ft Weight: 175

Eye Color: BL

Hair Color: BROWN

Vehicle Information:

Vehicle Make/Model: _____ Color: _____ Year: _____ Plate #: _____

Intended location for mobile vending: _____

Required Back-up Documentation:

Copy of State Sales Tax Resale Certificate

Copy of State Mobile Food Dispensing Vehicle License (edibles vendors only)

Photos: 2 photos of Business Owner (3"x5") & 2 photos of Vehicle (3"x5")

~~Copy of Florida Driver's License~~

Certificate of Liability Insurance (Must be in accordance with Section 18-320 below. Must be in the name of the Business Owner, must indicate City of Key West as Certificate Holder, and must indicate the policy is for mobile vending.)

This Business License is being issued in accordance with Chapter 18, Article VI, City of Key West Municipal Code. By signing below, I certify that the above information is true, complete, and correct.

Signature:

ALEXANDER BETTERLY

Notary Public, State of Michigan
County of Ingham

Notary: State of MICHIGAN, County of INGHAM

My Commission Expires 04-14-2030
Acting in the County of INGHAM

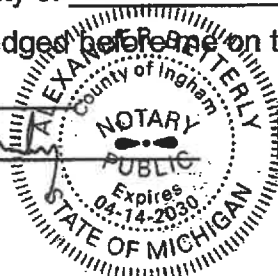
The foregoing instrument was acknowledged before me on this 19th day of March, 2024, by

Alexander Betterly

Personally known

Notary signature:

Produced ID: _____



Office Use Only:

Licensing Rep.: _____

Date: _____

BTR #: _____

ARTICLE VI. - MOBILE VENDORS

DIVISION 1. - GENERALLY

Sec. 18-286. - Title.

This article may be cited as the "mobile vendors ordinance" of the city.
(Code 1986, § 107.25)

Sec. 18-287. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business means any commercial activity in which any goods and/or services are offered for sale as a means of livelihood, but not including occasional sale of household goods by the owner-user.

Edibles means any food or beverage intended for human consumption.

Goods means any tangible item, including edibles, offered for sale.

MVL means mobile vendor's license.

Public road means any public right-of-way for cars and trucks in the city, but not including sidewalks or footpaths.

Sale means any trade or offer of trade for currency, credit, services or goods.

Services means any work or act rendered for sale.

Vehicle means any wheeled device by which any person or goods may be transported or drawn upon any public road.

(Code 1986, § 107.26)

Cross reference— Definitions generally, § 1-2.

Sec. 18-288. - Regulatory penalties.

- (a) Violations of this article shall be penalized as provided in section 1-15.
- (b) Upon one or more judicial findings of a violation of this article or other pertinent federal, state, or local law by a person holding a valid mobile vendor's license, the city manager shall, after conforming with subsection (c) of this section, issue a written warning or impose a determinate suspension of the mobile vendor's license or revoke the mobile vendor's license. Judicial findings of violation shall include nolo contendere pleas and convictions, whether or not adjudication is withheld.
- (c) Before reaching any decision under subsection (b) of this section, the city manager shall:
 - (1) Afford to the mobile vendor's license holder notice of the violation charged and a reasonable, informal opportunity to be heard;
 - (2) Consider the license holder's past record of compliance with this article and related laws; and
 - (3) Consider the degree of risk to public health, safety, and peace arising from the violation in evidence.
- (d) The city manager's decision shall be rendered in writing and shall include notice to the mobile vendor's license holder of a right to appeal the decision within ten days thereof. Appeals not filed in writing with the city clerk within the period shall be deemed waived and shall not be heard by the city commission.

- (e) Any mobile vendor's license revoked by the city manager pursuant to this section shall immediately be void and of no further use and effect to any person, including during the pendency of any appeal.

(Code 1986, § 107.35)

Secs. 18-289—18-315. - Reserved.

DIVISION 2. - LICENSE

Sec. 18-316. - Required.

- (a) No person shall offer for business sale any goods or services in the city except from a business duly licensed pursuant to the applicable sections of this Code or unless the person holds a valid mobile vendor's license and fully conforms to the terms of this article.
- (b) No person shall conduct any business sale or offer to conduct any business sale from any public road, other public thoroughfare, sidewalk, parking lot, or any public property whatsoever, except a person on a public road holding a valid mobile vendor's license and fully conforming to the terms of this article.

(Code 1986, § 107.27)

Sec. 18-317. - License as business tax receipt.

A valid mobile vendor's license shall be construed as satisfying, for the named holder thereof and for the uses provided in this article, the business tax receipt requirements of article IV of chapter 66.

(Code 1986, § 107.37; Res. No. 06-292, § 1, 9-6-2006)

Sec. 18-318. - Application; franchise fee.

- (a) Upon application and upon expiration of a reasonable time for administrative processing and review, the city manager shall issue a mobile vendor's license only to any applicant who:
- (1) Is 18 years of age or older;
 - (2) Submits two identification cards and two photographs which have been taken within 30 days of the application and which are three inches by five inches in size;
 - (3) Provides, on a form provided by the city manager, all of the following information regarding the applicant:
 - a. Name, home address, local address, telephone number;
 - b. Age, height, weight, color of eyes and hair;
 - c. Date of birth;
 - d. Social Security number; and
 - e. State sales tax number;
 - (4) Provides, on a form provided by the city manager, all of the following information regarding the applicant's business sales:
 - a. A description of the business, including specification of the goods/services offered for sale, and the expected locations from which sales will be offered; and
 - b. A description of the vehicle to be used in the business, including model, year, manufacturer, color, and license number;

- (5) Submits, if edibles are offered for business sale, a written acknowledgement from the appropriate state or county agency that the business is licensed in conformity with applicable health codes, which acknowledgement shall have been issued within 30 days of the application;
- (6) Provides proof of insurance required by section 18-320;
- (7) Provides a mailing address at which notice of any pertinent city information shall be considered received and binding upon the applicant or mobile vendor's license holder on the fifth day after first class mail is posted to the address; and
- (8) Pays a fee of the following:
 - a. Twenty-five dollars for city administrative processing costs;
 - b. Three hundred twenty dollars per year for solid waste collection costs, if offering services and rentals for business sale, and \$626.00 per year if offering goods or edibles for business sale; a licensee falling within more than one of such categories shall pay the applicable rate for the higher category; and
 - c. Two hundred fifty dollars for the right to offer for business sale, as provided in this article, goods or services of only one of the categories provided in section 18-321(b). A person holding a valid mobile vendor's license shall offer for business sale goods or services of more than one category only upon payment of \$250.00 for each such additional category.

All such fees shall be prorated for mobile vendor's licenses issued after October 1 according to a fraction rounded up to the number of months remaining in the fiscal year.

- (b) An applicant who misrepresents information provided under this section shall not be issued a mobile vendor's license or, if issued, shall suffer suspension or revocation of the mobile vendor's license pursuant to section 18-288.

(Code 1986, § 107.28; Ord. No. 01-20, § 1, 12-4-2001)

Sec. 18-319. - Exemptions.

- (a) The fees required by section 18-318(a)(8)c shall be waived for persons over 65 years of age and for disabled persons, including veterans, according to the city's policies for waiver of the business tax receipt fees set by section 66-88.
- (b) The city manager shall have authority to exempt persons from the terms of this article, for a period of up to 24 consecutive hours, during Bahama Village Night, Fantasy Fest, the Sidewalk Arts Festival, special programs at Bayview Park, and similar events. No more than one such exemption shall be delivered to any person for any 24-hour period.
- (c) By resolution, the city commission may exempt from the terms of this article and from article IV of chapter 66 persons offering business sales from public property by permission of persons having a leasehold interest in the property.
- (d) Notwithstanding certain subsections of section 18-324, any mobile vendor's license holder who provides by February 29, 1992, reasonable evidence to the city manager that, on a regular basis between January and November of 1986, he has offered goods or services for business sale from the bridge path parkway, as defined in section 18-324(2), shall be entitled to a certificate from the city manager permitting him to continue to so use the mobile vendor's license in zones other than HP districts. These special rights shall irrevocably expire if not exercised by the holder for any period of five consecutive weeks, and in any event shall irrevocably expire on December 15, 1996.

(Code 1986, § 107.36; Res. No. 06-292, § 1, 9-6-2006)

Sec. 18-320. - Insurance.

- (a) No person shall offer for business sale any goods or services pursuant to a mobile vendor's license unless the business is covered by a comprehensive liability insurance policy insuring the public against injury or damage occasioned by negligence arising from or incidental to the business activity. At a minimum, the policy shall provide coverage of \$100,000.00 per person and \$300,000.00 per incident. The policy shall list the city as a coinsured and shall provide that coverage shall not be cancelled or materially altered except after 30 days' written notice has been received by the city.
- (b) Proof of the continued viability of the insurance policy shall be provided upon the city manager's request given on reasonable notice at any time that the mobile vendor's license is valid and outstanding. Any failure to provide such proof shall render the mobile vendor's license null and void and of no further use or effect. The holder's subsequent application for a new mobile vendor's license shall be entitled to no special priority.

(Code 1986, § 107.34)

Sec. 18-321. - Term; random distribution.

- (a) Mobile vendor's licenses shall be issued on an annual basis coinciding with the city's fiscal year, October 1 through September 30.
- (b) Each mobile vendor's license shall show a designation according to the following categories, for which payment shall have been made as provided by section 18-318(a)(8):
 - (1) Edibles.
 - (2) Goods, except edibles or items offered for rent.
 - (3) Services.
 - (4) Rentals.

As provided in this article, a mobile vendor's licensee shall sell services or rentals or tickets to services or rentals only of businesses having a city business tax receipt. The sale of tickets by a mobile vendor's licensee for use of a motorized watercraft shall be deemed an embarkation under section 82-72.

- (c) Each mobile vendor's license shall be issued in the name of the individual applicant, only, and shall not be issued in the name of any corporation, partnership, or business. Each mobile vendor's license to be used in connection with a vehicle shall be issued for one vehicle, only. Licensees shall provide the city manager with a current photograph of the vehicle in use.

(Code 1986, § 107.29; Res. No. 06-292, § 1, 9-6-2006)

Sec. 18-322. - Renewal.

- (a) Except as provided in subsection (c) of this section, upon application, the city manager shall renew the mobile vendor's license of any applicant who:
 - (1) Held a valid mobile vendor's license which expired not more than 30 calendar days prior to filing of a complete application for renewal;
 - (2) Has provided the city with new or updated information, documents, and fees listed in section 18-318 and continues to meet all requirements of such section; and
 - (3) Pays a late processing fee of \$25.00 for any renewal application filed after October 1.
- (b) Upon application, the city manager shall renew any mobile vendor's license suspended under section 18-288, but any remaining term of suspension shall be applied to the renewed license, and during the term the mobile vendor's license confers no rights to offer for business sale any goods or services.
- (c) Any mobile vendor's license not renewed within 30 days of its expiration on September 30 shall be void and of no further use or effect whatsoever. At any time that the number of outstanding mobile vendor's licenses falls below 25, the city manager shall within 30 days of availability distribute, on a

random basis among any applicants, a sufficient number of mobile vendor's license's to ensure that the total number of outstanding mobile vendor's licenses equals 25.

(Code 1986, § 107.30)

Sec. 18-323. - Display.

Any person offering goods or services for business sale pursuant to a mobile vendor's license shall display the mobile vendor's license, including a three-inch by five-inch photograph of the licensee, at the left-rear side of any vehicle used to facilitate the offer; if no vehicle is so used, the person shall wear the mobile vendor's license, including a three-inch by five-inch photograph of the licensee, located as on a shirt front pocket.

(Code 1986, § 107.31; Ord. No. 01-20, § 2, 12-4-2001)

Sec. 18-324. - Conditions of use.

Persons offering goods or services for business sale and holding a valid mobile vendor's license shall be situated, together with their vehicles, goods, displays, or other accoutrements, only upon public roads, and shall not:

- (1) Obstruct vehicular or pedestrian traffic;
- (2) Enter upon sidewalks, footpaths, or the 50-foot-wide bridle path parkway adjacent to the northern curb of South Roosevelt Boulevard;
- (3) Enter upon any zoning district or area of the city, except as follows, and according to the conditions and hours shown:
 - a. CG, from 8:00 a.m. until 11:00 p.m.;
 - b. CL, from 8:00 a.m. until 11:00 p.m.;
 - c. HMDR, HRO, HHDR and HNC-1, 2, 3, from 8:00 a.m. until 8:00 p.m.; and HCT, HRCC-1, 2, 3, (as limited in subsection (14)) from 8:00 a.m. until 5:00 a.m., except that no person shall conduct or offer to conduct any business sale of goods or services on Duval Street (from Florida Bay to the Atlantic Ocean), and on Front Street, including any and all sidewalks, parking lots, and other public property adjacent to Duval Street or Front Street; including that area known as Clinton Square, including that portion of Whitehead Street between Front Street and a point 100 feet south of Greene Street, and including the portion of Greene Street from Whitehead Street to Front Street provided, however that a mobile vendor's license shall operate in an historic zoning district only after the historical architectural review commission has approved the appearance of the mobile vendor's license holder's vehicle(s) and/or displays;
 - d. The paved roadway adjacent to Smathers Beach, from 8:00 a.m. until 8:00 p.m.
- (4) Enter upon any parking lot, no-parking area, residential parking program space, designated or restricted parking area or loading zone;
- (5) Enter upon any metered public parking space, unless the required meter amounts are paid as due;
- (6) Stop or stand any vehicle, except in the normal flow of traffic, except vehicles less than 20 feet in length and 11-feet in height, including any towed vehicle, unless otherwise provided in this article;
- (7) Enter within 500 feet, measured by ordinary pedestrian route, of any elementary or secondary school building during a period commencing 30 minutes before classes begin and expiring 30 minutes after classes are concluded each day, unless in possession of written permission of the principal of such school, whose determinations shall protect the health and safety of the students;

- (8) Occupy, including the vehicles as well as associated goods, displays, and any accoutrements whatsoever, all of which must be affixed to the vehicle, a space larger than 20 feet in length and eight feet in width; provided, however, that in the HRCC-1, HRCC-2, HRO, HNC-1, HPS, HRCC-3, [and] HCT zoning districts, the space shall not exceed seven feet by four feet in dimension, and all vehicles shall be non-motorized within said districts as contained in this subsection. Non-motorized shall mean that no mobile vendors shall occupy any cart, structure, vehicle, or conveyance of any kind on city rights-of-way within this subsection that contains any combustible engine or electric motor or any form of non-human propulsion devices;
- (9) Station himself or any vehicle, goods, displays or other accoutrements whatsoever within 75 feet of any business property licensed pursuant to this Code which offers for business sale the same goods or services;
- (10) Station himself upon South Roosevelt Boulevard and there offer for rent any item of beach or water sports equipment greater than seven square feet in dimension and weighing more than 15 pounds, including but not limited to lounge chairs, jet skis, boats, sailboats, sailboards, or surfboards, except by written franchise granted by the city commission;
- (11) Except by authorization of the city manager, leave any vehicle unattended for a period of longer than one hour;
- (12) Fail to provide an appropriate number and size of fire extinguishers, if using any flammable substance in vending operations; or
- (13) Display more than two signs of total combined area of 12 square feet, which signs must be displayed on the vehicle.
- (14) Operate from Truman Avenue east to the Atlantic Ocean (including along Truman, Julia, Virginia, Amelia, Catherine, Louisa, United and South Streets) as bounded by Simonton and Whitehead Streets; along Simonton, Duval and Whitehead Streets as bounded by Truman Avenue and the Atlantic Ocean, including the entire area known as the Southernmost Point (and Southernmost Monument). Mobile vendor license holder #12777 is hereby grandfathered at a location on United Street at the southwest corner of United and Duval Streets.
- (15) Notwithstanding relevant subsections above, a licensed mobile vendor who has consistently operated from a location that is otherwise not in strict conformity with the provisions of this article, may petition the city to remain in such location, conditioned upon: sufficient evidence being provided by the vendor to the city manager or his designee to document that consistent and regular activities have been conducted from such location for at least a period of one year within the past three years; there being no impediment to traffic, pedestrian or other safety and engineering concerns, or any laws relating thereto; all such necessary information required herein, or as requested by the city manager or his designee in conformity with this provision, being provided within 30 days of the effective date of this ordinance provision. Any request for an exemption hereunder made after the expiration of 30 days from the date of this provision shall not be considered. Any individual petitioning the city for this exemption shall pay any costs incurred by the city in verifying any health or safety concerns implicated by a particular location. Any exemption granted pursuant to this provision shall irrevocably expire if not exercised by the holder for any period of five consecutive weeks.

(Code 1986, § 107.32; Ord. No. 01-20, § 3, 12-4-2001; Ord. No. 05-16, § 1, 7-19-2005; Ord. No. 08-21, § 1, 12-2-2008; Ord. No. 10-06, § 1, 1-19-2010; Ord. No. 14-04, § 1, 3-4-2014)

Sec. 18-325. - Transferability.

- (a) *Generally.* Except as provided in subsections (b), (c) and (d) of this section, the mobile vendor's license is nontransferable, and shall be used only by the person in whose name it is issued. Exceptions to nontransferability may be made upon application to the city manager in accordance with this section.
- (b) *Temporary transfer for medical reasons.* Documentation of medical necessity shall be provided to the city manager upon presentation of a physician's certificate that the mobile vendor's license holder is unable to function as a mobile vendor. Prior to commencement of the temporary transfer, the substituting party shall provide the information and payments required by section 18-318(a)(1) through (8) to the city manager. In no event shall a temporary transfer be allowed more than once, for a period of up to 90 consecutive days, within any one licensing year. The substituting party shall comply with all sections of this article and shall pay any renewal fees which become due during the temporary transfer period.
- (c) *Transfer to surviving spouse.* Upon the death of the holder of an active valid mobile vendor's license, the mobile vendor's license may be transferred to the surviving spouse not holding a separate mobile vendor's license. Intent to so transfer must have been documented by the mobile vendor's license holder while still living by means of a will, trust document, or other statement of intent to transfer meeting all statutory requirements for validity at the time of execution. In order to obtain transfer, the surviving spouse must make a written request to the city manager within 45 days of the death of the mobile vendor's license holder, accompanied by a copy of the death certificate and a copy of the will, trust document, or other statement of intent referred to in this subsection. Prior to issuance of the transfer, the surviving spouse shall provide the information and payments required by sections 18-318(a)(1) through (8) to the city manager. The surviving spouse shall comply with all sections of this article.
- (d) *Hardship.* Upon receipt of a mobile vendor's license holder's sworn, written statement of hardship addressed to the city manager and upon the advice of the city manager, the city commission may approve the transfer of a mobile vendor's license. To obtain approval of a transfer under this subsection, the mobile vendor's license holder must demonstrate that special conditions or circumstances exist beyond the mobile vendor's license holder's control that cause a personal hardship to the license holder. The city commission may consider the following factors, among others, in its determination:
- (1) The length of time the mobile vendor's license holder has held his mobile vendor's license;
 - (2) The substantiality of investment the mobile vendor's license holder has made in his business;
 - (3) The nature of the personal hardship, whether it concerns age, illness, death, family affairs or financial setback;
 - (4) Whether the mobile vendor's license holder obtained the mobile vendor's license prior to December 15, 1986, the date at which transferring the mobile vendor's license became restricted; and
 - (5) Whether the proposed transfer will be detrimental to the public welfare.

A transfer under this subsection shall not be approved if it results in or contributes to a person holding more than one mobile vendor's license, nor may a transfer be approved primarily for the benefit of or based on the hardship of the transferee. Upon approval of a hardship transfer, the transferor shall pay to the city the amount of \$100.00 representing a hardship transfer processing fee. This fee shall be in addition to all fees required under section 18-318. The city commission's grant of a hardship transfer shall not constitute precedent for a later application for transfer.

(Code 1986, § 107.33)

Secs. 18-326—18-350. - Reserved.