ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA TO AMEND PORTIONS OF DIVISIONS 1. *GENERALLY*. AND 2. *LICENSE*. OF CHAPTER 18. *BUSINESSES*, ARTICLE VI. *MOBILE VENDORS*. OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA AMENDING SEC. 18-287.; SEC. 18-318.(a),(a)(1),(a)(2),(a)4)and (a)8); SEC. 18-320.(b); SEC. 321(c); SEC. 322.(a)(b) and (c) AND SEC. 18-323; AMENDING SEC. 18-324(14) AND (15)AND ADDING SEC. 18-324(16)-(22) AND AMENDING SEC. 18-325(a)-(d) OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA TO STRENGTHEN ENFORCEMENT PROVISIONS, SPECIFICALLY ADDRESS NUISANCE BEHAVIOR, HARASSMENT AND SUSPECTED DRUG/CRIMINAL RELATED ACTIVITY, ENSURE PUBLIC SAFETY AND UPDATE CITY CODE TO ALIGN WITH CURRENT IN-HOUSE PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Code does not reflect the revisions to Florida Statutes pursuant to the passage of House Bill 1193 on July 1, 2020 creating Sec. 509.102, Florida Statutes establishing the demarcated designation of *Mobile food dispensing vehicles. Preemption.*- thereby removing them from the City's 25 MBV cap regulations found in Sec. 18-322(2).-*Renewal*. and Sec. 18-325.-*Transferability*. of the City's Code of Ordinances which were applied generally to mobile business vendors for the sale of goods, services, rentals and edibles; and

WHEREAS, it is the desire of the City's Licensing Department to update the City's Code of Ordinances to accurately

reflect current State and Federal laws governing the designation, licensing and regulation of all mobile business vendors in the City of Key West, Florida; and

WHEREAS, over the past several months, the City has experienced a significant increase in complaints related to nuisance behavior, harassment and suspected drug/criminal activity regarding a mobile vendor which generated a substantial influx of calls and reports to our City Code Enforcement Department; and

WHEREAS, as written, the City's current Code of Ordinances does not specifically address these types of incidents and, as written, Code Enforcement lacks the authority to issue a Notice of Code Violation (NOCV) to pursue corrective action when these issues arise; and

WHEREAS, this limitation restricts the City's ability to respond effectively and consistently to the concerns of our residents and visitors to the City and impacts overall public safety efforts; and

WHEREAS, revisions to the City's Code of Ordinances is necessary to effectively address the increasing incidents of public nuisance behavior, harassment and suspected drug/criminal activity involving and/or impacting our mobile business vendors and provide the City's Code Enforcement Department with the necessary tools to issue Notices of Code

Violation(s)to mobile business vendors, when appropriate, and implement proactive compliance efforts and routine regulatory methods to ensure consistent enforcement; and

WHEREAS, the Licensing Department recommends approval of this amending ordinance to bring City Code current as it relates to the licensing and regulation of mobile business vendors in the City and to strengthen the City's enforcement efforts, ensure public safety and align the City's Code with current in-house procedures;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA AS FOLLOWS:

SECTION 1.: That Section 18-287.*Definitions*., Chapter 18-*Businesses*., Division 1.-*Generally*., Article VI.- *Mobile Vendors*., Subpart A.- *General Ordinances*. of the Code of Ordinances of the City of Key West, Florida is hereby amended to read as follows:

"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.

Mobile Food Dispensing Vehicle (MFDV) means any vehicle that is a public food service establishment that is self-propelled or otherwise moveable from place to place and includes self-contained utilities, including, but not limited to gas, water, electricity or liquid waste disposal, pursuant to Sec. 509.102, Florida Statutes.

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. "

**(Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language is double underlined and ~~double struck through~~ at second reading.)

SECTION 2.: That Section 18-318.(a) and (a)(2)(3)(4) and (8). *.Application; franchise fee*. , Chapter 18-*Businesses*., Division 2.-*License*., Article VI.- *Mobile Vendors*., Subpart A.- *General Ordinances*. of the Code of Ordinances of the City of Key West, Florida is hereby amended to read as follows:

Sec. 18-318. Application; franchise fee.

(a) Upon application and upon expiration of a reasonable time for administrative processing and review, the Chief Licensing Official ~~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~~ one identification card~~s~~ and ~~two~~ one photograph~~s~~ 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 Chief Licensing Official ~~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 Chief Licensing Official ~~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:

Goods, Rentals or Services

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.

Edibles

a. $626.00 per year, if offering edibles for business sale.

b. Associated business tax receipt fee for food service catering or restaurant with zero seats.

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. "

**(Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language is double underlined and ~~double struck through~~ at second reading.)

SECTION 3.**:** That Section 18-320.(b). *Insurance*. Chapter 18-*Businesses*., Division 2.-*License*., Article VI.- *Mobile Vendors*., Subpart A.- *General Ordinances*. of the Code of Ordinances of the City of Key West, Florida is hereby amended to read as follows:

"Sec. 18-320. (b). Insurance.

(b) Proof of the continued viability of the insurance policy shall be provided upon the Chief Licensing Official's ~~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.

**(Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language is double underlined and ~~double struck through~~ at second reading.)

SECTION 4.: That Section 18-321(c). *Conditions of Use.,* Chapter 18- *Businesses*., Division 2.- *License*., Article VI.- *Mobile Vendors*., Subpart A.- *General Ordinances*. of the Code of Ordinances of the City of Key West, Florida is hereby amended to read as follows:

" Sec. 18-321.(c). Term; random distribution

(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 Chief Licensing Official ~~city manager~~ with a current photograph of the vehicle in use.

**(Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language is double underlined and ~~double struck through~~ at second reading.)

SECTION 5.**:** That Section 18-322.(a)(b) and (c) *Renewal.,* Chapter 18-*Businesses*., Division 2.-*License*., Article VI.- *Mobile Vendors*., Subpart A.- *General Ordinances*. of the Code of Ordinances of the City of Key West, Florida is hereby amended to read as follows:

"Sec. 18-322. Renewal.

(a) Except as provided in subsection (c) of this section, upon application, the Chief Licensing Official ~~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 Chief Licensing Official ~~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 or rentals.

(c) Any mobile vendor's license for goods, services or rentals (excluding edibles) 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 the number of outstanding mobile vendor's licenses for goods, services or rentals (excluding edibles) falls below 25, the Chief Licensing Official ~~city manager~~ shall, within 30 days of availability, distribute on a random basis among any applicants, a sufficient number of mobile vendor's licenses to ensure ~~that~~ the total number of outstanding mobile vendor's licenses for goods, services or rentals(excluding edibles) equals 25. "

**(Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language is double underlined and ~~double struck through~~ at second reading.)

SECTION 6.: That Section 18-323. *Display.,* Chapter 18- *Businesses*., Division 2.- *License*., Article VI.- *Mobile Vendors*., Subpart A.- *General Ordinances*. of the Code of Ordinances of the City of Key West, Florida is hereby amended to read as follows:

"Sec. 18-323. Display.

Any person offering goods, ~~or~~ services, rentals and/or edibles 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

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**(Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language is double underlined and ~~double struck through~~ at second reading.)

SECTION 7.: That Section 18-324. (14) and (15) is hereby amended and Sec. 18-324 (16) through (22) is hereby added to Sec. 18-324. *Conditions of Use.,* Chapter 18- *Businesses*., Division 2.- *License*., Article VI.- *Mobile Vendors*., Subpart A.- *General Ordinances*. of the Code of Ordinances of the City of Key West, Florida to read as follows:

"Sec. 18-324. - Conditions of Use.

(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.~~ Sell anything other than which they are licensed to vend.

(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.~~ Engage, participate in or allow to continue harassment, intimidation, pressure or coercion of passersby.

(16) Use any form of amplification.

(17) Wave, flag or motion to vehicles on the street.

(18) Leave any location without first picking up, removing and disposing of all trash and materials.

(19) Engage in or conduct business in any manner that creates, contributes to or allows to continue conditions that foster nuisance behavior, harassment, coercion or harm of any kind to include, but not limited to, suspected drug-related or other criminal activity; creating excessive traffic congestion and/or delays causing a hazard to traffic, life or property; obstructing access for fire, police, emergency medical or sanitation vehicles; and any and all public nuisances as further defined pursuant to Chapter 823. Public Nuisances, Florida Statutes.

(20) Operate a mobile vendor unit while impaired by alcohol, a controlled substance, or any other substance.

(21) ~~(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.

(22) ~~(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.

**(Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language is double underlined and ~~double struck through~~ at second reading.)

SECTION 8.**:** That Section 18-325. *Transferability*., Chapter 18-*Businesses*., Division 2.- *License*., Article VI.- *Mobile Vendors*., Subpart A.- *General Ordinances*. of the Code of Ordinances of the City of Key West, Florida is hereby amended to read as follows:

"Sec. 18-325. Transferability .

(a) *Generally.* Except as provided in subsections (b), (c) and (d) of this section, the mobile vendor's license for goods, services and rentals is non-transferable and shall be used only by the person in whose name it is issued. Exceptions to non-transferability may be made upon application to the Chief Licensing Official ~~city manager~~ in accordance with this section.

(b) *Temporary transfer for medical reasons.* Documentation of medical necessity shall be provided to the Chief Licensing Official ~~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 Chief Licensing Official ~~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 or registered domestic partner.* 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 or registered domestic partner 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 or registered domestic partner must make a written request to the Chief Licensing Official ~~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 or registered domestic partner shall provide the information and payments required by sections 18-318(a)(1) through (8) to the Chief Licensing Official ~~city manager~~. The surviving spouse or registered domestic partner 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 Chief Licensing Official ~~city manager and upon the advice of the city manager~~, the ~~city commission~~, Chief Licensing Official 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.~~

**(Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language is double underlined and ~~double struck through~~ at second reading.)

SECTION 9.: If any section, provision, clause, phrase or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

SECTION 10.: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

SECTION 11.: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this _____day of _____, 2026.

Read and passed on final reading at a regular meeting held this _____day of _____, 2026.

Authenticated by the presiding officer and Clerk of the Commission on ___day of _____, 2026.

Filed with the Clerk _____, 2026.

Mayor Sam Kaufman	_____
Vice Mayor Donald “Donie” Lee	_____
Commissioner Lissette Carey	_____
Commissioner Aaron Castillo	_____
Commissioner Monica Haskell	_____
Commissioner Christopher Massicotte	_____
Commissioner Mark Rossi	_____

_____
SAM KAUFMAN, MAYOR

ATTEST:

_____
KERI O’BRIEN, CITY CLERK