

Introduced by: Councilman Kitsey  
1<sup>st</sup> Reading: March 15, 2004  
2<sup>nd</sup> Reading: April 5, 2004

**ORDINANCE NO. 2004-7872**

**AN ORDINANCE AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, CHAPTER 12 - ARTICLE II "ICE CREAM AND SIMILAR FROZEN FOOD PRODUCTS"; TO REDEFINE SALES AREA, REVISE VEHICLE INSPECTIONS, REMOVE REFERENCES TO CITY SANITARY INSPECTOR, MODIFY ISSUANCE AND TRANSFER OF LICENSE, MODIFY SUSPENSION, REVOCATION, MODIFICATION AND, BY ADDING SECTION 12-20, TO INSERT OPERATION FROM STAND OR SINGLE LOCATION PROHIBITED.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA:**

**SECTION 1.** That Chapter 12, Article II – Ice Cream and Similar Frozen Food Products of the Code of Ordinances of the City of Jacksonville Beach, Florida is hereby revised and amended in its entirety, and shall read as follows:

**Chapter 12 – ARTICLE II – ICE CREAM AND SIMILAR FROZEN FOOD PRODUCTS**

**Sec. 12-16. Sales limited in certain area of city.**

The sale of products regulated by this article shall be prohibited at all times on the boardwalk and the public beach east of the established bulkhead, and shall be prohibited during festivals and special events, within the following areas:

The east line of Third Street; south line of Sixth Avenue North; north line of Beach Blvd.; and the established bulkhead line along the shore of the Atlantic Ocean.

Provided that sales shall be permitted to customers residing adjacent to the aforementioned boundaries, notwithstanding that their residence may extend within such prohibited area.

**Sec. 12-17. Inspection of vehicles required.**

No vehicle shall be licensed or used for the sale of products as provided in this article until it has been inspected and certified by the police department to ensure the following equipment is maintained and in good working condition:

1. Front, rear and directional lights meeting state standards;
2. Adequate brakes on all wheels;
3. Tires with sufficient tread and in safe operating condition;
4. Speedometer in good working order.

**Sec 12-18. Employees required to furnish health certification.**

No person shall be allowed to participate in the sale or handling of such products as are referred to in this article without:

- (1) A certificate from any licensed physician showing that such person is free from any disease considered dangerous or a menace to public health;
- (2) A food safety inspection report issued by the Florida Department of Agriculture and Consumer Services.

**Sec. 12-19. Packaging products.**

No products shall be sold or offered for sale under this article except such as are securely packaged and enclosed in sanitary covers to prevent contamination and otherwise comply with applicable ordinances, laws or regulations governing the sale or handling of such products.

**Sec. 12-20. Operation from stand or single location prohibited.**

No person, agent, employee or vehicle shall be allowed to take up any space in the public streets or public places for a stand to sell ice cream or other frozen products, but each and every person so engaged shall move with reasonable dispatch while upon public streets, or other public place, and when engaged in such occupation shall be subject to the direction of the chief of police or his designee.

**Secs. 12-21 – 12-26. Reserved**

**DIVISION 2. LICENSE**

**Sec. 12-27 Required.**

It shall be unlawful for any person to use, operate, run or cause or permit any of his agents, servants or employees to use, operate or run any vehicle in, along, through, over or upon any of the streets or other public ways of the city for use in connection with the sale at retail of pre-packaged snacks, ice cream, or other similar frozen products, without first having obtained a license to do so from the City Manager, as provided for in this division.

**Sec. 12-28. Application.**

Before any person shall be entitled to a license to engage in the business referred to in section 12-27, he shall submit to the City Clerk an application prepared in writing and duly sworn to by the individual or proper officer of the corporation involved, specifying the following matters:

- (1) If the applicant is an individual: the name, age, residence, present or proposed business address; and if a corporation: then its name, date of incorporation, names of its officers and directors and its present or proposed place of business; and if applicant proposes to operate under any trade name, a copy of the current fictitious name registration issued by the Division of Corporations of the Department of State;
- (2) A complete description of the type and kind of vehicle or vehicles to be operated by the applicant, and a statement of public liability and property damage insurance meeting the minimum state requirements, which the applicant will agree to carry in force upon each such vehicle;

(3) A schedule of all products proposed to be sold from each type of vehicle involved.

**Sec 12-29. Fee.**

No person shall engage in the business licensed under this division without having first paid to the City Clerk an occupational or license tax in the sum as provided in section 15-13 for each vehicle operated under the provisions hereunder; the same to be payable at the time and in the manner of other occupational license tax levied and imposed by the city, as provided in section 15-2.

**Sec. 12-30. Issuance.**

Upon the filing of any application under this division, the City Manager may grant or refuse the application, or may issue a license with such modification or upon such terms and conditions the public welfare, convenience or health may require.

**Sec. 12-31. Transfer.**

No license issued under the provisions of this division may be assigned or transferred without the consent of the City Manager authorizing such transfer.

**Sec. 12-32. Suspension, revocation, modification.**

The City Manager may suspend, revoke or modify any license issued under this division at any time for a violation of the license requirements or any City Ordinance, or may modify a license at any time to ensure full compliance with the City Ordinances.

**SECTION 2.** That all ordinances or parts of ordinances in conflict with this ordinance are, to the extent the same may conflict, hereby repealed.

**SECTION 3.** This ordinance shall take effect upon its adoption in accordance with the law.

**DONE IN OPEN MEETING THIS** 5<sup>th</sup> **DAY OF** April, A.D. 2004.

  
Bob D. Marsden, MAYOR

  
Heidi Reagan, CITY CLERK