

**CITY OF LABELLE
ORDINANCE 2015-16**

OUTDOOR ROADSIDE SALES

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF LABELLE, FLORIDA; AMENDING THE LABELLE CODE, PART II, CHAPTER 11-LICENSES AND BUSINESS REGULATIONS, ARTICLE I. IN GENERAL, SEC. 11-1.-OUTDOOR ROADSIDE SALES OF MERCHANDISE (C) EXCLUSIONS FROM THESE PROVISIONS. (6); ALLOWING OUTDOOR ROADSIDE SALES OF MERCHANDISE CONNECTED WITH OFFICIAL FLORIDA HOLIDAYS BY PERMIT; PROVIDING FOR INTENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of LaBelle, “ the City,” is authorized to adopt this Ordinance pursuant to Section 166.041, Florida Statutes; and

WHEREAS, the City Commission of the City of LaBelle is committed to protecting public health, safety and welfare by providing appropriate ordinances and regulations relative to outdoor roadside sales of merchandise; and

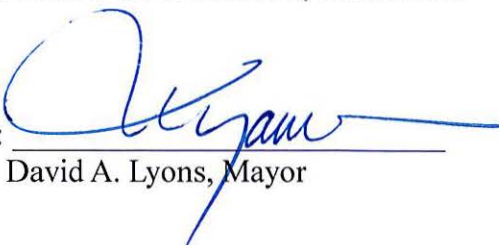
WHEREAS, the City Commission of the City of LaBelle recognizes that outdoor roadside sales of merchandise during official Florida State holidays serves a valid public purpose.

NOW, THEREFORE BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF LABELLE, FLORIDA that:

1. After being read by title at two separate and duly advertised public meetings; and, after public hearing held on October 8, 2015, before the City Commission of the City of LaBelle, Ordinance No. 2015-16 is hereby adopted.
2. The City Commission for the City of LaBelle has determined that the proposed amendment set forth in Exhibit “A” hereto should be included and codified in The LaBelle Code.
3. The City Commission of the City of LaBelle, Florida finds it a necessary and valid municipal purpose and necessity to provide for regulation of outdoor roadside sales during official Florida State holidays.
4. The LaBelle Code, Part II, Chapter 11-Licenses and Business Regulations, Article I. In General Provisions., Sec. 11-1. Outdoor roadside sales of merchandise., (c) *Exclusion from these provisions.* (6) is hereby amended as set forth in Exhibit “A” attached hereto and expressly made a part hereof as though fully set forth herein.
5. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.
6. This Ordinance shall become effective upon adoption.

PASSED AND ADOPTED in open session this 8th day October, 2015.

THE CITY OF LABELLE, FLORIDA

By: 
David A. Lyons, Mayor

Attest:


Thomas A. Smith, Clerk-Commissioner

EXHIBIT "A"

- **Chapter 11 – LICENSES AND BUSINESS REGULATIONS**

- **ARTICLE I. – IN GENERAL**

- **Sec. 11-1. – Outdoor roadside sales of merchandise.**

(a)

Sales within public right-of-way. The sale of merchandise from within the limits and confines of all public roads, streets or rights-of-way lying within the territory under the jurisdiction of the city is prohibited.

(b)

Sales upon private property. The sale of merchandise from outdoor roadside stands on private property, is hereby prohibited within two hundred (200) feet from all public roads, streets or rights-of-way lying within the territory under the jurisdiction of the city.

(c)

Exclusion from these provisions. The provisions of this section shall not apply to, or affect the following:

(1)

Persons selling goods pursuant to an order or process of a court of competent jurisdiction;

(2)

Persons acting in accordance with their powers and duties as public officers;

(3)

Any bona fide charitable, educational, cultural or governmental institution or organization, when the proceeds from such sale are used directly for the institution or organization's charitable purposes, and the goods or articles are not sold on a consignment basis, except that no sale shall be held under the provisions of this paragraph (c) until after a permit has been obtained from the city approving the times and location of such sale, for which permit there shall be no fee assessed;

(4)

Garage or lawn sales conducted at private residences by the owner or occupants of those residences in sales not exceeding three (3) days and conducted no more frequently than twice in each calendar year;

(5)

Any sale conducted by any merchant, mercantile or other business establishment from or at a place of business wherein such sales would be permitted by the zoning regulations of the city;

(6)

Any sale conducted during the annual Swamp Cabbage Festival, related to and in connection with an official Florida State holiday, or other civic event, and permitted by the designated public official of the city. Applications for permits shall be approved and adopted by the criteria established by the city commission and said criteria shall be incorporated into an application for permit. In the event of controversy regarding the issuance or non-issuance of said permit, the city commission shall make a final determination as to the application.