



City of North Port

ORDINANCE NO. 2020-03

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, TO CREATE SECTION 34-56 – MAKERS’ MARKET VENDOR PERMIT; AMENDING SECTION 34-54 – DEFINITIONS; AND AMENDING APPENDIX A – CITY FEE STRUCTURE; PROVIDING FOR ADOPTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

1 **WHEREAS**, there is an increasing demand for an organized event space where vendors can market and
2 sell cottage foods and handmade and hand-crafted merchandise and art; and
3

4 **WHEREAS**, on April 2, 2018 and July 5, 2018, the City Commission held properly noticed workshops to
5 discuss the creation of a makers market, to provide an organized event space for those vendors in the
6 City; and
7

8 **WHEREAS**, on February 7, 2019 and June 11, 2019, the City Commission held properly noticed meetings
9 to discuss the logistics of a makers market; and
10

11 **WHEREAS**, the City Commission has determined that the proposed amendments to the Code of the City
12 of North Port serve the public health, safety, and welfare of the citizens of the City of North Port, Florida.
13

14 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:**

15
16 **SECTION 1 – FINDINGS**

17
18 1.01 The recitals outlined above are incorporated by reference as findings of fact as if expressly set
19 forth herein.
20

21 **SECTION 2 – ADOPTION**

22
23 2.01 Chapter 34 of the Code of the City of North Port, Florida is hereby amended as follows:
24

25 **“Chapter 34 – LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS**

26 ...

27 **ARTICLE III. – BUSINESS PERMITS**
28

29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78

Sec. 34-54. – Definitions.

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

(1) Cottage food operator. A person who produces or packages cottage food products at their residence and sells such products in accordance with F.S. Section 500.80.

(2) Cottage food product. Food that is not a potentially hazardous food, as defined by the Florida Department of Agriculture and Consumer Services, and which is sold by a cottage food operator in accordance with F.S. Section 500.80.

(3) ~~(1)~~ Ice cream truck. A motorized vehicle or vehicle-mounted trailer from which only prepackaged, individually portioned frozen novelties or desserts, such as ice cream sandwiches, frozen yogurt bars, popsicles, or other frozen dessert products defined in F.S. Section 502.012, are sold.

(4) Maker. An artist or craftsperson who creates or manufactures handmade goods for individual sale, such as individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items.

(5) Maker’s market. An outdoor marketplace located on city property, where those with a valid makers market vendor permit can display and sell their products.

(6) ~~(2)~~ Mobile food vendor. The operator of a motorized vehicle or vehicle-mounted trailer used for the operation of food service activities or for the operation of an ice cream truck.

...

Sec. 34-56. – Makers market vendor permit.

(a) Applicability. All vendors operating at a marker’s market must have a valid, city-issued makers market vendor permit.

(b) Permit requirement. When operating at a makers market, a permittee must have its makers market vendor permit available for inspection at all times. Only cottage food operators may sell food products at a makers market.

(1) Duration. A makers market vendor permit is valid for one (1) year from the date of issue.

(2) Fee. An applicant must pay the makers market vendor permit fee when submitting an application for a makers market vendor permit.

(3) Application. An applicant for a makers market vendor permit must submit a complete permit application to obtain or renew a makers market vendor permit. At a minimum, the permit application must include all the following:

- a. The name, address, phone number, and email address for the applicant;
- b. A list or description of all items intended to be sold and the proposed display setup;

79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126

- c. Cottage food operators intending to sell cottage food products must submit a sample product label for each food product they will offer for sale in order to demonstrate compliance with Florida Department of Agriculture and Consumer Services regulations; and
 - d. The applicant's notarized signature acknowledging review of, and agreement to abide by, the regulations set forth in this section and attesting that the applicant has not had a city-issued makers market vendor permit revoked for any reason in the previous two years.
- (c) Location and timing. The makers market will be located on city property, and will occur no more than quarterly, as determined by the city manager or designee. Permittees may only operate within the areas designated for their operation by the city manager or designee. The city will provide notice of the date and location of each makers market on the city website.
- (d) Registration. For each makers market, permittees must register on the city's website to operate as a vendor.
- (1) City residents. Permittees that are city residents may register immediately, on a first-come, first-served basis.
 - (2) Non-residents. Ten (10) days after registration opens for city residents, all other permittees may register for the remaining vendor spaces.
- (e) Operation.
- (1) Hours. Vendors may operate only during the posted operating hours of a maker's market. Vendors may have one hour prior to, and one hour after, the posted operating hours to set up and breakdown operation.
 - (2) Assigned area. Vendors may only operate within their assigned area. No assigned area shall exceed twelve feet (12') by twelve feet (12'). No tent, canopy, or similar device used by a vendor may be larger than ten feet (10') by ten feet (10').
 - (3) Access. Vendors must not operate in any location that impedes, endangers, or interferes with the ingress or egress of pedestrians, traffic, building entrances, or emergency exits.
 - (4) Trash and recycling. Vendors must provide receptacles for trash and recycling, and are responsible for the proper disposal of all waste generated in their assigned area, which must be kept neat and orderly at all times. All garbage or trash must be removed prior to a vendor's departure.
 - (5) Fire extinguishers.
 - a. All vendors utilizing a generator or open-flame must have a 2-A:10B:C fire extinguisher in their assigned area.

127 b. All vendors utilizing a food fryer must have a 2-A:10B:C fire extinguisher and a
128 Class K fire extinguisher in their assigned area.

129
130 c. Vendors must comply with any additional fire extinguisher requirements as
131 determined by the fire chief or designee.

132
133 d. All fire extinguishers must be properly tagged, inspected, and tested annually per
134 NFPA 10, Standard for Portable Fire Extinguishers.

135
136 (f) Prohibited sales.

137
138 (1) The sale of alcoholic beverages is prohibited.

139
140 (2) Items that are obscene, offensive, or are otherwise deemed inappropriate by the city are
141 prohibited.

142
143 (g) Enforcement. Any code enforcement officer, sworn law enforcement officer, or the fire chief
144 or designee may initiate enforcement proceedings for a violation of this section. This section
145 shall be enforced by the city’s hearing officer pursuant to Chapter 2, Article IX of this Code.

146
147 (1) The city manager or designee may immediately revoke a makers market vender permit
148 by providing written notice to the permittee upon the occurrence of any of the following:

149
150 a. The state agency having jurisdiction over the maker, cottage food operator, or the
151 products sold thereby, revokes or terminates the license or permit allowing their
152 continued operation; or

153
154 b. Pursuant to order of the city’s hearing officer.

155
156 (2) The city’s hearing officer may order any penalty authorized under Chapter 2, Article IX of
157 this Code if the hearing officer determines that a permittee has failed to abide by the
158 regulations set forth herein, and may also order the revocation of a makers market vendor
159 permit upon finding any of the following:

160
161 a. A repeat violation of this Code within the preceding twelve (12) months;

162
163 b. The permittee no longer qualifies for the issuance of a new makers market vendor
164 permit;

165
166 c. The state agency having jurisdiction over the permittee, or the items sold by the
167 permittee, revokes or terminates the license or permit allowing for their continued
168 operation; or

169
170 d. The city-issued the makers market vendor permit based upon the applicant providing
171 false information, a misrepresentation of material fact, or a mistake of fact or law.

172
173 (3) Upon the effective date of revocation of a makers market vendor permit, a maker or
174 cottage food operator will not qualify for a new makers market vendor permit for a period
175 of twenty-four (24) months.

176
177
178
179
180
181
182
183
184

185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214

Sec. ~~34-57~~ ~~34-56~~ – 34-100. – Reserved.”

2.02 Appendix A of the Code of the City of North Port, Florida is hereby amended as follows:

“APPENDIX A – CITY FEE STRUCTURE

...

B. PLANNING AND ZONING FEES

PLANNING AND ZONING FEES	
...	
FEMA research letter	\$100.00
<u>Makers market vendor permit</u>	<u>\$100.00</u>
...”	

SECTION 3 – CONFLICTS

3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance or portions thereof, the provisions of this ordinance shall prevail to the extent of such conflict.

SECTION 4 – SEVERABILITY

4.01 If any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5 – CODIFICATION

5.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. Any additional codification information and notations appear in *italics*. These editorial notations shall not appear in the codified text.

SECTION 6 – EFFECTIVE DATE

6.01 This ordinance shall take effect immediately upon adoption by the City Commission of the City of North Port, Florida.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida in public session this 14th day of January 2020.

PASSED and ADOPTED by the City Commission of City of North Port, Florida on the second and final reading in public session this 28th day of January 2020.

CITY OF NORTH PORT, FLORIDA

DEBBIE MCDOWELL
MAYOR

215
216
217
218
219
220
221
222
223 ATTEST
224
225

226
227 HEATHER TAYLOR, CMC
228 INTERIM CITY CLERK
229

230
231
232 APPROVED AS TO FORM AND CORRECTNESS
233
234

235
236 AMBER L. SLAYTON
237 CITY ATTORNEY