

authorized by a city-sponsored event, or a city approved special event allowing such operations; or

- ii. Operating in an area governed by a duly enacted planned unit development or other similar development where mobile food dispensing vehicles operations are expressly authorized.

- (3) Mobile food dispensing vehicles must have and maintain a valid state license as a public food establishment and shall at all times operate and conduct business in compliance with state law and regulations.
- (4) Mobile food dispensing vehicles must have a local business tax receipt from the city.
- (5) Mobile food dispensing vehicle may not conduct business on any city owned or controlled property or public right-of-way, unless expressly authorized in writing by the city.
- (6) Mobile food dispensing vehicles may not operate on any private property without the prior written consent of the property owner.

(Ord. No. 09-25, § 2, 9-21-09; Ord. No. 21-37, § I, 10-28-21)

**Sec. 22-29. Open air event permit—Open air vendors.**

(a) *Open air event permits:* It being understood and recognized that festivals, celebrations, and other special events of a temporary nature may require the participation of numerous open-air vendors, including persons and entities who do not normally operate as open-air vendors, operating in close proximity with one another, an expedited procedure for such events has been devised to accommodate open air vendors operating at open air events. Any person or entity that plans to hold an open air event may obtain a temporary permit, effective for the duration and location of such event, which would allow open air vendors to operate at the event. Any open air vendor operating pursuant to an open air event

permit shall be exempt from obtaining an open air vendor permit pursuant to chapter 22 of the City Code solely for the purposes of operating at or otherwise participating in a specified open air event.

(b) *Application:* An event sponsor may apply for an open air event permit by application to the city manager and his/her designee. Such application shall include:

- (1) The event sponsor's contact information, including the address and telephone number at which the event sponsor may be reached.
- (2) The specific location(s) at which the open air event will be conducted and a map thereof that depicts the relative locations and identities of each open air vendor who will be participating at such event;
- (3) The name of the owner, and, if applicable, the lessee of the real property upon which the open air event will be conducted;
- (4) Proof of the real property owners' or lessees' consent to the open air event with respect to each parcel of property on which such event will be conducted;
- (5) The dates and times at which such open air event shall be conducted;
- (6) The name, address, and telephone number of each open air vendor that will be conducting business at such event and the dates and times at which each such vendor will be conducting business;
- (7) The goods, wares and merchandise that each open air vendor will be offering for sale or lease during the open air event; and



- (8) Any other appropriate information as requested by the city manager or his/her designee.

(c) *Review:* The city manager or his/her designee shall evaluate a completed application for an open event permit based on the following factors:

- (1) Whether the event sponsor has the consent of all of the real property owner(s) or lessee(s) to conduct his/her open air event on the properties identified in the permit;
- (2) Whether the open air event's and open air vendors' conduct of business is likely to cause or otherwise fails to propose sufficient mitigation of traffic, safety, or parking hazards;
- (3) Whether the proposed dates and hours of the open air event and participating open air vendors are reasonable when evaluated in light of all other city ordinances and applicable zoning criteria; and
- (4) Whether the proposed open air event and its use of open air vendors is compatible with applicable law.

Should the city manager or his/her designee determine that all criteria have been met, the city manager, or such designee thereof, shall issue an open air event permit authorizing the operations of the open air vendors listed in the application at such event. If approved, such permit shall be valid only to the extent that participating open air vendors conduct their operations in a safe and lawful manner in accordance with the information and representations provided in the open air event permit application, as well as any additional conditions stated in the permit.

(d) *Open air event permit amendments:* Upon becoming aware of any changes to information submitted as part of an open air event permit application, the event sponsor shall immediately apply to the city manager's office for an amendment to the open air event permit reflecting such changes. Applications for amendment need not include a resubmission of all information required by section 22-30(b), but shall include the applicant's current contact information, a copy of such applicant's current open air event permit, a detailed statement of the requested changes to the

open air event permit, and a concise summary as to why such changes are being requested. Such changes shall be evaluated utilizing the criteria set forth in section 22-30(c), to the extent that such are applicable.

(Ord. No. 09-25, § 2, 9-21-09)

### **Sec. 22-30. Solicitor permit.**

(a) In addition to the business tax receipts required by section 66-104, every agent, peddler, and solicitor, as defined in section 22-26, shall obtain from the city a written solicitor permit authorizing such person to conduct business within the city.

(b) Any person desiring to secure a solicitor permit required by this section shall first make written application to the city on forms provided by the city, and such application shall state at least the following:

- (1) The name and current address of the applicant.
- (2) The name and address of the person by whom such applicant is employed or who such applicant represents.
- (3) The length of time the applicant has been so employed.
- (4) The place of residence and nature of employment of the applicant during the preceding year.
- (5) The nature and character of the goods, wares, merchandise or services to be offered by the applicant.
- (6) The personal description of the applicant.

(c) Such application shall be also accompanied by credentials and other personal references and identification as may be reasonably required by the city commission, including, but not limited to, copies of a valid driver's license for the applicant or other similar form of photographic identification.

(d) If, upon an investigation reasonably made, the city ascertains and determines that the applicant for a permit required by this section has submitted a complete, correct and signed application and proposes to engage in a lawful, commer-

cial or professional enterprise, the city shall issue the permit. Such permit shall be carried at all times by the person to whom such permit is issued when soliciting or peddling within the city and shall be exhibited by any such person whenever requested by any police officer or any person solicited.

(Ord. No. 09-25, § 2, 9-21-09)

**Sec. 22-31. Revocation of permit.**

Any permit issued under this article shall be conditioned upon compliance by the permittee with general law, the Charter, this Code, and the conditions contained in such permit. For violation thereof the permit shall be suspended or revoked in the manner prescribed by section 66-105.

(Ord. No. 09-25, § 2, 9-21-09)

**Sec. 22-32. Compliance by door-to-door peddlers, solicitors.**

It shall be unlawful for any person to peddle or solicit from door to door or to any homes, residences, or business establishments in the city unless and until any person so desiring to peddle or solicit shall have complied with each and every of the terms and conditions of sections 22-29 through 22-31.

(Ord. No. 09-25, § 2, 9-21-09)

**Sec. 22-33. Exemption from permit requirements for familiar businesses.**

When any agent, peddler or solicitor has consistently paid to the city those business taxes required by section 66-104 for a period of one year immediately last past, he or she shall not be required thereafter to obtain a solicitor permit required by section 22-30 of this article and may engage in the activity of peddling or soliciting, as defined in section 22-26, without obtaining a peddler's or solicitor's permit.

(Ord. No. 09-25, § 2, 9-21-09)

**Sec. 22-34. Nonprofit exemption.**

Upon presentation of sufficient proof of charitable or benevolent intent and nonprofit status to the city manager or his/her designee, a charitable, benevolent, fraternal, educational, religious, or other similar nonprofit organization or associa-

tion may apply for and receive a waiver from the permitting requirements contained in this article, provided that such organization or association agrees to conduct its activities in a safe and lawful manner. If granted, such waiver shall be effective only as to the grantee, its volunteers, and its direct employees, and shall not be extended to any independent contractors or for-profit entities hired, paid, or retained by the grantee. Once issued, a waiver shall be valid for a period of one year and may be renewed upon application. A waiver issued pursuant to this subsection shall not be construed to excuse or authorize otherwise unlawful conduct such as the conduct of vending or solicitation operations on properties without the consent of the owner or lessee of such property, trespass, disturbances of the peace, fraud, or the failure to observe and abide by any other applicable ordinance, law, or statute. The city shall be authorized to charge a nominal processing fee in conjunction with any applications submitted pursuant to this section.

(Ord. No. 09-25, § 2, 9-21-09)

**Secs. 22-34—22-60. Reserved.**

**ARTICLE III. ROLL-OFF CONTAINER SERVICE\***

**Sec. 22-61. Permit required.**

A separate permit is required under this article for placing or servicing each roll-off container and compactor.

(Code 1988, § 13-121)

**Sec. 22-62. Application for permit.**

Every person required to procure the permit required in section 22-61 shall submit an application for such permit to the superintendent of solid waste. The application shall:

- (1) Be a written statement upon forms provided by the city. Such application form shall include an affidavit to be sworn to by the applicant before a notary public of the state.

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\*Cross reference—Solid waste, ch. 58.

- (2) Require the disclosure of all information necessary in compliance with this article.
- (3) Be accompanied by the full amount of the fee for such permit. The permit fee shall be \$25.00.
- (4) Be submitted to the director of public works by the superintendent of solid waste, together with all pertinent information required in this article, in order that a determination can be made by the city manager.
- (5) Contain a complete record of all arrests and convictions against the applicant and every partner, officer or director of the applicant for violations of any and all laws and ordinances of the city, state, or federal government.
- (6) Contain the names of employees responsible for operation of the applicant's business, meaning those who will manage, administer and supervise the business under the permit when issued, including the amount of experience possessed by each such employee. If such employee is other than a partner or director of the applicant, each such employee must complete a police department background information report, executed under oath, and submit a background investigation, photograph, and fingerprints.
- (7) Contain the following additional information:
  - a. The number, type and size of waste collection vehicles to be used.
  - b. The number of employees to be assigned to each waste collection vehicle.
  - c. The name and location of commercial and industrial establishments where roll-off containers and compactors are to be placed and serviced.

(Code 1988, § 13-122; Ord. No. 06-04, § 2, 2-9-06)

#### **Sec. 22-63. Prerequisites to issuance of permit.**

In determining whether or not a permit for the placing and servicing of roll-off containers and

compactors should be issued, the city manager shall consider and base his decision on the following:

- (1) Review of the material submitted pursuant to section 22-62.
- (2) A review of all convictions of the applicant, the reasons therefor and the conduct of such applicant subsequent to release.
- (3) The license history of each such applicant.
- (4) The certificate of approval of the superintendent of solid waste to the effect that the applicant has satisfied the following:
  - a. The adequacy of the equipment to be used.
  - b. The applicant has agreed to remit to the city each month a fee calculated at 25 percent of the gross revenue received by the applicant for the preceding calendar month, and has agreed to furnish a duplicate copy of the applicant's monthly billing.
  - c. The applicant has agreed to make all books and records applicable to business conducted under the permit required by section 22-61 available to the city for inspection and audit.
  - d. The applicant has provided a copy of a certificate of insurance demonstrating that the applicant's employees performing work pursuant to the permit are covered by workers' compensation insurance.

(Code 1988, § 13-123; Ord. No. 06-04, § 3, 2-9-06)

#### **Sec. 22-64. Bond.**

No permit required by this article shall be issued until the applicant shall have filed with the city his good and sufficient bond in the sum of \$50,000.00 conditioned upon indemnifying the city from any claim or damage that may be occasioned or suffered by the city in any manner because of the issuance of the permit, the use of city streets or the negligence of the permit holder

or any of his agents or employees. The bond shall be in the form and manner as shall be approved by the city attorney.  
(Code 1988, § 13-124)

#### **Sec. 22-65. Insurance.**

(a) *Generally.* The holder of a permit issued under this article shall maintain in effect at all times the following coverages:

- (1) *Workers' compensation.* Coverage to apply for all employees of permit holders for statutory limits in compliance with the applicable workers' compensation state and federal laws. The policy must include employer's liability with a limit of \$100,000.00 each accident.
- (2) *Comprehensive general liability.* Comprehensive general liability coverage with minimum limits of \$500,000.00 per occurrence, combined single limit for bodily injury liability and property damage liability. This shall include premises and operations, independent contractors and products and completed operations, broad form property damage and XCU coverage, and a contractual liability endorsement.
- (3) *Business vehicle policy.* Business motor vehicle coverage with minimum limits of \$500,000.00 per occurrence, combined single limit for bodily injury liability and property damage liability. This shall include owned vehicles, hired and nonowned vehicles, and employees' nonownership.

(b) *Inclusion of city.* The city is to be specifically included as an additional insured on all coverage except for workers' compensation.

(c) *Expiration of coverage.* If the insurance coverage expires prior to the last day of the fiscal year of the city, a renewal certificate shall be issued 30 days prior to the expiration date. The policy shall provide a 30-day notification clause to the city if the policy is canceled or modified.

(d) *Certificates.* Certificates evidencing this section shall be furnished to the city.  
(Code 1988, § 13-125)

#### **Sec. 22-66. Permit termination, denial and renewal; restrictions on issuance or renewal.**

(a) All annual permits issued under this article shall terminate on the last day of the fiscal year of the city, or at such time as the city acquires the ability to collect, remove or dispose of all accumulations.

(b) Each permit holder shall make a written application for renewal on forms provided by the superintendent of solid waste on or before October 1 of each calendar year, which application shall contain substantially the same information as the initial application and shall be accompanied by the required fee.

(c) Applications for renewal shall be processed in the same manner as an initial application.

(d) The granting or renewal of a permit pursuant to this article shall not be construed as a grant of a franchise or of vested rights.  
(Code 1988, § 13-126)

#### **Sec. 22-67. Exemption for use on temporary residential construction sites.**

This article shall not apply to roll-off containers used on temporary residential construction sites, except that there shall be a one-time permit fee of \$100.00 payable when the building permit is pulled. Also, there shall be a one-time fee of \$100.00 for providing, assembly, delivery, and maintenance of one 96-gallon poly-cart and two recycle bins payable when a new residential building permit is pulled.

(Code 1988, § 13-127; Ord. No. 06-04, § 4, 2-9-06)

#### **Secs. 22-68—22-95. Reserved.**

### **ARTICLE IV. MOTION PHOTOGRAPHY PRODUCTION**

#### **Sec. 22-96. Purpose of article.**

The purposes of this article are to:

- (1) Establish a one-stop permitting process for motion photography production endeavors on public property owned or controlled by or under the jurisdiction of the city;



- (2) Provide a means whereby acts otherwise prohibited by this Code may be allowed during such productions; and
  - (3) Provide for an exemption from other Code permit requirements in recognition of the economic impact of the motion picture and television industry.
- (Code 1988, § 13-152)

#### **Sec. 22-97. 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:

*City equipment* means any tangible property, other than real property, purchased by public funds and utilized in the normal course and scope of providing governmental service by the city.

*City facility* means any public street, sidewalk, place or building owned or controlled by or under the jurisdiction of the city, to include but not be limited to city parks and recreation facilities, city hall, Tanner Auditorium and any other city facilities.

*Film commissioner* means the director of the motion picture and television division of the Industrial Development Commission of Mid-Florida, Inc.

*Motion photography* means the commercial taking or making of a motion picture, television, videotape, or film production utilizing city equipment or utilizing city facilities. These terms shall include and a production permit shall be required for such productions on private property not at a studio involving the use of stunts, pyrotechnics, explosives, or other incendiary devices. This term shall not include the shooting of such film at studios constructed for such purpose where no city equipment or city facilities are involved and shall not include any news, news feature, or documentary production.

*Production permit or permit* means the permit required by this article.

(Code 1988, § 13-153)

**Cross reference**—Definitions generally, § 1-2.

#### **Sec. 22-98. Actions of film commissioner.**

Under this article, the film commissioner is authorized to act as the agent for the city in the receipt and processing of applications for production permits. After review and approval by the city manager, the film commissioner shall issue the permit. With regard to motion photography production, no other city permits shall be required.

(Code 1988, § 13-154)

#### **Sec. 22-99. Permit required; effect of non-compliance.**

(a) No person shall advertise, engage in, suffer, cause, or permit, participate in, or start any motion photography production unless a production permit shall first have been obtained from the film commissioner. Violation of this section shall be punishable as provided in section 1-15.

(b) Failure to comply with the terms and conditions of the production permit once issued shall be grounds for immediate suspension of the production until such time as the noncompliance is remedied. The suspension shall be initially communicated orally, followed by a written suspension order. Continued failure to comply with the terms and conditions of the production permit may result in revocation of the permit. Continuation of the production in violation of the suspension or revocation shall be punishable as provided in section 1-15.

(Code 1988, § 13-155)

#### **Sec. 22-100. Application for permit.**

(a) Any person seeking the issuance of a production permit shall file an application with and on forms provided by the city. The application shall be filed not more than 180 days and not less than five working days before the commencement of production. The application shall be signed, under oath, by an authorized representative of the applicant.

(b) The application shall contain the following information:

- (1) Location of the production.
- (2) Duration and type of the production.

- (3) Proof of general liability insurance coverage in the amount of at least \$1,000,000.00 with the city named as an additional insured.
- (4) Special effects to be utilized, especially stunts and incendiary or explosive devices, with proof of \$5,000,000.00 liability insurance therefor. In addition, the application shall list the person in charge (pyrotechnician or stunt coordinator) of such special effects together with his qualifications and licensure by the applicable federal and state agencies.
- (5) Necessity for closure of public streets or sidewalks and for what duration.
- (6) Proposed utilization of city equipment.
- (7) Number and type of the vehicles and equipment and number of personnel to be on location with the production.
- (8) A written summary or explanation of the portion of the production to be shot within the city.
- (9) An agreement to pay for extraordinary services provided by the city.
- (10) Certificate to the film commissioner that all affected private property owners and tenants have been notified of the filming and that arrangements have been made to cause the least disruption as possible for the property owners and tenants.
- (11) Written consent of any private property owners of any property where equipment, cast or crew will enter on such private property.
- (12) Certificate that the film shall not be a pornographic film. Pornographic for the purposes of this article shall mean a film or tape of activities of one or more of the following:
  - a. Acts of human masturbation, actual sexual intercourse, sodomy, bestiality and in a graphically sexual context the following: masochism, sadism or sadomasochism.
  - b. Depiction of human genitals in a state of sexual stimulation or arousal.

- (13) Any additional information that shall be reasonably deemed necessary by the film commissioner or city manager.  
(Code 1988, § 13-156)

**Sec. 22-101. Exemption from other permits; restoration of property.**

(a) Once a production permit has been issued and notwithstanding any other section of this article to the contrary, no other city permits shall be required for any of the activities forming a part of the production.

(b) If some or all of a motion photography production is to take place on private or public property not at a studio and the production involves the erection of temporary structures or temporary modification of an existing structure or the introduction of an object or substance onto the property, the applicant for the production permit may be required to restore the property to the condition existing prior to the production. In addition, the city may require that the applicant provide a performance bond in an amount to be determined by the city, to ensure such restoration.

(Code 1988, § 13-157)

**Sec. 22-102. Costs for extraordinary service.**

(a) The city shall recover direct costs for extraordinary services rendered in connection with a production. Such costs shall include but not be limited to charges for personnel and equipment committed in support of the production which are outside the normal scope of government services. Based on the information provided in the permit application, an estimate of these costs will be provided to the applicant prior to issuance of the permit. The city may require prepayment of all or a portion of these estimated costs prior to issuance of the permit.

(b) At the conclusion of the production, actual costs below or in excess of the estimates will be refunded by the city or paid by the applicant, respectively. The city is under no obligation to provide city personnel or equipment, and these shall be provided only if the city manager consents.

(Code 1988, § 13-158)