



PALM BEACH COUNTY ROADSIDE VENDORS PROGRAM (2021) STEPS TO ACQUIRE A PALM BEACH COUNTY ROADSIDE VENDOR PERMIT

Please note the following steps apply only to a Roadside Vendor Permit for vending from a specific location on the side of a County road in the unincorporated area of the County.

The **Roadside Vendors Ordinance (RVO)** contains the information needed to acquire a Roadside Vendor Permit. The only products that may be sold are prepared foods, flowers, plants or produce. Review the entire Ordinance carefully before applying for a Permit.

1. Obtain a **Roadside Vending Package** ONLY from Engineering & Public Works Department, Traffic Division, at 2300 Jog Road, 3rd Floor, West Palm Beach, FL 33411. (This package includes a copy of the **RVO**, an **Application for Permit**, a **Wait List Application**, an example of the Roadside Vendor Performance Bond, Violation Point Assignments, a list of current permits, a list of locations reviewed that failed to meet Ordinance specifications, and other useful information. Please refer to Exhibits 1 - 5 attached to this package.)

Vending office hours are, **by appointment only**, between 8:00 am to 3:00 p.m. Please call (561) 684-4030 to make an appointment. Please see #6 below before making an appointment.

Additional Information can be obtained by visiting the Traffic Division website at:
http://discover.pbcgov.org/engineering/traffic/Pages/Roadside_Vendor.aspx.

All other vendor permits can be found at Palm Beach County Zoning Division website at:
<http://discover.pbcgov.org/pzb/PDF/SpecialPermit.pdf>. Palm Beach County Zoning Division can be reached by calling 561-233-5200.

2. Select a vending location that meets all the criteria specified in the **RVO**. Call or email to ENG-TrafficAdmin@pbcgov.org to confirm that the location complies with the RVO specifications.
3. Submit completed, signed **Application for Permit** to the Traffic Division along with \$100.00 application fee. Please make checks payable to *Palm Beach County Board of County Commissioners*. Submittals can be mailed, dropped off at the Traffic Division (see address above), or emailed to ENG-TrafficAdmin@pbcgov.org for review.
4. Once the location has been approved, you will be issued an **Intent to Permit**. You will have twenty (20) business days from issue date to obtain all of the required paperwork (step 5) and return for the actual Permit. If intent to permit expires, the location becomes available for other vendors.
5. Obtain the following documents (from the sources listed on the reverse side), issued to exactly the same name as what is shown on the **Intent to Permit**. Please note, no Permit will be issued until all correct documents are received.
 - a) Current copy of Partnership, Corporation and/or Fictitious Name paperwork filled with the Secretary of State (see example 1 on page 9)
 - b) **Hotel & Restaurant License** (for Prepared Foods only) (see example 2 on page 9)
 - c) Original Certificate of Insurance (see example 3 on page 9):
 1. specifying vending location covered
 2. naming Palm Beach County Board of County Commissioners as both additional insured and certificate holder
 3. for minimum of \$500,000.00 general liability coverage
 4. for coverage through (or beyond) permit year
 5. would prefer to have printed on an Accord form
 - d) **Performance Bond** (see example 4 and 5 on page 10-12) in minimum amount of \$2,000.00
 - e) **Receipt** showing payment in full for liability insurance coverage and bond. *These will come in various forms.*
 - f) A current Florida Annual Resale Certificate showing Palm Beach County **Sales Tax ID Number** (not needed for Produce)(see example 6 on page 12)
 - g) A current Palm Beach County **Local Business Tax Receipt** (previously called "Occupational License") with vending location and product category (food vendors must show food license and our "Intent to Permit" form when applying for **Local Business Tax Receipt**)(see example 7 on page 12)
6. All required documents must be submitted for review and approval **prior** to making an appointment. Submittals can be mailed, dropped off at the Traffic Division (see address above), or emailed to ENG-trafficadmin@pbcgov.org. No original documents will be accepted at this time. After the review process has been completed and approved, call for an appointment and bring the required original documents in at that time for final processing.
7. Call the Traffic Division 561-684-4030 to schedule an appointment prior to expiration of *the Intent to Permit*. Bring all required **original** documents to the scheduled appointment. The annual permit fee (\$250/year, \$150 after July 1) will also be processed as part of the appointment. Once completed, a permit will be issued along with a permit plate. Please make checks payable to *Palm Beach County Board of County Commissioners*.



ROADSIDE VENDOR APPLICATION SOURCES
FUENTES PARA APPLICACION DE VENDEDORES EN PROPIEDAD PUBLICA

Roadside Vendor Permit Permiso y recibo de pago (Unincorporated only)	Palm Beach County Engineering 2300 North Jog Road, 3 rd Floor West Palm Beach, FL 33411-2750 Phone: (561) 684-4030	(East side of Jog Road, just north of Okeechobee Boulevard.)
Private Property Permits (Unincorporated only) Permiso en propiedad privada (Areas fuera de las ciudades)	Planning, Zoning & Building 2300 North Jog Road, West Palm Beach, FL 33411-2741 Phone: (561) 233-5200	Zoning Div. - special permits - same as above, 1 st & 2 nd floors (Holiday tents, Christmas trees, Sparklers, etc.)
County Parks Permiso dentro de un parque de la ciudad	Palm Beach County Parks 2700 6th Avenue S. Lake Worth, FL 33461 Main phone: (561) 966-6600	(Located across from Palm Beach Community College) (contact John at 966-6627 regarding process)
Permits within any city Permiso dentro de la ciudades.	Contact that city. Contacte la ciudad.	Check blue section of local phone book for contact number
Sales Tax Number shown on Florida Annual Resale Certificate Numero de Identification de Impuesto	Florida Department of Revenue 2468 Metro Centre Boulevard West Palm Beach, FL 33407 Phone: (800) 352-3671	(On 45 th Street, 1 st signal west of I-95, take a left to go south on Metro Centre Blvd.)
Local Business Tax Receipt Recibo local de Impuesto de Negocios (formerly called "Occupational License") (anteriormente llamado "Licencia Ocupacional")	Palm Beach County Tax Collector 301 N Olive Avenue West Palm Beach, FL 33401 Phone: (561) 355-2264 Royal Palm Beach Service Center 200 Civic Center Way Royal Palm Beach, FL 33411 Central Palm Beach Service Center 4215 South Military Trail Lake Worth, FL 33463	(Or any Tax Collector Office or Mobile Unit - Please call the number listed to obtain those locations)
Hotel & Restaurant Food Service License Licencia de Sanidad	FL Dept. of Business Regulation Hotel & Restaurant Division Phone: (850) 487-1395 www.hospitalityeducation.org	(Call for information or to have an inspector in your area contact you.)
Department of Agriculture License (prepackaged food) Licencia del Departamento de Agricultura	Florida Department of Agriculture Division of Food Safety 3125 Conner Boulevard Tallahassee, FL 32399 Phone: (850) 245-5595	(Same as Hotel & Restaurant for prepackaged foods)
General Liability Insurance & Bond Sequo de Responsabilida y Fianza de Operacion	Obtain from any insurance company you wish. Obtenga de una compania de su preferencia.	



**PALM BEACH COUNTY ROADSIDE VENDORS PROGRAM
APPLICATION FOR PERMIT (2021)**

APPLICATION TYPE: APPLICATION DATE: _____
☐ NEW PERMIT
☐ RENEWAL OF PERMIT _____
☐ VOLUNTARY RELOCATION OF PERMIT _____
☐ COUNTY-MANDATED RELOCATION OF PERMIT _____

BUSINESS TYPE: ☐ SOLE PROPRIETOR
☐ PARTNERSHIP (ALL partners must sign)
☐ CORPORATION (Officer/Manager must sign)

APPLICANT'S NAME: _____
(All documents to be issued in this name)

CONTACT NAME: (for Corp. Only) _____

FICTITIOUS (D.B.A.) NAME: _____

MAILING ADDRESS: _____
(Street)

(City) (State) (Zip)

HOME/BUSINESS ADDRESS: _____
(NO P.O. BOX) (Street)

(City) (State) (Zip)

E-MAIL: _____

PHONE NUMBER(S): _____
(Include area code) (Include area code)

EMERGENCY CONTACT: _____
(Include area code) (Name/Relationship)

PRODUCT CATEGORY (CIRCLE ONE ONLY): FOOD FLOWERS PLANTS PRODUCE

VENDING LOCATION:
On (North/South/East/West) _____ side of (road), _____
(distance) _____ feet (North/South/East/West) _____
of intersection with (road) _____
Description of Vending Equipment(vehicle/trailer/etc.) _____
Total measurement of Vending Equipment in square feet: _____

- The following must be submitted with this application:
- 1) Application Fee: New Application, \$100.00; Renewal Application, \$50.00.
Please make checks payable to *Palm Beach County Board of County Commissioners*.
 - 2) Copy of paperwork that has been filed with the Secretary of State for Partnership, Corporation and/or Fictitious Name (IF APPLICABLE).

By my (our) signature(s) below, I (we) certify that the information above is true and correct to the best of my (our) knowledge and belief; and I (we) acknowledge receipt of a copy of the Roadside Vendors Ordinance (Palm Beach County, Florida, Code of Ordinances, PALM BEACH COUNTY CODE, Chapter 23, ROADS AND BRIDGES, ARTICLE V. ROADSIDE STANDS AND VENDORS), and have read, understood, and agree to abide to all terms and conditions contained therein, including the section of the RVO which states: "The total vending area of operation is not to exceed three hundred (300) square feet in the urban service areas as defined in the Comprehensive Plan. Outside the urban service area, the total vending area of operation for prepared food only is not to exceed five hundred (500) square feet."

Signature(s) of Applicant(s)



THIS SPACE FOR OFFICE USE ONLY

Application accepted by:

Roadside Vendor Compliance Officer

Date/Time Application Received

VENDING LOCATION EVALUATION (to be completed by Engineering)

____ The vending location is approved as requested.

____ The requested vending location is approved with the following modification:

____ The requested vending location cannot be approved for the following reason:

If an alternate location is desired, both a Vending Location Evaluation form and the \$50.00 vending location evaluation fee must be submitted.

APPROVED VENDING LOCATION: (to be completed by Engineering)

Once the vending location has been approved, an Intent to Permit shall be issued. Within twenty (20) business days of the issuance date of the Intent to Permit, the following, as specified in the Roadside Vendors Ordinance, **must** be provided before a Roadside Vendor Permit can be issued:

- 1) The \$250.00 (\$150.00 after July 1) annual permit fee;
- 2) A valid Palm Beach County Local Business Tax Receipt (previously called "Occupational License")
- 3) An original Certificate of Insurance evidencing general liability coverage in the amount of \$500,000.00 (minimum);
- 4) A \$2,000.00 (minimum) performance bond, or other satisfactory surety;
- 5) Receipt for payment in full of both insurance and bond.
- 6) A current Florida Annual Resale Certificate, showing Palm Beach County Sales Tax ID Number (not required for sale of Produce);
- 7) A valid Hotel & Restaurant Food Service License (for sale of Prepared Food only).

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THIS SPACE FOR OFFICE USE ONLY

Fee Summary		
	Amount:	Date Paid:
Application Fee:		
Permit Fee:		
Other (Waitlist or Relocation):		

Application processed by:

Roadside Vendor Compliance Officer



WAIT LIST POLICY

1. The Palm Beach County Roadside Vendor Wait List policy applies only to vending locations currently permitted to another Business Entity. A separate Wait List Application and fee must be submitted for each such location desired by an applicant. Each Wait List is **effective from March 1 thru February 28**. Previous Wait List Applications will not be automatically renewed on March 1. Therefore, a new application form and fee must be submitted if the given location is still desired beyond February 28.
2. Applicants **must apply in writing on this form**. Applications may be submitted in person, or by mail. The Applicant Name(s) must be the same name(s) under which both the Intent to Permit and the Permit itself are to be issued. (Note - since **original signature(s)** are required, **the original must be mailed or delivered** to Palm Beach County Engineering/Traffic, at 2300 North Jog Road, 3rd floor, West Palm Beach, FL 33411. Please make checks payable to *Palm Beach County Board of County Commissioners*. Application is not eligible for processing until the original paperwork & fee has been received. It is your responsibility to keep Palm Beach County Engineering informed, in writing, of your current mailing address and phone number(s). **No Wait List applications or phone/address changes will be accepted by phone, fax, or e-mail.**
3. A single Business Entity may have a **maximum of six (6)** Wait List Applications pending at any given time. These may be a combination of relocation and/or new applications. However, a maximum of three (3) of these can be for the relocation of any given permit.
4. The Wait List for any given location is maintained by **priority**, based on application type (relocation or new permit) and seniority. All relocation applications for a given location will be processed before any "new permit" applications for that same location.
5. For relocation applications, priority will be based on the seniority date of the permit being relocated. This is the earliest date on record with Engineering for continuous active status for that permit.
6. For "new permit" applications, priority will be based on the date and time the Wait List Application is received by this office.
7. Once a location becomes available, the Wait List for that location is **"frozen"**. We will process the list by priority. We will contact the first applicant on the Wait List once a day for one week during business hours (Monday through Friday, 8:00 am - 4:00 pm). If that applicant fails to return a message, refuses the location, or cannot be reached within that week, we will proceed to the next applicant. Once the list has been exhausted, we will then process any Wait List for that location established since the exhausted list was frozen. Once all Wait Lists for a given location are exhausted, that location becomes available to the next person requesting it.
8. If you have any questions concerning your application or the Wait List process, please contact Vendor Compliance Officer at (561) 684-4030. **Vendor office hours by appointment only.**



EXHIBIT 1
PALM BEACH COUNTY ROADSIDE VENDOR PROGRAM
CHECKLIST (2021)

PERMITTEE: _____

LOCATION: _____

Please take a few minutes to review this checklist **before** you come in to the office to apply for a new or renewal permit. Having all required items with you will help to expedite the application and renewal process.

Failure to have all required documents in hand at the time of your appointment will delay your renewal, and may result in vendors losing their vending locations, and seniority where applicable.

Number each document as listed below in the upper right corner. A few minutes of preparation now will avoid unnecessary delays later.

- ____ 1) Return 2020 permit & vendor plate (for renewals only).
- ____ 2) Completed Application for Permit.
- ____ 3) Application Fee (New \$100.00 / Renewal \$50.00). Please make checks payable to *Palm Beach County Board of County Commissioners*.
- ____ 4) Current copy of Partnership, Corporation and/or Fictitious Name paperwork filed with Secretary of State (if applicable).
- ____ 5) Valid Hotel & Restaurant Food Service License for permitted year (for Prepared Foods only).
- ____ 6) **Original** Certificate of Insurance for General Liability Insurance, with agency's signature for **\$500,000** minimum, through 01/31/2022. This certificate must show:
 - a) Exact approved location.
 - b) Permittee name.
 - c) PBC specified as additional insured and certificate holder, with address as follows:
Palm Beach County Board of County Commissioners c/o Roadside Vending Program, Traffic Division, 2300 North Jog Road, 3rd Floor, West Palm Beach, FL 33411.
- ____ 7) Original Performance Bond (**\$2,000** minimum; **through 01/31/2022**). One (1) or other satisfactory security may be used for Two (2) permits issued to same permittee.
- ____ 8) **Receipt showing payment in full** for above insurance and bond coverage.
- ____ 9) Copy of current Florida Annual Resale Certificate for PBC Sales Tax under permittee's name and address (not required for Produce). One (1) sales tax number may be used for two (2) permits issued to the same permittee. Expires each year on December 31st.
- ____ 10) Local Business Tax Receipt with **exact approved location & permittee name** (previously called "Occupational License"). Expires each year on September 30th.

At time of permit issuance, you should receive and initial:

- ____ 11) Copy of Violation Point Assignments. _____
Initial
- ____ 12) Copy of Ordinance _____
Initial
- ____ 13) Annual Permit Fee (\$250.00 or \$150.00 after 07/01/2021). Please make checks payable to *Palm Beach County Board of County Commissioner*

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Example 2:

Example 3: Below is an example with example information inserted. Please have your specific information reflected on this form.

9 | Page



Example 4: Below and example 5 on page 11 are two types of bonds that can be used. These are examples of the most common used bonds for our Roadside Vendor Program.

BOND

STATE OF FLORIDA
COUNTY OF PALM BEACH

KNOW ALL MEN BY THESE PRESENTS that I/we _____, hereinafter referred to as the PRINCIPAL, and _____, surety company authorized to do business in the State of Florida, hereinafter referred to as SURETY, are held and firmly bound unto Palm Beach County, a political subdivision of the State of Florida, hereinafter referred to as the COUNTY, in the full and just sum of Two Thousand Dollars (\$2,000.00) lawful money of the United States of America, to be paid to the Board of County Commissioners of Palm Beach County, to which payment will be made. I/we bind myself/ourselves, my/our heirs, executors, administrators, successors and assigns, jointly and severally firmly by these presents:

WHEREAS, the above bound PRINCIPAL, as a condition precedent to the approval of the COUNTY of a permit to operate a Roadside Vendors stand has completed and executed a Permit for Operation of a Roadside Vendors stand in Palm Beach County; and

WHEREAS, it is a condition imposed by the Roadside Vendors Ordinance that this bond be executed.

NOW, THEREFORE, the conditions of this obligation are such that if the above bound PRINCIPAL shall in all respects comply with the provisions of the Roadside Vendors Ordinance, and shall in every respect fulfill its/his/their obligations thereunder including, but not limited to, engineering, legal and contingent costs which the County may sustain on account of the failure of the PRINCIPAL to comply with the provisions of the Roadside Vendors Ordinance, then this obligation shall be void; otherwise this obligation shall remain in full force.

THE SURETY UNCONDITIONALLY COVENANTS and agrees that if the PRINCIPAL fails to comply with the provisions of the Roadside Vendors Ordinance, the Surety upon fifteen (15) days written notice of the default, from the COUNTY, or its authorized agent or officer, will forthwith pay the costs associated with the non-compliance of the PRINCIPAL, including, but not limited to, engineering, legal, and contingent costs up to the amount of this bond. Should the SURETY fail or refuse to pay said costs, the COUNTY, in view of the public interest, health, safety, and welfare factors involved and the permission granted from the COUNTY to operate a Roadside Vendors stand, shall have the right to revoke the permit of the PRINCIPAL and/or resort to any and all legal remedies against, the PRINCIPAL and SURETY, or other, both at law and in equity, including specific performance, to which the PRINCIPAL and SURETY unconditionally agree.

THE PRINCIPAL AND SURETY FURTHER JOINTLY AND SEVERALLY AGREE that the COUNTY, at its option, shall have the right to revoke the permit of the PRINCIPAL in the event the PRINCIPAL should fail to comply with the provisions of the Roadside Vendors Ordinance, and in the event the COUNTY should exercise and give effect to such right, the PRINCIPAL and SURETY shall be jointly and severally liable hereunder to reimburse the COUNTY the total cost thereof, including but not limited to, engineering legal, and contingent costs, together with any damages, either direct or consequential which may be sustained by the COUNTY on account of the failure of the PRINCIPAL to comply with the provisions of the Roadside Vendors Ordinance.



Be it further provided, that said SURETY shall not be liable hereunder for a larger amount in aggregate than the amount of this bond. Said bond may be terminated at any time by the SURETY upon notice in writing by certified mail to the Palm Beach County Engineering & Public Works Department, Traffic Division, Attention: Roadside Vendor Coordinator, 2300 N. Jog Road, 3rd Floor, West Palm Beach, FL 33411-2750. At the expiration of thirty (30) days from mailing of said notice, said bond shall terminate, and said SURETY shall be relieved of any acts or omissions of said PRINCIPAL subsequent to the termination. This bond shall be in full force and effect from the date of execution until the 31st day of January, 20 __.

IN WITNESS WHEREOF, the PRINCIPAL and SURETY have executed these presents, this _____ day of _____, 20 __.

WITNESSES: PRINCIPAL: _____

ADDRESS:

ATTEST: SURETY:

By: _____

ADDRESS:

COUNTERSIGNED BY PRESIDENT
FLORIDA AGENT OR SURETY:

CORPORATE SEAL

(Copy of Agent’s License as
issued by the State of Florida
Insurance Commissioner must
be attached)

(Copy of Power of Attorney must
be attached)



Example5:

Western Surety Company

CONTINUATION CERTIFICATE

Western Surety Company hereby continues in force Bond No. briefly described as Palm Beach County Board of County Commissioners

for as of exact approved location ex: 250' West of 123 Street on the North Side, Sample City, FL 12345

 , as Principal,

in the sum of\$ TWO THOUSAND AND NO/ 100 Dollars, for the term beginning subject to all

the covenants and conditions of the original bond referred to above.

This continuation is issued upon the express condition that the liability of Western Surety Company under said Bond and this and all continuations thereof shall not be cumulative and shall in no event exceed the total sum above written.

Dated this day of ,

WESTERN SURETY COMPANY

By
Paul T. Bryant, Vice President

THIS "Continuation Certificate" MUST BE FILED WITH THE ABOVE BOND.

Form 90-A-6-2012

Example 6:

2019 Florida Annual Resale Certificate for Sales Tax

This Certificate Expires on :

DR-13
FL 10/18

Business Name and Location Address

Certificate Number

NAME
BUSINESS NAME
BUSINESS ADDRESS

XX-XXX XXXXXX-X

By extending this certificate or the certificate number to a selling dealer to make eligible purchases of taxable property or services exempt from sales tax and discretionary sales surtax, the person or business named above certifies that the taxable property or services purchased or rented will be resold or re-rented for one or more of the following purposes:

- Resale as tangible personal property.
- Re-rental as tangible personal property.
- Resale of services.
- Re-rental as commercial real property.
- Incorporation into tangible personal property being repaired.
- Re-rental as transient rental property.
- Incorporation as a material, ingredient, or component part of tangible personal property that is being produced for sale by manufacturing, compounding, or processing.

Your *Florida Annual Resale Certificate for Sales Tax* (Annual Resale Certificate) allows you or your representatives to buy or rent property or services tax exempt when the property or service is resold or re-rented. You may not use your Annual Resale Certificate to make tax-exempt purchases or rentals of property or services that will be used by your business or for personal purposes. Florida law provides for criminal and civil penalties for fraudulent use of an Annual Resale Certificate.

As a **seller**, you must document each tax-exempt sale for resale using one of three methods. You can use a different method each time you make a tax-exempt sale for resale.

1. Obtain a copy (paper or electronic) of your customer's current Annual Resale Certificate.
2. For each sale, obtain a transaction authorization number using your customer's Annual Resale Certificate number.
3. Each calendar year, obtain annual vendor authorization numbers for your regular customers using their Annual Resale Certificate numbers.

Online: Visit floridarevenue.com/taxes/certificates

Phone: 877-357-3725 and enter your customer's Annual Resale Certificate number

Mobile App: Available for iPhone, iPad, Android devices, and Windows phones.

Example 7:

ANNE M. GANNON

CONSTITUTIONAL TAX COLLECTOR

Serving Palm Beach County

Serving you.

P.O. Box 3353, West Palm Beach, FL 33402-3353

www.pbctax.com Tel: (561) 355-2264

LOCATED AT

PRFERED VENDOR

LOCATION

TYPE OF BUSINESS	OWNER	CERTIFICATION #	RECEIPT #/DATE PAID	AMT PAID	BILL #
	NAME OF BUSINESS	<u>2ND OPTION FOR</u>		\$	
		<u>VENDOR LOCATION</u>			

This document is valid only when receipted by the Tax Collector's Office.

BUSINESS NAME AND ADDRESS

STATE OF FLORIDA

PALM BEACH COUNTY

2018/2019 LOCAL BUSINESS TAX RECEIPT

LBTR Number: 2019116413

EXPIRES: SEPTEMBER 30, 2019

This receipt grants the privilege of engaging in or managing any business profession or occupation within its jurisdiction and **MUST** be conspicuously displayed at the place of business and in such a manner as to be open to the view of the public.



EXHIBIT 2
ROADSIDE VENDOR LOCATIONS NOT APPROVED

MAIN ROAD	NEAR	REASON	DATE	BY
20 MI. BEND BOAT RAMP ROAD	200' WEST OF GUN RANGE	COURTESY MAINT. ONLY	4/24/2008	RWR
2ND AV N E	E OF LAKE WORTH RD	TOWN OF PALM SPRINGS	7/12/2006	RWR
6TH AV S	E OF CONGRESS	INSUFFICIENT ROW	?	CMT
ACCESS ROAD	HYPOLUXO RD W OF I-95	NOT PBC MAINTAINED, SIDEWALK	?	RWR
ACME DAIRY RD	S OF BOYNTON BEACH BL	TOO CLOSE TO RESIDENTIAL	7/17/2004	CMT
BELVEDERE RD	AT JOG SW CORNER	GUARDRAIL	2/13/2003	CMT
BENOIST FARMS	100' N OF MCALLISTER WAY	TOO CLOSE TO DRIVEWAYS	4/13/2007	RWR
BENOIST FARMS	S OF BELVEDERE RD	LWDD ROW	?	CMT
BENOIST FARMS	S OF MCALLISTER WAY	TOO CLOSE TO DRIVEWAYS, NO PARKING SIGNS	9/26/2008	RWR
BOCA RIO RD	1500' S OF PAMLETTO PARK OVERPASS	INSUFFICIENT ROW	6/29/2006	RWR
BOCA RIO ROAD	ACCESS ROADS	EXISTING VENDOR, SIDEWALK, RESIDENTIAL, CURB NEAR PPR	9/14/2000	KB
CAIN BL	S OF YAMATO RD	TOO CLOSE TO RESIDENCES	6/19/2003	CMT
CLINT MOORE ROAD	LYONS ROAD	SIDEWALK SHOWN ON CONSTRUCTION PLAN	?	?
CLINTMOORE RD	W OF TURNPIKE	CURB & SIDEWALK	3/11/2005	CMT
CONGRESS AV	300' S OF CHERRY RD	INSUFFICIENT ROW	4/23/2004	CMT
COUNTRY CLUB DR	WEST OF MILITARY TR	NOT PBC MAINTAINED	12/9/2004	CMT
DONALD ROSS RD	E OF I-95	S/SIDE SIDEWALK, PBG; N/SIDE SIDEWALK, JUP	5/15/2007	RWR
DYER ROAD	HAVERHILL TO MILITARY	CITY OF RIVIERA BEACH	5/13/2008	RWR
EVERNIA ST	TAMARIND AV	PBC POCKET, REFERRED TO PREM	8/5/2003	CMT
FAIRGROUNDS ROAD	N/SIDE, 500' W OF SANBURY'S WY	SIDEWALK	7/20/2007	RWR
FLAVOR PICT	JOG RD	E SIDE TOO CLOSE TO HOMES; W SIDE CURB SIDEWALK	5/22/2007	RWR
FLORIDA MANGO RD	BRIDGEMAN ST	TOO CLOSE TO DRIVEWAY	?	CMT
GLADES RD	300' E OF DIEGO RD	CURB & SIDEWALK	9/21/2002	KB
GLADES RD	W OF HIGH SCHOOL/W END	TOO CLOSE TO SCHOOL PROPERTY	9/3/2008	RWR
GOLF ROAD	BTWN. DUNES & W. COUNTRY RD.	VILLAGE OF GOLF	4/30/2002	KB
GUN CLUB RD	LAKE LYTAL PARK	CURB & SIDEWALK	4/30/2003	CMT
HAGEN RANCH ROAD	.3 MILE N. OF LAKE IDA ROAD	2 LANE - COULD NOT MEET 200' FROM PROP. LINE, 500' UNIT	8/27/1999	KB
HAGEN RANCH ROAD	N OF LAKE IDA	TOO CLOSE TO RESIDENCES	8/27/1999	KB
HIGH RIDGE ROAD	MINER ROAD	HOUSE ON NORTH SIDE, GUARDRAIL ON SOUTH SIDE	4/30/2002	KB
HYPOLUXO RD	WEST OF MILITARY TR, S/S (IFO BANK)	TOO CLOSE TO SIMILAR COMMODITY - ALBERTSONS	8/27/2008	RWR
INDIANTOWN RD	BETWEEN TAYLOR RD & JUPITER FARMS	SIDEWALK, GUARDRAIL	8/26/2003	CMT
JOG RD	N OF WOOLBRIGHT RD	DRIVEWAY, U-TURN PAD	3/11/2005	CMT
KEYSTONE ST	BETWEEN MEDIAN & GALLERY	TOO CLOSE TO RESIDENTIAL PROP.	8/10/2006	RWR
KIRK RD	BETW. SUMMIT BL. & SR 80	TOO CLOSE TO RESIDENTIAL	?	KB
KNOLLWOOD RD	BETW. MIL TR & OLD MIL TR	NOT PBC MAINTAINED	11/18/2003	CMT
LAKE IDA	W OF JOG RD	TOO CLOSE TO RESIDENCES	6/3/2003	CMT

ROADSIDE VENDOR LOCATIONS NOT APPROVED (continued)

MAIN ROAD	NEAR	REASON	DATE	BY
LAWRENCE RD	N OF BOYNTON BEACH BL	TOO CLOSE TO RESIDENCE	3/23/2005	CMT
LE CHALET BL	E OF MILITARY TR	TOO CLOSE TO HOMES	5/22/2007	RWR
LINTON BL	W OF JOG, SOUTH SIDE	TOO CLOSE TO RESIDENCES & PROPERTY LINES	11/18/2008	RWR
LYONS RD	1000' N OF LANTANA RD	SIDEWALK	3/27/2004	CMT
MELALEUCA LANE	WAVERLY WOODS	VENDOR LOCATION DENIED	12/6/2002	KB
MELALEUCA LN	WAVERLY WOODS	TOO CLOSE TO RESIDENCES	?	CMT
MILITARY TRAIL	COCONUT LANE (FLAVOR PICT)	LESS THAN 300' FROM BACK OF DEVELOPMENT	4/30/2002	KB
MILITARY TRAIL	GOLF ROAD	VILLAGE OF GOLF, SIDEWALK ON SOUTH SIDE	4/30/2002	KB
NORTHLAKE BLVD.	SEMNOLE PRATT WHITNEY	INDIAN TRAILS IMPROVEMENT DISTRICT JURISDICTION	2/1/2003	KB
NORTHLAKE BLVD.	WEST OF IBIS	TOO CLOSE TO RESIDENCES	8/28/2008	RWR
PALM BEACH CANAL ROAD	W OF MILITARY TR	SFWMD ROW	3/11/2003	CMT
PALMETTO PARK ACCESS RDS	AT BOCA RIO	TOO CLOSE TO EXISTING VENDOR	9/14/2000	KB
PALMETTO PARK RD	2750' W OF SR 7	TOO CLOSE TO RESIDENCES	9/3/2008	RWR
PEANUT ISLAND	ICWW	FL. INLAND NAVIGATIONAL DIST. 627-3386	5/13/2003	CMT
PERSIMMON BL	100' E OF SEMINOLE PRATT WHITNEY	TOO CLOSE TO RESTAURANT	8/19/2005	CMT
PIKE RD	N OF TURNPIKE ENTRANCE	INSUFFICIENT ROW, WIDENING & CURB PENDING 2009/2010	9/23/2003	CMT
POWERLINE RD	S OF PASEO RD	TOO CLOSE TO RESIDENTIAL	9/21/2002	KB
POWERLINE RD	100' N OF PALMETTO PARK	TOO CLOSE TO RESIDENTIAL	9/21/2002	KB
ROLLING GREEN RD	ELISON WILSON RD	ERM AREA	?	KB
S OCEAN	S OF US 1	TOO CLOSE TO RESIDENCES	3/21/2003	CMT
SANSBURYS WAY	S OF BELVEDERE RD	TOO CLOSE TO RESTAURANT	3/27/2004	CMT
SANSBURYS WAY	E SIDE - SOUTHERN TO BELVEDERE	NO PARKING SIGNS	7/24/2007	RWR
SANSBURYS WAY	S OF OKEE	SIGN LIMITING ACCESS TO LOCATION	2/11/1999	KB
SEMINOLE PRATT WHITNEY	N OF SR80	SIDEWALK	3/17/2003	CMT
SIMS RD	N OF W ATLANTIC AV	TOO CLOSE TO RESIDENTIAL	8/15/2003	CMT
SOLID WASTE SERVICE RD	OFF COSTCO/LANTANA	NOT PBC MAINTAINED	3/27/2003	CMT
SYCAMORE DR	1000' WEST OF SEM PRATT WHITNEY	ITID R.O.W., PBC EASMENT ONLY	7/9/2008	RWR
WALLIS RD	E OF CLEARY RD	TOO CLOSE TO CLEARY	6/3/2003	CMT
WHITEFEATHER TR	E OF MILTARY TR	TOO CLOSE TO RESIDENTIAL PROPERTY	1/19/2007	RWR
WINDSOR LAKE (50 STREET S.)	200' W. OF SR 7/US 441	SIDEWALK INSTALLED ON SOUTH SIDE	2/1/2003	KB
WINDSOR LAKES	W OF EXISTING VENDORS	TOO CLOSE TO RESIDENCES	?	KB
WOOLBRIGHT RD	WEST OF JUAN OLMIEDO	NON-PBC ROW (VILLAGE OF GOLF PROPERTY)	2/14/2004	CMT
YAMATO ROAD	900' W OF GATEHOUSE	TOO CLOSE TO OTHER VENDORS	8/28/2008	RWR
SEMINOLE PRATT WHITNEY ROAD	NORTHLAKE BOULEVARD	ROADWAY RIGHT OF WAY IS NOT COUNTY OWNED	7/10/2019	MA
LYONS ROAD	SW 3 RD STREET	INSUFFICIENT RIGHT OF WAY	10/9/2019	MA
GARDEN ROAD	NORTH OF INVESTMENT LANE	ROADWAY IS CURBED	10/21/2019	MA
LYONS ROAD	150' N OF LAKE WORTH RD WEST SIDE	SIDEWALK	1/31/2020	MA
BELVEDERE ROAD	100' E OF JOG RD, SOUTH SIDE	TOO CLOSE TO CHURCH PROPERTY	8/26/2020	MA
HYPOLUXO ROAD	1100' W OF JOG RD, NORTH SIDE	SIDEWALK, CRUB, GAURDRAILS	2/5/2021	MA

EXHIBIT 3
2021 OCCUPIED VENDOR LOCATIONS

Permit #	Road	Placement	Product
2021-01	BOCA RIO ROAD	UNDER THE PALMETTO PARK BRIDGE ON THE WEST SIDE	FLOWERS
2021-02	LYONS ROAD	1600’ NORTH OF ATLANTIC AVENUE ON THE WEST SIDE	PREPARED FOOD
2021-03	PALMETTO PARK ROAD	200’ EAST OF HAMMOCK STREET ON THE NORTH SIDE	PREPARED FOOD
2021-04	FLAVOR PICT ROAD	150’ WEST OF JOG ROAD ON THE SOUT SIDE	PRODUCE
2021-05	PALMETTO PARK ROAD	4700’ WEST OF STATE ROAD 7 ON THE NORTH SIDE	PREPARED FOOD
2021-06	50 TH STREET/WINDSOR LAKES DRIVE	2400’ WEST OF STATE ROAD 7 ON THE SOUTH SIDE	PREPARED FOOD
2021-07	WEST ATLANTIC AVENUE	880’ WEST OF STATE ROAD 7 ON THE NORTH SIDE	PREPARED FOOD
2021-08	WOOLBRIGHT ROAD	1720’ WEST OF LAWRENCE ROAD ON THE NORTH SIDE	FLOWER
2021-09	SERVICE ROAD SOUTH OF BELVEDERE ROAD	300’ WEST OF JOG ROAD ON THE NORTH SIDE	PREPARED FOOD
2021-10	WOOLBRIGHT ROAD	250’ WEST OF LAWRENCE ROAD ON THE NORTH SIDE	PREPARED FOOD
2021-11	NORTHLAKE BOULEVARD	2350’ WEST OF COCONUT BOULEVARD ON THE SOUTH SIDE	PREPARED FOOD
2021-12	PINEHURST DRIVE	4040’ SOUTH OF FOREST HILL BOULEVARD ON THE WEST SIDE	PREPARED FOOD
2021-13	GARDEN ROAD	100’ NORTH OF PROSPECT AVENUE ON THE EAST SIDE	PREPARED FOOD
2021-14	GLADES ROAD	1300 FT NORTH OF PALMETTO PARK ROAD ON THE WEST SIDE	PREPARED FOOD
2021-15	YAMATO ROAD	900’ EAST OF GATEHOUSE ROAD ON THE SOUTH SIDE	PREPARED FOOD
2021-16	PALMETTO PARK ROAD	EASTBOUND OFF RAMP WEST OF BOCA RIO ROAD ON THE SOUTH SIDE	PREPARED FOOD
2021-17	NORTHLAKE BOULEVARD	2700’ EAST OF 140 TH AVENUE ON THE SOUTH SIDE	PREPARED FOOD
2021-18	YAMATO ROAD	400’ EAST OF LYONS ROAD ON THE SOUTH SIDE	FLOWERS
2021-19	PALMETTO PARK ROAD	1250’ WEST OF STATE ROAD 7 ON THE NORTH SIDE	FLOWERS
2021-20	WOOLBRIGHT ROAD	2500’ EAST OF LAWRENCE ROAD ON THE NORTH SIDE	FLOWERS
2021-21	LYONS ROAD	850’ SOUTH OF WEST ATLANTIC AVENUE ON THE WEST SIDE	FLOWERS
2021-22	LYONS ROAD	150’ SOUTH OF LINTON BOULEVARD ON THE WEST SIDE	PREPARED FOOD
2021-23	GARDEN ROAD	150’ NORTH OF SHARES PLACE ON THE EAST SIDE	FLOWERS
2021-24	LYONS ROAD	5500’ NORTH OF ATLANTIC AVENUE ON THE WEST SIDE	FLOWERS
2021-25	SEMINOLE PRATT WHITNEY ROAD	300’ NORTH OF CORPORATE ROAD ON THE EAST SIDE	PREPARED FOOD
2021-26	SANSBURY’S WAY	3000’ NORTH OF BELVEDERE ROAD ON THE WEST SIDE	PREPARED FOOD
2021-27	INDIANTOWN ROAD	1300’ EAST OF JUPITER FARMS ROAD ON THE SOUTH SIDE	PRODUCE
2021-28	INDIANTOWN ROAD	600’ WEST OF 131 ST TERRACE ON THE NORTH SIDE	PREPARED FOOD

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EXHIBIT 4 ORDINANCE

ARTICLE V. - ROADSIDE STANDS AND VENDORS^[6]

Footnotes:

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Editor's note— Ord. No. 97-40, § 22, adopted October 21, 1997, amended the Code by repealing former Art. V, §§ 23-96—23-112, and §§ 1—19 of said ordinance amended the Code by adding a new Art. V, §§ 23-96—23-114. Former Art. V pertained to similar subject matter, and derived from Ord. No. 90-4, adopted January 16, 1990; Ord. No. 92-2, adopted January 28, 1992; Ord. No. 94-22, adopted September 20, 1994; and Ord. No. 97-5, adopted March 18, 1997.

Sec. 23-96. - Title.

This article shall be cited as the "Roadside Vendors Ordinance."

(Ord. No. 97-40, § 1, 10-21-97)

Sec. 23-97. - Authority.

This article is adopted pursuant to the authority granted to charter counties under Article VIII, Section 1(g) of the State of Florida Constitution, and Chapter 125, Florida Statutes, and section 163.3161, et seq., Florida Statutes, regarding local government comprehensive planning.

(Ord. No. 97-40, § 2, 10-21-97)

Sec. 23-98. - Permit required for commercial use of county rights-of-way.

- (a) It is unlawful and subject to the penalties and procedures provided in this article to make any commercial use of county-owned and maintained rights-of-way or appendages thereto, including but not limited to, rest areas, wayside parks, boat launching ramps, weigh stations and scenic easements in the unincorporated area of the county, without first obtaining a permit for permissible use in accordance with the provisions of this article. Commercial use includes, but is not limited to, the sale, advertising, or display for sale of any merchandise; servicing or repairing of any vehicles, except for rendering of emergency service; storage of vehicles being serviced or repaired on abutting property or elsewhere; solicitation for the sale of goods, property or services, whether for profit or charity; and display of advertising of any kind.
- (b) A roadside vendor permit (hereinafter "permit") is valid only to the individual, partnership or corporation (hereinafter "business entity") to whom it is issued and who is named therein, and cannot be sold or transferred to another business entity.
- (c) Notwithstanding anything herein to the contrary, no business tax receipt issued pursuant to chapter 17, article II, of the Palm Beach County Code, shall be deemed a permit to vend from any county right-of-way.

(Ord. No. 97-40, § 3, 10-21-97; Ord. No. 08-039, § 1, 9-9-08)

Sec. 23-99. - Permit by county engineer.

The board of county commissioners hereby authorizes and empowers the county engineer or his duly authorized representative(s) to receive and review permit applications, collect fees, issue, renew, revoke and deny permits for commercial use of county rights-of-way in the unincorporated area of the county.

(Ord. No. 97-40, § 4, 10-21-97)

Sec. 23-100. - Criteria for vending locations.

It is unlawful and subject to penalties and procedures provided in this article for any business entity to vend at a location on County right-of-way in the unincorporated area of the County which has not been approved by the Engineering and Public Works Department (hereinafter "Engineering Department"). Vending location (hereinafter "location") is defined as the site or position where vending may be permitted.

- (1) The Engineering Department shall not approve locations:
 - a. On state or private roads, private property, or within municipalities.



- b. On the side of the road which contains curbing, public sidewalks, driveways, bike paths or pathways, or on improved or maintained swale areas.
 - c. Which abut residentially developed property. This prohibits vending in front of (on the same side of the street as) a residence, unless there is an intervening easement or right-of-way (e.g., a canal) separating the location from the residence.
 - d. Within five hundred (500) feet of an established ongoing legally zoned business selling similar commodities. Except that an ongoing legally existing business which complies with all applicable land development regulations may be issued a permit to operate in conjunction with that business on County right-of-way abutting said business, only to the extent allowed in the zoning district applicable to the abutting property.
 - e. Which require, promote or cause any vehicle to stop, stand or park in violation of, or visually impair an official traffic control device, including but not limited to, signs, signals, and markings erected by authority of the County for the purpose of regulating, moving or guiding traffic.
 - f. On two-lane roads in a residentially zoned (does not include zoned agricultural/residential) area within five hundred (500) feet of a residential unit and two hundred (200) feet of a residential property line.
 - g. Within three hundred (300) feet of any property containing a pre-school, elementary, middle or high school facility.
 - h. Within three hundred (300) feet of any property containing a church, temple, synagogue or other place of worship or assembly.
 - i. Within three hundred (300) feet of any property containing an established day care facility. Private residences are exempt from this restriction.
 - j. On areas of right-of-way where shoulders are used for designated parking abutting County parks. Current permittees located on areas covered by this provision may renew their permit for these locations provided the permittee remains the same, there is no change in product category, the location does not become ineligible and all other criteria are met. Under no circumstances will these locations be available for anyone other than the permittee holding the permit for these locations as of the effective date of this article.
 - k. Unable to accommodate the maximum total vending area of operation as provided in subsections 23-104(16) and (17).
- (2) The Engineering Department shall only approve locations:
- a. On a County owned and maintained right-of-way in the unincorporated area of the County.
 - b. That are a minimum of one hundred (100) feet from the intersection of any two (2) road rights-of-way and/or a driveway.
 - c. That are at least fifteen hundred (1,500) feet from any other approved location.
 - d. With adequate sight distance and parking area to ensure safe vending operation with respect to normal movement of traffic in relation to the location on the right-of-way.
- (3) If, after a permit has been issued, a location becomes ineligible due to changes including, but not limited to, traffic flow, storage, curbing, signalization, speed limits, development, pathways, sidewalks or municipal boundaries, the permit must be relocated. If the location conflicts with any construction, reconstruction, or any project performed or permitted by the county or its authorized representative(s) which is in the interest of the public, the permit is suspended for the duration of the conflict and may be relocated.

(Ord. No. 97-40, § 5, 10-21-97; Ord. No. 08-039, § 1, 9-9-08)

Sec. 23-101. - Criteria for permit issuance.

- (a) The sale of produce, plants, flowers, and prepared foods from locations meeting the requirements of this article may be allowed on County rights-of-way in the unincorporated area of the county, provided the business entity first obtains a permit from the Engineering Department.
- (b) Permits are issued to a given business entity (hereinafter "permittee"). The permittee may be an individual, partnership or corporation. All forms, including but not limited to, application for permit, intent to permit, and permit, must contain the original signature of the permittee.
 - (1) If the permittee is a partnership, all partners must sign all forms. A copy of the partnership's paperwork that has been filed with the secretary of state must be provided.
 - (2) If the permittee is a corporation, a designated officer/manager must sign all forms. A copy of the corporation's paperwork that has been filed with the FL Secretary of State, listing the principal officers/managers, must be provided.
 - (3) Any permittee change (e.g., individual elects to incorporate) requires a new application for permit and subjects the applicant to all provisions of this article. A name change resulting from a marriage or divorce, in and of itself, does not impact permit status.

- (c) A permit is issued for a single product category. The four (4) listed below are the only allowable categories. No other products may be sold on County rights-of-way within the unincorporated area of the County.
 - (1) *Prepared food*. Food prepared for human consumption that may be consumed immediately upon purchase without further preparation.
 - (2) *Flowers*. Fresh cut or live potted flowers; not artificial or synthetic.
 - (3) *Plants*. Live plants, other than flowers, that can continue growing in a pot or be planted in the ground.
 - (4) *Produce*. Fresh, uncooked agricultural plant-type products intended for human consumption.
- (d) A maximum of two (2) allowable permits can be issued to a given business entity at any given time. The number of allowable permits can be altered as a result of revocation.
- (e) Only one (1) permit shall be issued for a location.
- (f) The Engineering Department may deny permit applications, establish special restrictions (including but not limited to, restricting hours of operation), or revoke permits based on violation of any applicable federal, state or local laws, ordinances, rules or regulations.
- (g) Permits are issued for a twelve-month period and expire on January 31 of each year.

(Ord. No. 97-40, § 6, 10-21-97; Ord. No. [2015-034](#), § 1, 9-22-15)

Sec. 23-102. - Application for permit.

- (a) The following information is to be provided on an application for permit, available from the Engineering Department:
 - (1) Type of application including, but not limited to, new, renewal, county-mandated relocation and voluntary relocation.
 - (2) Type of business including, but not limited to, sole proprietor, partnership and corporation.
 - (3) Applicant's name must appear on all subsequent required documents. If the applicant is a corporation, the name of a contact individual who is an officer/manager of the corporation must be specified. If the applicant is a partnership, the names of all partners must be specified.
 - (4) Any applicant intending to conduct business under any name other than applicant's legal name (e.g. D/b/a) must provide a copy of the fictitious name paperwork that has been filed with the Secretary of State. The fictitious name must also appear on all subsequent required documents, including but not limited to, business tax receipt, Florida resale certificate, performance bond and certificate of insurance.
 - (5) Mailing address, physical address, telephone number(s) and email address of the applicant.
 - (6) Product category to be sold.
 - (7) Requested location including road name, side of road (north, south, east, west), and distance, in feet, from the nearest intersection.
 - (8) Execution of an indemnification agreement stating that in consideration of the County issuing a permit, pursuant to the provisions of this article, the permittee hereby releases, hold harmless, and agrees to indemnify and defend the County, its agents, employees, and successors from any and all liability, causes of action, claims, and/or lawsuits, as well as any and all damages, judgments, settlements, attorney fees, costs and other expenses that arise or may ever arise as a result of the vending operation at an approved location.
- (b) Applicant must submit the completed signed application for permit, along with applicable fees to the Engineering Department.
- (c) The Engineering Department shall evaluate the availability of the requested location. If the requested location is found to be ineligible, the applicant may request an alternate location, but must pay an additional location evaluation fee for each alternate location requested.
- (d) Once a location is approved, the applicant shall be issued an intent to permit (hereinafter "intent"). This intent is needed to obtain a business tax receipt from the County. An intent is valid twenty (20) business days from date of issuance. An intent essentially reserves the location while the applicant obtains all necessary documents. The intent does not allow the applicant to operate at the location. If an intent expires before a permit is issued, the location shall become available to others and the applicant may reapply.
- (e) A permit shall be issued only after the applicant has provided the Engineering Department with:
 - (1) An original certificate of insurance evidencing the following:
 - a. Name of insured is same as the applicant's name on application for permit (including fictitious name, if applicable).
 - b. Commercial general liability insurance including contractual liability, in the minimum amount of five hundred thousand dollars (\$500,000.00) per occurrence.

- c. Coverage effective through or beyond the permit expiration date.
 - d. The County as both certificate holder and additional insured.
 - e. Location as specified on application for permit (a single policy may cover multiple locations).
- (2) A copy of a receipt showing payment in full for insurance coverage specified above.
 - (3) A performance bond or other satisfactory security in the minimum amount of two thousand dollars (\$2,000.00) to secure any costs which may be incurred by the County due to applicant's noncompliance with this article or damage resulting to roadway pavements, sidewalks or other improvements. The bond or other security must be issued to same name as the applicant's name on application for permit (including fictitious name, if applicable) and must specify location(s) covered. Coverage must be through or beyond permit expiration date. Each bond or other satisfactory security must be for only one (1) permittee. One (1) performance bond or other satisfactory security may be used for two (2) permits issued to same permittee.
 - (4) A current County business tax receipt with:
 - a. The same name as the applicant on application for permit (including fictitious name, if applicable);
 - b. The location as specified on application for permit; and
 - c. The product category as specified on the application for permit.
 - (5) For all product categories except produce, evidence of a current Florida resale certificate showing the county sales tax number, as provided by the State Department of Revenue laws and/or regulations, issued to the same name as the applicant's name on the application for permit (including fictitious name, if applicable). A sales tax number from another county is not sufficient. One (1) sales tax number may be used for two (2) permits issued to the same permittee.
 - (6) For prepared food only, a valid license from the state's division of hotel and restaurants issued to same name as applicant's name on the application for permit (including fictitious name, if applicable).
 - (7) Payment of all applicable fees.
 - (f) Each permit issued by the Engineering Department shall:
 - (1) Specify permittee's name (including fictitious name, if applicable), location, product category, size of vending vehicle, expiration date of permit, insurer and policy expiration date.
 - (2) Specify authorized hours of operation, which shall be one-half (½) hour after sunrise to one-half (½) hour before sunset, except as may be otherwise restricted by the Engineering Department.
 - (3) List any special conditions and/or restrictions necessary to assure compliance with this article and to protect the public from undue harm or risk.
 - (4) Include a summary of the provisions of this article to be signed by permittee certifying that permittee has read and understands the provisions and agrees to abide by them.
 - (5) Be accompanied by an official waterproof metal permit plate.

(Ord. No. 97-40, § 7, 10-21-97; Ord. No. 08-039, § 1, 9-9-08)

Sec. 23-103. - Fees.

- (a) A non-refundable application fee of one hundred dollars (\$100.00) shall be submitted with the application for permit. This fee is intended to cover the cost of processing an application and conducting one (1) location evaluation. It applies to applications for new permits and voluntary relocations. Applications for county-mandated relocations are exempt from this fee. A nonrefundable fee of fifty dollars (\$50.00) shall be submitted with the application for permit renewal.
- (b) A non-refundable annual permit fee of two hundred fifty dollars (\$250.00) shall be paid at the time of permit issuance. This fee is to defray the cost of issuing permits, administering the Roadside Vendor program, addressing complaints, performing inspections, and general enforcement of this article. The permit fee shall be one hundred fifty dollars (\$150.00) for permits issued on or after July 1 of a particular year. The only exception to this nonrefundable fee is when a permit has been issued in error. In such cases, a pro-rated portion of the annual permit fee shall be refunded to the applicant, upon request, when a permit for an alternative location is not issued.
- (c) Non-refundable miscellaneous fees shall be charged as follows:
 - (1) Wait list fee: Twenty dollars (\$20.00). If an applicant desires a location currently permitted to another business entity, the applicant may submit a wait list application for that location. (Note: wait lists expire annually on February 28. If the location is still desired beyond February 28, a new wait list application and fee must be submitted).
 - (2) Additional location evaluation fee: Fifty dollars (\$50.00). This fee applies when an applicant requests that a location be evaluated in order to relocate and also applies to each potential alternate location requested thereafter, by the applicant that requires evaluation.
 - (3) Replacement of metal plate: Thirty dollars (\$30.00).

- (4) Replacement of paper permit: Twenty dollars (\$20.00).
- (d) No permits shall be issued to a given business entity having unpaid fees.

(e) Summary of fee schedule:

		Application	Permit	Total
1.	<i>Annual fees:</i>			
	A. New permit (prior to July 1)	\$100.00	\$250.00	\$350.00
	B. New permit (July 1 or later)	100.00	150.00	250.00
	C. Renewal	50.00	250.00	300.00
2.	<i>Miscellaneous fees:</i>			
	A. Mandated relocation	N/A	N/A	N/A
	B. Voluntary relocation	100.00	N/A	100.00
	C. Additional location evaluation	50.00	N/A	50.00
	D. Wait list	20.00	N/A	20.00
	E. Metal plate replacement	30.00	N/A	30.00
	F. Paper permit replacement	20.00	N/A	20.00

- (f) This section is effective beginning with permits issued for the year 2016.
- (Ord. No. 97-40, § 8, 10-21-97; Ord. No. 08-039, § 1, 9-9-08; Ord. No. [2015-034](#), § 1, 9-22-15)

Sec. 23-104. - Conditions of permit.

Once issued, permits are valid subject to all of the following conditions which apply to both permittees and their employees (hereinafter collectively referred to as "vendors"). Failure to comply with any of these conditions shall result in the assignment of points which may result in revocation of the permit.

- (1) A permit is valid only for the specific business entity to whom it was issued. No permit may be sold or transferred to another business entity.
- (2) The vendor must not set up prior to authorized hours of operation and must vacate the location upon the close of authorized hours.
- (3) The vendor must not engage in any violence or disturbance at the location which could necessitate law enforcement intervention.
- (4) The vendor may operate only from the location specified on the permit.
- (5) The vendor must cease vending within twenty-four (24) hours of notice by the Engineering Department of County-mandated relocation.
- (6) All equipment and items used in the vending operation are to be removed from the right-of-way no later than one-half (½) hour before sunset, and are not to be replaced any sooner than one-half (½) hour after sunrise on the next day.
- (7) No location shall be operated in such a manner as to require, promote or cause any vehicles to stop, stand or park in violation of, or visually impair an official traffic control device, including but not limited to, signs, signals and markings erected by authority of the county for the purpose of regulating, moving or guiding traffic.

- (8) The vending vehicle must be set back a minimum of twelve (12) feet from the travel lane to ensure "adequate site safe distance."
- (9) Vendor must maintain required minimum general liability coverage and performance bond, or other satisfactory security, through the end of the permit year.
- (10) Only the product category specified on the permit may be sold.
- (11) Freestanding signs, flags, banners, tents, tarpaulins or awnings are not allowed within the road right-of-way. All signs, flags, banners, tents, tarpaulins or awnings must be attached to, or resting against the vending vehicle/equipment. No tables, chairs or umbrellas are to be set up for use by customers outside the vending vehicle. Within the confines of the vehicle used by the vendor, one (1) table and a maximum of two (2) chairs is allowed. In addition, any permitted operation, pursuant to this article, shall not display or otherwise erect freestanding signs, flags, banners or tents on public or private property or anywhere on the right-of-way outside of the permitted operation area.
- (12) Vendors shall maintain mobility at all times of operation. A vehicle must be at the location to provide a means of immediate evacuation in case of an emergency.
- (13) The vending area is to be kept free from garbage, litter and debris and in compliance with all applicable health laws.
- (14) Vendors must notify the Engineering Department of any site changes which impact eligibility of the location. Examples: installation of a sidewalk, driveway, bike path or pathway, residential development, other road construction in the area.
- (15) Both permit and permit plate must be maintained at the location during all times of operation, and be available upon request. The permit plate shall be clearly visible from the road.
- (16) The total vending area of operation is not to exceed three hundred (300) square feet in the urban service areas as defined in the comprehensive plan. This includes but is not limited to space taken up by the vending vehicle, signs, equipment, product and any awnings, tents and canopies.
- (17) Outside the urban service area, the total vending area of operation for prepared food only is not to exceed five hundred (500) square feet. This includes but is not limited to space taken up by the vending vehicle, signs, equipment, product and any awnings, tents and canopies.
- (18) The permittee must provide the Engineering Department with written notification of a change of mailing address, physical address, phone number and email address.
- (19) The vendor must be in compliance with all applicable federal, state and local laws, ordinances, rules and regulations.

(Ord. No. 97-40, § 9, 10-21-97; Ord. No. 08-039, § 1, 9-9-08)

Sec. 23-105. - Attire.

All vendors shall be sufficiently clothed with a fully opaque covering so that no portion of the male or female genitals, pubic area, one third ($\frac{1}{3}$) of the buttocks, as described herein, and any portion of the female breast below the top of the areola is exposed. Buttocks shall be defined as: The area at the rear of the human body (sometimes referred to as the gluteus maximus) which lies between two (2) imaginary straight lines running parallel to the ground when a person is standing, the first or top such line being one-half ($\frac{1}{2}$) inch below the top of the vertical cleavage of the nates (i.e., the prominence formed by the muscles running from the back of the hip to the back of the leg) and the second or bottom such line being one-half ($\frac{1}{2}$) inch above the lowest point of the curvature of the fleshy protuberance (sometimes referred to as the gluteal fold), and between two (2) imaginary straight lines, one (1) on each side of the body (the "outside lines"), which outside lines are perpendicular to the ground and to the horizontal lines described above and which perpendicular outside lines pass through the outermost point(s) at which each natis meets the outer side of each leg. Notwithstanding the above, buttocks shall not include the leg, the hamstring muscle below the gluteal fold, the tensor fasciae latae muscle or any of the above-described portion of the human body that is between either (i) the left inside perpendicular line and the left outside perpendicular line or (ii) the right inside perpendicular line and the right outside perpendicular line. For the purpose of the previous sentence the left inside perpendicular line shall be an imaginary straight line on the left side of the anus (i) that is perpendicular to the ground and to the horizontal lines described above and (ii) that is one-third ($\frac{1}{3}$) of the distances from the anus to the left outside line, and the right inside perpendicular line shall be an imaginary straight line on the right side of the anus (i) that is perpendicular to the ground and to the horizontal lines described above and (ii) that is one-third ($\frac{1}{3}$) of the distance from the anus to the right outside line. (The above description can generally be described as covering one-third ($\frac{1}{3}$) of the buttocks centered over the cleavage for the length of the cleavage.)

(Ord. No. 97-40, § 10, 10-21-97)

Sec. 23-106. - Damage to county roads or rights-of-way.

The permittee is required to maintain the integrity of the pavement edge and stabilization of the road in accordance with accepted engineering standards as set forth in the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways. Failure to do so is a violation of this article.

The County Engineer or his duly authorized representative(s) may issue a violation if any County road, right-of-way, sidewalk, bike path or pathway is damaged or impaired in any way because of operation of a vending location pursuant to this article. The permittee must contact the Engineering Department within three (3) business days of notification of violation to coordinate necessary repairs.

If contact is not made within the designated time frame, the County shall undertake the necessary repairs and the permittee shall be responsible, either by direct payment or from posted surety, for all costs incurred by the Engineering Department. If full payment is not received by the specified date, the permit shall be suspended until full payment is received. No renewals shall be issued to a business entity who has any unpaid fees and/or bills.

It is a violation of this article to vend with a suspended permit.

(Ord. No. 97-40, § 11, 10-21-97)

Sec. 23-107. - County-mandated relocation.

- (a) Any permit issued under this article shall not constitute nor be construed as permitting a permanent location. Each permit is subject to the County's right to use the right-of-way at any time for roadway or other valid public purpose, including but not limited to, construction, reconstruction, or project performed or permitted by the County or its authorized representative(s) which is deemed to be in the interest of the general public.
- (b) Any permit issued under this article shall be relocated if the vending location or permit is in conflict with State statutes or County ordinances, or if the permit was issued in error.
- (c) Any permit issued under this article shall be relocated if site changes impact the availability of the location. Such site changes include, but are not limited to, changes in traffic flow, storage, curbing, signalization, speed limits, development, pathways, sidewalks and municipal boundaries.
- (d) The vendor may be required to cease vending within twenty-four (24) hours of notice by the Engineering Department of County-mandated relocation. To relocate, permittee must submit an application for permit with a new location request. No application fee shall be charged. However, if a requested location does not meet the requirements of this article, the location evaluation fee shall apply to each alternate location requested.
- (e) In the event two (2) or more permittees are required to relocate, priority for a new location shall be based on permit seniority date. Permit seniority date is the earliest date available on record with the Engineering Department for continuous active status for that permit.

(Ord. No. 97-40, § 12, 10-21-97)

Sec. 23-108. - Voluntary relocation.

A permittee may request relocation of his/her current permit by submitting either an application for permit or a wait list application with applicable fees. Any application for voluntary relocation shall be subject to the same review as a new application.

(Ord. No. 97-40, § 13, 10-21-97; Ord. No. 08-039, § 1, 9-9-08)

Sec. 23-109. - Renewal of permit.

- (a) All permits issued under this article shall expire on January 31 of each year. The right to vend expires with the permit. Vending with an expired permit is a violation of this article.
- (b) To renew a permit, the applicant must submit the renewal application fee, an application for permit and all necessary documentation showing continuing compliance with all provisions of this article. The Engineering Department shall evaluate the continuing availability of the location. Once a location is approved, the applicant must also submit the annual permit fee.
- (c) The right to renew at an existing location expires at the close of business of the tenth business day after the permit expiration date. If permittee has not completed the renewal process by then, the permit shall be considered surrendered. Permit seniority will be lost and the location will become available to others.

(Ord. No. 97-40, § 14, 10-21-97; Ord. No. 08-039, § 1, 9-9-08; Ord. No. [2015-034](#), § 1, 9-22-15)

Sec. 23-110. - Revocation of permit.

- (a) Permits may be revoked by the Engineering Department for failure to meet any provisions of this article, any other County ordinances, State statutes or Federal laws. Vendors are expected to comply with all rules and regulations. Permittees may be held accountable for actions of their employees. Grounds for revocation include, but are not limited to the following:
 - (1) Procurement of a permit through fraud, misrepresentation, false or misleading statements.
 - (2) Failure to comply with any conditions of permit.
 - (3) Vending without a fully opaque covering so that no portion of the male or female genitals, pubic area, one-third (1/3) of the buttocks and any portion of the female breast below the top of the areola is exposed.
 - (4) Failure to maintain the integrity of the pavement edge and stabilization of the road.

- (b) A point system is established for each violation offense. A list of offenses and their point assignments, attached to Ord. No. 08-039 as Exhibit A and incorporated herein, shall be issued with each permit. An accumulation of ten (10) points within any twenty-four-month period shall result in revocation of that permit. All accumulated points for a given permit shall be cleared if no additional points are assigned on that permit for a twelve-month period. Once the accumulated points have been cleared, the next offense in a particular category shall be treated as a first offense. Points are cumulative for a given permit. If a business entity has two (2) permits, points are tallied separately for each.
- (c) A violation report shall be issued and shall include the permit number, name of permittee, time and date, location, name of individual vending and nature of violation(s), as well as required corrective action, if any. A copy of the report shall be given to the individual vending at the site. The original shall be maintained on file at the Engineering Department. This report shall indicate all violations observed. Points shall only be assigned for the highest violation cited at any given time. However, subsequent occurrences of any of the cited violations shall be assigned points for subsequent (not first) occurrences. A copy of the violation report and a statement of points assigned, both current and cumulative, shall be mailed return receipt requested to the permittee at the physical address on record. If the cumulative total is ten (10) points or more, the statement shall include official notification of revocation of the permit. Revocation shall be effective upon the fifth day after mailing this notice to the last known address for permittee on record.
- (d) Once a permit has been revoked, both the permit and the permit plate must be surrendered to the Engineering Department. This must be done even in instances where permittee intends to appeal revocation. The County Engineer or his duly authorized representative(s) may request both permit and permit plate at time of violation. If not, it is the permittee's responsibility to surrender both, either in person or by mail, to the Engineering Department. Failure or refusal to do so after notification of revocation shall subject permittee to penalties provided herein.
- (e) When a permit is revoked, the current number of allowable permits for that business entity is decreased by one (1). This decrease remains in effect for a period of two (2) years from the date of revocation. At the end of two (2) years, the number of allowable permits shall be increased by one (1).
- (f) A modified revocation will occur in cases where a permit has been issued in error including, but not limited to, on private, state or municipal roads, roads with insufficient right-of-way, within a municipality, abutting a residence, adjacent to a sidewalk or bike path. A modified revocation means that vending must cease immediately, but no points are assigned nor is the number of allowable permits for this business entity decreased. Engineering staff shall assist the permittee with relocation, if requested. No additional fees shall be charged. If the permittee decides to surrender the permit a pro-rated portion of the annual permit fee shall be refunded, upon request.

(Ord. No. 97-40, § 15, 10-21-97; Ord. No. 08-039, § 1, 9-9-08)

Sec. 23-111. - Appeal.

- (a) The following appeal process applies to both denial and revocation of a permit and will be heard by a County hearing officer authorized under article 17, chapter C, section 7 of the Unified Land Development Code.
 - (1) The applicant (denial) or permittee (revocation) shall submit to the Engineering Department within seven (7) working days of notification of denial or revocation, a notice of appeal along with a statement setting forth the grounds for appeal and all allegations as to why the permit should not be denied or revoked. The Engineering Department shall forward this notice of appeal, together with a report of the circumstances surrounding the denial or revocation to the hearing officer.
 - (2) The decision of the hearing officer shall be conclusive and final. Should the hearing officer reverse the denial or revocation, the permit shall be issued or reinstated. All parties shall bear their own costs and expenses of such proceedings and no damages shall be compensable as a result of any County action hereunder.
- (b) The appeal process for a violation is as follows: The permittee shall submit to the Engineering Department within seven (7) working days the notice of violation, a notice of appeal, a statement setting forth the grounds for appeal and all allegations as to why the violation(s) should not be cited. The decision of the county engineer or his duly authorized representative(s) shall be conclusive and final. Should the decision reverse the violation citation, any points assigned shall be removed.

(Ord. No. 97-40, § 16, 10-21-97; Ord. No. 08-039, § 1, 9-9-08)

Sec. 23-112. - Limited exemptions.

- (a) All vending locations permitted upon adoption of this article are exempt from the location criteria for residential proximity on two-lane roads, and proximity to places of worship, schools and day care facilities. Permits issued at these exempt locations may be renewed each year, provided there is no change in the permittee or product category, the location has not become ineligible, and all other criteria are met. Under no circumstances will new permits issued after the effective date of this article be allowed at the exempt locations.
- (b) At locations with multiple permits, the two permits with the earliest permit seniority date are exempt from criteria limiting the number of permits per location to one. Other permits at these exempt locations shall be required to relocate within ten (10) days of the effective date of this article. These required relocations shall be exempt from the location criteria specified above in subsection (a). These exempt permits may be renewed each year, provided there is no change in the permittee, vending location or product category, the location has not become ineligible and all other criteria are met. Both exempt permits must be surrendered, relocated or revoked before new permits can be issued at these vending locations.

- (c) Minor location adjustments may be allowed without loss of the above permit and/or location exemption status, provided these adjustments do not result in any new violation to the provisions of this article.

(Ord. No. 97-40, § 17, 10-21-97)

Sec. 23-113. - Violation of article.

In addition to sanctions and penalties imposed, violation of this article shall be a misdemeanor of the second degree. Such violation shall be prosecuted in the name of the State in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof and upon conviction shall be punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisonment in the county jail not to exceed sixty (60) days or by both fine and imprisonment.

(Ord. No. 97-40, § 18, 10-21-97)

Sec. 23-114. - Enforcement.

The County Sheriff's office, other law enforcement agencies, the County Engineer and his duly authorized representative(s) are authorized and directed to enforce this article. The provisions of this article may also be enforced in accordance with Chapter 336, Florida Statutes, or any other means lawfully available for enforcement of its provisions.

(Ord. No. 97-40, § 19, 10-21-97)

Sec. 23-115. - Applicability.

The provisions of this article shall be in full force and effect and apply to all vendors seeking to make commercial use of County-owned and maintained rights-of-way in the unincorporated area of the County and to all permits, except those specifically addressed in section 23-112, Limited exemptions.

Secs. 23-115—23-125. - Reserved.

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EXHIBIT 5

PALM BEACH COUNTY ROADSIDE VENDOR PROGRAM
VIOLATION POINT ASSIGNMENTS

Exhibit A of Board Item 09/09/08 5-E, last page of RVO 2008-39

PALM BEACH COUNTY ROADSIDE VENDOR PROGRAM
VIOLATION POINT ASSIGNMENTS

POINTS PER OCCURRENCE		
1 ST	SUBSEQ	VIOLATION/OFFENSE
10	N/A	Procurement of permit through fraud, misrepresentation, and/or false or misleading statements.
10	N/A	Sale or transfer of (or attempt to sell or transfer) permit/location to another business entity.
10	N/A	Failure to maintain required minimum general liability coverage and performance bond through the end of the permit year.
05	05	Failure to comply with applicable federal, state and/or local laws, rules or regulations.
05	05	Vending before/after authorized hours of operation, as stated on permit. Failure to vacate vending location at end of vending day.
05	05	Violence or disturbance which results in law enforcement intervention.
05	05	Failure to vend at the location stated on permit.
05	05	Continuing to vend from a location more than 24 hours after being notified by Engineering of County-mandated relocation.
03	05	Vending attire does not meet requirements of ordinance.
03	05	Failure to remove all vending equipment/items at end of vending day.
03	05	Vending in a manner that interferes with the health, safety and/or welfare of the general public. Examples: creation of physical or sight obstruction; promotion of violation of official traffic control devices; inadequate set-back from road; inadequate sight distances.
03	05	Sale of unauthorized goods or items.
03	05	Use of free standing signs, flags, banners, or tents. Set up of tables, chairs and/or umbrellas for customer use.
03	05	Failure to maintain mobility at all times.
01	03	Failure to keep vending area free from garbage, litter and debris.
01	03	Failure to inform Engineering/Traffic of any site changes which impact eligibility of location.
01	03	Failure to have both plate and permit at vending location, with plate clearly visible from the road at all times.
01	03	Exceeding the maximum allowed square footage area (300 sq. ft. or 500 sq. ft.), depending on service location and product category.
01	03	Failure to maintain integrity of the pavement edge and stabilization of the road.
01	03	Operating with an expired or suspended permit.
01	03	Failure to provide Engineering/Traffic with written notification of change of mailing address.

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