

**ORDINANCE NO. 10-25-2523**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING CHAPTER 15, “OFFENSES AND MISCELLANEOUS PROVISIONS,” ARTICLE I. “IN GENERAL,” SECTION 15-63 “MOBILE VENDORS” TO PERMIT SPECIAL EVENTS FEATURING MOBILE VENDORS FOR RELIGIOUS INSTITUTIONS AND ESTABLISH REGULATIONS AND PERMIT PROCEDURES; PROVIDING FOR CORRECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE.**

**WHEREAS**, Section 15-63 of the City of South Miami (the “City”) Code of Ordinances (the “Code”) prohibits mobile vendors from operating in the City except in (a) I-zoned districts; (b) upon construction sites where work is actively in progress; (c) in connection with special events, exhibitions, expositions, art shows, and festivals, upon compliance with terms and conditions; and (d) in connection with drinking establishments subject to limitations; and

**WHEREAS**, Section 15-63 further provides that mobile vendors cannot remain at a site for more than thirty minutes unless allowed by special event permit or by City Commission resolution; and

**WHEREAS**, as described above, the City allows mobile food vending operations in certain instances, consistent with Section 509.102, Florida Statutes, which provides that the City “may not prohibit mobile food dispensing vehicles or temporary commercial kitchens from operating within the entirety of the [City’s] jurisdiction;” and

**WHEREAS**, the City Commission discussed amending mobile vendor regulations to allow for special events at properties owned and operated by religious institutions that would permit mobile vendors pursuant to a special event permit for reasonable times and subject to reasonable regulations; and

**WHEREAS**, the City Commission finds that special mobile food vendor events can foster community engagement and neighborhood relations, and provide an opportunity for the public to gather in an enjoyable atmosphere where they can be exposed to the offerings of local food vendors and the work of community serving entities such as religious institutions; and

**WHEREAS**, to promote compatibility with neighboring uses and provide for public safety, the City Commission finds it appropriate to require special event permits for special mobile food vendor operations at religious institutions, and to include requirements and/or limitations as to noise, security, parking, and other elements of the operation to address potential impacts to neighboring properties; and

**WHEREAS**, the City Commission finds that there are outdated references in Section 15-63, such as to I-zoned zoning districts, which the City no longer has, that should be edited as part of this Ordinance; and

**WHEREAS**, the City Commission desires to amend Chapter 15, “Offenses and Miscellaneous Provisions,” Article I. “In General,” Section 15-63 “Mobile Vendors” of the City Code to permit special events featuring mobile vendors for properties owned and operated by religious institutions and establish regulations and permit procedures

**WHEREAS**, the City Commission finds that this Ordinance is in the best interest and welfare of the City, and approved it on first reading on March 18, 2025; and

**WHEREAS**, on April 1, 2025, the Mayor and City Commission conducted a duly noticed public hearing as required by law and approved the ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AS FOLLOWS:**<sup>1</sup>

**Section 1.**     **Recitals.** The above-stated recitals are true and correct and are incorporated herein by this reference.

**Section 2.**     **Amending Chapter 15, Article I, Section 15-63 of the City Code.**     Chapter 15, “Offenses and Miscellaneous Provisions,” Article I. “In General,” Section 15-63 “Mobile Vendors” of the City Code is hereby amended as follows:

**Sec. 15-63. Mobile vendors.**

- (a) It shall be unlawful to sell, offer to sell, or exhibit for sale any goods or merchandise, including, but not limited to, fruits, nuts, popcorn, ice cream or sandwiches from any parked vehicle or stand set upon any street or sidewalk in the city, or from the exteriors of buildings licensed for sales, unless otherwise provided herein, in the land development code, or in section 4-2 of this Code.
- (b) A mobile vendor is any person, firm, corporation or other entity which travels from place to place selling any and all goods, wares, and merchandise, including, specifically, food, food products and beverages.
- (c) All mobile vendors are prohibited from operating or doing business in the city, except as hereinafter provided.
- (d) Mobile vendors selling food, food products and beverages may operate and do business ~~in "I" zoned districts,~~ upon construction sites where work is actively in progress, and

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<sup>1</sup> Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double-strikethrough~~ and double underline and haded in grey.

in any zoning district where a permitted special event, exhibition, exposition, art show and/or festival is taking place upon the following terms and conditions:

- (1) No mobile vendor shall station itself upon any public street or right-of-way. Neither shall any mobile vendor station itself upon any private property except with the express permission of the owner thereof and in a manner which does not impede the flow of traffic in public streets or rights-of-way, nor block pedestrian access to public streets or rights-of-way.
- (2) All mobile vendors must provided for their own trash and garbage removal such that no trash or garbage remains on the premises upon which the vending was conducted.
- (3) No mobile vendor shall remain in any one site longer than thirty (30) minutes, except in the case of a special event, exhibition, exposition, art show and/or festival in which case it shall not exceed the time allowed by the special event permit, or when further specifically permitted by a majority affirmative vote of the city commission by resolution.
- (4) Mobile vendors must operate from four-wheel motorized vehicles registered in the state, except in the cases of fairs, exhibitions and expositions not exceeding five (5) days.

(e) *Special Mobile Vendor Events for Religious Institutions.* Notwithstanding the restrictions in sub-section (d) above, special mobile vendor food events on private property owned and operated by religious institutions may be allowed by special event permit issued by the City Manager subject to conditions addressing all of the following:

- (1) No more than five (5) food trucks allowed for any single event;
- (2) The applicant shall provide sufficient temporary or permanent bathroom facilities for patrons of the event, as determined by the City Manager based on expected attendance;
- (3) The event may be open to the public from 5 PM to 11 PM on Thursday, Friday, or Saturday night;
- (4) Generators and mechanical equipment shall employ noise reduction measures, as appropriate for the proximity of the location to residential uses;
- (5) Lighting shall be provided to maintain a minimum of one (1) foot-candle on the surface, consistent with surface parking lot lighting requirements promulgated by Miami-Dade County;
- (6) Professional security or off-duty police officers shall be provided at the expense of the permittee, in quantity and at times determined by the City Manager after consultation with the Police Department, to be appropriate for public safety for the particular event;
- (7) The permittee shall provide for solid waste and recycling collection and removal on-site;

- (8) Ground covering and temporary furniture and structures as appropriate to the nature and size of the event;
- (9) Parking shall be provided on-site or on public parking spaces, and shall not occur on swales, medians, or other private property;
- (10) The sale or distribution of alcoholic beverages may be prohibited or limited;
- (10) To the extent feasible, the permittee shall be encouraged to use local vendors, or mobile vendors associated with local vendors; and
- (11) The City Manager may affix additional conditions as necessary, including a limitation on the maximum capacity of attendees, for the (i) particular event, (ii) for the particular location, or (iii) for the particular operator based upon its history of events.

The City Manager may approve a recurring series of events for a period of time, subject to modification of the permit or revocation of such permit based on the conduct of events. Any special event permit authorized under this subsection shall be subject to revocation for failure to meet permit conditions or the requirements and limitations of the City Code.

**Section 3. Corrections.** Conforming language or technical scrivener-type corrections may be made by the City Attorney for any conforming amendments to be incorporated into the final Ordinance for signature.

**Section 4. Severability.** If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

**Section 5. Conflicts.** That all ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

**Section 6. Implementation.** The City Manager is hereby authorized to take any and all necessary action to implement the purposes of this Ordinance.

**Section 7. Effective Date.** This Ordinance shall become effective immediately upon adoption.

**PASSED** on first reading on the 18<sup>th</sup> day of March, 2025.

**PASSED AND ADOPTED** on second reading on the 1<sup>st</sup> day of April, 2025.

ATTEST:

APPROVED:

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CITY CLERK

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MAYOR

READ AND APPROVED AS TO FORM,  
LANGUAGE, LEGALITY AND  
EXECUTION THEREOF

COMMISSION VOTE:	4-0
Mayor Javier Fernández:	Yea
Vice Mayor Brian Corey:	Absent
Commissioner Lisa Bonich:	Yea
Commissioner Steve Calle:	Yea
Commissioner Danny Rodriguez:	Yea

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WEISS SEROTA HELFMAN COLE  
& BIERMAN, P.L.  
CITY ATTORNEY