

**ORDINANCE NO. 2024 - 19**

**AN ORDINANCE OF THE CITY OF WEBSTER, FLORIDA RELATING TO FLEA MARKET OR FARMER'S MARKET OPERATIONS WITHIN THE CITY; AMENDING SECTION 1-2 OF THE CITY OF WEBSTER CODE OF ORDINANCES; AMENDING SECTION 18-2 OF THE CITY OF WEBSTER CODE OF ORDINANCES; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR CONFLICTS AND REPEALER AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Webster ("City") has complied with all requirements and procedures of Florida law in processing this Ordinance; and

**WHEREAS**, the City Council of the City of Webster ("City Council") has the power and authority to enact this Ordinance under the controlling provisions of State law such as, by way of example only, the provisions of Article VIII, Section 2 of the *Constitution of the State of Florida* and the provisions of Chapter 163, *Florida Statutes*, and Chapter 166, *Florida Statutes*, and other controlling law of the State of Florida; and

**WHEREAS**, the City enjoys all governmental, corporate and proprietary powers necessary to enact ordinances in order to protect the health, safety and welfare of the City's citizens and residents; and

**WHEREAS**, the City of Webster Code of Ordinances is a comprehensive compilation of local laws and regulations that are enforced by the City of Webster, and which outlines the rules and regulations that govern the City of Webster; and

**WHEREAS**, the City Council has determined that the certain Sections of the Code of Ordinances relating to the definition of "flea markets," "farmer's markets," "flea

market operators," "farmer's market operators," "flea market vendors," and "farmer's market vendors," as well as the issuance of business licenses to "flea market vendors" and "farmer's market vendors" and the operating days for flea markets and farmer's markets in the City should be amended; and

**WHEREAS**, the City Council hereby finds that this Ordinance is in the best interest of the public, health, safety, and welfare of the citizens and residents of the City.

**WHEREAS**, the City Council is enacting this Ordinance in order to protect and promote the public health, safety and welfare of the citizens of the City.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF WEBSTER, FLORIDA:**

**SECTION 1. LEGISLATIVE FINDINGS AND INTENT; PURPOSE.**

The foregoing recitals (whereas clauses) are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance and incorporated herein, *in haec verba*.

The City has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

The purpose of this Ordinance is to amend certain provisions of the City of Webster Code of Ordinances, more specifically **Section 1-2. Definitions and rules of construction**, and **Section 18-2. Flea markets; days and hours of operation**, for the reasons set forth in this Ordinance.

**SECTION 2. AUTHORITY.**

Pursuant to Article VIII, Section I of the Florida Constitution and Section 166.021 of the Florida Statutes, the City of Webster City Council has all powers of local self-

government to perform city functions and render city services and facilities except when prohibited by law, including the authority to establish and amend its Code of Ordinances.

### **SECTION 3. AMENDMENT TO CITY OF WEBSTER CODE OF ORDINANCES.**

The City Council hereby amends the City of Webster Code of Ordinances, specifically amending as follows:

#### **Sec. 1-2 - Definitions and rules of construction.**

Sec. 1-2 - shall be amended by adding the following definitions:

*Flea market or farmer's market* means a business or premise, whether enclosed by a building or structure or not, in which individual stalls, tables, booths or other spaces are rented to vendors, other than the owner, for the purpose of individually exposing, offering for sale or selling new or used articles, foodstuffs, fruits, vegetables, services or other goods, wares or merchandise or exposing samples, patterns or specimens of any goods, wares or merchandise to be delivered at a later date.

*Flea market operator or farmer's market operator* is a person or entity that legally owns or operates any premises as a flea market or farmer's market; a flea market operator or farmer's market operator carries on the business of renting, leasing, or otherwise providing a table, booth, stall, or other such space to flea market vendor or farmer's market vendor for no more than thirty-six (36) hours of operation in any consecutive seven (7) day period, or who advertises or holds himself or herself out as carrying on that business.

*Flea market vendor or farmer's market vendor* means a person or entity legally engaged in exposing, selling or offering for sale, any new or used articles, foodstuffs, goods, wares or merchandise at a flea market or exposing samples, patterns or specimens of any goods, wares or merchandise to be delivered at a later date.

*Swap meet* shall mean flea market.

**Sec. 18-2. - Flea markets and farmers' markets.**

- (a) Any person who is a flea market vendor or farmer's market vendor shall be required to obtain a City of Webster business license prior to engaging in the business of a flea market vendor or farmer's market vendor within the City of Webster.
- (b) The City Manager is authorized to establish a procedure whereby a flea market operator or farmer's market operator may be permitted to obtain a City of Webster business license for any flea market vendor or farmer's market vendor renting, leasing, or otherwise occupying a table, booth, stall, or other such space in such flea market operator's or farmer's market operator's flea market or farmer's market. The City Manager is authorized, as he or she deems appropriate or advisable, to offer a discount or fee to such flea market operator or farmer's market operator for the obtaining of a City Webster license for any of its flea market vendors or farmer's market vendors.

**SECTION 4. CODIFICATION; SCRIVENER'S ERRORS.**

It is the intention of the City Council, and it is hereby ordained, that the provisions of this Ordinance shall be reflected and made a part of the City of Webster Code of Ordinances and the word "Ordinance," or similar words may be changed to "section," "article," or other appropriate word or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention. The Code codifier is granted liberal authority to make such changes and to rescind those sections of the Code declared null and void as set forth herein.

Section 3 of this Ordinance shall be codified, and all other sections shall not be codified.

Typographical errors and other matters of a similar nature that do not affect the

intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

#### **SECTION 5. IMPLEMENTING ADMINISTRATIVE ACTIONS.**

The City Manager is hereby authorized and directed to take such actions as he or she may deem necessary and appropriate to implement the provisions of this Ordinance. The City Manager may, as deemed appropriate, necessary, and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed effectual and prudent.

#### **SECTION 6. CONFLICTS AND REPEALER.**

This Ordinance shall be cumulative of all provisions of the Ordinances of the City, except where the provisions of this Ordinance are in direct conflict with the provisions of another Ordinance, in which event all Ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

#### **SECTION 7. SEVERABILITY.**

If any section, sentence, phrase, word, or portion of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to impair the validity or effect of any other action or part of this Ordinance.

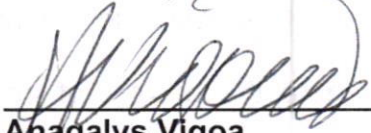
**SECTION 8. EFFECTIVE DATE.**


This Ordinance shall take effect immediately upon enactment.

**PASSED AND ENACTED** this 20<sup>th</sup> day of June, 2024.

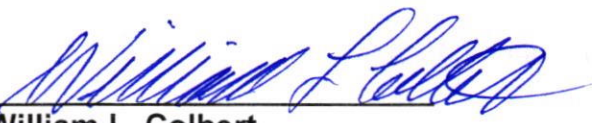


**CITY COUNCIL OF THE CITY OF  
WEBSTER, FLORIDA**

  
\_\_\_\_\_  
Anagals Vigoa  
Mayor

  
\_\_\_\_\_  
Amy Flood  
City Clerk

**Approved as to form and Legality:**

  
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William L. Colbert  
City Attorney