

ORDINANCE NO. 2017-16

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA, AMENDING SECTION 58-10, RELATED TO PROHIBITION OF OUTDOOR ROADSIDE SALES OF MERCHANDISE; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES, CONFLICT, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the City of Clewiston, Florida, has determined to amend its Code of Ordinances to make certain changes to provisions therein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA:

SECTION 1. The Code of Ordinances of the City of Clewiston, Section 58-10., is hereby amended to read as follows:

Sec. 58-10. – Prohibition of outdoor roadside sales of merchandise.

- (a) It shall be unlawful for any person to sell any merchandise within the city from outdoor roadside stands, whether on public or private property.
- (b) The provisions of this section shall not apply to or affect the following:
 - (1) Persons selling goods pursuant to an order or process of a court of competent jurisdiction;
 - (2) Persons acting in accordance with their powers and duties as public officers;
 - (3) Any sale conducted by any merchant, mercantile or other business establishment from or at a place of business wherein such sales would be permitted by the zoning regulations of the city. For purposes of this section, “business establishment” and “place of business” shall mean a location at which retail sales of merchandise have been conducted continuously by the applicant for at least 12 months prior to application for a temporary tent sales permit under this section.
 - (4) Any bona fide charitable, educational, cultural or governmental institution or organization, when the proceeds from such sale are used directly for the institution or organization’s charitable purposes, and the goods or articles are not sold on a consignment basis, except that no sale shall be held under these provisions until after a permit has been obtained from the city approving the times and location of such sale, for which permit there shall be no fee assessed;
 - (5) House to house sales authorized by this chapter; or

(6) Garage sales authorized by section 110-529.

SECTION 2. INCLUSION IN THE CODE OF ORDINANCES. The provisions of these ordinances shall become and be made a part of the City Code of Ordinances and the sections of these ordinances may be renumbered and codified to accomplish this end.

SECTION 3. CONFLICT. All ordinances or parts of ordinances in conflict herewith are hereby repealed. All ordinances or parts of ordinances not specifically in conflict herewith are hereby continued in full force and effect.

SECTION 4. SEVERABILITY. If any part of these ordinances are declared invalid by a court of competent jurisdiction, such part or parts shall be severable, and the remaining part or parts shall continue to be in full force and effect.

SECTION 5. EFFECTIVE DATE. These ordinances shall take effect immediately upon its passage and approval consistent with all requirements of general law.

PASSED on first reading by the City Commission on August 21, 2017.

PASSED AND ADOPTED on second and final reading by the City Commission on September 18, 2017.

ATTEST:

CITY OF CLEWISTON, FLORIDA

Mary K. Combass, Interim City Clerk

Mali Gardner, Mayor

(MUNICIPAL SEAL)

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

By: _____
Gary M. Brandenburg, City Attorney