

ORDINANCE 2021-14

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 14, AMENDING ARTICLE VIII. MOBILE CAR WASH/AUTO DETAIL BUSINESSES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED, by the City Commission of the City of Lake Wales,

SECTION 1:

Chapter 14

Article VIII. MOBILE CAR WASH/AUTO DETAIL BUSINESSES

§ 14-200. - MOBILE CAR WASH/AUTO DETAIL BUSINESSES

§ 14-201 - Definition.

For purposes of this Chapter, "mobile car wash/auto detail business" means a business that is:

- a) Conducted from other than a fixed place of business within the City, including operations conducted from a motorized vehicle;
- b) Engaged in the washing, waxing, cleaning or detailing of motor vehicles; and
- c) Carried out primarily by means of human effort rather than primarily by mechanical means.

§ 14-202 - License required.

It is unlawful for a person to conduct, engage in, carry on, advertise, or market a mobile car wash/auto detailing business without a license issued pursuant to this Chapter. In the case of a business that operates from more than one vehicle, a separate license must be obtained for each additional vehicle used in the business. The annual license fee for a license issued under this Chapter is seventy-five dollars (\$75.00).

§ 14-202.1 – Licensing period.

Licensing period is one calendar year from date of issuance and must be renewed annually in compliance to all sections of this chapter.

§ 14-203 – License Renewal.

All licenses issued under this section are valid for the entire licensing period unless revoked prior to expiration. An application to renew a license may be made not later than

60 calendar days before the expiration of the current license. All current documentation required for initial license issuance shall be submitted with each renewal.

§ 14-203.1– Revocation of license or Registration.

Any license or registration issued under this section may be revoked by sending a “Notice of Revocation” to the licensee stating both the facts and legal conclusions constituting cause to revoke. Within 10 business days’ of the “Notice of Revocation,” the licensee may request a hearing before the City Manager, or designee, by submitting a written request and response to the Notice to the City Clerk. At the hearing before the City Manager, or designee, the issue shall be whether cause to revoke is present based on either licensee misconduct or the licensee’s failure to comply with registration requirements. The City Manager, or designee, shall allow the licensee to present any defenses the licensee may have and shall, after all of the evidence has been presented, issue a determination in writing. Any party aggrieved by the decision of the City Manager or designee may appeal the decision to a court of competent jurisdiction by petition for writ of certiorari.

§ 14-203.2- Unlawful activities.

In the operation of a mobile car wash/auto detail business, it is unlawful for a principal, employee or agent of the business to:

- a) Engage in washing the exterior of a vehicle upon any public street or public right-of-way, or upon any vacant property or unimproved lot;
- b) Interfere with the ingress or egress of the abutting property owner or tenant or create or become a public nuisance under F.S. 823.01, increase traffic congestion or delay or constitute a hazard to traffic, life or property or an obstruction to adequate access to fire, police or sanitation vehicles.
- c) Engage in washing or cleaning a motor vehicle engine;
- d) Leave any location without first picking up, removing and disposing of all trash, materials or refuse remaining from mobile car wash/auto detail activities.
- e) Advertise that services are available at a specific location, or otherwise invite customers to come to a specific location to receive services provided by the business;
- f) Erect or place advertising of the business at any location the business may operate, except to the extent required in order to comply with section § 14-208
- g) Operate at a fixed location, other than in compliance with section § 14-210
- h) Violate any provision of State law or of the Municipal Code pertaining to water conservation;

- i) Violate any provision of State law or of the Municipal Code pertaining to the City's storm water system; or
- j) Violate any provision of State law or of the Municipal Code pertaining to noise.

§ 14-204 - Display of license.

The original or a certified copy of each business license required pursuant to § 14-202 must be displayed prominently or made available for inspection at all times that the licensee is providing services.

§ 14-205 - Decals.

For each vehicle to be used by a mobile car wash/auto detail business in performing services, the Department will issue a license decal, which must be prominently displayed on the upper left rear portion of the vehicle. It is unlawful for a person associated with a mobile car wash/auto detail business to:

- a) Use such a vehicle in the performance of services without a valid license decal displayed thereon; or
- b) Alter a license decal or display an altered or fictitious license decal on a vehicle while services are being performed. An altered or fictitious decal is subject to confiscation by the officer/authorized employee.

§ 14-206 - Vehicles—Registration and insurance.

Each vehicle that is used by a mobile car wash/auto detail business in performing services must be:

- a) Properly registered with the Florida Department of Motor Vehicles; and
- b) Insured as required by Florida law, with proof thereof to be provided upon request by the officer/authorized employee.

§ 14-207 - Documentation required at all times.

At any time a mobile car wash/auto detail business is providing services, an employee or officer of the City may request any principal, employee or agent of the business who is engaged in providing services to produce documentation to verify that he or she is providing, and is authorized to provide, services pursuant to a license issued under this Chapter.

§ 14-208 - Display of business information.

Each licensee that uses a vehicle in its business operation shall display the business name, telephone number and City business license number on at least two sides of the vehicle (or on any attached mobile unit or trailer). The required display must be in characters with a minimum height of three inches.

§ 14-209 - Authorization of the owner or authorized tenant of the property—Required.

It is unlawful for a mobile car wash/auto detail business to provide services at any location without first having obtained the express written authorization of the owner or authorized tenant of the property. In the case of a property with multiple tenants, the authorization must be provided by the property owner (or property management firm, in the case of property managed by such a firm). The authorization must be produced to the officer/authorized employee upon request and must include:

- a) The name (printed) and signature of the person providing the authorization;
- b) That person's contact phone number; and
- c) If applicable, that person's business name and business address.

§ 14-210 - Time limits.

- a) Except as otherwise provided in Subsection (B), no mobile car wash/auto detail business may operate between the hours of 9:00 p.m. and 6:00 a.m. and cannot be at a particular location for more than three hours within any twenty-four-hour period.
- b) The limitation set forth in Subsection (A) does not apply to a licensed mobile car wash/auto detail business during any period of time in which the business:
 - 1) Is washing vehicles consisting of the inventory of a motor vehicle dealer licensed under Florida law and is entitled to sell or lease motor vehicles; or
 - 2) Pursuant to written agreement with another business, is washing the vehicles that are used by that other business or vehicles that belong to employees of that other business.

§ 14-211 - Location restrictions.

No mobile car wash/auto detail business may operate within one hundred fifty feet of:

- a) Any fixed-location or stationary car wash or detailing business; or
- b) Any location at which any other mobile car wash/auto detail business is providing services during the period of those services.

§ 14-212 - Impoundment.

In addition to any remedy that is otherwise available to the City under this Title regarding unlicensed business operations, a vehicle that is being used in connection with an unlicensed mobile car wash/auto detail business may be impounded by an appropriate law enforcement agency upon proper notice, an opportunity to comply, and an opportunity to be heard.

§ 14-213 - Enforcement.

Any person or business in violation shall be subject to a civil penalty in an amount not-to-exceed \$500.00. Each day the violation exists shall be considered a separate violation. The penalty provided herein is cumulative to other remedies or enforcement processes the City may have, including those available under Chapter 162, Florida Statutes and this Code

In addition to those agencies, officers and employees specifically authorized to enforce the provisions of this Title, this Chapter may be enforced by any department or function of the City specifically assigned to its enforcement by the City Manager.

SECTION 2:

Severability: If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated.

SECTION 3:

Effective date: This ordinance shall become effective immediately upon its passage by the city commission.

CERTIFIED AS TO PASSAGE this _____ day of _____ 2021.

By:

Mayor/Commissioner

City of Lake Wales, Polk County, FL

ATTEST: _____

City Clerk