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**ORDINANCE
NUMBER 2025-03**

**AN ORDINANCE OF THE CITY OF LABELLE,
FLORIDA; AMENDING THE CITY OF LABELLE
CODE, CHAPTER 11, ARTICLE V, STREET
VENDING; AND AMENDING APPENDIX B, LAND
DEVELOPMENT CODE, CHAPTER 4, ARTICLE V,
SUPPLEMENTARY DISTRICT REGULATIONS,
CREATING SECTION 4-92; AMENDING
REGULATIONS RELATING TO MOBILE
VENDING; PROVIDING FOR RATIFICATION OF
PRIOR ACTIONS; PROVIDING FOR
CODIFICATION, SEVERABILITY, CONFLICTS
AND AN EFFECTIVE DATE.**

RECITALS

19 **WHEREAS**, the City of LaBelle, Florida has the authority to adopt this Ordinance
20 pursuant to Article VIII of the Constitution of the State of Florida; Chapters 163 and 166; and
21 Section 381.986 Florida Statutes; and
22

23 **WHEREAS**, the City Commission desires to amend the regulations relating to the mobile
24 vending in the City to allow for the expansion and incubation of local businesses, while ensuring
25 protecting the character of the City and ensuring an attractive and functional built environment;
26 and
27

28 **WHEREAS**, the City of LaBelle desires to maintain minimum siting regulations and
29 design standards to ensure compatibility and consistency amongst buildings in the City, and to
30 ensure the protection of public health, safety and welfare; and
31

32 **WHEREAS**, the proposed ordinance was properly advertised and has received public
33 hearings before the Local Planning Agency on June 12, 2025, and before the City Commission on
34 July 10, 2025 and August 14, 2025; and
35

36 **WHEREAS**, the City finds that this Ordinance is in the interests of the public health,
37 safety, and welfare.
38

39 **NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of
40 LaBelle, Florida:
41

42 **Section 1.** Recitals. The forgoing recitals are hereby ratified and confirmed as
43 being true and correct and hereby made a part of this Ordinance and adopted as legislative findings.
44

45 **Section 2.** Amendment to the City Code of Ordinances. Chapter 11, Licenses
46 And Business Regulations, Article V - Street Vending, and the Land Development Code, Chapter

47 4, Article IV, Zoning, of the City of LaBelle is hereby amended as set forth in Exhibit A attached
48 hereto.

49
50 **Section 3. Codification.** This ordinance shall be incorporated into the City of
51 LaBelle Land Development Code. The sections of this Ordinance can be renumbered or re-lettered
52 to the appropriate word or phrase to accomplish codification. Omissions, grammatical, and
53 typographical errors, as well as clarifications of ambiguous wording that do not affect the intent
54 of this Ordinance, may be authorized by the Mayor without need for a public hearing.

55
56 **Section 4. Severability.** In the event that any portion of this Ordinance is for any
57 reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall
58 be deemed a separate, distinct and independent provision, and such holding shall not affect the
59 validity of the remaining portions of this Ordinance.

60
61 **Section 5. Conflicts.** The provisions of this article shall supersede any provisions
62 of existing ordinances in conflict herewith to the extent of said conflict.

63
64 **Section 6. Effective Date.** This Ordinance shall take effect immediately upon its
65 adoption by the City Commission.

66
67 **PASSED AND DULY ADOPTED** this ____ day of _____, 2025.

68
69
70 CITY COMMISSION OF THE CITY OF LABELLE,
71 FLORIDA

72
73
74 By: _____
75 Julie C. Wilkins, Mayor

76
77
78 ATTEST:

79
80
81 By: _____
82 Tijauna Warner, Deputy Clerk

83
84
85
86 APPROVED AS TO FORM AND
87 LEGAL SUFFICIENCY:

88
89
90 By: _____
91 Derek Rooney, City Attorney

	Vote:	AYE	NAY
93			
94			
95	Mayor Wilkins	_____	_____
96	Commissioner Vargas	_____	_____
97	Commissioner Ratica	_____	_____
98	Commissioner Holland	_____	_____
99	Commissioner Spratt	_____	_____
100			

101 EXHIBIT A

102 THE LABELLE CODE

103 CHAPTER 11 - LICENSES AND BUSINESS REGULATIONS

104 ARTICLE V. STREET VENDING

105 **Sec. 11-121. Purpose and intent.**

106 The purpose of this article is to promote public interest and economic development
107 opportunities for the City of LaBelle by providing for an active and attractive pedestrian
108 environment while protecting the health, safety and welfare of its residents.

109 Vending operations as described in this article are not permitted on any publicly owned
110 property including, but not limited to, sidewalks, rights of way or parks, except as provided for in
111 section 11-124, Exemptions.

112 **Sec. 11-122. Definitions.**

113 *Mobile vending cart.* An accessory use, consisting of a portable stand and any related
114 accessory appurtenances such as an awning, canopy, or seating, used for the retail sales of goods
115 including, but not limited to, beverages, food, and flowers.

116 *Mobile vending trailer.* A mobile trailer operated by a vendor standing on or within the frame
117 of the trailer.

118 *Mobile vending vehicle.* Same as above, only motorized.

119 *Sidewalk vending.* The peddling, vending, selling, displaying or offering for sale, any item of
120 tangible personal property or other thing of value from a mobile vending cart, by a vendor, to
121 persons on the public right of way, including sidewalks.

122 *Street vending.* The peddling, vending, selling, displaying or offering for sale, any item of
123 tangible personal property or other thing of value from a mobile vending trailer or vehicle on the
124 public rights of way, between the curblines, by a vendor, to persons on the sidewalk.

125 *Vendor.* Any person or entity that exhibits, displays, offers for sale or sells any food,
126 beverages, goods, wares or merchandise from a mobile vending cart, mobile vending vehicle, or
127 mobile vending trailer.

128 **Sec. 11-123. Permits, application and insurance.**

129 (a) *Special exception permit required.* It shall be unlawful for any person to engage in the
130 business of vending without first obtaining a special exception approval by the city
131 commission.

132 (1) A special exception issued under this section shall permit the applicant to conduct
133 operations at the vendor site designated in the permit and only at this site.

134 (2) Every special exception shall be nonassignable and nontransferable.

135 (3) Proof of special exception approval shall be carried with the vendor when he/she is
136 engaged in vending.
137

138 ~~(4) If the vendor is engaged in the sale of food and beverage for human consumption, a~~
139 ~~certificate of health inspection shall also be properly and conspicuously displayed at~~
140 ~~all times during the operation of business.~~

141 ~~(5) Expiration and renewal. The special exception shall require review and renewal by~~
142 ~~the city commission each year on the anniversary date of the issuance of the permit.~~
143 ~~Application for renewal must be received no later than the expiration date of the~~
144 ~~current permit. Any application received after that date shall be processed as a new~~
145 ~~application.~~

146 ~~(b) Application. In addition to the criteria established in Appendix B, subsection 4-41(b), the~~
147 ~~special exception application must provide the following information:~~

148 ~~(1) Name and description of the applicant;~~

149 ~~(2) Contact information of the applicant;~~

150 ~~(3) A brief description of the nature of the business and the goods to be sold;~~

151 ~~(4) A certificate of health inspection, or other required inspection, if applicable;~~

152 ~~(5) The proposed method of operation, length of time desired to do business, if a~~
153 ~~motorized vehicle is to be used, a description of such vehicle, including license~~
154 ~~number and other means of identification;~~

155 ~~(6) The place where the goods are to be sold, to include the physical location of the~~
156 ~~vending vehicle;~~

157 ~~(7) Proposed hours of operation; and~~

158 ~~(8) Payment of application fees.~~

159 ~~(c) Insurance.~~

160 ~~(1) Prior to operation, vendors shall obtain any necessary licenses, permits and tax~~
161 ~~information from appropriate governmental agencies.~~

162 ~~(2) Vendor applicants shall be required to maintain in full force and effect,~~
163 ~~comprehensive general liability insurance with liability limits of not less than five~~
164 ~~hundred thousand dollars (\$500,000.00) for the term of the permit.~~

165 ~~(3) Vendors that are engaged in low-risk endeavors such as advertising or advocacy,~~
166 ~~involving no physical equipment, displays or distribution of ingestible/inhalable~~
167 ~~items, shall be permitted to sign a hold harmless agreement in lieu of meeting the~~
168 ~~insurance requirements above. The city attorney shall make a determination if the~~
169 ~~hold harmless agreement is sufficient based on information supplied by the applicant.~~

170 ~~(4) Once the permit is issued, the applicant has an affirmative duty to maintain all~~
171 ~~applicable licenses and certifications and to notify the city in writing of any material~~
172 ~~change in the information provided by the applicant in the original application.~~

173 ~~(5) The applicant shall immediately notify the city of a lapse in insurance coverage.~~

174 **Sec. 11-124. Exemptions.**

175 ~~(a) The provisions of this article do not apply to the following:~~

- 176 (1) ~~Goods, wares or merchandise temporarily deposited on the sidewalk in the ordinary~~
177 ~~course of delivery, shipment or transfer.~~
- 178 (2) ~~The placing and maintenance of unattended stands or sales devices for the sale,~~
179 ~~display or offering for sale of newspapers, magazines, periodicals and paperbound~~
180 ~~books.~~
- 181 (3) ~~Special events authorized by a temporary use permit by the city in accordance with~~
182 ~~section 4-83 of the Land Development Code.~~
- 183 (4) ~~The distribution of free samples of goods, wares and merchandise by any individual~~
184 ~~from his person.~~
- 185 (b) ~~Claims of exemption. Any person claiming to be legally exempt from the regulations set forth~~
186 ~~in this article shall demonstrate the statute or legal authority under which the exemption is~~
187 ~~claimed and shall provide to the city proof of qualification of such exemption.~~

188 **Sec. 11-125. General restrictions.**

189 (a) ~~Size restrictions.~~

190 (1) ~~Mobile vending cart/handcart/pushcart. Dimensions shall not exceed five (5) feet in~~
191 ~~width, nine (9) feet in length, seven (7) feet in height (exclusive of canopies or~~
192 ~~umbrellas), and must be able to be pushed by one (1) person.~~

193 (2) ~~Mobile vending trailer/stand/vehicle. Dimensions shall not exceed sixteen (16) feet~~
194 ~~in length and eight (8) feet in height.~~

195 (b) ~~Location restrictions. No vendor shall be permitted to operate in the following locations:~~

196 (1) ~~Within an R (residential) zoning district;~~

197 (2) ~~Within twenty (20) feet of any street intersection or pedestrian crosswalk;~~

198 (3) ~~Within fifteen (15) feet of any driveway, loading zone or bus stop;~~

199 (4) ~~Within fifteen (15) feet of a building entrance;~~

200 (5) ~~On the median strip of a divided roadway;~~

201 (6) ~~Against display windows of a fixed location business;~~

202 (7) ~~Any area within one hundred (100) feet of a hospital, college, elementary school,~~
203 ~~middle school or high school;~~

204 (8) ~~Within twenty (20) feet of any fire hydrant or fire escape; or~~

205 (9) ~~Within ten (10) feet of any parking space or access ramp designed for persons with~~
206 ~~disabilities.~~

207 (c) ~~Hours of operation. Hours of operation shall be limited to between the hours of 6:00 a.m. to~~
208 ~~9:00 p.m., unless otherwise restricted by special exception.~~

209 **Sec. 11-126. Littering and trash removal.**

210 (1) ~~Vendors shall be responsible for keeping sidewalks within fifteen (15) feet of their stands~~
211 ~~clean of all trash generated by their vending operations.~~

212 ~~(2) Vendors must take with them at the end of each day, all trash, litter, garbage, refuse and waste~~
213 ~~generated by their vending operations. No vendor may use any public receptacle or receptacle~~
214 ~~on private property without the express permission of the property owner.~~

215 **~~Sec. 11-127. Prohibited conduct.~~**

216 ~~(a) No vendor shall:~~

217 ~~(1) Unduly obstruct pedestrian or motor vehicle traffic flow, except for up to ten (10)~~
218 ~~minutes to load/unload vending stations and/or merchandise;~~

219 ~~(2) Obstruct traffic signals or regulatory signs;~~

220 ~~(3) Leave any stand unattended at any time;~~

221 ~~(4) Connect to utility services without the express permission of the property owner;~~

222 ~~(5) Provide off cart signage; and~~

223 ~~(6) [Make] excessive noise as described and enforced in chapter 12, article II, division~~
224 ~~I, of the Code of Ordinances.~~

225 ~~(b) Vendors shall be limited to the display or sale of products or services as specified by their~~
226 ~~special exception approval.~~

227 **~~Sec. 11-128. Suspension and revocation of permit.~~**

228 ~~(a) [Reasons for suspension or revocation.] In addition to the penalties punishable as set forth~~
229 ~~in the City of LaBelle Code of Ordinances, any permit issued under these regulations may~~
230 ~~be suspended or revoked for any of the following reasons:~~

231 ~~(1) Fraud, misrepresentation, or knowingly making a false statement contained in the~~
232 ~~application, presented at the special exception public hearing, or presented in the~~
233 ~~course of carrying on the business of vending;~~

234 ~~(2) Conducting the business of vending in any manner contrary to the conditions of the~~
235 ~~permit;~~

236 ~~(3) Conducting the business of vending in such a manner as to create a public nuisance,~~
237 ~~cause a breach of the peace, constitute danger to public health, safety, welfare or~~
238 ~~morals, or interfere with the rights of property owners; or~~

239 ~~(4) Cancellation of health department authorization for food or beverage vending.~~

240 ~~The vendor's cart/trailer/vehicle may be impounded by code enforcement if the vendor is found~~
241 ~~to be operating without a permit.~~

242 ~~(b) Notification of suspension or revocation. Code enforcement may conduct site checks to~~
243 ~~determine if vendors are in compliance with the Code. Upon inspection, vendors will be~~
244 ~~issued a site check notification letter which indicates specific violations. Vendors will be~~
245 ~~given five (5) working days to correct cited violations. If the violation is not corrected~~
246 ~~within the five (5) days, the permit may be revoked by code enforcement.~~

247 ~~(c) Appeal process. A vendor may appeal the revocation to the city council within thirty (30)~~
248 ~~days. The city council's decision will be deemed final. An appeal of the city council's final~~
249 ~~decision may be filed in a court of competent jurisdiction as an appeal of a final order.~~

250 *****

251 APPENDIX B - LAND DEVELOPMENT CODE

252 CHAPTER 4 - ZONING

253 ARTICLE V. - SUPPLEMENTARY DISTRICT REGULATIONS

254 Sec. 4-78 through Sec. 4-91. [NO CHANGES]

255 **Sec. 4-92. Mobile Food Vending.**

256 **Sec. 4-92.1. Intent and applicability.**

259 (a) The City of LaBelle recognizes that the use of mobile food vending, commonly referred
260 to as “food trucks”, is temporary and mobile in nature. These regulations are intended to
261 define the appropriate locations and minimum required development standards for a site
262 to be permitted for mobile food vendors. The standards established in these regulations
263 are intended to allow mobile food vendors to operate while mitigating impacts to the site
264 in which they operate and adjacent properties and rights-of-way. These regulations do not
265 address mobile food carts, or mobile vendors that visit sites to temporarily vend for a
266 period of minutes and not days or hours (i.e. ice cream trucks, construction or work site
267 vendors). These vehicles are permitted by other agencies and cannot operate in the same
268 manner as a mobile food vendor.

269 (b) No mobile food vendor location is permitted without an approved administrative permit
270 from the City. Such a permit may only address the location and operational standards
271 relating to the location. Food vendors are required to provide evidence of all applicable
272 inspections and permits with the City required by other governmental agencies, and which
273 are not regulated through this Section.

274 (c) Property owners that have a Special Exception approved by the City Commission for
275 mobile food vending permitted before August 14 2025, may continue to have a mobile
276 food vendor on that site for the duration authorized by the Special Exception resolution.

- 277 (d) Exemptions. The provisions of this Section do not apply to the following:
- 278 i. Goods, wares or merchandise temporarily deposited on the sidewalk in the
279 ordinary course of delivery, shipment or transfer.
 - 280 ii. The placing and maintenance of unattended stands or sales devices for the sale,
281 display or offering for sale of newspapers, magazines, periodicals and paperbound
282 books.
 - 283 iii. Special events authorized by a temporary use permit by the City in accordance
284 with Section 4-83 of the Land Development Code.

285 **Sec. 4-92.2. Definitions.**

286 The following words, terms and phrases, when used in this subdivision, shall have the
287 meanings ascribed to them in this section, except where the context clearly indicates a different
288 meaning:

289 Commissary means an approved facility that provides support services for specific required
290 functions of a mobile food vendor, including, but not limited to, mobile food vehicles and mobile
291 food carts. Any food establishment permitted or licensed by a regulatory agency, such as a catering
292 operation, restaurant, grocery store or similar establishment or any otherwise approved facility by
293 FDACS in which food, containers, or supplies are kept, handled, prepared, packaged or stored can
294 be considered for approval as a commissary. When not required at the mobile food establishment,
295 commissaries may provide a three (3) compartment sink for washing, rinsing and sanitization of
296 equipment/utensils in addition to hand wash and rest room facilities. Services required of the
297 commissary will be based on the food sold and the mobile food establishment type and capabilities.
298 A private residence may not be used as a commissary (See Chapter 500, Florida Statutes).

299 Food stand means a temporary, non-motorized food unit with limited infrastructure, which
300 serves food and/or beverage intended for immediate consumption and does not provide indoor
301 seating.

302 Mobile food cart means any non-motorized mobile food unit with limited infrastructure,
303 which serves food and/or beverages intended for immediate consumption. Mobile food carts may
304 not exceed six (6) feet in length, three (3) feet in width (exclusive of wheels), or four (4) feet in
305 height (exclusive of wheels and umbrellas), and must be able to be pushed by one (1) person.

306 Mobile food vehicle means a motorized mobile food unit commonly referred to as a food
307 truck, which may be self-sufficient in terms of potable water, sanitary sewer and electric utilities,
308 and generally consists of an enclosed truck, trailer or similar vehicle, where food may be stored,
309 prepared, cooked, and/or served. An open bed truck, van or converted automobile is not considered
310 a mobile food vehicle and is not eligible for a mobile food vending permit pursuant to this division.
311 Dimensions shall not exceed sixteen (16) feet in length and eight (8) feet in height.

312 Mobile food vendor means any person or business selling foods other than fresh fruits or
313 vegetables from a mobile food vehicle, mobile food cart or food stand.

314 **Sec. 4-92.3. Permit required.**

315 (a) No mobile food vendor shall be permitted to operate within the City unless a permit has
316 been obtained for the proposed location upon which the vendor will operate, and subject to
317 the following:

318 i. A permit issued under this section shall permit the applicant to conduct operations
319 at the vendor site designated in the permit, and only at this site.

320 ii. Every permit shall be non-assignable and nontransferable to another mobile food
321 vendor.

322 iii. Proof of permit approval shall be carried with the vendor when he/she is engaged
323 in vending.

324 iv. If the vendor is engaged in the sale of food and beverage for human consumption,
325 a certificate of health inspection shall also be properly and conspicuously displayed
326 at all times during the operation of business.

327 v. Expiration and renewal. The permit shall require review and renewal by the City
328 each year on the anniversary date of the issuance of the permit. Application for

329 renewal must be received no later than the expiration date of the current permit.
330 Any application received after that date shall be processed as a new application.

331 (b) Permit submittal requirements:

- 332 1) Completed application form provided by the City.
- 333 2) Signed authorization from the property owner or authorized representative.
- 334 3) Proof of insurance for the property, issued by an insurance company that is licensed to do
335 business in the state.
- 336 4) Site plan based on a valid survey, approved development order, or master concept plan
337 with dimensions and infrastructure identified, including the proposed location of the
338 mobile food vendor in relation to property lines. The plan must depict the location of all
339 sidewalks, driveways/access points to the site, rights-of-way, parking areas, outdoor
340 seating areas, and entry location to the principal building(s) on the site.
- 341 5) If required parking spaces are to be utilized, the application must provide the times
342 principal businesses use those spaces, and the proposed times the spaces would be used for
343 mobile food vending.
- 344 6) A brief description of the nature of the business and the goods to be sold;
- 345 7) Proposed hours of operation; and
- 346 8) Payment of application fees.

347
348 If a permit holder is found to operating inconsistent with the standards of the permit, as
349 documented by a violation notice by the City's Code Enforcement Officer, the permit may be
350 suspended or revoked by the Special Magistrate or City Commission after hearing evidence of
351 the violation in a public hearing. The burden to maintain the permit will be with the permit
352 holder.

353 **Sec. 4-92.4. General locational standards.**

- 354 (a) The following standards apply to the general location and siting of mobile food
355 vending on a property:
 - 356 i. Eligible sites must be zoned B-2, B-3, I-1A, I-2 or PUD.
 - 357 ii. Locations must not interfere with vehicular access, multi-modal and pedestrian
358 access such as sidewalks, and access ways.
 - 359 iii. This use cannot be located in a required parking space or driveway, unless it is
360 specifically demonstrated the parking or driveway is not used during the time
361 and/or days the mobile food vendor location is permitted.
 - 362 iv. This use must be located on property or within a development with completed
363 infrastructure improvements, and not on a vacant lot or the site of an
364 abandoned/permanently closed principal business.
 - 365 v. All mobile food vendors shall be located in areas and in a manner that they do not
366 create an adverse view or vista. More specifically, the food truck or anything
367 associated with its operation shall block the view of signs or vehicular or multi-
368 modal access ways.
 - 369 vi. A mobile food vending permit cannot be approved on abutting property, or within
370 250 feet of another permitted location for mobile food vending, whichever is more
371 stringent.

372 **Sec. 4-92.5. Prohibited locations.**

373 (a) Mobile food vending is expressly prohibited on all parcels within a residential zoning
374 district or parcels with existing residential uses, except as authorized under this Code
375 pursuant to the special event or temporary use permit. Notwithstanding, mobile food
376 vending may also be authorized at clubhouse or other portion of a residential
377 community separate from the residences with the authorization of the homeowners
378 association.

379 (b) Mobile food vending is prohibited within the Downtown Business District on the
380 official Zoning Map, except as authorized in LDC Section 4-83 and under this Code
381 pursuant to a special event or temporary use permit, or a Special Exception approved
382 by the City Commission in accordance with LDC Section 3-21.

383 **Sec. 4-92.6. General operational standards.**

384 (a) The following standards apply to the general operations of the mobile food vending
385 use:

386 i. No more than one (1) mobile food vendor can be permitted on a single site. For
387 purposes of this specific requirement, a site includes an entire commercial
388 development as delineated on the site construction permit, even if that
389 development consists of more than one parcel.

390 ii. The mobile food vending vehicle must be removed from the site when not
391 operational. In no case shall hours of operation exceed 7 a.m. to 10 p.m., Monday
392 through Thursday, and 10 a.m. to 8 p.m. on Sundays.

393 iii. The mobile food vending vehicle, cart or stand must adhere to all principal
394 structure setbacks of the underlying zoning district, and any overlay districts,
395 where applicable.

396 iv. Advertising signs may be permitted upon the mobile food vending vehicle, cart
397 or food stand, but there will not be additional signage installed in any other
398 location, except for one (1) A-frame or sandwich board sign, limited to ten (10)
399 square feet, and only displayed when the mobile food vendor is on-site.

400 v. The mobile food vending vehicle, cart or food stand must be removed at the end
401 of permitted operating hours on a daily basis.

402 vi. Vendors shall be responsible for keeping sidewalks within fifteen (15) feet of their
403 stands clean of all trash generated by their vending operations. Vendors must take
404 with them at the end of each day, all trash, litter, garbage, refuse and waste
405 generated by their vending operations. No vendor may use any public receptacle
406 or receptacle on private property without the express permission of the property
407 owner.

408 vii. No piped/amplified music is permitted from the mobile food vending vehicle, cart
409 or food stand or associated speakers.

410 viii. No outdoor seating ancillary to the mobile food vending operation is permitted.

411 ix. Alcohol shall not be sold or consumed from a mobile food vendor.

412

413 **Sec. 4-92.7. Review criteria and enforcement.**

414 (a) The Director of Public Works shall not issue an administrative permit for mobile food
415 vending unless the application demonstrates the following criteria are met:

416 i. The use does not impact safe traffic ingress and egress to the site, and internal
417 to the site, including pedestrian traffic.

418 ii. The use will not cause visual blight to the abutting properties and rights-of-
419 way.

420 iii. The use will be compatible with abutting properties.

421 iv. The use meets all operational, separation and locational criteria set forth
422 herein.

423 v. The location of the use and operations will not negatively impact public
424 health, safety or welfare.

425 (b) This section shall be enforced by the Code Enforcement Official in accordance with
426 the process and procedures of this Code.

427