

ORDINANCE NO. : 598

AN ORDINANCE OF THE CITY OF PORT ST. JOE, FLORIDA, AMENDING ORDINANCE 597 TO EXCLUDE REID AVENUE IN PORT ST. JOE, FLORIDA FROM THE AREAS IN PORT ST. JOE WHERE “MOBILE FOOD DISPENSING VEHICLES” MAY OPERATE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Governor of the State of Florida signed into law the Occupational Freedom and Opportunity Act (SB474/HB1171) (“Act”), which became effective on July 1, 2020; and

WHEREAS, the Act created Florida Statutes Section 509.102-Mobile Food Dispensing Vehicle (“MFDV”) preemption in which a municipality, county or other local government entity may not require a separate license, registration, permit or fee from MFDV’s and may not prohibit MFDV’s from operating within the entirety of the jurisdiction; and

WHEREAS, the City, in response to Section 509.102 Florida Statutes and two public workshops wherein they elicited input from the public, enacted City of Port St. Joe Ordinance 597; and

WHEREAS, after the enactment of Ordinance 597 the City has determined that it is in the best interests of the health, safety, and welfare of the residents of and visitors to Port St. Joe to amend Ordinance 597 as set forth below; and

NOW THEREFORE, be it enacted by the City Commission of the City of Port St. Joe, Florida, that:

1. Port St. Joe Ordinance 597 shall be amended as follows:

Section 3, Paragraph 4 (a) shall now state: “MFDVs may operate on parcels of real property with existing, active commercial use in “Mixed Use” zoning districts. However, MFDVs shall be prohibited on all parcels of real property located on Reid Avenue, with the exception of permitted special events as set forth in Ordinance 597. Vacant, undeveloped lots/parcels or non-active commercial use areas are also not eligible for MFDV operation.

2. All other provisions of Port St. Joe Ordinance 597 not amended herein shall remain in full force and effect as written in said Ordinance.

3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
4. If a court of competent jurisdiction shall hold any of the provisions of this Ordinance invalid the remaining provisions shall remain in full force and effect.
5. This Ordinance shall take effect immediately upon its final adoption by the City Commission of Port St. Joe, Florida.

PASSED AND ADOPTED BY THE CITY COMMISSION OF PORT ST. JOE,
FLORIDA THIS ^{19TH} DAY OF July 2022.

**BOARD OF CITY COMMISSIONERS
PORT ST. JOE, FLORIDA**



REX BUZZETT
MAYOR-COMMISSIONER

ATTEST:



CHARLOTTE PIERCE, CITY CLERK

APPROVED AS TO FORM:



CLINTON T. McCAHILL, CITY ATTORNEY