

MARGO D. ANDERSON  
MAYOR

VICKIE GAINER  
CITY MANAGER

ADAM ALBRITTON  
CITY ATTORNEY



COMMISSIONERS  
BRANDON ALDRIDGE  
PAT PERNO  
DAN RUSSELL  
JUDY TINDER

### **NOTICE**

*The public is invited to attend*

**CRA MEETING – TUESDAY, MARCH 31, 2020, 8:30 AM**

**CITY COMMISSION MEETING TUESDAY, MARCH 31, 2020 – 9 AM**

**These are online meetings. Please visit [www.cityoflynnhaven.com](http://www.cityoflynnhaven.com) to view/participate in these meetings.**

### **AGENDA**

1. Call to order
2. Invocation/Pledge of Allegiance
3. Mayor's Report
4. Commissioner's Report
5. City Manager's Report
6. City Attorney's Report
7. Public Commentary

#### **CONSENT AGENDA:**

8. Minutes:       A. 3/18/20 - Special Meeting Minutes  
                      B. 3/24/19 – Regular Meeting Minutes

**\*\*MOTION NEEDED TO APPROVE CONSENT AGENDA**

#### **OLD BUSINESS:**

9. Second Reading of Ordinance # 1094 regarding Food Trucks in the City of Lynn Haven.  
**(City Attorney) Action Required.**

#### **NEW BUSINESS:**

10. Discussion and possible approval to extend the declared state of emergency due to the Coronavirus disease (COVID-19) for an additional 7 days by Resolution # 2020-03-316.  
**(Mayor Anderson)**
11. Discussion regarding City Parks. **(Mayor Anderson)**
12. Adjourn.

**\*\*IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, THEY WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE THEY MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED. FLORIDA STATE STATUTE 286.0105.**

**\*\*IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATUTES, 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT CITY HALL NO LATER THAN 48 HOURS PRIOR TO THE PROCEEDING AT TELEPHONE 850-265-2121 FOR ASSISTANCE; IF HEARING IMPAIRED, TELEPHONE THE FLORIDA RELAY SERVICE NUMBERS, (800) 955-8771 (TDD) OR (800) 955-8770 (VOICE) FOR ASSISTANCE.**

**CITY COMMISSION MEETING MINUTES  
WEDNESDAY, MARCH 18, 2020  
CITY HALL TEMPORARY FACILITY- 901 C OHIO AVE  
12:00 P.M.**

(Please note Commission Meetings are always recorded and can be accessed on the City website, cityoflynnhaven.com)

**Present:** Margo Anderson, Mayor  
Dan Russell, Mayor Pro Tem/Commissioner  
Judy Tinder, Commissioner  
Brandon Aldridge, Commissioner  
Pat Perno, Commissioner  
Vickie Gainer, City Manager  
Adam Albritton, City Attorney  
Police Chief Ricky Ramie

**Item #1. Call to order:** By Mayor Anderson at 12:00 P.M.

**Item #2. Invocation/Pledge of Allegiance:** Invocation by Mayor Anderson followed by the pledge of allegiance.

**Item #3. Mayor’s Report:** Mayor Anderson thanked the City Attorney and City Manager for pulling together a quick draft of the Resolution declaring a local state of emergency. She spoke encouraging words to everyone. She asked for a motion to temporarily suspend utility cut offs due to the hardship placed on many in light of the pandemic.

Motion by Commissioner Tinder: To suspend utility shutoffs until further notice.

Second to the Motion: Commissioner Russell

On Vote:

Tinder aye  
Russell aye  
Perno aye  
Aldridge aye  
Mayor Anderson aye

Motion passed: 5 -0

Mayor Anderson stated that she spoke with Reverend Tom Daniel whose church would be having online services and indicated that many other local churches were doing the same.

**Item #4. Commissioner’s Report.** Each Commissioner expressed thanks and appreciation for staff and encouraged a calm and cautious approach to the times we are facing.

**Item #5. City Manager’s Report.** City Manager Gainer also thanked staff and the Commission for all their expedient efforts related to the pandemic. She stated several payment options in lieu of in person trips to City facilities. She also indicated we would be filing for any and all FEMA reimbursement for expenses related to the current health crisis. She asked Fire Chief John Delonjay to give an update. He stated he would continue to inform personnel of the most current information related to the spread of the virus.

**Item #6. City Attorney Report:** No report.

**Item #7. Public Commentary:** None.

Mayor Anderson encouraged the public to watch the Commission meeting from home next week.

**Consent Agenda:** None

**Item # 8. Discussion and possible approval of Resolution # 2020-03-313, to declare a local state of emergency for the City of Lynn Haven due to the Coronavirus disease (COVID-19).** Mayor Anderson read Resolution 2020-03-313.

Motion by Commissioner Russell: To approve as presented.

Second to the Motion: Commissioner Tinder

On Vote:

Russell	aye
Tinder	aye
Perno	aye
Aldridge	aye
Mayor Anderson	aye

Motion passed: 5 -0

**Item # 9. Adjourn.** There was no further business, the meeting was adjourned at 12:16 PM.

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2019.

\_\_\_\_\_  
Margo Deal Anderson, Mayor

ATTEST:

\_\_\_\_\_  
Vickie Gainer City Manager

Prepared by Julie Higby



MARGO D. ANDERSON  
MAYOR

VICKIE GAINER  
CITY MANAGER

ADAM ALBRITTON  
CITY ATTORNEY



COMMISSIONERS  
BRANDON ALDRIDGE  
PAT PERNO  
DAN RUSSELL  
JUDY TINDER

### **NOTICE**

*The public is invited to attend.*

**SPECIAL CITY COMMISSION MEETING  
WEDNESDAY, MARCH 18, 2020 -12:00 PM  
CITY HALL TEMP FACILITY- 901 C OHIO AVENUE  
THE PUBLIC IS INVITED TO ATTEND**

### **AGENDA**

1. Call to order
2. Invocation/Pledge of Allegiance
3. Mayor's Report
4. Commissioner's Report
5. City Manager's Report
6. City Attorney's Report
7. Public Commentary

**CONSENT AGENDA:** None

**OLD BUSINESS:** None

**NEW BUSINESS:**

8. Discussion and possible approval of Resolution # 2020-03-313, to declare a local state of emergency for the City of Lynn Haven due to the Coronavirus disease (COVID-19).

**(Mayor Anderson)**

9. Adjourn.

**\*\*IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, THEY WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE THEY MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED. FLORIDA STATE STATUTE 286.0105.**

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825 Ohio Avenue • Lynn Haven, FL 32444  
(850) 265-2121 • Fax (850) 265-8931  
cityhall@cityoflynnhaven.com

**CITY COMMISSION MEETING MINUTES  
TUESDAY, MARCH 24, 2020  
CITY HALL TEMPORARY FACILITY- 901 C OHIO AVE  
9 AM**

(Please note Commission Meetings are always recorded and can be accessed on the City website,  
cityoflynnhaven.com)

**Present:** Margo Anderson, Mayor  
Dan Russell, Mayor Pro Tem/Commissioner  
Judy Tinder, Commissioner  
Brandon Aldridge, Commissioner  
Pat Perno, Commissioner  
Vickie Gainer, City Manager  
Adam Albritton, City Attorney  
Police Lieutenant Enfinger

**Item #1. Call to order:** By Mayor Anderson at 9AM.

**Item #2. Invocation/Pledge of Allegiance:** Invocation by Commissioner Aldridge followed by the pledge of allegiance.

**Item #3. Mayor's Report:** Mayor Anderson reported attending multiple meetings concerning the pandemic. She thanked Chief Delonjay, City Manager Gainer, City Attorney Albritton and others for all their efforts staying on top of this. She expressed gratitude to the staff for following through with putting the Pandemic Plan she suggested in place. She stated this would be the last public meeting until the virus curve is flattened and assured residents that services would continue despite lobbies being closed. She stated several employees are working from home and encouraged all to follow CDC protocols asserting that the Police department is monitoring group sizes etc. She encouraged everyone reminding that we learned how to work together in tumultuous times through Hurricane Michael.

**Item #4. Commissioner's Report.** Commissioner Tinder reported working on residents' issues. Commissioner Russell reported good progress at Cain Griffin Park. Commissioner Aldridge encouraged calm and peace. He stated he and the City Manager are still working hard to obtain the City reimbursements and thanked staff for hard work. Commissioner Perno encouraged everyone to continue being respectful and polite expressing his thanks to all as well.

**Item #5. City Manager's Report.** City Manager Gainer announced the employee of the month as Lauren McKenzie and said she would be publicly recognized once we return to regular public commission meetings where social distancing is not necessary. She indicated that the City has transitioned several employees to working from home to minimize the number of persons in the facilities. She reported meeting with Pastor Hooks from Allen Chapel. She stated that all city meetings and City Commission meetings have been redirected to tele-conference meetings informing that we have set up a GoToMeeting account. She assured that Graham Neves would have it set up where the public will be able to listen to the meetings. She reported the following FEMA reimbursements: \$3.8 million, part of the \$7.2 million that we hope to receive the rest of soon. Of those funds she reported placing \$2.8 million in the 101 account (Hurricane Disaster Recovery Account) that we use to track all hurricane invoices and payments. She stated we

would be writing some large checks to debris haulers. She said the City also received 3 million dollars from NRCS to be used to pay haulers for clearing waterways.

**Item #6. City Attorney Report:** City Attorney Albritton offered thanks to all the other city and county attorney’s working together with him regarding the new Federal guidelines coming forth as a result of this pandemic.

Mayor Anderson announced her phone # for Citizens to be able to call in for public commentary.

**Item #7. Public Commentary:** None.

Commissioner Tinder received some questions from residents stating we should hold off on the Food Truck Ordinance due to the possibility of citizens forming lines and not keeping with the COVID -19 guidelines. She also stated she received some mail saying that the City is being sued. The City Attorney informed that the City has not been officially served notice of suit but that he was aware of it and that it is regarding compensation for home inspections from private providers. Our insurance company has been informed and he is in discussion with them. The Commissioners will be further informed once we are formally served notice of suit.

**Item #8. Consent Agenda:** Minutes from 3/10/20 regular meeting.

Motion by Commissioner Aldridge: To approve as presented.  
Second to the Motion: Commissioner Russell

On Vote:

Aldridge	aye	
Russell	aye	
Perno	aye	
Tinder	aye	
Mayor Anderson	aye	Motion passed: 5 -0

**Item #9. Second Reading of Ordinance # 1090, An Amendment to Article 50-171 allowing for the normal retirement age of a certain City Manager to be the attainment of age 55 with 5 years of service.** City Attorney read the Ordinance.

Motion by Commissioner Russell: To approve as presented.  
Second to the Motion: Commissioner Aldridge

On Vote:

Russell	aye	
Aldridge	aye	
Perno	aye	
Tinder	no	
Mayor Anderson	aye	Motion passed: 4-1

**Item #10. Second Reading of Ordinance # 1091 adopting the City of Panama City Beach and Bay County’s Disorderly Conduct Ordinance.** City Manager Gainer read the Ordinance.

Motion by Commissioner Russell: To approve as presented.  
Second to the Motion: Commissioner Perno



On Vote:

Russell	aye	
Perno	aye	
Tinder	aye	
Aldridge	aye	
Mayor Anderson	aye	Motion passed: 5-0

**Item # 11. Second Reading of Ordinance # 1092 adopting the City of Panama City Beach and Bay County’s Disorderly Conduct Ordinance.** City Manager Gainer read Ordinance.

Motion by Commissioner Perno: To approve as presented.  
Second to the Motion: Commissioner Russell

On Vote:

Perno	aye	
Russell	aye	
Tinder	aye	
Aldridge	aye	
Mayor Anderson	aye	Motion passed: 5-0

**Item # 12. First Reading of Ordinance # 1094 regarding Food Trucks in the City of Lynn Haven.** City Attorney Albritton read the Ordinance and stated he had input from the prime rib mobile vendor and others as well as the City Manager and Commission. He also offered suggestions as to handling citizen lines by suspending permits for food truck vendors temporarily. Commission comments continued.

**Item # 13. Update on the Hatcher Drive Property.** City Manager Gainer gave an update on the status of the sale and closing of this property. This sale had not been closed due to the survey of the property not being correct. The buyer was responsible for obtaining a survey. The survey from the buyer did come back with additional acreage of the property which was a little more than was bid. She stated she spoke with the buyer and informed him that he would have to pay additional funds for the acreage and with the terms that the city would have a 30ft. easement for ingress and egress into the property. The buyer has been informed that the additional amount is a little over \$28,000.

**Item # 14. Discussion and possible approval to transfer Law Enforcement Trust Fund Monies and Federal Forfeiture Monies to purchase undercover police vehicle.**

Motion by Commissioner Aldridge: To approve as presented.  
Second to the Motion: Commissioner Russell

On Vote:

Aldridge	aye	
Russell	aye	
Tinder	aye	
Aldridge	aye	
Mayor Anderson	aye	Motion passed: 5-0

**Item # 15. Discussion and possible approval of Resolution 2020-03-314 amending policy number 96-FI-1 of Utility Adjustment Procedural Guide.** City Manager read the resolution and expounded on details.

Motion by Commissioner Aldridge: To approve as presented.  
Second to the Motion: Commissioner Russell

On Vote:

Aldridge                    aye  
Russell                    aye  
Tinder                    aye  
Aldridge                    aye  
Mayor Anderson        aye

Motion passed: 5-0

**Item #16. Discussion and possible approval to extend the declared state of emergency due to the Coronavirus disease (COVID-19) for an additional 7 days by Resolution # 2020-03-315.**

City Manager read the resolution.

Motion by Commissioner Tinder: To approve as presented.  
Second to the Motion: Commissioner Aldridge

On Vote:

Tinder                    aye  
Aldridge                    aye  
Perno                    aye  
Russell                    aye  
Mayor Anderson        aye

Motion passed: 5-0

**Item # 17. Adjourn.**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2019.

\_\_\_\_\_  
Margo Deal Anderson, Mayor

ATTEST:

\_\_\_\_\_  
Vickie Gainer City Manager

Prepared by Julie Higby

**ORDINANCE NO. 1094**

**AN ORDINANCE OF THE CITY COMMISSION OF LYNN HAVEN, FLORIDA, CREATING A NEW CHAPTER ENTITLED MOBILE FOOD TRUCKS OPERATING WITHIN THE CITY; PROVIDING DEFINITIONS AND REGULATIONS FOR MOBILE FOOD TRUCKS; REQUIRING MOBILE FOOD TRUCK VENDOR PERMITS; ESTABLISHING REGULATIONS AND PROHIBITIONS; PROVIDING FOR ENFORCEMENT, APPEALS, AND PENALTIES; PROVIDING FOR REPEALER, CODIFICATION, AND SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, there has been an increasing number of Mobile Food Trucks in the City of Lynn Haven; and

**WHEREAS**, currently, the City of Lynn Haven does not have general provisions or regulations governing Mobile Food Trucks within the City of Lynn Haven; and

**WHEREAS**, individuals have a right to and should be ensured that food purchased from Mobile Food Trucks are safe for consumption; and

**WHEREAS**, the adoption of an ordinance is reasonable and necessary to protect the public health, safety and welfare of the residents of the City of Lynn Haven and that minimum regulatory standards of conduct be enacted to permit Mobile Food Trucks to operate within the City of Lynn Haven.

**NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF LYNN HAVEN, FLORIDA THAT:**

**SECTION 1.** "Mobile Food Trucks Operating within the City of Lynn Haven" of the Code of Ordinances is hereby created as follows:

**MOBILE FOOD TRUCKS**

**Section 1. Definitions.**

- a) City Sponsored Special Event means a pre-planned event held on public property, including but not limited to, parks, streets, and/or sidewalks or any City-owned property.
- b) Commissary means a duly licensed food establishment that provides support services for specific required functions of a mobile food truck operation. Any food establishment permitted or licensed by a regulatory agency, such as a catering operation, restaurant, grocery store, or similar establishment or any otherwise

approved facility by the Florida Department of Agriculture and Consumer Services in which food, containers, or supplies are kept, handled prepared, packaged, or stored can be considered for approval as a commissary. When not required at the mobile food truck operation, commissaries may provide three compartment sinks for washing, rinsing, and sanitation of equipment in addition to hand washing and restroom facilities. A private residence may not be used as a commissary.

- c) Mobile Food Truck means a vehicle which is used to vend food and/or beverage products and is classified as one of the following:
1. *Mobile Kitchens*. These vehicles may cook, prepare and assemble food items and serve a full menu. These vehicles may also vend the products permitted for Canteen Trucks.
  2. *Canteen Trucks*. These vehicles vend pre-cooked foods, pre-packaged foods, pre-packaged drinks and incidental sales of pre-packaged frozen dairy or frozen water-based food products, fruits and vegetables. No preparation or assembly of food or beverage may take place on or in the vehicle; except for heating the pre-cooked food.
- d) Mobile Food Truck Vendor means a person who prepares, dispenses or otherwise sells food from a Mobile Food Truck.

## **Section 2. Mobile Food Truck Permit Requirements.**

- a) an applicant seeking to operate in the City of Lynn Haven must purchase an annual permit in accordance with this Chapter.
- b) an applicant shall provide a copy of all permits and business licenses required by the State of Florida, Bay County and the City of Lynn Haven.
- c) an applicant shall provide proof of business insurance, issued by an insurance company that is licensed to do business in the State of Florida, protecting the applicant from all claims for damages to property or bodily injury, including death, which may arise from operations under or in connection with mobile food truck vending.
- d) If applicant is seeking a permit at a City Sponsored Special Event or will otherwise be operating a Food Truck on property owned by the City of Lynn Haven, the applicant shall name the City of Lynn Haven as an additional insured party and shall be in at least the amount of \$500,000 per occurrence for injury and \$200,000 per person. The permittee, owner or operator shall notify the City of Lynn Haven of any changes in the insurance coverage 24-hours prior to the City Sponsored Special Event. The City of Lynn Haven has the power to deny Mobile Food Truck Vendor from operating at the City Sponsored Special Event if not properly insured.

- e) An applicant shall make their Mobile Food Truck available for inspection by the City of Lynn Haven's Fire Department at the location determined by the City. The Lynn Haven's Fire Department shall ensure that the applicant is in compliance with all applicable federal, state and local fire safety statutes, regulations, ordinances and codes.
- f) an applicant shall at all times have written permission, in their possession, from the private property owner at which the applicant desires to locate their Mobile Food Truck.
- g) an applicant shall to pay an annual permit fee of \$150.00. Payment is accepted only in the form of money order, credit card, debit card or cashier's check.

### **Section 3. Geographic Areas for Mobile Food Truck Operations.**

- a) Unless otherwise authorized by the City, in writing, Mobile Food Trucks shall only operate in the following areas;
  - 1) commercial or industrial zones
  - 2) Private events where the Mobile Food Truck is exclusively serving the participants of the private event and not the public at large.
- b) The City Commission may, from time to time, define areas, in the interest of preserving public health and safety or avoiding traffic congestion, in which no Mobile Food Truck Vendor may prepare or dispense food.

### **Section 4. General Regulations for Mobile Food Trucks.**

- a) A separate permit is required for each Mobile Food Truck.
- b) Every Mobile Food Truck Vendor shall post the permit in a conspicuous place in that part of the vehicle to which the public has access by sight.
- c) Every Mobile Food Truck Vendor shall be in compliance with the laws and administrative regulations of the State of Florida at all times.
- d) In accordance with the Florida Department of Business and Professional Regulation guidelines, all necessary control measures shall be used to effectively minimize, or eliminate when possible, the presence of rodents, roaches and other vermin and insects on all Mobile Food Trucks. All garbage and rubbish shall be stored, removed, and disposed of properly.
- e) All food service equipment utilized by the Mobile Food Truck Vendor shall be maintained in good repair and clean condition.

- f) Mobile Food Truck Vendors shall remove all waste and trash at the end of each day.
- g) Mobile Food Truck Vendors are liable for all damages and repairs to streets, sidewalks, trees and vegetation, or other public amenities that relate to its operation.
- h) A Mobile Food Truck Vendor shall use only single-service food utensils. All single-service food utensils such as cups, straws, knives, forks, spoons and stirrers shall be individually wrapped, kept in a clean place, properly handled and shall be used only once. All cups and containers for bulk drinks shall be stored in closed cartons and served from dispensers which protect their rims from contamination by customers, dust, dirt or flies.
- i) Mobile Food Trucks must be self-contained when operating (including all utilities: power, water, cooking fuel sources) and shall not impede free movement of automobiles or pedestrians. The Mobile Food Truck Vendor shall keep all areas within five (5) feet of the mobile food truck clean of grease, trash, paper, cups or cans associated with the vending operation.
- j) Mobile Food Trucks shall be operated only by the Mobile Food Truck Vendor permittee or by an authorized employee of such permittee.
- k) The City of Lynn Haven may refuse a permit if the City determines that issuing the permit is detrimental to the general public's health and safety.
- l) The City of Lynn Haven may refuse a permit to anyone seeking a Mobile Food Vendor Permit if the entity has a poor record of conformance with permit requirements.
- m) No permit shall be issued until the permit fee has been paid in full.
- n) Overnight parking is not allowed unless specifically authorized herein or by the City in writing.

#### **Section 5. Permits for City Sponsored Special Events.**

- a) In addition to the general rules and regulations,
  - i. City Sponsored Special Event permits shall be issued to qualified applicants on a first come, first serve basis.
  - ii. The number of Mobile Food Truck Vendors at a City Sponsored Special Event will be determined by the City of Lynn Haven's Fire Chief and/or City

of Lynn Haven's Chief of Police based upon the size of the venue, duration of the event, and if alcohol will be sold at the event.

- iii. Mobile Food Truck Vendors who wish to participate in City Sponsored Special Events must pay an additional fee of \$50.00 per City Sponsored Special Event.
- iv. The City, in the City's sole discretion, may allow for Mobile Food Truck Vendors to remain in one location up to three (3) consecutive days when that Mobile Food Truck Vendor is participating in a City Sponsored Special Event.

### **Section 6. Prohibitions.**

- a) Mobile Food Truck Vendors are prohibited from the following:
  - i. Selling or distributing alcoholic beverages.
  - ii. Allowing light to disrupt residential areas or traffic flow.
  - iii. Providing or allowing a dining area, including but not limited to tables, chairs, booths, bar stools, benches, standup counters, shade canopies (not attached to the mobile food truck), umbrellas and tents.
  - iv. Creating amplified sounds in violation of the noise limitation requirements of the City of Lynn Haven's noise ordinance.
  - v. Parking a Mobile Food Truck within fifteen (15) feet of any fire hydrant or storm drainage structure or in an area that functions as an emergency entrance or exit without the written approval of the City.
  - vi. Releasing grease, cooking oil or any liquid waste into the City's sanitary sewer system or disposing of same in tree pits or onto sidewalks, streets or other public spaces.
  - vii. Selling or dispensing food to customers in a moving vehicle or otherwise engaging in drive up sales.

### **Section 7. Penalty.**

- a) The City of Lynn Haven may enforce the provisions of this article by any means of code enforcement as may be permitted under controlling law.
- b) All Mobile Food Truck vending must be performed in compliance with said ordinance. A Code Enforcement Officer or a Law Enforcement Officer may issue

a fine for failure to abide by said ordinance resulting in the following: 1) A fine not exceeding \$150.00 for a first violation. 2) A fine not exceeding \$250.00 for a second violation within one year of any prior violation. 3) A fine not exceeding \$500.00 for a third or more violation within one year of the first. Violation of this article may result in the suspension or revocation of any City permit or license issued to the owner or operator of the Mobile Food Truck. All fines collected shall go to the City of Lynn Haven's general fund. Failure to pay said fines within fifteen (15) days shall result in the automatic revocation of a Mobile Food Truck Vendor's permit.

**SECTION 2. Permit Fees.** Permit fees and fees for City Sponsored Special Events can be increased or decreased by Resolution.

**SECTION 3. Appeal.** Any Mobile Food Truck Vendor aggrieved by a determination made by the City, Code Enforcement or Law Enforcement pursuant to this Ordinance, may appeal said determination by filing a petition with the City Commission. Application for appeal from the determination shall be filed within thirty (30) days of rendition of the determination.

**SECTION 4. Severability.** If any phrase or portion of this Ordinance is held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion.

**SECTION 5. Codification.** It is the intention of the City Commission of the City that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City; and that sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "chapter," "section," "article," or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or re-lettered and the correction of typographical errors which do not affect the intent may be authorized by the City Manager, without need of public hearing, by filing a corrected or re-codified copy of same within the public records of the City of Lynn Haven.

**SECTION 6. Effective Date.** This Ordinance shall take effect immediately upon adoption by the City of Lynn Haven, Florida.

Passed, Approved and Adopted this \_\_\_\_ day of \_\_\_\_\_, 2020.



CITY OF LYNN HAVEN, FLORIDA

By: \_\_\_\_\_  
Margo Anderson, Mayor

Attest:

\_\_\_\_\_  
Vickie Gainer, City Manager/Clerk

First Reading: March 24, 2020

Second Reading: \_\_\_\_\_, 2020

**RESOLUTION NO. 2020-03-316**

**A RESOLUTION AND PROCLAMATION OF THE CITY OF LYNN HAVEN, FLORIDA, PROCLAIMING THE EXISTENCE OF A STATE OF EMERGENCY REGARDING NOVEL CORONAVIRUS DISEASE 2019 (COVID-19).**

**WHEREAS**, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

**WHEREAS**, the World Health Organization previously declared COVID-19 a Public Health Emergency of International Concern; and

**WHEREAS**, on March 1, 2020, Donald J. Trump, President of the United States of America, declared a national emergency related to COVID-19 outbreak; and

**WHEREAS**, on March 1, 2020, Ron Desantis, Governor of the State of Florida, issued Executive Order No. 20-51, directing the Florida Department of Health to issue a Public Health Emergency; and

**WHEREAS**, on March 1, 2020, the State Surgeon General and State Health Officer declared that a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

**WHEREAS**, on March 9, 2020, Governor Desantis declared that a state of emergency exists in the State of Florida as a result of the continued spread of COVID-19; and

**WHEREAS**, COVID-19 has created or imminently threatens to create conditions that may severely affect the public health, safety, welfare and security of the citizens, residents and visitors of the City of Lynn Haven, Florida; and

**WHEREAS**, in order to mitigate or prevent these impacts, the City Commission of the City of Lynn Haven, Florida finds that it is necessary to declare a state of emergency within the entire incorporated limits of the City of Lynn Haven, pursuant to the Code of Ordinances of the City of Lynn Haven, Florida, and the City's home rule authority, including that set forth in Article VII, Section 2(b), Florida Constitution, and Section 166.021, Florida Statutes;

**NOW THEREFORE BE IT RESOLVED** by the City Commission of Lynn Haven to enact an emergency declaration in a City Commission meeting, on this 31st day of March, 2020, related to the City's response to the health emergency presented by COVID-19.;

**SECTION 1.** The foregoing findings are true and correct and are hereby adopted and incorporated herein.

**SECTION 2.** A state of emergency exists and is declared within the entire incorporated limits of the City of Lynn Haven.

**SECTION 3.** This emergency requires the assistance of state and federal aid, municipal aid, without delay to effect an immediate recovery of said emergency impact on the citizens of Lynn Haven.

**SECTION 4.** For the betterment and protection of the citizens of the City of Lynn Haven will approve and adopt those protective measures implemented by the State of Florida and County of Bay County, Florida.

**SECTION 5.** Pursuant to Florida Statute 252.38, the duration of this declaration of emergency shall be for seven (7) days and may be extended in seven (7) day increments as approved by the City Commission.

**SECTION 6.** In lieu of conducting in-person business with the city, payments and other city business may be conducted electronically to ensure the well-being and safety of residents and city staff.

**SECTION 7.** this Resolution shall take effect immediately upon its final passage.

**PASSED, APPROVED, AND ADOPTED** by the City Commission of the City of Lynn Haven, Florida, at its City Commission meeting on March 31, 2020.

City of Lynn Haven

By: \_\_\_\_\_  
Margo Anderson, Mayor

ATTEST:

\_\_\_\_\_  
Vickie Gainer, City Manager