

ORDINANCE NO. 1180

AN ORDINANCE OF THE CITY OF LYNN HAVEN, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES RELATED TO PEDDLING PERMITS; REVISING AND CLARIFYING THE ELEMENTS REQUIRED ON THE APPLICATION AND PERMIT; PROVIDING FOR EXPIRATION OF PERMITS ANNUALLY ON DECEMBER 31; AMENDING THE PROCESS FOR APPEALS, PROVIDING FOR ADMINISTRATION BY THE POLICE DEPARTMENT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LYNN HAVEN IN BAY COUNTY, FLORIDA:

SECTION 1. From and after the effective date of this Ordinance, Article II, Chapter 46 of the City's Code of Ordinances related to Peddling Permits, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

Sec. 46-31. - Required.

It shall be unlawful for any person to engage in business as a peddler within this city without first obtaining a permit to do so.

Sec. 46-32. - Application.

Applicants for a permit under this article shall file with the city ~~code enforcement officer~~ a ~~sworn~~ **certified** application in writing, in duplicate, on a form to be furnished by the city ~~code enforcement officer~~ which shall give the following information:

- (1) The name and a description of the applicant;
- (2) The permanent home address and full local address of the applicant;
- (3) A brief description of the nature of the business and the goods to be sold;
- (4) ~~If employed, t~~The name and address of the employer, together with **the employer's Business Tax Certification number issued by the City** ~~credentials establishing the exact relationship;~~
- (5) ~~The length of time for which the right to do business is desired;~~
- (6) ~~The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time the application is filed and the proposed method of delivery;~~
- (57) A photograph of the applicant, taken within 60 days immediately prior to the date of filing of the application, which picture shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner;

~~(68)~~ A statement as to whether or not the applicant has been convicted of any crime, or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor;

~~(79)~~ Whether the applicant, upon any sale or order, shall demand, accept or receive payment or deposit of money in advance of final delivery;

~~(10)~~ The last five municipalities wherein the applicant has worked before coming to this city; and

~~(11)~~ If conducting home solicitation sales as defined in F.S. § 501.021, whether the applicant has obtained a valid home solicitation sales permit as provided in F.S. § 501.022, from the clerk of the court for Bay County, Florida; and

~~(812)~~ Such other relevant information as may be required by the City related to investigation of the applicant.

Sec. 46-33. - Business Tax Receipt Occupational license prerequisite.

No permit shall be issued under the provisions of this article unless the applicant or applicant's employer shall have first obtained any occupational license Business Tax Receipt from the City, if required by the city for the activity such applicant wishes to engage in.

Sec. 46-34. - Driver's license.

At the time of filing an his application for a permit required by this article, the applicant shall present a valid his driver's license, state identification card if he has one, or other picture identification.

Sec. 46-35. - Fingerprints.

At the time of making initial application for a permit required by this article, the applicant shall submit to fingerprinting by the chief of police or his designee.

Sec. 46-36. - Application fee.

At the time of filing the application, a fee established by resolution of the city commission and printed in appendix A of this Code shall be paid to the city ~~code enforcement officer~~ to cover the cost of investigation of the facts stated therein.

Sec. 46-37. - False information.

It shall be unlawful for any person to give any false or misleading information in connection with his application for a permit required by this article. The City will revoke the permit of any person found to have provided false or misleading information in connection with his or her application.

Sec. 46-38. - Bond.

(a) Every applicant, ~~not a resident of the city or who is a resident of the city and represents a firm whose principal place of business is located outside the state,~~ shall file with the city ~~code enforcement officer~~ a cash bond or a surety bond running in favor of the city in the amount of \$1,000.00, with a surety acceptable to and approved by the City Manager ~~mayer~~, conditioned that the applicant shall comply fully with applicable provisions of this Code, the ordinances of the city and state law regulating and concerning the business of peddling and guaranteeing to any citizen of the city that all

money paid as a down payment will be accounted for and applied according to the representations of the peddler, and further guaranteeing to any citizen of the city doing business with such peddler that the property purchased will be delivered according to the representations of such peddler. The cash bond or surety bond given pursuant to the requirements of this section shall remain on deposit or in full force and effect until the limitation period set forth in Ch. 95, Florida Statutes and the amendments thereto, has run or terminated.

(b) If the applicant is an ~~agent, employee, canvasser or solicitor~~ of a corporation authorized to do business in this state or registered under the fictitious name act of the state, such corporation or fictitious name business may furnish one bond in the amount of \$1,000.00 for any and all of its ~~agents, employees, canvassers~~ **peddlers** or solicitors.

Sec. 46-39. - Service of process.

Before any permit shall be issued under this article, ~~there shall also be filed with the city code enforcement officer an instrument in writing, signed by the applicant under oath, nominating and appointing the city code enforcement officer~~ **shall designate and confirm** his true and lawful agent, with full power and authority to acknowledge service of notice of process for and on the behalf of such applicant; and service of summons in any action brought upon the applicant's bond shall be deemed made when served on the **agent designated** ~~city code enforcement officer.~~

Sec. 46-40. - Investigation.

Upon receipt of an application for a permit required by this article, the original shall be referred to the chief of police, who shall investigate the applicant's background for charges of criminal or unethical conduct or civil unfair trade practices. The chief of police shall complete his investigation within ten days of receiving the application.

Sec. 46-41. - Denial.

If, as a result of investigation, the applicant is found to have been convicted of any felony or crime involving moral turpitude, or is found to have committed any unethical conduct or civil unfair trade practice, the permit shall be denied. The chief of police shall endorse on the application the specific reasons for the denial and ~~return the application to the city code enforcement officer, who~~ shall forthwith inform the applicant of the denial, the specific reasons for such denial and the applicant's right to appeal.

Sec. 46-42. - Contents.

Each permit issued under this article shall contain ~~the signature and seal of the issuing officer and shall show the name, address and photograph of the permittee, the class of permit issued and the kind of goods to be sold pursuant to the permit, the amount of fee paid,~~ **the name of the permittee's business or employer,** the date of issuance and the length of time the permit shall be operative, as well as the permit number and **Business Tax Receipt associated with the peddler's** ~~other identifying description of any vehicle used in such business.~~

Sec. 46-43. - Records.

The ~~city code enforcement officer~~ shall keep a permanent record of all permits issued under this article.

Sec. 46-44. - Display.

Every peddler having a permit issued under the provisions of this article and doing business within the city shall display his permit at all times while engaged in business as a peddler.

Sec. 46-45. - Duration.

Every permit issued before [the effective date of this ordinance] under the provisions of this article shall be valid for the period of time stated therein, but in no event shall any such permit be issued for a period of time in excess of 12 months. Permits issued on or after [the effective date of this ordinance] shall expire on December 31 of the year in which the permit was issued.

Sec. 46-46. - Revocation.

Any permit issued under the provisions of this article may be revoked by the city ~~code enforcement officer~~ for the violation by the permittee of any applicable provision of this Code, state law or city ordinance, rule or regulation.

Sec. 46-47. - Appeals.

The denial or revocation of a permit under this article may be appealed to the city Special Magistrate ~~commission~~ by serving a written notice of appeal upon the city Manager ~~code enforcement officer~~ within 48 hours ~~30 days~~ after such denial or revocation. Such appeal shall be heard and resolved by the city Special Magistrate ~~commission~~ in such a manner as to afford due process within 30 days after the filing of the notice.

Sec. 46-48. - Administration and civil enforcement.

(a) This article shall be administered by the city's police ~~code enforcement~~ department who shall make all administrative decisions interpretations and determinations.

(b) This article shall be enforced by a code enforcement officer or the city's police department pursuant to the City of Lynn Haven Code of Ordinances as amended from time to time.

Sec. 46-49. - Criminal enforcement.

All violations of this article shall be investigated, cited, processed, adjudicated and punished in the same manner as a misdemeanor by sworn law enforcement officers. Upon conviction a violator may be punished by a fine not to exceed \$500.00 or by imprisonment in the county jail not to exceed 60 days, or by both fine and imprisonment for each violation.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict. If any phrase, clause, sentence, paragraph, section, or subsection of this Ordinance shall be declared unconstitutional or invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the

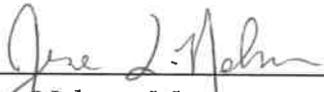
remaining phrases, clauses, sentences, paragraphs, sections or subsections of this Ordinance.

SECTION 3. It is the intention of the Commission that the provisions of this Ordinance shall become a part of the City's Code of Ordinances. The provisions of this Ordinance may be renumbered or re-lettered with cross-references corrected and the word "ordinance" may be changed to "section," "article", "division" or other appropriate word to accomplish such intention.

SECTION 4. This Ordinance shall take effect immediately upon passage.

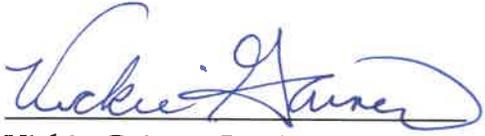
PASSED, APPROVED AND ADOPTED at the regular meeting of the City Commission of the City of Lynn Haven, Florida, this 10th day of JUNE, 2025.

CITY OF LYNN HAVEN, FLORIDA



Jesse Nelson, Mayor

ATTEST:



Vickie Gainer, City Manager-Clerk