

PANAMA CITY BEACH EMERGENCY ORDER 20-01

AN ORDER REGARDING THE OPERATION OF FOOD TRUCKS WITHIN THE CITY DURING THE COVID-19 STATE OF EMERGENCY.

WHEREAS, the City of Panama City Beach (“City”) is a municipality granted home rule authority pursuant to Article VIII, Section 2 of the Constitution of the State of Florida and may exercise its governmental, corporate, and proprietary powers for municipal purposes, including to regulate for the protection of the public health, safety, and welfare; and

WHEREAS, the World Health Organization, U.S. Health and Human Services Secretary, President of the United States, Governor of the State of Florida, and Bay County have all declared the outbreak of the novel coronavirus, COVID-19, to be an international, national, state, and local emergency; and

WHEREAS, on March 9, 2020, the Governor of the State of Florida issued Executive Order 20-52 authorizing, among other things, local governments to execute their authority under the State Emergency Management Act; and

WHEREAS, on March 17, 2020, the City Council adopted Resolution 20-80E, approving an COVID 19 action plan implementing measures to slow and mitigate the transmission and spread of the coronavirus in the City; and

WHEREAS, section 252.46, Florida Statutes, authorizes and empowers municipalities to make orders necessary for emergency management purposes; and

WHEREAS, on March 20, 2020, the Governor of the State of Florida issued Executive Order 20-71 suspending all on-premises food consumption for customers in restaurants and food establishments within the State of Florida; and

WHEREAS, Executive Order 20-71 allows food establishments to operate solely for the purpose of delivery and take-out services; and

WHEREAS, the City’s current regulations on parking lot vending and solicitation render service by mobile food dispensing vehicles, commonly known as food trucks, limit the availability of food trucks throughout the City during this time of need; and

WHEREAS, the City Council finds that allowing City food establishments to operate food trucks will reduce personal travel of the City's residents and guests as well as provide convenient and essential service to the City; and

WHEREAS, the City Council finds that, for the reasons set forth above, food truck operation will mitigate the emergency facing the City and reduce the risk of community spread.

WHEREAS, considering the nature of the emergency facing the City and surrounding community, including the apparent rapid spread of COVID-19, the City Council deems it necessary and appropriate to adopt the following Order in order to meet and address the emergency presented by COVID-19 to ensure the public health, safety, and welfare of the community.

NOW, THEREFORE BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. FINDING OF EMERGENCY. The foregoing recitals are true and correct, and incorporated herein as if set out in full. For the reasons set out in the above recitals, the Council finds and determines that the restrictions placed upon food service and consumption throughout the State of Florida require emergency measures to provide residents and guests additional opportunity for food delivery, and that the additional regulations adopted by this Order are needed immediately to help address the dangers present in our nation, state, and community.

SECTION 2. DEFINITIONS. For purposes of this Order, the following terms shall have the meanings proscribed below:

- a. "Food Truck" means any vehicle that is a public food service establishment and that is self-propelled or otherwise movable from place to place and includes self-contained utilities, including but not limited to, gas, water, electricity, or liquid waste disposal.

SECTION 3. TEMPORARY SUSPENSION OF REGULATIONS. From the effective date of this Order the provisions of section 19-10(h) of the City's Code of Ordinances and section 5.03.04 shall be suspended from enforcement against Food Trucks operating within the City limits in accordance with this Order.

SECTION 4. TEMPORARY STANDARDS FOR FOOD TRUCK OPERATION. During the duration of this Order, Food Trucks may operate within the City limits for take-out service only subject to the following standards:

- a. Licensure: Each Food Truck must prominently display the following during all hours of operation:

1. A copy of a City business receipt for the Food Truck shall be conspicuously posted on the vehicle. The business tax receipt must be dated on or before the effective date of this Order.
 2. A valid Mobile Food Dispensing Vehicle License issued by the State of Florida.
- b. Operating Standards: Food trucks may operate in the following places:
1. On property containing a commercial use, from the hours of 8:00 a.m. until 8:00 p.m. In the event the food truck is operating on commercial property that is adjacent to property used for residential purposes, the more restrictive hours of operation set forth below shall control.
 2. On property containing or adjacent to a principal residential use, from the hours of 8:00 a.m. until 8:00 p.m.
- c. Parking:
1. Food Trucks operating on private property must have written permission from the property owner.
 2. Food Trucks shall park on a park on a paved surface, shall not occupy any pedestrian walkway, required landscape areas, or any parking spaces reserved for persons with disabilities.
 3. Food Trucks shall be located in an area that will not obstruct vehicular or pedestrian traffic, any ingress or egress from building entrances or exits, and shall be setback at least fifteen (15) feet from fire hydrants.
 4. Food Trucks parked in rights-of-way shall place orange traffic cones fifteen (15) feet from the food service area to warn oncoming traffic of the Food Truck's presence.
 5. No Food Truck may park and operate within [100] feet of another operational Food Truck.
- d. Safety:
1. Each Food Truck shall be equipped with at least one approved portable fire extinguisher with a minimum rating of 8 BC.
 2. Food Truck Operators shall adhere to all then-current Center for Disease Control Guidance and shall prohibit any person recommended for home isolation due to potential exposure to the COVID-19 virus from entering any Food Truck, preparing food, or engaging with customers.
- e. Service:
1. Food trucks shall not have any internal or external space available for on-premises consumption of food.
 2. Food Trucks must provide waste disposal for patrons and must keep the area surrounding the Food Truck(s) clear of waste and debris. Each Food Truck must leave any area of operation free from waste, trash,

grease or other waste materials and return to a permanent storage location each day.

3. Food Truck Operators shall actively require customers to maintain a minimum six (6) feet spacing between one another.
4. Food Trucks shall provide single-use condiments, cutlery, napkins and other accessories or additives to the Food Truck's food service.
5. Food Trucks shall provide alcohol-based hand sanitizer at each take-out/order window.

f. Prohibitions:

1. Using any sound amplification.
2. Using balloons, banners, streamers, large flashing lights, or other similar devices or temporary signage to attract customers.
3. Selling any alcoholic beverage.
4. Allowing customers to congregate in groups of more than ten (10) people within one hundred (100) feet of any Food Truck.

SECTION 5. PENALTIES. Each violation of this Order shall constitute a separate offense punishable by imposition of a fine, not to exceed five hundred dollars (\$500.00).

Violations may be enforced by the issuance of a civil citation by a sworn police officer or code enforcement officer. A citation issued under this section may be contested in accordance with the Code Enforcement Hearing Officer System pursuant to chapter 25 of the City's Code of Ordinances.

SECTION 6. SEVERABILITY. If any clause or portion of this Order is held invalid or unenforceable, the remainder of this Order shall continue in full force and effect.

SECTION 7. EFFECTIVE DATE. This Order shall take effect immediately upon passage by majority vote of the members of the City Council and shall expire upon the expiration of Executive Order 20-71 unless revoked by a majority vote of the City Council.

CITY OF PANAMA CITY BEACH

By: _____
Mike Thomas, Mayor

ATTEST:

Debbie Ward, Interim City Clerk