

PROPOSED
ORDINANCE NO. 03-21

ORDINANCE NO. _____

AN ORDINANCE TO
BE ENTITLED:

AN ORDINANCE CREATING ARTICLE **IV** OF CHAPTER **7-6**,
SECTION **7-6-56** OF THE CODE OF THE CITY OF PENSACOLA,
FLORIDA; PROHIBITING REMOTE MOTOR VEHICLE SALES;
PROVIDING DEFINITIONS; PROVIDING FOR SEVERABILITY;
REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION.1 Section **7-6-56** of the Code of the City of Pensacola, Florida is hereby
created to read as follows:

ARTICLE IV. REMOTE MOTOR VEHICLE SALES.

Sec. 7-6-56. – Remote Motor Vehicle Sales Prohibited.

(a) - Definitions.

As used in this section, except as otherwise provided:

Licensed dealership means a business licensed by the State of Florida, Escambia County or City of Pensacola in which the primary endeavor is the sale of new or used motor vehicles.

Motor vehicle means “motor vehicle” as defined in sec. 320.01(1), Florida Statutes.

Permanent motor vehicle sales business means a business that operates out of a structure and has received a city or Escambia County occupational license for that location.

Premises means and includes all lands, structures, places, equipment and appurtenances connected or used therewith in any business, or as is otherwise used in connection with any such business conducted on such premises.

(b) - Prohibited actions.

It shall be unlawful for any person to conduct a sale, either directly or indirectly, of a new or used motor vehicle in or on a location in the city other than a permanent motor vehicle sales business unless it is conducted by a licensed dealership with sales premises located within the boundaries of Escambia County, Florida.

(c) Exceptions

- (1) This prohibition shall not apply to the sale of a motor vehicle by a person at a location other than the individual residence for which the motor vehicle is individually titled to that person (not including titled as part of a dealership or commercial business) provided no person shall sell more than three (3) such motor vehicles per year in any 12-month period.
- (2) This prohibition also shall not apply to the online sales of new or used motor vehicles, to the interstate sales of motor vehicles, to the sales of motor vehicles donated to a not-for-profit charitable organization that has business operations in a structure in Escambia County, Florida, or to the sale of vehicles that would qualify for an antique license plate pursuant to sec. 320.086, Florida Statutes.
- (3) A motor vehicle sales business that does not operate out of a structure in Escambia County may partner with a licensed dealership located within the city limits for the purpose of having a sale off-premises of the licensed dealership. The licensed dealership shall be responsible for full compliance with all local laws, including permitting under section 7-6-52 of the city Code.

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided, pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk