



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 39-21

City Council

9/9/2021

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### **ADD-ON LEGISLATIVE ACTION ITEM**

**SPONSOR:** City Council Member Sherri Myers

**SUBJECT:**

PROPOSED ORDINANCE NO. 39-21 - AMENDMENT TO SECTION 11-2-24 OF THE CITY CODE - PARKING FOR CERTAIN USES PROHIBITED

**RECOMMENDATION:**

That City Council approve Proposed Ordinance No. 39-21 on first reading:

AN ORDINANCE AMENDING SECTION 11-2-24 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, PARKING FOR CERTAIN USES PROHIBITED; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

The State of Florida Statute 509.102 preempts the regulation of food and prohibits municipalities from prohibiting throughout the entirety of the jurisdiction. The recommendation to exempt food trucks from the ordinances is necessary to avoid lawsuits and to provide the city council with an opportunity to approve an ordinance that is fair and equitable and allows food trucks to operate throughout the city.

**PRIOR ACTION:**

April 13, 2006 - City Council amended Section 11-2-24 of the City Code via Ordinance No. 11-06

February 9, 2006 - City Council amended Section 12-3-65 (at the time listed as Section 12-2-42) of the City Code via Ordinance No. 04-06

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

None

**STAFF CONTACT:**

Don Kraher, Council Executive

**ATTACHMENTS:**

- 1) Proposed Ordinance No. 39-21

**PRESENTATION:** No