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March 9, 2023

Mayor and City Commissioners
City of Panama City
501 Harrison Ave.
Panama City, FL 32401

Re: Proposed Ordinance to Regulate Remote Motor Vehicle Sales

Dear Mayor and City Commission:

Please find enclosed a proposed ordinance that prohibits the sale of motor vehicles at a site which is not the location of a permanent motor vehicle sale business licensed in Panama City. The exception to this prohibition is if the remote location is being operated by a motor vehicle dealership that already has a licensed location in Panama City.

As pointed out in the ordinance, without a permanent place of business within the City purchasers of motor vehicles have difficulty in obtaining information and seeking recourse from the sellers that are only here in Panama City for a few days and then leave.

The Staff recommends that the Commission discuss the proposed ordinance at the March 14, 2023 meeting and then consider having the first reading followed with a public hearing for adoption on March 28, 2023.

Sincerely Yours,

Nevin J. Zimmerman, Esq.

cc: Jan Smith, City Clerk - Treasurer

ORDINANCE NO. 3143

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PANAMA CITY, BAY COUNTY, FLORIDA; CREATING SEC. 7-55 OF THE CODE OF PANAMA CITY; REGULATING THE REMOTE SALE OF MOTOR VEHICLES UNLESS CONDUCTED BY A BUSINESS WITHIN BAY COUNTY; PROVIDING EXCEPTIONS; PROVIDING EFFECTIVE DATES.

WHEREAS, there has been an increased concern for the occurrence of remote motor vehicle sales within Panama City and the surrounding areas; and

WHEREAS, these events are conducted on property by individuals and entities which have no established business within the boundaries of the City of Panama City; and

WHEREAS, the individuals and entities which conduct these transactions normally depart the area after completion of the event and there is limited or no ability for purchasers of the motor vehicles to seek necessary information and recourse from the sellers; and

WHEREAS, motor vehicle sales conducted by a business, individuals, and entities which have an established business within the City of Panama City provide a meaningful opportunity for the buyer to seek information and recourse in the event that problems occur as to the vehicle.

THEREFORE, be it ordained by the City Commission of the City of Panama City, Florida, as follows:

SECTION 1. The above recitals are true and correct and are incorporated herein.

SECTION 2. Creates Sec. 7-55 of Article II, Chapter 7 of the Code of the City of Panama City.

Sec. 7-55. – REMOTE MOTOR VEHICLE SALES

(a) Short Title. This article shall be known and may be cited as the “Remote Motor Vehicle Sale Regulatory Ordinance of Panama City, Florida” and shall be applicable within the municipal limits of Panama City.

(b) Scope. It is not intended by this article to repeal, abrogate, annul or any way impair or interfere with existing provisions of other laws. Where this article imposes a greater restriction upon persons, premises or personal property than is imposed or required by other laws or ordinances, the provisions of this article shall control.

(c) Definitions. For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

Motor Vehicle means a new or used automobile or truck.

Permanent Motor Vehicle Sales Business means a business which (i) operates on a location and Premises in which the primary endeavor is the sale of new or used motor vehicles, (ii) has a City business license for that location and Premises and (iii) has paid the Occupational License Tax pursuant to Chapter 7, Article II of the Panama City Code Sec. 7-29 and _____.

Person means and includes natural persons, partnerships, joint ventures, trusts or corporations, or any officers, agents, employees of any kind or personal representatives of any thereof, in any capacity, acting either for himself, or for any other person.

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

Remote Sales Site means a site where the sales of Motor Vehicles are conducted which is not the location and Premises of a Permanent Motor Vehicle Sales Business.

(d) Prohibited Actions. It shall be unlawful for any person, either directly or indirectly, to conduct a sale of a Motor Vehicle, regardless of whether it is new or used, where it is conducted at a Remote Sales Site; provided, however, a Permanent Motor Vehicle Sales Business may conduct sales of Motor Vehicles at a Remote Sales Site within the boundaries of Panama City. 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.

(e) Penalties for violations. A violation of the provisions of Sec 7-55 may be enforced by the Code Enforcement Department of the City of Panama City or the Police Department of the City of Panama City.

SECTION 3. Effective Date. This Ordinance shall become effective immediately upon adoption, unless otherwise provided.

PASSED, APPROVED AND ADOPTED at the regular meeting of the Commission of the City of Panama City, Florida, on the ___ day of _____, 2023.

CITY OF PANAMA CITY, FLORIDA

By: _____

Greg Brudnicki, Mayor

ATTEST:

Jan Smith, City Clerk-Treasurer