

Chapter 12

BUSINESS TAX, REGISTRATION AND REGULATIONS

ARTICLE I -- Local Business Tax

Section 12.1	Definitions
Section 12.2	Business tax required to engage in business, profession or occupation
Section 12.3	Exemptions from tax; zoning and fire marshal approval
Section 12.4	Transfer of business receipts for Local Business Tax paid
Section 12.5	Annual Payment Required
Section 12.6	Posting of the Receipt
Section 12.7	Authority of city to revoke or cancel to be printed on face of the receipt.
Section 12.8	Violations; notice and hearing
Section 12.9	Penalty for delinquent payments
Section 12.10	Payment of penalty prerequisite to issuance of receipt
Section 12.11	Enforcement authority established
Section 12-12	Local Business Tax Amounts, classifications
Section 12.13-12.28	Reserved.

ARTICLE II -- Alcoholic Beverages

Section 12.29	Where allowed; hours of sale
Section 12.30	Sales, etc., to intoxicated persons
Section 12.31	Sales, etc., to minors
Section 12.32	Misrepresentation of age
Section 12.33	Permitting drunkenness, rowdiness or immoral conduct in place of business
Section 12.34	Evidence
Section 12.35	Nudity, sexual conduct prohibited
Section 12.36	Curb drinking of alcoholic beverages
Section 12.37-12.46	Reserved

ARTICLE III -- Auctions and Auctioneers

Section 12.47	Auctioneer defined.
Section 12.48	Bond required; approval.
Section 12.49	Exception as to carriers and warehousemen, etc.
Section 12.50	Manner of conducting sale; refusal of bids.
Section 12.51	Sales in streets and other public places.
Section 12-52-12.67	Reserved.

ARTICLE IV -- Coin Operated Amusements and Vending Machines

Section 12.68	Definitions and applicability.
Section 12.69	Local Business Tax—Required.

- Section 12.70 Amusement devices, skill machines or games of chance prohibited.
- Section 12.71 Coin operated machines—Amount of tax to be paid.
- Section 12.72 Distribution or placement of coin operated machines – Application required.
- Section 12.73 Serial number on Skill Machine license; attaching to machine; transferring.
- Section 12.74 Confiscation of unlicensed machines.
- Section 12.75 Inspection of machines.
- Section 12.76 Effect on telephones or stamp machines
- Section 12.77-12.92 Reserved

ARTICLE V -- Contractors

- Section 12.93 Contractors and/or special contractors
- Section 12.94-12.109 Reserved

ARTICLE VI -- Peddlers and Solicitors

- Section 12.110 Definitions
- Section 12.111 License—Required
- Section 12.112 License—Applications
- Section 12.113 Same-Fee
- Section 12.114 Prohibited areas—By license
- Section 12.115 Prohibited areas—By City Commission
- Section 12.116 Penalty for violations
- Section 12.117 Exemptions
- Section 12.118-12.133 Reserved

ARTICLE VII -- Temporary Sales, Mobile Food Dispensing Units, Festivals and Amusements

- Section 12.134 Temporary sales, sidewalk sales and mobile food dispensing
- Section 12.135 Festivals, special events and outdoor amusements; permits required
- Section 12.136 Prohibition of Temporary Uses or Events by City Commission
- Section 12.137-12.157 Reserved

ARTICLE VIII -- Pawnbrokers

- Section 12.158 Records of transactions.
- Section 12.159 Buying or receiving from minors.
- Section 12.160–12.170 Reserved

ARTICLE IX - Commercial Solid Waste Collection Permits

- Section 12-171 Requirements.
- Section 12-172 Application.
- Section 12-173 Fees.

Section 12.174 – 12.180 Reserved.

ARTICLE X -- Garage Sales

Section 12.181	Defined.
Section 12.182	Permit required.
Section 12.183	Display of sale property.
Section 12.184	Parking.
Section 12.185	Display of permit and Signage.
Section 12.186	Exception.
Section 12.187	Compliance with other regulations.
Section 12.188	Penalty.

ARTICLE I -- Local Business Tax

Section 12.1 Definitions

The following terms and phrases, when used in this Chapter, shall have the meaning ascribed herein:

Business, profession or occupation as used herein shall mean any person who maintains a permanent business location, or branch office, within the City for the privilege of engaging in managing any business, profession or occupation within the City, or any person who transacts any business or engages in any occupation or profession in interstate commerce.

Classification means the method by which a business or group of businesses is identified by size, or type, or both.

Local Business Tax means the fees charged and the method by which the City grants the privilege of engaging in or managing any business, profession or occupation within its jurisdiction. It does not mean any fees or licenses paid to any board, commission or officer of the City for permits, registration, examination, or inspection; which, unless otherwise provided by law, are deemed to be regulatory and in addition to, but not in lieu of, any local business tax imposed under this Chapter.

Not-for-profit religious institution means churches and ecclesiastical or denominational organizations, or established physical places for worship in this state, at which nonprofit religious services and activities are regularly conducted and carried on, and also means church cemeteries.

Not-for-profit charitable institution means only not-for-profit corporations or organizations operating physical facilities in the City at which are provided charitable services, a reasonable percentage of which are provided without cost to those unable to pay.

Not-for-profit educational institution means state tax-supported or parochial, church and nonprofit private schools, colleges or universities conducting regular classes and courses of study required for accreditation by or membership in the Southern Association of Colleges and Schools, the Department of Education, or the Florida Council of Independent Schools. It also means not-for-profit libraries, art galleries and museums open to the public.

Person means any individual, firm, partnership, joint adventure, syndicate, or other group or combination acting as a unit, association, corporation, estate, trust, business trust, trustee, executor, administrator, receiver, or other fiduciary, and includes the plural as well as the singular.

Receipt means the document that is issued by the City which bears the words "Local Business Tax Receipt" and evidences that the person in whose name the document is issued has complied with the provisions of this Chapter relating to the Local Business Tax.

Taxpayer means any person liable for taxes imposed under the provisions of this Chapter or any agent, heir, successor or assign required to file and pay any taxes imposed hereunder. (Ordinance 09-05, 4-8-10)

Section 12.2 Business tax required to engage in business, profession or occupation in the City

Pursuant to Chapter 205, *Florida Statutes*, a Local Business Tax is hereby levied against for the privilege engaging in or managing any business, profession or occupation mentioned in this Chapter within the City. The tax shall be paid by the owner or operator of the business, profession or occupation prior to its establishment and each year thereafter that the operation of the business, profession or occupation continues. The City Manager, or his designee, is hereby authorized to issue a Receipt and collect the tax thereon. No such receipt shall be issued to a first time applicant unless such applicant has submitted a statement from the Director of the City's Planning and Zoning Department and the Fire Marshall that the property on which the business will be operated is properly zoned for the proposed use and meets the minimum safety requirements.

(Ordinance 09-05, 4-8-10)

Section 12.3 Exemptions from tax; zoning and Fire Marshall approval

(a) **Religious, charitable and educational.** Business, profession or occupation required to pay the Local Business Tax under this Chapter shall not include customary religious, charitable or educational activities of not-for-profit religious, not-for profit charitable or not-for-profit educational institutions in this State. Except that every person establishing or relocating a new business, profession or occupation in the City, regardless of whether it is exempt from paying the Local Business Tax pursuant to this section, must obtain a written Business Tax Receipt complete with statement from the Director of the City's Planning and Zoning Department and the Fire Marshall that the property on which the business will be operated is properly zoned for the proposed use and meets the minimum safety requirements.

(b) **Business, profession or occupation** where local business taxation is prohibited by Article 1, Section 8, of the United States Constitution.

(c) **All prerequisites** required to operate any such business, profession or occupation shall remain in effect.

(Ordinance 09-05, 4-8-10)

Section 12.4 Transfer of business receipts for Local Business Tax paid

All business receipts from Local Business Taxes paid may be transferred to a new owner or to the same owner at a new location in accordance with section 205.043, *Florida Statutes*, when there is a bona fide sale or transfer of the property used and employed in the business or a bone fide relocation of the same business to a different location in the City. The request to transfer must be submitted in writing to the City Manager's office and a transfer fee equal to ten percent [10%] of the applicable annual Local Business Tax must be paid prior to issuance of the transfer. The transferred receipt shall not be good for any longer time than that for which it was

originally issued. The original receipt must be surrendered to the City at the time of the application for the transfer. The transfer, after being approved, shall be of the same force and effect as the original receipt.

(Ordinance 09-05, 4-8-10)

Section 12.5 Annual Payment Required

The *Local Business Tax Receipt* shall be effective from October 1st and end on September 30th of each fiscal year. All receipts shall expire on September 30, regardless of when they are issued and no receipt shall be valid for more than one year.

(Ordinance 09-05, 4-8-10)

Section 12.6 Posting of the Receipt

It shall be the duty of all persons carrying on any business, profession or occupations mentioned in this chapter, to keep their receipt conspicuously posted in the place of business.

(Ordinance 09-05, 4-8-10)

Section 12.7 Authority of city to revoke or cancel to be printed on face of the receipt

The City, after notice and a hearing as provided under Section 12.8 of this Chapter, may suspend, revoke, cancel or refuse to renew a *Local Business Tax Receipt* and the privilege to do business authorized by payment of the local business tax if a business becomes a public nuisance, or deliberately and intentionally ignores an order issued Section 12.8 of this Chapter. Every receipt issued by the City shall contain the following written or printed upon the face thereof:

“The City expressly reserves the right to revoke or cancel or refuse to renew this business tax receipt in the manner prescribed under Section 12.8 of the City’s Code of Ordinances in case any person doing business hereunder so conducts such business that it becomes a nuisance or annoys and disturbs the peace of the citizens of the community.”

(Ordinance 09-05, 4-8-10)

Section 12.8 Violations; notice and hearing

(a) **Violations.** Any person who violates any section of this Chapter may be subject to fines as specified in section 12.9, or possible revocation, suspension or non-renewal under section 12.7 hereof. All such violations will be handled in the following manner:

- (1) **Notice of Violation.** A notice of violation will be sent from either the City Manager’s office or the City’s designated Code Enforcement Officer. Said notice will give the alleged violator thirty (30) days to come into compliance and, in the case of delinquent payments of *Local Business Tax* due, said notice will include a statement of any delinquency penalties that may be assessed in Section 12.9 of this Chapter.

- (2) **Notice of Hearing:** If the alleged violator does not come into compliance within the time provided by the Notice of Violation, the matter shall be turned over to the Code Enforcement Board. A notice of hearing before the Code Enforcement Board will be sent to the alleged violator by certified mail, return receipt requested, and regular mail at least fifteen [15] days prior to said hearing. The City may also post a copy of said notice on the property in question.
- (3) **Hearing:** The hearing before the Code Enforcement Board will be public and will be conducted as follows:
- (a) All testimonies shall be under oath and be mechanically recorded.
 - (b) Each case shall be presented by either the City Manager or his designee.
 - (c) Formal rules of evidence shall not apply, but fundamental due process shall be observed and govern the proceeding.
 - (d) Each party to the hearing shall have the right to call and examine witnesses, introduce exhibits, cross examine opposing witnesses and rebut evidence.
 - (e) An alleged violator and the City have the right, at his or her own expense, to be represented by an attorney.
 - (f) The alleged violator or the City may cause the proceedings to be recorded by a certified court reporter, or by a certified recording instrument at their own expense.
 - (g) The burden of proof shall be with the City to show by the greater weight of the evidence that a code violation exists and the alleged violator committed or was responsible for maintaining the violation.
 - (h) If the required notice of hearing has been provided to the alleged violator, the hearing may be conducted and an order rendered in the absence of the alleged violator
 - (i) The Code Enforcement Board shall render a decision in the matter. If the alleged violator is found guilty, penalties shall be as outlined in Sections 12.7 and 12.9.
 - (j) A certified copy of such order shall be mailed to the alleged violator by certified mail, return receipt requested.

- (k) The alleged violator or the City, may seek review of the Code Enforcement Board's Order in Circuit Court, subject to subparagraph (b) of this section.

(b) If, after proper notice and hearing under this section, the Code Enforcement Board determines that a suspension, revocation, cancellation or non-renewal of a *Local Business Tax Receipt* under Section 12.7 is an appropriate penalty, any appeal or challenge to the Code Enforcement Board's Order shall be presented to the City Commission before submitting any such appeal or challenge to the Circuit Court.
(Ordinance 09-05, 4-8-10)

Section 12.9 Penalty for delinquent payments

(a) Receipts that are not renewed when due are delinquent and subject to a penalty of up to ten percent [10%] of the applicable Local Business Tax for the first month past due, plus an additional five percent [5%] penalty for each subsequent month of delinquency until paid, without need of a hearing as provided for in Section 12.8 above. However, the total delinquency penalty shall not exceed twenty-five percent [25%] of the applicable Local Business Tax for the delinquent establishment.

(b) Any person who engages in or manages any business, profession or occupation without first obtaining a Receipt, if required, is subject to a penalty of twenty-five percent [25%] of the Local Business Tax due, in addition to any other penalty provided by law.

(c) Any person who engages in any business, profession or occupation and does not pay the required local business tax within ninety [90] days of the initial notice of tax due, and who does not obtain the required receipt, is subject to civil action and penalties, including costs, reasonable attorney's fees, additional administrative costs incurred due to collection efforts, and a penalty of up to \$250.00.

(d) Administration Fee. The Code Enforcement Board may assess an administrative fee for processing this case, which may include costs, reasonable attorneys' fees if appropriate and administrative costs incurred as a result of all its collection efforts.
(Ordinance 09-05, 4-8-10)

Section 12.10 Payment of penalty prerequisite to issuance of Receipt

It shall be the duty of all such local business, professions or occupations governed by this Chapter to pay all delinquency payments due under Section 12.9 to the City, and the payment of such amount shall be a condition precedent to the privilege engaging in or managing any business, profession or occupation mentioned in this Chapter within the City and the issuance of the *Business Tax Receipt* provided by this Chapter.
(Ordinance 09-05, 4-8-10)

Section 12.11 Enforcement authority established

The City Manager is hereby authorized to appoint a city employee who shall be charged with the enforcement (not exclusively, however) of the provisions of this Chapter.
(Ordinance 09-05, 4-8-10)

Section 12.12 Local Business Tax Amounts, classifications

(a) The Local Business Tax amounts due on an annual basis are established by the applicable classification as follows:

- (1) All businesses, professions or occupations employing less than ten [10] employees: \$ 50.00
- (2) All businesses, professions or occupations employing ten [10] or more employees: \$100.00
- (3) Peddler or solicitor business with no established commercial property or place of business inside the City limits: \$200.00
- (4) Each insurance company writing life, fire, accident, health, public liability, indemnity, motor vehicle, industrial or other type or form of insurance within the City, and either represented by a local, traveling or itinerant agent or representative shall pay: \$50.00
- (5) A business premises where a coin operated vending or amusement machines dispense products, merchandise or services: \$7.50 per machine
- (6) Any business owned and operated by a United States military veteran, or person over the age of 65, other than a vending, peddling or amusement machine business: No Fee

(b) Such fees may be amended from time to time by a Resolution of the City Commission at a regularly scheduled and properly noticed public hearing.
(Ordinance 09-05, 4-8-10)

Section 12.13 – 12.28 Reserved

ARTICLE II -- Alcoholic Beverages

Section 12.29 Where allowed; hours of sale

The sale of alcoholic beverages, whether for onsite or offsite consumption, shall only take place in zoning districts where such a use of land is allowed, and then only in accordance with the requirements of such zoning district and any conditions of a permit that may be required to locate within the zoning district. Even where allowed by the applicable zoning district by right or by a conditional use permit, alcoholic beverages shall not be sold, consumed, served, or

permitted to be sold, served, or consumed in any place holding a license under the *Division of Alcoholic Beverage and Tobacco of the State of Florida*, between the hours of 2:00 a.m. and 7:00 a.m.

(Ordinance 09-05, 4-8-10)

Section 12.30 Sales, etc., to intoxicated persons

It shall be unlawful for any person to sell, give, serve or permit to be served alcoholic beverages, including light wines and beer, to persons who are intoxicated. (Ordinance 9004, Section 2, 6-14-90; Ordinance 09-05, 4-8-10)

Cross references: *Disorderly intoxication*, Section 14.2; *Seizure and forfeiture of illicit liquors, stilling apparatus*, etc., Section 14.5; *Consumption or possession of open containers of alcoholic beverages on public property*, Section 14.7.

State law reference: *Alcoholic Beverage Code*, F.S. Chapter 561, *et seq.*

Section 12.31 Sales, etc., to minors

(a) It is unlawful for any person to give, serve or permit to be served alcoholic beverages, including wines and beer, to persons under twenty-one [21] years of age.

(b) Possession and display of a false identification such as driver's license, draft card, birth certificate, etc., by a minor for the purpose of obtaining entry or service of beverages contrary to the provisions of this Code and applicable State statutes is a misdemeanor. (Ordinance 9004, Section 3, 6-14-90; Ordinance 09-05, 4-8-10)

Section 12.32 Misrepresentation of age

It shall be unlawful for any person to misrepresent or misstate his age, or the age of any other person, for the purpose of inducing any person licensed under this Chapter, his agents or employees, to sell, give, serve or deliver any alcoholic beverages to a person under 21 years of age.

(Ordinance No. 9004, Section 4, 6-14-90; Ordinance 09-05, 4-8-10)

Section 12.33 Permitting drunkenness, rowdiness or immoral conduct in place of business

No person holding a license under the provisions of Chapter 561, *Florida Statutes*, to sell alcoholic or intoxicating beverages, including light wines and beers, shall knowingly allow, permit or suffer any drunkenness, rowdyism, or immoral conduct to take place in such licensee's place of business; and it shall be the duty of such licensee to notify the police department of the City immediately upon gaining knowledge of the happening of such improper conduct.

(Ordinance No 9004, Section 4, 6-14-90; Ordinance 09-05, 4-8-10)

Cross reference: *Disorderly intoxication*, Section 14-2

Section 12.34 Evidence

In all prosecutions for violations, any person or persons who by past experience in the handling or use of alcoholic beverages, or who by taste, smell or the drinking of such alcoholic

beverage, may testify as to his opinion of whether such a beverage is or is not alcoholic; and a conviction based on such testimony shall be valid.

(Ordinance No. 9004, Section 6, 6-14-90; Ordinance 09-05, 4-8-10)

Section 12.35 Nudity, sexual conduct prohibited

(a) No person shall expose to public view his or her genitals, pubic area, vulva, anus, anal cleft or cleavage, or buttocks or any simulation thereof in an establishment dealing in alcoholic beverages.

(b) No female person shall expose to public view any portion of her breasts below the top of the areola or any simulation thereof in an establishment dealing in alcoholic beverages.

(c) No person maintaining, owning, or operating an establishment dealing in alcoholic beverages shall suffer or permit any person to expose to public view his or her genitals, pubic area, vulva, anus, anal cleft or cleavage, or buttocks or simulation thereof in an establishment dealing in alcoholic beverages.

(d) No person maintaining, owning or operating an establishment dealing in alcoholic beverages shall suffer or permit any female person to expose to public view any portion of her breasts below the top of the areola or any simulation thereof in an establishment dealing in alcoholic beverages.

(e) No person shall engage in and no person maintaining, owning, or operating an establishment dealing in alcoholic beverages shall suffer or permit any sexual intercourse, masturbation, sodomy, bestiality; oral copulation, flagellation, any sexual act which is prohibited by law, touching, caressing or fondling of the breasts, buttocks, anus or genitals or the simulation thereof within an establishment dealing in alcoholic beverages.

(f) No person shall cause and no person maintaining, owning or operating an establishment dealing in alcoholic beverages shall suffer or permit the exposition of any graphic representation, including pictures or the projection of film, which depicts human genitals, pubic area, vulva, anus, anal cleft or cleavage, buttocks, female breasts below the top of the areola, sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, any sexual act prohibited bylaw, touching, caressing or fondling of the breasts, buttocks, anus, or genitals, or any simulation thereof within any establishment dealing in alcoholic beverages.

(Ordinance 09-05, 4-8-10)

Cross reference: *Offenses generally*, Chapter 14

Section 12.36 Curb drinking of alcoholic beverages

(a) It is unlawful for any person to consume any alcoholic beverages at curb or drive-in stands, except within the building which is the address of the person holding a license and proper permit for the sale of such alcoholic beverages.

(b) No establishment dealing in alcoholic beverages, which holds a consumption on-premise license, its owner(s), operator(s), manager(s), agent(s), employee(s), or contractor(s),

shall knowingly allow the consumption of alcoholic beverages, except within the building or premises which is the address of the person holding a license and the applicable State and local permits for the sale of such alcoholic beverages, and then only in accordance with the conditions of such permits.

(Ordinance No. 9310, Section 1, 12-9-93; Ordinance 9704, Section 1B, 5-8-97; Ordinance 09-05, 4-8-10)

Cross reference: *Consumption or possession of open containers of alcoholic beverages on public property*; Section 14.7

Section 12.37-12.46 Reserved

ARTICLE III -- Auctions and Auctioneers

Section 12.47 Auctioneer defined

For the purpose of this Article, an auctioneer is defined to be any person who shall sell or offer to sell any goods, wares or merchandise, livestock, vehicles of any description or any personal property of whatsoever nature or any real estate or interest therein, at any store, stand or any place within the city by public outcry for gain or profit, or who shall advertise or hold himself out as an auctioneer for public patronage, or shall receive fees or commission for his services.

(Code 1958, Section 6.2; Ordinance 09-05, 4-8-10)

Section 12.48 Bond required; approval

Before any *Local Business Tax Receipt* is issued to any person for the business of engaging in auctioneering, the applicant for such license shall execute and deliver to the city a bond of a surety company authorized to do business in the state in the sum of \$1,000.00 conditioned on the faithful observance of the provisions of this chapter by the applicant and approved by the City.

(Code 1958, Section 6.3; Ordinance 09-05, 4-8-10)

Section 12.49 Exception as to carriers and warehousemen, etc.

Nothing in this Article shall be construed to apply to any common carrier or public warehouseman selling unclaimed or undelivered freight or goods where the same is held for freight or storage charges, or apply to any sale made under the laws of the United States, the State or the City requiring any property to be sold at public auction.

(Code 1958, Section 6.3; Ordinance 09-05, 4-8-10)

Section 12.50 Manner of conducting sale; refusal of bids

Each article offered for sale at auction shall be sold as offered, if a bid be made by more than one bona fide bidder, before any other article is offered for sale, and without a reasonable delay. No by-bidding by the owner or any person acting for or representing the owner shall be permitted, nor shall any bid be accepted that is not a bona fide bid. Such person shall not be permitted to bid at any such auction. There shall be no reserve price on any such article. The

seller may have a reserve price placed on any article if such fact be made known to the bidder when such article is offered for sale at auction. Any resident of the City, or establishment licensed to do business in the City, may reject any and all bids.

(Code 1958, Section 6.5; Ordinance 09-05, 4-8-10)

Section 12.51 Sales in streets and other public places

It shall be unlawful for any auctioneer or other person to offer for sale, or sell at public auction or by public outcry, any goods, wares or merchandise or any livestock or any other personal property or any real estate or interest therein, upon any street or public place in the City unless written permission has been obtained from the City.

(Code 1958, Section 6.5; Ordinance 09-05, 4-8-10)

Section 12.52 - 12.67 Reserved

ARTICLE IV -- Coin Operated Amusements and Vending Machines

Section 12.68 Definitions and applicability

This Article shall generally govern the following coin-operated devices, which shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Amusement devices, coin operated. Coin-operated amusement devices other than skill machines are herein defined as machines which produce or reproduce music, or return entertainment or amusement for a consideration without receipt of or entitled to receipt of any piece of money, credit, allowance, or thing of value, or any check, slug, token, or memorandum, whether of value or otherwise, which may be exchanged for any money, credit, allowance, or thing of value or which may be given in trade.

Automatic vending machines, coin operated. An automatic vending machine is herein defined to mean any machine dispensing any articles of value or services uniform as to quantity and quality upon the insertion of a coin into the machine. This definition shall not include coin-operated telephones and United States stamp vending machines.

Skill devices, coin operated. Coin-operated skill devices, the most common of which includes pinball machines, marble machines, skeet ball, pool tables, air hockey video games and the like, are defined as any machine which is played strictly for amusement purposes only as a game of skill, for a consideration, and which when played or operated, does not vend, deliver or grant any merchandise, prize or award of whatsoever nature or kind.

Games of Chance, coin operated. An automated game of chance, the most common version of which is referred to as a slot machine, is any machine or device that is adapted for use in such a way that, as a result of the insertion of any piece of money, coin, or other object, such machine or device is caused to operate or may be operated and if the user, by reason of any element of chance or of any other outcome of such operation unpredictable by him or her, may:

- (a) Receive or become entitled to receive any piece of money, credit, allowance, or thing of value, or any check, slug, token, or memorandum, whether of value or otherwise, which may be exchanged for any money, credit, allowance, or thing of value or which may be given in trade; or
- (b) Secure additional chances or rights to use such machine, apparatus, or device, even though it may, in addition to any element of chance or unpredictable outcome of such operation, also sell, deliver, or present some merchandise, indication of weight, entertainment, or other thing of value.

(Ordinance 09-05, 4-8-10)

Section 12.69 Local Business Tax Required

It shall be unlawful for any person to operate, lease or distribute any coin-operated amusement devices, vending machines or skill machines as defined in this article without paying the applicable local business tax.

(Ordinance 09-05, 4-8-10)

Section 12.70 Amusement devices, skill machines or games of chance prohibited

Amusement devices or skill machines operating or used in any other manner or for any other purpose other than described in Section 12.68 of this Chapter are prohibited. Coin operated games of chance as defined in Section 12.68 of this Chapter are strictly prohibited.

(Ordinance 09-05, 4-8-10)

Section 12.71 Coin operated machines; Amount of tax to be paid

The amount of local business tax which shall be paid by the several persons engaged in or managing businesses, professions or occupations containing coin operated machines governed by this Article is established in Section 12.12 of this Chapter.

(Ordinance 09-05, 4-8-10)

Section 12.72 Distribution or placement of coin operated machines; application required.

Before any person will be entitled to distribute, operate or place any skill machines such person must comply with the following requirements:

- (a) Submit an application for a license to operate such skill machines for consideration by the City Manager. Such application shall contain therein the name, age, place of residence and brief background history of the applicant and his associates, business address or proposed business address of the applicant and the number of machines and devices he intends to operate.

(b) The applicant shall submit with the application the names and places of residence of five [5] persons, residents of the City, three [3] of which shall be owners or managers of a business within the City; as references.

(c) In addition it shall be a condition precedent to the issuance of any such license to be on file with the City Police Department a set of fingerprints of the applicant, which shall be impressed by the city police department.

(d) If, after due consideration by the City Manager, it is determined that the applicant is of such undesirable or unfit character on the basis of examination of his past or present activities, a license will be refused.

(Ordinance 09-05, 4-8-10)

Section 12.73 Serial number on Skill Machine license; attaching to machine; transferring

All licenses issued by the City under this Article shall contain thereon the serial number of the license. Licenses must at all times be firmly attached to the machine or device and prominently displayed. No license shall be transferable from one machine or device to another.

(Ordinance 09-05, 4-8-10)

Section 12.74 Confiscation of unlicensed machines

The Chief of Police is authorized to confiscate all machines upon which the local business tax has not been paid, or upon which a valid skill machine license certificate is not attached, if required. Whenever confiscated, such machines shall be disposed of by the police department and the operator thereof shall be penalized upon conviction in accordance with the provisions of section 1-15 of this Code. Disposal of the machines shall be by sale at publicly advertised auction within a period not longer than thirty [30] days after such confiscation. If not disposed of at such sale within the period herein provided, then such machines shall be destroyed by breaking, burning or otherwise.

(Ordinance 09-05, 4-8-10)

Section 12-75 Inspection of machines

All machines licensed under this Article shall be at all times subject to such inspection as may be directed by the Chief of Police or the Mayor.

(Ordinance 09-05, 4-8-10)

Section 12-76 Effect on telephones or stamp machines

Nothing herein contained shall be applicable to postage stamp machines, coin-operated telephones, or to coin-operated parcel checking locks and toilet locks, or to any coin-operated machine which vends only unadulterated Florida produced citrus juices.

(Ordinance 09-05, 4-8-10)

Section 12.77 – 12.92 Reserved

ARTICLE V -- Contractors

Section 12.93 Contractors and/or special contractors

Construction contractors and/or specialty construction trade contractors maintaining a permanent business location within the City shall be subject to the Local Business Tax provided for in Article I of this Chapter. Such contractors and/or specialty contractors doing business in the City, but not subject to the Local Business Tax must register with the City prior to working in the City. An annual registration fee of \$50.00 will be charged. A prerequisite for obtaining and maintaining a valid *Local Business Tax Receipt* or registration with the City is a valid *Florida State Contractor's License* or a valid Putnam County contractor's license and compliance with the licensing policies and regulations of both the State and the County.
(Ordinance 09-05, 4-8-10)

Cross reference: *Buildings and Building Regulations*, Chapter 6

Section 12.94 – 12.109 Reserved

ARTICLE VI -- Peddlers and Solicitors

Section 12-110 Definitions

Peddler is hereby defined as an itinerant, non-stationary seller of tangible commodities, merchandise or services from house-to-house, store-to-store, or on the streets, or in any public place; however, sales are not made from one established spot or location. Examples include but are not limited to ice cream trucks, mobile car washing services, door-to-door sales of goods or services of any kind, etc.

Solicitor is hereby defined as one who solicits, entreats or petitions orders or trade for a business.

(Ordinance. 09-05, 4-08-10)

Section 12-111 License; Required

It shall be unlawful for any person, firm or corporation to engage in the business of a solicitor or peddler without having first secured a "peddler's license" therefore in the manner described herein.

(Ordinance 09-05, 4-8-10)

Section 12-112 License; Applications

Applications for such licenses shall be made to the administrative supervisor, or his designee, and shall state thereon the description, the number of vehicles, wagons, trailers and/or displays from which said merchandise, article or thing is to be peddled. The application shall also describe the type and kind of goods or services to be peddled or solicited, the suggested retail prices therefore, and the permanent address of the peddler.

(Ordinance 09-05, 4-8-10)

Section 12-113 Same-Fee

The annual fee for a peddler's license shall be established per selling unit as provided for under Article I of this Chapter. "Selling unit" is hereby defined as any single vehicle, trailer, booth, wagon, station, thing, or person from or by which goods are sold to the public. Each peddler's license sold herein shall be valid for one [1] year; however the peddler's license shall not be valid on the first Saturday of April and the Friday immediately preceding the first Saturday of April.

(Ordinance 09-05, 4-8-10)

Section 12.114 Prohibited areas - By license

No peddler or solicitor shall apply his or her vocation on any street, sidewalk, parkway or on any other public place unless his or her peddler's license provides that peddling in such places is permitted there under.

(Ordinance 09-05, 4-8-10)

Section 12.115 Prohibited areas - By City Commission

The City Commission may prohibit peddling or soliciting within certain areas of the geographical limits of the City for certain specified periods of time. This prohibition may result only if, in the opinion of the City Commission, based upon input and advice from the Administrative Supervisor and Chief of Police, it is necessary to regulate traffic and provide for the orderly flow of vehicles and pedestrians during periods of intense traffic. It is the legislative intent of this section to ensure that unreasonable and unsafe congregations of people do not occur in areas of dense traffic and congestion thereby creating a potentially dangerous situation.

(Ordinance 09-05, 4-8-10)

Section 12.116 Penalty for violations

Any person, firm or corporation violating any provision of this Article shall be fined not more than \$500.00, and imprisoned up to but no more than thirty [30] days for each separate offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ordinance 09-05, 4-8-10)

Section 12-117 Exemptions

The peddler's licensing requirement defined herein shall not apply to business activities conducted, promulgated or sponsored by civic, religious, or charitable organizations, where said activity is conducted for eleemosynary purposes. However, said charitable, civic or religious organizations shall appear before the administrative supervisor and make application for the exemption provided for hereunder. Said application shall include a detailed description of the activities planned and items to be sold, as well as the names and addresses of the parties responsible for conducting such sales. An explanation as to how the proceeds derived from such commercial activities shall be spent and/or distributed shall be recited within the application.

Nothing herein shall be read to exempt said charitable, civic or religious organization from the special event permit requirements under Article VII of this Chapter.
(Ordinance 09-05, 4-8-10)

Section 12-118 - 12-133 Reserved

ARTICLE VII

Temporary Sales, Mobile Food Dispensing Units, Festivals and Amusements

Section 12.134 Temporary sales, sidewalk sales and mobile food dispensing

(a) Definitions

- (1) **Temporary Sales** means a transient or impermanent use of a premises for selling and delivering goods, wares and merchandise within the City, and in furtherance of such purpose typically leases, uses or occupies a specific spot or open-air location such as vacant land, parking lots, rights-of-way or other open-air property within the City, often using tents, vehicles, carts or other mobile or impermanent facilities for the exhibition and sale of such goods, wares or merchandise. The exhibition and sale of goods inside a permanent structure shall be treated as an established commercial business subject to the City's local business tax, building regulations, and zoning requirements, including but not limited to parking, landscaping, architectural and accessibility requirements of this Code and the City's Land Development Code.
- (2) **Sidewalk Sales** means the display and sale of goods or merchandise on sidewalks or in a yard fronting a lawfully established and operational permanent commercial use where such goods or merchandise are of the type that is commensurate with the normal operation of the established commercial use.
- (3) **Open-air Marketplace** means a lawfully established open air marketplace established for the sale farm produce and related food products and services as a permanent business that provides for parking, accessibility and permanent bathroom facilities, and is other wise maintained in accordance with the City's property maintenance and land development codes and has been approved by conditional use permit from the Planning and Zoning Commission on agriculture, commercial and industrial zoned properties. An approved Open-air Market Place is not considered a temporary use under this section.

(b) Temporary Sales and Mobile Vendors prohibited; exceptions. Temporary business operations and mobile vendors that conduct business from a set location outside of an established commercial building or structure are generally prohibited in all zoning districts in the City, except as expressly provided under this Section.

(c) Goods and merchandise may be allowed to be sold outside of an existing approved commercial establishment provided the following criteria are met:

(1) **Temporary sales – Nonprofits:**

- a. Temporary sales by nonprofit civic, religious, or charitable organizations located and operating in the City of Crescent City where the sale is operated by the members of the organization and all proceeds are used by and for the organization's eleemosynary purposes, may be allowed, after submitting a special event permit application, on commercial, office and publicly zoned property. Temporary sales permits for such civic, religious, or charitable organizations shall be valid for up to a maximum of five [5] days, except that the temporary sale of holiday seasonal items by civic, religious, or charitable organizations may be permitted for up to a 45-day period prior to the applicable holiday. The permit shall be obtained from the City Manager and only three [3] permits per organization per year shall be allowed.
- b. The site proposed for these sales must have adequate, improved ingress and egress so as to not impede or interfere with the normal traffic flow on the roadway. The area of the sale shall be construed as additional retail space and adequate parking must be provided to serve this space. The permit may allow for an additional two days prior to the event to set up and the site must be cleaned and restored to its prior condition within two days following the event or day in question.
- c. Temporary sales as part of special festival or amusement event approved under Section 12.135 below.

(2) **Sidewalk sales:** Sidewalk sales shall be allowed in commercial zoning districts as part of a lawfully established commercial use, provided at least five [5] feet of clear unobstructed access is provided on the adjacent sidewalk and to the store access. No display or sale of merchandise shall be allowed in parking spaces or driving aisles, and no goods or merchandise will be left outside after the business is closed.

(3) **Mobile Food Dispensing Unit and Mobile Food Dispensing Unit Hosts.** A mobile food dispensing unit may be allowed to operate conditional use permit from a specific location in the City subject to the following:

- a. Definitions and General Requirements:
 - i. **Mobile Food Dispensing Unit** shall mean any portable unit used primarily for the purpose of food preparation and the sale of prepared food operating in open space outside of

an enclosed structure, external to an established regularly licensed business on a temporary or impermanent basis. No Mobile Food Dispensing Unit may operate on any site or parcel within the City except on a site or parcel approved for a Mobile Food Dispensing Unit Host by a Conditional Use Permit, and the Mobile Use Dispensing Unit must have a Business Tax Receipt and express written permission from the approved Mobile Food Dispensing Unit Host.

- ii. **Mobile Food Dispensing Unit Host** means the owner of the property where the Mobile Food Dispensing Unit desires to locate its operation. A Mobile Food Dispensing Unit Host shall be required to hold an conditional use permit approved by the Planning and Zoning Commission, in addition to the standard Business Tax Receipt, prior to locating any Mobile Food Dispensing Units on his or her property. The Mobile Food Dispensing Unit Host shall be responsible for ensuring that all Mobile Food Dispensing Units operating on their property comply with all requirements of this Code. If the owner of the property and the Mobile Food Dispensing Unit are the same person or entity, a conditional use permit license and separate peddler's license for the mobile food dispensing unit are still required.
 - iii. **Conditional Use Permit Required.** A conditional use permit issued by the Planning and Zoning Commission pursuant to the provisions of Section 2.5.1 of Crescent City's *Land Development Code* approving a certain site or parcel for a Mobile Use Vendor Host is a condition precedent to locating a Mobile Food Dispensing Unit on such site or parcel. No more than one peddler's license for a Mobile Food Dispensing Unit shall be permitted for each such approved site or parcel, and a copy of the conditional use permit shall be prominently displayed at the site or parcel utilized by the Mobile Food Dispensing Unit.
- b. The Mobile Food Dispensing Unit Host must provide written permission for the Mobile Food Dispensing Unit.
 - c. Lawful access, *i.e.* an approved permitted driveway, and off-street parking must be available; business shall not be transacted in any public rights-of-way.
 - d. Mobile Food Dispensing Unit operations regulated by the Department of Agriculture, the Health Department or any other State agency shall be required to have the appropriate State

licenses or certifications prior to commencing operations and such licenses or certifications shall be kept on site during hours of operation.

- e. Mobile Food Dispensing Unit selling food shall be required to designate the location of its commissary. For the purposes of this code, “commissary” means a food service establishment or any other commercial establishment where food, containers, or supplies are stored, prepared, or packaged, or where utensils are sanitized for transit to, and sale or service at, other locations and meet the requirements of Section 11.014 (5), *Florida Statutes*.
- f. A covered trash/garbage receptacle with plastic liner shall be kept on site and all trash/garbage shall be removed from the site daily. The dispensing unit or the host must provide verification of a commercial garbage hauling contract to properly remove such waste with a waste hauler franchise approved by the City Commission. It unlawful and an express violation of this section to dispose of commercial waste at a residential location or a public waste receptacle of any kind.
- g. Sanitation facilities (i.e. bathrooms, hand washing sinks, etc) shall be provided as required by the governing State regulatory agency, and where required, they shall be provided and maintained by the Mobile Food Dispensing Unit or the Mobile Food Dispensing Unit Host. Temporary facilities may be provided if approved under the conditional use permit and allowed by the Health Department.
- h. In addition to the standard submittal requirements for a conditional use permit, a the Mobile Food Dispensing Unit Host must submit a site plan which shows the proposed location of the sales area, off street parking, sanitation facilities, and proposed signage for the mobile unit. The site plan must be drawn to scale, using a straight edge (i.e. free drawn sketches will not be accepted) and may be required to include additional relevant elements outlined in Section 5.3 of Crescent City’s *Land Development Code*.
- i. Signage shall be limited to one sandwich style sign per approved Mobile Food Dispensing Unit which shall not to exceed 3 foot in width and 4 feet in height per sign face. Any additional restrictions or exceptions to this subparagraph must be expressly stated in the Conditional Use Permit approving the location for a Mobile Food Dispensing Unit Host.
- j. All Mobile Food Dispensing Units shall obtain all required State and local licensing and certifications and provide documented proof of same prior to establishment of the use, including but not

limited to a Sales Tax Certificate, Food and Beverage Licenses, and local Business Tax Receipts.

- k. The parcel or site utilized by the Mobile Food Dispensing Unit must be zoned GC-1 and the proposed activity shall be limited to the preparation of food and the sale of prepared food and beverages.
- l. The architectural requirements of the Land Development code will be considered and applied in the context of the conditional use permit process.
- m. Mobile Food Dispensing Units involved in a Special Event or other approved temporary use will fall under the umbrella of that event permit under Section 12-35 of this Code and will not need a separate permit.
- n. Any person or entity that violates the conditions or requirements of this subsection, in addition to any other penalties that may apply to the particular violation, may lose the privilege of operating or allowing a mobile food dispensing business. If the code enforcement officer believes the violations are significant and the vendor is not being cooperative, the code enforcement officer may order the vendor to immediately Cease and Desist until such time as the operation comes into compliance or until the matter can be heard by the Code Enforcement Board.

(Ordinance No. 09-05, 4-8-10)

Section 12.135 Festivals, special events and outdoor amusements; permits required

(a) **Time Period.** Temporary festivals, special events and outdoor amusements may be permitted in the City on commercially, industrially or publicly zoned property for a period not to exceed 15 days, upon application for a Special Event Permit from the City.

(b) **Permit Required.** Permits must be obtained prior to commencing the event and shall be issued by City Manager, or his designee, and the Chief of Police; except that a permit application that proposes an event that shall last for more than a forty-eight [48] hour period,, or that shall require the closing of any State or local roadways, be approved by the City Commission.

(c) **Site Plan Required.** In addition to the information required on the application form, the application shall include a detailed site plan. The site plan shall describe the parking and bathroom facility plan for the use.

(d) **Application Fee, Deposit**

- (1) The City Commission may require a permit application fee, the amount of which shall be established by resolution, to cover costs incurred by the City to provide facilities or services to support the festival, special event or outdoor amusement. Such a fee may take into account the cost of labor, materials, equipment or any other City resources that may be necessary to as a direct result of the special event.
- (2) In addition to any application fee that may be required, the applicant may be required to pay a deposit, the amount of which shall be established by a resolution of the City Commission, to insure that the applicant shall clean and restore the premises used for the event to its original condition. The site must be cleaned and restored to its prior condition within three days following the end of the event. If the applicant fails to clean and restore the premises to its prior condition within the required three days, the City may use its own resources to clean and restore the property and the applicant shall forfeit the required deposit.
 - a. If the cost to clean and restore the property exceeds the amount of the deposit, the applicant shall be invoiced and required to pay such additional cost within thirty [30] days of receiving such invoice.
 - b. Additional costs incurred, over and above the deposit, to clean or restore privately owned property that is the subject of a permit under this section, may be assessed against the property in accordance with Section 10.21 of this Code. Nothing herein shall prevent the City from recovering all such additional costs from the applicant in any manner provided at law or equity.

(e) Applications under this section that require the approval of the City Commission must be filed at least thirty [30] days prior to the proposed date of the event. All other applications must be submitted at least ten [10] business days prior to the event. (Ordinance 09-05, 4-8-10)

Section 12.136 Prohibition of Temporary Uses or Events by City Commission

The City Commission may, at any time, determine to prohibit temporary uses, festivals, special events or outdoor amusements otherwise allowed under this section or under any other provision of this Code within certain areas of the geographical limits of the city and for certain specified periods of time. This prohibition may result if the City Commission finds, based upon input and advice from the City Manager or the Chief of Police, it is necessary to regulate traffic and provide for the orderly flow of vehicles and pedestrians during periods of intense traffic. It is the legislative intent of this section to ensure that unreasonable and unsafe congregations of people do not occur in areas of dense traffic and congestion thereby creating a potentially dangerous situation.

(Ordinance 09-05, 4-8-10)

Section 12.137 - 12-157 Reserved

ARTICLE VIII - Pawnbrokers

Section 12.158 Records of transactions

It shall be the duty of all persons operating in the City as pawnbrokers to keep a complete and true record of all transactions showing from whom each article of stock was purchased, the date of purchase, and the date and to whom each article was sold. This record shall, at all business hours, be open to inspection by the police officers of the City or officers with the Putnam County Sheriff's Office.

(Ordinance 09-05, 4-8-10)

Section 12.159 Buying or receiving from minors

It shall be unlawful for the operator of any secondhand jewelry store, or for any pawnbroker, junk dealer or secondhand dealer to buy, take or receive by any way of pledge, pawn or exchange any goods, wares or merchandise or article of personal property of any kind from any persons under the age of eighteen [18] years.

(Ordinance 09-05, 4-8-10)

Section 12-160 - 12-170 Reserved

ARTICLE IX - Commercial Solid Waste Collection Permits

Section 12.171 Requirements

In order to obtain a permit to provide commercial collection services, all persons desiring to provide such services must file an application for a non-exclusive franchise under Section 12.172 and provide evidence of the following qualifications:

(a) The franchisee must provide evidence that it, at its own expense, has obtained all permits and licenses required by law or ordinance and will maintain the same in full force and effect during the term of said permit.

(b) The franchisee shall provide evidence that it, during the term of the permit, will provide and maintain worker's compensation insurance and unemployment insurance in accordance with the laws of the State of Florida for all its employees.

(c) The franchisee shall provide evidence that it, during the term of the permit, will provide and maintain public liability and property damage insurance in at least the following amounts:

General liability:	\$500,000.00
Property damage:	\$100,000.00

(d) The franchisee shall provide a list of vehicles by size and type that will be used to provide services. The franchisee's name and office telephone number shall be prominently displayed on all solid waste collection vehicles.
(Ordinance 09-05, 4-08-10)

Section 12-172 Application

(a) Application for a nonexclusive franchise shall be made to the City Administrative Supervisor. The administrative supervisor or his designee shall review the application to determine if the applicant meets all requirements as set out in Section 12.171. Upon a determination that all standards and criteria have been met, and receipt of the fee required herein, the administrative supervisor or his designee shall issue a nonexclusive franchise for commercial solid waste collection within the City; which permit shall be valid for a period of one [1] year from the date of issuance. All renewals shall be for a one-year period.

(b) The application for a commercial franchise for solid waste collection, including any submittal requirements or prerequisites to submitting such applications and the conditions of operating such a franchise within the City shall be governed by this section, and in Ordinance 8704 and Ordinance 8705, as amended.
(Ordinance No. 8704; Ordinance No. 8705; Ordinance 09-05, 4-8-10)

Section 12.173 Fees

The City Commission hereby establishes the following fees for the commercial solid waste nonexclusive franchise:

Original application fee:	\$100.00
Renewal fee:	\$ 50.00

These fees may be subsequently amended by resolution of the City Commission.
(Ordinance No. 8704; Ordinance No. 8705; Ordinance 09-05, 4-8-10)

Section 12.174 - 12.180 Reserved

ARTICLE X -- Garage Sales

Section 12.181 Defined

Garage Sales, as used in this Article is hereby defined to mean any sale or offering for sale of personal property by a person or persons of a family or other household unit, said personal property having been acquired, possessed and used by the family or household for personal use, as opposed to business or commercial use, when such sale is to be or is conducted at the present residence of such family or household. "Garage sale" shall include sales commonly referred to as patio sales, driveway sales, yard sales and other such sales. "Garage sales" shall not include the sale or offering for sale any goods on consignment.
(Ordinance No. 09-05, 4-8-10)

Section 12.182 Permit required

No garage sale may be conducted within the City without a permit having been first issued for such sale by the code enforcement officer of the City. Such permit shall set forth and restrict the time and location of such garage sale. No more than three [3] such permits may be issued to any one [1] household within the City limits and/or shall be limited in time to no more than the daylight hours of three [3] consecutive days. If the property owner has more than one property within the City limits, he or she shall still be limited to a total of three [3] garage sales per year, however, the garage sale may be located at whichever one of those parcels of property the applicant chooses; provided that the parcel or property in question is suitable for display of goods and the safe flow of vehicular traffic.
(Ordinance No. 09-05, 4-8-10)

Section 12.183 Display of sale property

No property offered for sale or sold shall be displayed outside the permanent structures of the residence, including house, garages, carports, during the hours of darkness.
(Ordinance No. 09-05, 4-8-10)

Section 12.184 Parking

All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances. Further, the police department may enforce such temporary controls which would alleviate any special hazards and/or congestion created by any garage sale.
(Ordinance No. 09-05, 4-8-10)

Section 12.185 Display of Permit and Signage

The permit required by this Article shall be prominently displayed at such sale. Signage advertising a permitted garage sale shall only be allowed on the property where the garage sale is to take place and shall be limited to one sign per road frontage.
(Ordinance No. 09-05, 4-8-10)

Section 12.186 Exception

(a) The provisions of this Article shall not apply to sales of personal property made pursuant to a valid order of a court of competent jurisdiction.

(b) The provisions of this Article shall not apply to sales of property by nonprofit organizations, *i.e.* churches, schools, etc. on property owned or occupied for operation by the nonprofit organization, where such sale of personal property is for the benefit of the organization, and not the individuals conducting the sale.
(Ordinance No. 09-05, 4-8-10)

Section 12.187 Compliance with other regulations

Garage sales shall be conducted in compliance with all laws, ordinances, rules, and regulations not in conflict herewith.

(Ordinance No. 09-05, 4-8-10)

Section 12.188 Penalty

Any person who conducts or aids in conducting any garage sale not in accordance with the provisions of this Article shall be in violation of this Code may be subject to a citation in accordance with Chapter II, Article IV of this Code, in addition to any other remedy available at law or equity to the City.

(Ordinance No. 09-05, 4-8-10)