

## Chapter 14

### LICENSES AND BUSINESS REGULATIONS\*

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\* **Cross References:** Administration, Ch. 2; finance, § 2-266 et seq.; alcoholic beverages, Ch. 3; proximity of establishments to houses of worship, schools, § 3-3; proximity of alcoholic beverage establishments to child care centers, § 3-4; buildings and building regulations, Ch. 5; cable television franchises, Ch. 5A; code enforcement, Ch. 6; key boxes required in certain buildings, § 8-12; smoke detectors and heat detectors required in certain buildings, § 8-31 et seq.; landscaping, Ch. 13; marine structured and activities, Ch. 15; hours of operation for noisy business operations, § 16-3; burglar alarms, § 21-71; et seq.; signs and advertising, Ch. 22, occupational license required for installation of sign, § 22-18; sidewalks, § 22-18; sidewalks, § 23-121 et seq.; hitchhiking or soliciting from roadways prohibited, § 25-2; parking of commercial vehicles prohibited in certain areas, § 25-43; industrial construction or farm equipment prohibited in certain areas, § 25-46; zoning, Ch. 27.

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### ARTICLE I.

### IN GENERAL

**Secs. 14-1--14-15. Reserved.**

### ARTICLE II.

### LOCAL BUSINESS TAXES\*

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\* **State Law References:** Local business taxes, F.S. Ch. 205; certain state licenses required to be presented, F.S. §§ 509.271, 205.195, 205.196, 205.197, 205.198, 205.199, 480.051; regulatory fees, F.S. § 166.221.

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## **Sec. 14-16. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Employee* means all persons directly connected with the business (owner or operator).

*Merchandise* means any goods, wares or commodities bought or sold in the usual course of trade or business.

*Merchant* means any person engaged in the business of selling merchandise at retail or wholesale.

*Person* means any person, firm, corporation, association, partnership, executor, administrator, trustee or other legal entity, singular or plural, as the context requires.

*Person in charge* means the person in the place of business at any time who is charged with the duty of supervising, operating or managing such business at such time.

*Retail merchant* means any merchant who sells to the customer, or for any purpose other than resale.

*Sale* means the transfer of ownership, title or possession, whether conditional or otherwise, for a consideration.

*Wholesale merchant* means any merchant who sells to another for the purpose of resale.

(Code 1964, § 15-1)

**Cross References:** Definitions and rules of construction generally, § 1-2.

**State Law References:** Definitions, F.S. § 205.022.

## **Sec. 14-17. Tax levy.**

The city hereby levies a local business tax for the privilege of engaging in or managing any business, profession or occupation within the city. Such local business tax shall be levied on:

- (1) Any person who maintains a permanent business location or branch office within the city for the privilege of engaging in or managing any business;
- (2) Any person who maintains a permanent business location or branch office within the city for the privilege of engaging in or managing any profession or occupation;
- (3) Any person who does not qualify under the provisions of subsections (1) or (2) and who transacts any business or engages in any occupation or profession in interstate commerce, if such local business tax is not prohibited by section 8 of article I of the United States Constitution.

(Ord. No. 2379, § 7, 12-13-2006)

## **Sec. 14-18. Required to engage in business.**

Every person engaging in or managing any business, profession or occupation in the city, before

entering in any such business, profession or occupation, shall make application for a business tax receipt to the city clerk, and no person shall engage in or manage any such business, profession or occupation until after having made such application and obtaining the required receipt from the city clerk and paying the amount of the local business tax hereinafter described.

(Code 1964, § 15-3; Ord. No. 2021, § 1, 3-1-95; Ord. No. 2379, § 7, 12-13-2006)

**Sec. 14-18.1. Requirement to report status of fictitious name registration.**

As a prerequisite to receiving a local business tax receipt under this article or transferring a business license under section 14-24, the applicant or new owner must present to the city either:

- (1) A copy of the applicant's or new owner's current fictitious name registration, issued by the Division of Corporations of the Department of State of Florida; or
- (2) A written statement, signed by the applicant or new owner, which sets forth the reason that the applicant or new owner need not comply with the Florida Fictitious Name Act (Section 865.09, Fla. Stat., 1994).

(Ord. No. 2021, § 2, 3-1-95; Ord. No. 2379, § 7, 12-13-2006)

**Sec. 14-19. Evidence of engaging in business.**

The fact that any person represents himself as being engaged in any business, calling, profession or occupation for the transaction of which a license is required, or that such a person exhibited a sign or advertisement indicating such business, calling, profession or occupation shall be evidence of liability of such person to pay an local business tax.

(Code 1964, § 15-4; Ord. No. 2021, § 3, 3-1-95; Ord. No. 2379, § 7, 12-13-2006)

**State Law References:** Exemptions, F.S. § 205.063 et seq.

**Sec. 14-20. Persons holding state, county licenses.**

All persons lawfully engaged in any profession, occupation, trade or business within the above-described area on the date that the special act took effect and holding valid state and county licenses therefrom, may, upon paying the local business taxes required by the city, thereupon be entitled to carry on their profession, occupation, trade or business in the city without the necessity of a permit or certificate being granted by the city, but thereafter such persons shall be subject to the same regulations by ordinance as are any other persons who subsequently seek to carry on any profession, occupation, trade or business within the city.

(Ord. No. 1038, § 3, 2-10-82; Ord. No. 2379, § 7, 12-13-2006)

**Sec. 14-21. Authorization.**

The city council is authorized to levy and impose local business taxes, by ordinances, for the purpose of regulation and revenue, upon all occupations, businesses or professions and upon any and all privileges and to create and fix the amounts to be paid; to provide for the collection of the same and to provide penalties for failure or refusal to pay such local business taxes. Business tax receipts shall be issued for the periods and be transferable as provided by ordinance.

(Ord. No. 1038, § 38, 2-10-82; Ord. No. 2379, § 7, 12-13-2006)

**Sec. 14-22. Issuance subject to compliance with chapter.**

No tax receipt shall be issued or granted to any applicant to engage in the business of selling or disposing of merchandise of any kind, at retail or wholesale, or the practice or pursuit of any profession or occupation in this city, except upon the terms and conditions and subject to the provisions of this chapter. (Code 1964, § 15-7; Ord. No. 2379, § 7, 12-13-2006)

**Sec. 14-23. Multiple tax receipts at one location; one tax receipt holder to be responsible for compliance with applicable code and regulations; new local business tax receipt application; prohibiting local business tax receipt issuance when known code violations exist; regular and nonregular code compliance reviews; code compliance review fees.**

(a) Where multiple tax receipts are issued for the same business location, the city clerk shall ascertain which tax receipt holder is responsible for maintaining the business premises in complete compliance with all applicable codes and regulations including, but not limited to, the city comprehensive landscape code, fire code, and the state building code. The clerk shall cause such responsible person to be designated on that person's tax receipt as the responsible person for code compliances. When such responsible person fails to renew his or her tax receipt, the other tax receipt at such business premises shall not have their tax receipt renewed until a new responsible person for code compliance is licensed at such business address.

(b) On any application for a new tax receipt there shall be an application review fee imposed and collected at the time of the application's submittal to the city clerk for review. This fee shall be in the amount of fifteen dollars (\$15.00) and shall be separate and apart from any code compliance review and inspection fees as set forth below.

(c) No tax receipt required by this article shall be issued for a business location when the director of planning, zoning and economic development and/or the chief building official has actual knowledge that the location does not comply with the appropriate zoning laws of the city and all other appropriate codes and regulations, applicable provisions in the electrical, mechanical, plumbing, and fire safety sections of the applicable Florida Building Code, the city's utilities ordinances, the city's zoning ordinances, or the city's landscaping ordinances.

(d) Business locations shall undergo code compliance reviews to help ensure that they continue to satisfy applicable provisions in the electrical, plumbing, mechanical, and fire safety sections of the applicable state building code, the city's utilities ordinances, the city's zoning ordinances, and the city's landscaping ordinances. This code compliance review shall be regularly conducted when a new or different tax receipt is issued for a business location; therefore, businesses which only get the same tax receipt renewed are not required to undergo a regular code compliance inspection. A nonregular code compliance review of a business location may be ordered by the director of planning, zoning and economic at any time.

(e) There shall be imposed a regulatory fee for each premises inspected during code compliance review. The fee shall be equal to the sum of the inspection costs for each type of inspection determined to be necessary by the director of planning, zoning and economic development and/or the chief building official or his designee for the code compliance review, with each individual inspection to be charged at forty-five dollars (\$45.00) per discipline and inspection where no other code compliance inspection fee for such discipline is set forth in this Code. The fee shall be charged to the owner or manager of the premises and a failure to pay the fee

herein imposed shall be a violation of this Code, punishable as provided by this Code.

(Code 1964, § 15-8; Ord. No. 1446, § 1, 12-17-86; Ord. No. 1601, § 2, 1-11-89; Ord. No. 2261, § 1, 10-13-2001; Ord. No. 2295, § 2, 3-12-2003; Ord. No. 2379, § 7, 12-13-2006)

**Cross References:** Building code, § 5-41; code compliance reviews, § 5-118 et seq.; fire code, § 8-2; landscaping, Ch. 13; utilities, Ch. 256, zoning, Ch. 27.

#### **Sec. 14-24. Expiration date; partial year tax receipts; refund procedures.**

(a) All tax receipts issued under this article shall expire on the thirtieth day of September of each year. No tax receipt shall be issued for more than one (1) year. For each tax receipt obtained between October 1 and April 1, the full tax for one (1) year shall be paid; for each tax receipt obtained from April 1 to June 30; one-half ( 1/2) the full tax for one (1) year shall be paid; and for each tax receipt obtained between July 1 and September 30, one-quarter ( 1/4) of the full tax for one (1) year shall be paid except as otherwise provided in this section. Any owner of an tax receipt may surrender the tax receipt to the city clerk when he ceases to engage in such enterprise within the city, and he shall be entitled to a proportionate refund of the local business tax paid for the remaining unused period of such tax receipt upon its surrender, pro-rated based on the number of whole months then remaining for the time period for which the tax receipt was paid, less an administrative fee of twenty dollars (\$20.00).

(b) All tax receipts may be transferred to a new owner where there is a bona fide sale of the business upon payment of a transfer fee of equal to ten (10) percent of the annual local business tax; provided, however, that such transfer fee shall be not less than three dollars (\$3.00) nor more than twenty-five dollars (\$25.00). Such fee shall be accompanied by the presentation of the original tax receipt and evidence of the sale.

(c) Upon written request and presentation of the original tax receipt, any tax receipt may be transferred from one (1) location to another location in the city upon payment of a transfer fee equal to ten (10) percent of the annual local business tax; provided, however, that such transfer fee shall be not less than three dollars (\$3.00) nor more than twenty-five dollars (\$25.00).

(Code 1964, § 15-9; Ord. No. 1793, § 1, 8-21-91; Ord. No. 2021, § 4, 3-1-95; Ord. No. 2379, § 7, 12-13-2006)

#### **Sec. 14-25. Renewal; proper maintenance of landscaping required.**

(a) Every person issued an tax receipt under this article shall make application for renewal of such tax receipt to the city clerk for each year, or any portion thereof, beginning on the first day of August, and shall pay the amount of the local business tax hereinafter described; provided, however, that no such person engaging in or managing any business, profession or occupation in the city who maintains or is responsible for maintaining any outdoor landscaping consisting of plants or trees on the premises of such business shall be eligible for renewal of such tax receipt unless the plants and trees included in that outdoor landscaping are alive and maintained in a healthy and neat manner. The words "every person" as used in this section means individuals, corporations, business or professional entities or any of the foregoing.

(b) Any person who is denied the issuance of a renewal tax receipts for failure to comply with the requirements in subsection (a) above shall have a thirty-day extension period from the date of such denial to replace or restore those plants or trees found to be maintained in an unacceptable manner. During the thirty-day extension period granted to allow compliance with this section, such person may continue to engage in or manage his business, profession or occupation in the city.

(c) The chief building official of the city or one of his assistants shall determine the condition of such plants or trees and whether or not any applicant has complied with the requirements of this section. The determination of the chief building official or one of his assistants shall be conclusive and final.

(d) The chief building official may for good cause shown allow an applicant for renewal of such tax receipt two (2) additional thirty-day extension periods on the previously issued tax receipt in order to comply with the requirements of this section.

(e) Each applicant shall pay an additional fee on the previously issued tax receipt of one-twelfth the applicant's annual tax receipt fee for each thirty-day extension period, or any portion thereof, needed to comply with the provisions of this section.

(f) The failure of any applicant to obtain the renewal of such tax receipt within the thirty-day extension period provided after an initial denial thereof under the provisions of this section, or within such additional thirty-day extension periods as may be granted by the chief building official, shall require such applicant to immediately cease engaging in or managing his business, profession or occupation in the city until such time as his tax receipt is renewed.

(Code 1964, § 15-9.1; Ord. No. 2379, § 7, 12-13-2006)

#### **Sec. 14-26. Separate licenses required for each business; duration.**

Whenever a tax receipt is levied against any profession, trade, shop or business, as provided in section 14-39, such tax receipt shall be required to be paid to carry on such business whether it be connected or operated in conjunction with any other business or not, unless the contrary intention appears. The tax receipts levied against any trade, shop or business described in the schedule of classifications of businesses, professions or occupations, shall be paid by each person engaged in such trade, running or operating such shops or business, unless the contrary appears. The tax receipt levied against the various professions, trades and businesses described in the classifications of businesses, professions or occupations shall be for a yearly privilege, unless the contrary appears.

(Code 1964, § 15-10; Ord. No. 2379, § 7, 12-13-2006)

#### **Sec. 14-27. Exhibit on demand.**

Every person having a tax receipt shall exhibit same when called upon to do so by an authorized officer of the city and all licenses must be conspicuously displayed at all times.

(Code 1964, § 15-11; Ord. No. 2379, § 7, 12-13-2006)

#### **Sec. 14-28. Posting.**

It is hereby made the duty of any person exercising the privilege of conducting a business, occupation or profession for which a tax receipt is required by this article, to post his receipt in a conspicuous place in or about his place of business where it may be seen upon inspection by any official of the city, and for his failure to do so he shall, upon conviction, be punished as provided herein.

(Code 1964, § 15-12; Ord. No. 2379, § 7, 12-13-2006)

#### **Sec. 14-29. Revocation.**

At any time during the period for which a tax receipt is issued, it is discovered and determined by the city clerk or the chief of police that any statement contained in the application upon which the license is issued is untrue, or if the person to whom such tax receipt is issued has violated the ordinances or laws of the state in the practice of the profession or business for which such tax receipt is issued, the city clerk may revoke such tax receipt so issued, in which event no portion of the local business tax shall be refunded to the person to whom it is issued.

(Code 1964, § 15-13; Ord. No. 2379, § 7, 12-13-2006)

#### **Sec. 14-30. Rebate of fees.**

No portion of any local business tax assessed in this article shall be rebated, unless it clearly appears that such local business tax was collected by mistake or error, and before making such rebate to a tax receipt holder all amounts payable under a proper tax receipt shall be paid by such tax receipt holder.

(Code 1964, § 15-15; Ord. No. 2379, § 7, 12-13-2006)

#### **Sec. 14-31. Making false affidavits to procure tax receipt.**

It shall be unlawful for any person willfully to make any false written affidavit as to the amount of capital invested, or the value of stock, goods, or other property invested in the business, and file such affidavit with the city clerk or any other city official, for the purpose of procuring a tax receipt for a less sum than is lawfully payable by the affiant, or his principal, and any such tax receipt so obtained shall be void.

(Code 1964, § 15-16; Ord. No. 2379, § 7, 12-13-2006)

#### **Sec. 14-32. Due date; penalty for delinquency.**

(a) Local business tax receipts shall be sold beginning August 1 of each year and the applicable tax shall be due and payable on or before September 30 of each year. If September 30 falls on a weekend or holiday, the tax shall be due and payable on or before the first working day following September 30. Those tax receipts not renewed when due and payable are delinquent and subject to a delinquency penalty of ten (10) percent for the month of October, plus an additional five (5) percent penalty for each subsequent month of delinquency until paid. However, the total delinquency penalty shall not exceed twenty-five (25) percent of the local business tax for the delinquent establishment. The penalties imposed by this section shall be collected in addition to the amount of the local business tax, and the payment of such penalty shall not be a defense in any proceedings charging the offense of doing business without a tax receipt under this article.

(b) Any person engaging in or managing any business, occupation, or profession without first obtaining a tax receipt as required by this chapter shall be subject to a penalty of twenty-five (25) percent of the tax receipt determined to be due, in addition to any other penalty provided by law or ordinance. The penalty under this subsection will apply to persons not initially obtaining a tax receipt, as opposed to nonrenewals, for which nonrenewals subsection (a), above, will apply.

(c) Any person engaging in any business, occupation or profession covered by this article, who does not pay the required local business tax within one hundred fifty (150) days after the initial notice of tax due, and who does not obtain the required tax receipt is subject to a civil action for collection of the tax, as well as the applicable penalties specified in subsection (a), and shall be liable for court costs, reasonable attorneys' fees,

additional administrative costs incurred by the city as a result of collection efforts and an additional penalty of two hundred fifty dollars (\$250.00).

(Code 1964, § 15-18; Ord. No. 1793, § 2, 8-21-91; Ord. No. 2021, §§ 6, 7, 3-1-95; Ord. No. 2379, § 7, 12-13-2006)

**Sec. 14-33. Appointment of local business tax receipt inspector; duties.**

It is hereby made the duty of the city clerk to appoint a tax receipt inspector of the city. Such tax receipt inspector shall have the authority to investigate all businesses, occupations and professions in the city. The inspector shall make such inquiry as necessary to determine whether or not a tax receipt has been procured for the business or occupation. The inspector shall report to the city clerk the names of all persons engaged in business without a tax receipt.

(Code 1964, § 15-19; Ord. No. 2379, § 7, 12-13-2006)

**Sec. 14-34. Cases where tax depends on amount of capital, value of stock, number of employees.**

Firms operating what are known as warehouses (no sale) from which they furnish and replenish their stores, are required to obtain a separate storage tax receipt, section 14-39, classification (31), for each distributing house or place in the city operated for the purpose of distributing goods, wares and merchandise among his or its retail stores. Any classified warehouse or storage depot conducting merchandise sales must secure a proper tax receipt in the classification which applies to the operation.

(Code 1964, § 15-20; Ord. No. 2208, § 1, 12-15-99; Ord. No. 2379, § 7, 12-13-2006)

**Sec. 14-35. Tax on interstate businesses.**

The tax imposed by this article on express companies, railroad companies, telephone companies, telegraph companies and other companies engaged in interstate commerce, is imposed upon the business actually done by any such company within the city and to and from points within the state, and is not imposed upon any business done by the United States government or upon interstate business.

(Code 1964, § 15-22)

**Sec. 14-36. License tax for machines, instruments; distributor's license.**

Whenever a license tax is required to be paid upon any machine or instrument such as section 14-39, classification numbers (1)b.1,(1)b.2, (1)b.3, (2), etc., and a distributor's license is required to be paid by the distributor who distributes, services, collects for use of, or manages or supervises such machines, the city clerk shall require the distributor to pay the distributor's license before issuing a license for any such machine. Whenever a license or a tax is required to be paid on any machine, vehicle, etc., such license or other evidence of payment of tax must be affixed in a permanent place upon such machine, vehicle, etc., as designated by the city clerk.

(Code 1964, § 15-23; Ord. No. 1793, § 3, 8-21-91; Ord. No. 2208, § 3, 12-15-99)

**Sec. 14-37. Unclassified occupations; display, sale of Christmas trees and other seasonal items.**

(a) Every business, occupation, profession or exhibition, substantial, fixed or temporary, engaged in by any persons, whether in a building, tent or upon a street, vacant lot or any where in the open air, within the

city, and not specifically designated in this article, shall pay a local business tax of one hundred five dollars (\$105.00).

(b) The display and sale of Christmas trees and other seasonal items such as fireworks, pumpkins, etc. upon vacant property is limited to nonresidentially zoned property and must be conditionally permitted by the city council. Such conditional approval may include, among other conditions, the providing of public liability insurance in such amounts and form as the city determines to be necessary, a cash bond for site cleanup in the minimum amount of one hundred dollars (\$100.00), methods and means of securing safe on site traffic circulation and ingress/egress from public rights-of-way, limitations on the days and hours of operation of activities, the provision of security and public safety (police, fire, and EMS) personnel, and other measures as the city council deems appropriate given the size, type, location, estimated attendance, and character of the activity. Such display and sale must be behind the property setback lines established by the city zoning regulations and each applicant shall post with the city a cash bond in addition to the one hundred five dollar (\$105.00) local business tax due each year. The cash bond is required to ensure that the property is fully cleaned and cleared and returned to its original condition, and failing to be returned to proper condition as set forth in this subsection, the bond shall be retained by the city and the city shall use it to defray the cost of having the property cleaned and cleared and any materials on it removed. The city shall not be responsible for any property so removed. Further, one (1) temporary building may be placed upon the property for use during the sale period which must be inspected for safety by the building department; however, no permit fee shall be required. (Code 1964, § 15-30; Ord. No. 1793, § 4, 8-21-91; Ord. No. 2021, § 8, 3-1-95; Ord. No. 2208, § 4, 12-15-99; Ord. No. 2345, § 1, 8-10-2005; Ord. No. 2379, § 7, 12-13-2006)

#### **Sec. 14-38. Home occupations.**

Home occupations are permitted in the city's residential use districts subject to the city zoning code regulations contained in section 27-664 of this Code. Subsection 27-664(c) of this Code contains the application requirements for local business tax receipts, and subsection 27-664(d) of this Code imposes a fifteen dollar (\$15.00) application processing fee. The tax payable for the home occupation shall be determined based on the classification of the occupation, profession, or business being conducted in the residence (for example, a home mortgage broker occupation shall pay the local business tax for the mortgage broker license classification, a home answering service occupation shall pay the tax specified in the answering services classification, etc.), provided, however, that no application may be made and no tax receipt shall be issued for any business use involving any retail sale, whether by telephone, mail or otherwise. For purposes of this section, the term "retail sale" shall have the definition ascribed to it which appears in section 27-1 of this Code. The tax receipts are subject to cancellation by the code enforcement board or city council in the event the board or council determines that there is a violation of the home occupation regulations, in which event no business activity may be conducted upon the premises. In addition, the city clerk is not authorized to issue a tax receipt for a residence where the same owner or applicant had a tax receipt canceled as a result of violation of this Code prior to its expiration date.

(Ord. No. 2089, § 2, 6-19-96; Ord. No. 2113, § 2, 12-11-96; Ord. No. 2379, § 7, 12-13-2006)

#### **Sec. 14-39. Local business tax schedule.**

Local business tax receipts shall be issued to cover only one (1) location and only one (1) of the occupations or business classifications hereinafter set out, unless stated. The amounts assessed as local business taxes against the various classifications of business professions and occupations are hereby fixed as follows:

*Class Amount of  
Number Classification Local business Tax*

- (1) AMUSEMENT AND ENTERTAINMENT FACILITIES and related ancillary uses and devices for other businesses
- a. Adolescent recreation centers and amusement arcades (not including machines, game, etc.) (Maximum \$2,250.00 for all tax receipts in (1)a. and (1)b. per location. . . . . \$525.00
  - b. Amusement machines, etc. (including games of skill, all video machines, billiards, pool or bagatelle tables, bowling alleys, skee ball, jukeboxes, amusement rides (whether mobile or fixed such as merry-go-rounds)
    - 1. Distributor (local business tax must be paid by distributor before machine handled and services by such distributor can be operated in the city) . . . . . 105.00
    - 2. Each machine, game, device, etc., charging 1 cent through 49 cents . . . . . 26.25
    - 3. Each machine, game, device, etc., charging 50 cents or more . . . . . 52.50

For Class Number (1)b.1., 2., and 3., the business owner at the tax receipt location must furnish the names and addresses of the distributors of machines and a listing of all machines at the business location. The business owner of the place where the machines are located is liable for the local business tax if the distributor does not pay it.
  - c. Balls, concerts, entertainment or exhibitions for which admission is charged (except for charitable, civic organization or church purposes), each performance . . . . . 36.75
  - d. Golf driving ranges . . . . . 110.25
  - e. Golf courses, which may include restaurant, pro shop, tennis courts, driving range or swimming pool . . . . . 420.00
  - f. Miniature golf links . . . . . 82.00
  - g. Movie pictures, or other theaters or places of amusement, per location:
    - 1. Up through 500 seats . . . . . 220.50
    - 2. 501 through 1,000 seats . . . . . 409.50
    - 3. 1,001 through 2,000 seats . . . . . 467.25
    - 4. 2,001 through 4,000 seats . . . . . 519.75

- 5. Over 4,000 seats . . . . . 577.50
- h. Theatrical or dramatic shows, in theatres and motion picture houses or in structures or areas designed and intended to be used primarily for theatrical productions or exhibitions of motion pictures to the public at large (this classification does not require payment for motion picture films being shown in such premises).
  - 1. First day . . . . . 36.75
  - 2. Each additional day . . . . . 21.00
- (2) AUTOMATIC TRADE OR SERVICE MACHINES, such as gum, peanuts, drinks, candy, tobacco, any weighing or service machines (excluding machines operated exclusively for charities), and automatic teller machine (not located at a financial institution).
  - a. 1 cent, each machine . . . . . 4.10
  - b. 2 cents through 24 cents and all weighing machines, each machine . . . . . 20.50
  - c. 25 cents through 49 cents, each machine . . . . . 26.25
  - d. 50 cents or more, each machine . . . . . 52.50
  - e. Distributors . . . . . 105.00
  - f. Service machines
    - 1. 1 cent through 25 cents, each machine . . . . . 20.50
    - 2. 26 cents through 49 cents, each machine . . . . . 26.25
    - 3. 50 cents or more, each machine . . . . . 33.00
    - 4. Automated teller machine . . . . . 33.00

For Class Numbers (2)a. to and including f., the business owner at the tax receipt location must furnish the names and addresses of the distributors of the machines and a listing of all machines at the business location. The business owner of the place where the machines are located is liable for the local business tax if the distributor (or financial institution in the case of an automated teller machine) does not pay it. Local business tax must be paid before machines handled and serviced by such distributor can be operated in the city.

- (3) CHILD CARE CENTERS, for profit . . . . . 136.50

Proof of current license issued by the Florida Department of Health and Rehabilitative Services is required before a tax receipt is issued.

(4) CONTRACTORS (including owner-builders) shall carry liability insurance as required by the state and the city while such erection is in progress from the issuance date of the building permit therefor until the certificate of occupancy thereon.

a. General contractors, building . . . . . 136.50

b. Engineering contractors, including structure and reinforced iron and steel, utility installations, bridges, bulkheading, drainage excavating, wastewater construction, dredging, pile driving, bulkheading and seawall construction, street grading and paving, sidewalks, and similar construction, either or all . . . . . 136.50

c. Owner-builder (one house per year) . . . . . 105.00

(Over one house--General contractor)

d. All other contractors (contractors liability certificate of competence, and insurance required) . . . . . 105.00

1. Air conditioning, heating and/or commercial refrigeration

2. Alarms (security, fire or both, etc.)

Proof of a current certificate issued by the state for a fire alarm contractor is required before a tax receipt is issued.

3. Awnings, all types and/or storm shutters and jalousies

4. Boiler installation

5. Bottle gas, installation of

6. Cabinet and interior installations

7. Carpentering (separate from any other contractor classification)

8. Carpet and/or floor covering installations

9. Ceilings/acoustical tile

10. Concrete placing and finishing

11. Crane service

12. Demolition
13. Electrical
14. Elevator
15. Fence installation
16. Flooring and sanding
17. Garage doors
18. Gasoline service station equipment installing
19. Glass and glazing
20. Guniting and sandblasting
21. House moving and house wrecking
22. Insulating buildings
23. Intercommunication installations
24. Landscaping, tree surgeon and trimming
25. Lawn irrigation system
26. Lot cleaning and grading
27. Masonry, brick, stone, cement block, concrete
28. Ornamental iron, bronze, aluminum, steel and metals installation and/or welding
29. Painting, waterproofing, paper hanging, etc.
30. Plastering, stucco, lathing, lime, cement, etc.
31. Plumbing and gas fitting, piping, heating, (water or steam) sprinkler systems
32. Roofing and/or sheet metal
33. Roof cleaning and painting
34. Roof decking specialties

- 35. Sandblasting
- 36. Screen enclosures
- 37. Sealcoating
- 38. Septic tanks
- 39. Sign erecting (other than electric)
- 40. Sign erecting, electrical
- 41. Steel reinforcing and iron
- 42. Steel sash and window unit installation
- 43. Superintendent or supervisor of construction (only if state license is required)
- 44. Swimming pool construction and/or repair
- 45. Television antenna or cable installation and service (includes radio and stereo)
- 46. Termite treating
- 47. Tile, terrazzo, marble, and granite
- 48. Venetian blind installation
- 49. Well drilling
- 50. Window and screen repairs and services
- 99. Unclassified (not included in above)

- (5) EDUCATION, TRAINING FACILITIES, and private schools, for profit (not at a city facility)
  - a. Business colleges, private and specialty schools and training facilities for arts, dance, music, artisans, workers, professionals, etc . . . . . 110.25
  - b. Instructors and tutors (not in conjunction with classification a. above) . . . . . 52.50
  - c. Unclassified . . . . . 110.25

Proof of current license, registration or letter of exemption issued by the Florida Department of Agriculture and Consumer Services is required for any ballroom dance studio before a tax receipt is issued.

(6) FINANCIAL INSTITUTIONS AND SERVICES

- a. Banks and trust companies . . . . . 383.25
- b. Savings and loan associations . . . . . 383.25
- c. Finance and discount companies, liquidating accounts, whether purchased or not . . . . . 383.25
- d. Personal finance companies . . . . . 383.25
- e. Credit card or debit card companies . . . . . 383.25
- f. Investment and/or security brokers selling stocks, bonds futures, options, mutual funds, limited partnerships, tax shelters, and/or commodities at established place of business . . . . . 262.50
- g. Credit unions, associations, firms or corporations . . . . . 110.25
- h. Mortgage brokers (negotiating loans for a fee) . . . . . 189.00
- i. Mortgage lender (not otherwise described above) . . . . . 189.25
- j. Consumer and/or credit consulting or reporting (for a fee) . . . . . 110.25
- k. Financial advisors . . . . . 189.00

(7) FOOD SERVICE, restaurants, bars, nightclubs, restaurant bars, hotel bars, restaurant entertainment facilities, lunchrooms and public eating places where food is served in connection with or separate from other business, (based on seating capacity as shown on health department's certificate)

- a. 1 through 15 persons . . . . . 88.00
- b. 16 through 50 persons . . . . . 131.25
- c. 51 through 150 persons . . . . . 262.50
- d. 151 through 250 persons . . . . . 420.00
- e. Over 250 persons . . . . . 441.00
- f. Caterers or confectioners, not in conjunction with a restaurant . . . . . 105.00
- g. Carry-out or delivery only . . . . . 105.00

- h. If establishment provides live entertainment at any time during the year, add \$105.00 to the local business tax.
- i. Bars
- j. Nightclubs
- k. Restaurant bars
- l. Hotel bars
- m. Restaurant entertainment facilities

The local business tax will be based on the number of seats within the establishment that houses the use, whether or not catering or confectioning occurs, whether carry out or delivery occurs, and whether live entertainment occurs, according to the schedule above.

Proof of issuance of a license by the Florida Division of Hotels and Restaurants (of the Florida Department of Business and Professional Regulation) is required before a tax receipt is issued.

If the business is a bar, hotel bar or nightclub (which are presently prohibited in the city and are being provided for herein since some operate as nonconforming uses), such activity described shall be typed on the issued tax receipt to identify which type of food services classification is being conducted. If a restaurant has a restaurant bar or restaurant entertainment facility, such use shall be typed on the issued tax receipt. No tax receipt issued by the city for any one premise shall have more than one of the following types of activity descriptions typed thereon: bar, nightclub, restaurant bar, restaurant entertainment facility.

- (8) FUNERAL HOMES (Not including professional license for undertaker or embalmer) . . . . . 157.50
- (9) GASOLINE SERVICE STATIONS including car wash
  - a. Two pumping devices or less . . . . . 131.25
  - b. Three to five pumping devices . . . . . 220.50
  - c. Six or more pumping devices . . . . . 330.75
  - d. Retail other than automotive parts including take-out service . . . . . 105.00
  - e. Repair - automobile and for motor vehicles . . . . . 105.00
- (10) HEALTH CLUBS, GYMS, AND/OR ATHLETIC CLUBS OR FITNESS CTRS. . . . . 246.75

Proof of current license, registration or letter of exemption issued by the Florida Department of Agriculture and Consumer Service is required before a tax receipt is issued.

(11) LANDSCAPING, NURSERY, LAWN SERVICES, GARDENERS, ETC.

- a. Lawn services, gardeners and caretakers, all activities, necessary to be performed in connection with the maintenance of yards and gardens together with the utilization of power tools for these purposes. The word "landscape" cannot be used in connection with this tax receipt in any manner . . . . . 99.00
- b. Services performed in connection with the landscape maintenance of properties, the proper maintenance of trees and palms and their related activities . . . . . 131.25
- c. Certified professionals (see professional classification)
- d. Offices only--No licensed professional . . . . . 105.00
- e. Nursery, shrubs, trees and plants sold, local business tax upon area of premises used in business
  - 1. Up through 5,000 square feet of area used . . . . . 82.00
  - 2. 5,001 through 10,000 square foot area used . . . . . 110.25
  - 3. 10,001 though 15,000 square foot area used . . . . . 165.00
  - 4. Over 15,000 square feet area used . . . . . 220.50

(12) MAIL ORDER ESTABLISHMENTS OR OFFICE . . . . . 105.00

(13) MANUFACTURES, MANUFACTURING, ASSEMBLY, ASSEMBLY LINE, each location

- a. Up through 1,250 square feet . . . . . 82.00
- b. 1,250 through 5,000 square feet . . . . . 110.25
- c. 5,001 through 10,000 square feet . . . . . 137.50
- d. 10,001 through 20,000 square feet . . . . . 165.00
- e. 20,001 through 50,000 square feet . . . . . 220.50
- f. 50,001 through 100,000 square feet . . . . . 330.75
- g. Over 100,000 square feet . . . . . 551.25

(14) MEDICAL AND RELATED SERVICES AND FUNCTIONS

- a. Ambulance service . . . . . 162.75
- b. Clinics (with no licensed professional) including research, treatment, testings, screening, and counseling . . . . . 162.75
- c. Health maintenance (HMO), health claims and administration, and preferred provider (PPO) organizations . . . . . 273.00
- d. Hospitals, adult congregate living, retirement facilities, sanitariums, convalescent homes and nursing homes
  - 1. Up through 10 beds . . . . . 162.75
  - 2. 11 through 30 beds . . . . . 220.50
  - 3. 31 through 50 beds . . . . . 273.00
  - 4. 51 through 75 beds . . . . . 330.75
  - 5. 76 through 150 beds . . . . . 393.75
  - 6. 151 through 300 beds . . . . . 399.00
  - 7. Over 300 beds . . . . . 404.25
- e. Hospitals and/or clinics for animals . . . . . 157.50
- f. Laboratory (with no licensed professional) . . . . . 162.75
- g. Medical billing . . . . . 162.75
- h. Professional, individual and corporation (see that classification)
- i. Service (not otherwise classified) . . . . . 162.75

(15) MERCHANTS, (paid on square footage basis, unless otherwise specified) square footage of the entire area of the premises

- a. All merchants unless otherwise classified
  - 1. Up through 1,250 square feet . . . . . 105.00
  - 2. 1,251 through 2,500 square feet . . . . . 165.00

- 3. 2,501 through 5,000 square feet . . . . 262.50
- 4. 5,001 through 10,000 square feet . . . . 525.00
- 5. 10,001 through 20,000 square feet . . . . 813.75
- 6. 20,001 through 50,000 square feet . . . . 1,312.50
- 7. 50,001 through 100,000 square feet . . . . 2,310.00
- 8. Over 100,000 square feet . . . . 2,362.50
- 9. Temporary merchants (pushcarts, special event vendors, free standing (nonrolling stock) per engagement)  
Nonrefundable (limited to 90 days) . . . . 63.00

10. Temporary promoters (for profit)  
Nonrefundable (limited to 90 days) . . . . 63.00

- b. Auction sales, per year, per place of business . . . . 1,050.00
- c. Auctioneers (not to firm or corporation; individuals only)
  - 1. Real estate, per auction (licensed real estate broker or salesman) . . . . 105.00
  - 2. Personal property, per auction . . . . 105.00
  - 3. Liquidation-stock and/or fixtures, per auction . . . . 105.00

Proof of current license issued by Florida Department of Business and Professional Regulation or proof of exemptions from licensure is required before a tax receipt is issued.

- d. Seasonal sales (not in connection with other business issued a tax receipt) posting a cash bond is also required under section 14-37 . . . . 105.00
- e. Distributors, including import/export with no retail establishment . . . . 110.25
- f. Mailbox centers, including related service usages . . . . 105.00

For this business, the owner and operator is required, on the first day of January, April, July and October of each year, to furnish a list to the city clerk, identifying all of the renters of mail boxes. Failure to timely furnish any list may result in tax receipt revocation or denial of renewal.

- g. Motion picture/video production companies . . . . . 131.25
- h. Pawnbrokers (must meet state record keeping requirements) . . . . . 383.25

Proof of current registration issued by the Florida Department of Revenue is required before a tax receipt is issued.

- i. Salespersons, manufacturers' representatives, etc. (who is not an employee of a Plantation business issued a tax receipt) . . . . . 105.00
- j. Vehicle and marine dealers, including autos, trucks, four-wheel drive vehicles, all terrain vehicles, motorcycles, trailers, mobile homes, boats, yachts, ships, etc. a separate local business tax is required for each of the following five matters:

- 1. Display room and/or lot for new vehicles . . . . . 220.50
- 2. Display room and/or lot for used vehicles . . . . . 220.50

For Class Numbers (16)j.1 and 2, proof of current license issued by Florida Department of Business and Professional Regulation is required before a tax receipt is issued.

- 3. Ancillary uses on same site (including paint shop, body shop, top and upholstery shop, and washing, polishing, auto leasing/rental, towing service, and other automotive repair work) . . . . . 105.00
- 4. U-drive-it company (lease or rental of vehicles and trailers) per location or ancillary use
  - a. No units on location to 10 units . . . . . 105.00
  - b. 11 through 25 units . . . . . 262.50
  - c. 26 through 50 units . . . . . 525.00
  - d. 51 through 100 units . . . . . 813.75
  - e. Over 100 units . . . . . 1,365.00
- 5. Limousine and transportation service-vehicles onsite or office only . . . . . 105.00

(16) MOBILE HOME PARK OR RECREATION TOURIST PARK

(Total classification fee is not to exceed \$2,362.50 for each individual business)

- a. Not exceeding 10 units . . . . . 105.00

- b. For each additional unit . . . . . 5.50
- (17) MOVING AND STORAGE COMPANIES . . . . . 165.00
- (18) NEWSPAPERS AND PERIODICALS
  - a. Single publication . . . . . 136.50
  - b. Two or more publications . . . . . 220.50
- (19) NONPROFIT ORGANIZATIONS, Permanent office . . . . . 82.50

Proof of existence evidenced by a Certificate of Status issued by the Florida Department of State is required before a tax receipt is issued.

- (20) PROFESSIONAL, fee assessed based on each person engaged in the business and not against the firm or corporation. Each individual must acquire a separate tax receipt for each classification desired. Such tax receipt shall be nontransferable . . . . . 136.50
  - a. Actuaries
  - b. Acupuncturists
  - c. Analytical chemists
  - d. Architects
  - e. Attorneys at law
  - f. Audiologist
  - g. Certified public accountants
  - h. Chiropractors
  - i. Clinical social workers
  - j. Counselors/therapists, family and marriage
  - k. Dentists
  - l. Detectives or investigators (permit from police chief required)
  - m. Dieticians/nutritionists
  - n. Electrologists

- o. Engineers and surveyors
- p. Homeopathic physicians
- q. Hypnotists
- r. Laboratory technicians (includes dental and medical)
- s. Landscaping architect
- t. Massage therapist
- u. Mental health counselors
- v. Nurse practitioner
- w. Occupational therapist
- x. Optician, optometrist, oculist or ophthalmologist
- y. Osteopath
- z. Pediatrician
- aa. Physical therapist
- bb. Physicians, surgeons and specialists
- cc. Physiotherapist
- dd. Planners (nonfinancial and financial, not classified as a broker)
- ee. Podiatrists
- ff. Psychiatrist
- gg. Psychologist
- hh. Taxidermist
- ii. Undertaker or embalmer
- jj. Veterinarian and veterinary surgeon
- zz. Unclassified profession

Any person applying for the first time for a tax receipt, must exhibit or prove the existence of an active state certificate, registration or license, before a tax receipt is issued.

(21) PROFESSIONAL AND NONPROFESSIONAL  
CORPORATIONS/PARTNERSHIPS/ASSOCIATIONS

In conjunction with an individual professional license (Classification 21), this tax receipt not required . . . . . 78.75

(22) PROPERTY MAINTENANCE, including handyman . . . . . 88.00

(Building, electric, plumbing, etc., permits as required by licensed contractor)

(23) RECORD, COMPACT DISC AND AUDIO-VISUAL COMPANIES, including recording, reproduction, manufacturing and shipping . . . . . 131.25

(24) RENTALS

a. Apartments, boardinghouses, hotels, and motels renting furnished rooms or apartments (does not permit dining room without restaurant license). (Total classification fee is not to exceed \$2,362.50 for each individual business)

1. Not exceeding 10 units . . . . . 105.00

2. Each additional room or unit . . . . . 5.50

3. Each additional apartment . . . . . 7.80

b. Storage warehouse or storage rooms including cold storage for hire or use, not otherwise licensed by occupant.

1. Up through 5,000 square feet . . . . . 82.50

2. 5,001 through 10,000 square feet . . . . . 110.25

3. 10,001 through 20,000 square feet . . . . . 136.50

4. 20,001 through 50,000 square feet . . . . . 220.50

5. 50,001 through 100,000 square feet . . . . . 330.75

6. Over 100,000 square feet . . . . . 551.25

c. Rental leasing office (onsite only and in connection with "RENTALS", paragraph a.) . . .

.. 78.75

- d. Rental of miscellaneous personal property other than vehicles (not in connection with other tax receipts) . . . . . 105.00

(25) REPAIR AND MAINTENANCE (noncontractors) . . . . . 105.00

- a. Appliance
- b. Automobile and/or motor vehicle (not part of a dealership), all types
- c. Bicycle, cub-cars, scoot mobiles, etc.
- d. Boiler and steam engine
- e. Computers, electronic equipment
- f. Detailing and carwash
- g. Firearm
- h. Jewelry and watch repair
- i. Keys, locks, knives, lawnmowers, sharpening and grinding
- j. Motorcycle and/or bicycle
- k. Office equipment
- l. Radios, television, recorders, cd's and other household electrical appliances
- m. Sewing machine repairs and/or rentals
- n. Shoe repair and/or bootblack
- o. Swimming pool maintenance
- z. Unclassified

(26) SERVICES (where no state license is required) . . . . . 105.00

- a. Abstract and/or title companies
- b. Accounting, bookkeeping and/or tax services
- c. Advertising, public relations, direct mail agent (any and all kinds)

- d. Administrative/management services and other nonsales offices (not otherwise classified)
- e. Agency, or agents, where no other applicable classification is provided
- f. Appraisers (other than property or real estate)
- g. Airline ticket office/agencies
- h. Animal grooming services
- i. Answering services
- j. Artists, writers, songwriters, etc.
- k. Auto tag agency, private
- l. Burglar alarm companies or agents - monitoring only - all installers must be contractors as classified under (4)d.2. (permits for individual alarms to be obtained from police department)
- m. Carpet cleaners and steam cleaners
- n. Check cashing (nonancillary)
- o. Collection and claim agencies
- p. Computer programming, software support, website designers, sales personnel, consultants, system analysts and other nonrepair computer services
- q. Consultants (nonstate licensed)
- r. Draftperson
- s. Dry cleaning, linen supply, diaper supply and laundry
  - 1. Plants
  - 2. Pickup stations, each
  - 3. Self-service
- t. Employment agencies
- u. Fire extinguisher service

- v. Fraud protection
- w. Fund raisers
- x. Home inspections
- y. Human resources and social services organizations for profit
- z. Interior decorators

Proof of liability insurance is required before a tax receipt is issued.

- aa. Janitorial services--Office/house cleaner
- bb. Machine shops, not working on vehicles
- cc. Messenger/courier/delivery service, nonancillary
- dd. Personal trailer
- ee. Photographer
- ff. Pressure cleaner
- gg. Printers, directories, lithographing, embossing book publishing, rubber stamps, engravers, blueprinting, and typesetting
- hh. Promoters of entertainment, sports events or contests
- ii. Security guard without detective services
- jj. Secretarial services, including dictation, steno, court reporting, and word processing
- kk. Tailors (service only)
- ll. Telemarketing and telephone survey companies

Proof of issuance of current registration or current affidavit of exemption issued by the Florida Department of Agriculture and Consumer Services is required before a tax receipt is issued.

- mm. Travel bureau

Proof of issuance of a current registration or letter of exemption from the Florida Department of Agriculture and Consumer Services is required before a tax receipt is issued.

- nn. Upholsterers, cabinetmakers, refinishers, woodworkers
- oo. Weight control clinics/systems, etc.
- pp. Window tinting
- zz. Unclassified

(27) SERVICE PROVIDERS

- a. Barbershops, beauty shops, styling shops, nail establishments, including cosmetologists, manicurists and bootblack stands . . . . . 105.00
- b. Bondsmen, bail bondsmen . . . . . 409.50
- c. Insurance
  - 1. Each agency per location (single tax receipt for all lines of insurance) . . . . . 105.00
  - 2. Insurance companies (not agents/adjuster, etc.) single tax receipt for all lines . . . . . 105.00
  - 3. Insurance services . . . . . 105.00
  - 4. Adjusters (not employees of categories 1--3) . . . . . 82.50
- d. Interior designers--State license required . . . . . 110.25
- e. Massage salon . . . . . 105.00
 

Proof of current license issued by the Florida Department of Business and Professional Regulation for any person or establishment is required before a tax receipt is issued.
- f. Nails--Artificial fingernails, pedicure, manicure establishments . . . . . 105.00
- g. Real estate
  - 1. Broker/office and/or appraisers, per office location . . . . . 105.00
  - 2. Owner, management, operator, lessors, etc. (non onsite management). See classification 25(c) . . . . . 62.50

Any person applying for the first time for a local business tax receipt, whose profession is regulated by the Florida Department of Business and Professional

Regulation, or any of its boards or commissions, must exhibit or prove the existence of an active state certificate, registration or license, before a tax receipt is issued.

h. Tanning and toning or body wrapping salon . . . . . 105.00

Proof of issuance of a current license by the Florida Department of Health and Rehabilitative Services is required before a tax receipt is issued.

i. Talent agency (state license required) . . . . . 105.00

j. Termite and pest exterminator . . . . . 105.00

Proof of issuance of a current license by the Florida Department of Agriculture and Consumer Services and of current insurance coverage as provided by Florida law are required before a tax receipt is issued.

(28) TELEVISION OR RADIO STATIONS, commercial . . . . . 220.50

(29) UNCLASSIFIED, not otherwise set out in this schedule . . . . . 210.00

(30) UTILITIES COMPANIES

a. Cable television . . . . . 393.75

b. Electric . . . . . 1,050.00

c. Gas-piped liquid, petroleum . . . . . 1,050.00

d. Telephone . . . . . 934.50

(31) WHOLESALERS, per location

a. Up through 1,250 square feet . . . . . 105.00

b. 1,251 through 2,500 square feet . . . . . 165.00

c. 2,501 through 5,000 square feet . . . . . 262.50

d. 5,001 through 10,000 square feet . . . . . 525.00

e. 10,001 through 20,000 square feet . . . . . 813.75

f. 20,001 through 50,000 square feet . . . . . 1,312.50

g. 50,001 through 100,000 square feet . . . . . 2,310.00

h. Over 100,000 square feet . . . . 2,362.50  
(Code 1964, § 15-31; Ord. No. 1589, § 4, 11-30-88; Ord. No. 1793, § 5, 8-21-91; Ord. No. 1933, § 1, 8-11-93; Ord. No. 2021, §§ 9--32, 3-1-95, Ord. No. 2046, § 1, 9-27-95; Ord. No. 2183, § 1, 2-17-99; Ord. No. 2208, § 5, 12-15-99; Ord. No. 2345, § 2, 8-10-05; Ord. No. 2379, § 7, 12-13-2006)

**Editors Note:** Ord. No. 2379, § 7, adopted Dec. 13, 2006 changed the title of § 14-39 from, license tax schedule to local business tax schedule.

**Sec. 14-40. Insurance required.**

Where insurance is required as noted in section 14-39, the minimum amounts shall be as follows:

- (1) One hundred thousand dollars (\$100,000.00) for each person;
- (2) Three hundred thousand dollars (\$300,000.00) for each accident;
- (3) Fifty thousand dollars (\$50,000.00) property damage.

**Secs. 14-41--14-55. Reserved.**

**Editors Note:** Ord. No. 2208, § 6, adopted Dec. 15, 1999, repealed § 14-41, which pertained to special provisions for merchants and wholesalers. Such section was derived from Ord. No. 1793, § 6, adopted Aug. 21, 1991.

**Editors Note:** Ord. No. 2208, § 6, adopted Dec. 15, 1999, repealed § 14-41, which pertained to special provisions for merchants and wholesalers. Such section was derived from Ord. No. 1793, § 6, adopted Aug. 21, 1991.

**ARTICLE III.**

**CONTRACTORS LICENSING\***

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\* **Cross References:** Buildings and building regulations, Ch. 5.  
**State Law References:** Contracting, F.S. Ch. 489.

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**Sec. 14-56. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Building contractor* means any person or firm who undertakes, or offers to undertake, or purports to have the capacity to undertake or submits a bid or does himself or by or through others, to construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building or other structure; to excavate, to commence any project development or improvement or do any part thereof including the erection of scaffolding, or any other structures or works in connection therewith or the incorporation of labor or material therein.

*Contractor* means any person, firm or corporation who engages in any business under an express or implied contract in any of the trades hereinafter listed.

*Electrical contractor* is a contractor doing work on any premises or in any building or structure

requiring the installation, repair, alteration, addition or changes to any system of electrical wiring, apparatus or equipment for light, heat or power, and who is or who employs a supervising master electrician at all times.

*Electrical sign contractor* means a contractor doing work on any premises or in any building or structure requiring the installation, repair, alteration, addition or change to any system of electrical wiring, apparatus or equipment for electrical signs, and who is or who employs a supervising master sign electrician at all times.

*Engage in business* means doing a trade for any owner or any tenant of land or of a building or of any part thereof, or for any person, firm or corporation in possession or in charge of the same or any part thereof, or entering into a contract with any such owner, tenant, person, firm or corporation for the doing of a trade.

*Engineering contractor* means a contractor who does work such as but not limited to: harbors; docks; excavating; filling and grading; drainage; pile-driving; levees; pumping stations; and similar type of work in conjunction with water power, water control, waterworks and water supply; paving and sidewalks; curbs and gutters; streets and roads; bridges and overpasses and underpasses in streets, roads and public thoroughfares; underground sewage collection and disposal systems, bulkheading and underground utility line construction; both sanitary and storm sewer systems, and similar work, or that portion of such installation and systems not generally defined or considered under the provisions of this section, or in general trade practices, as building structures, plumbing, electrical, gas or mechanical installation (as defined under "mechanical contractor").

*Firm* shall include a sole proprietorship, partnership, corporation, association or any other type of business organization.

*Gas-fitting contractor* means a contractor doing work on any premises or in any building or structure requiring installation, maintenance, repair, alteration or extension of fuel gas piping or appliances, including liquefied petroleum gas piping and appliances if such contractor qualifies under state law.

*General contractor* means a contractor whose construction work involves two (2) or more building trades or crafts, who has financial means to undertake the work and the knowledge gained by not less than ten (10) years' experience either as a superintendent for a general contractor or as a licensed building contractor for such period (or has had an educational equivalent thereto) or in any combination thereof, and has satisfactorily passed a general contractor's examination, and has shown that his scope of operation should be unlimited as to the height and complexity of design of the construction he undertakes.

*Journeyman* means any person who possesses the necessary qualifications, training and technical knowledge to do and supervise the work connected in his particular trade. He must work for a qualified contractor and hold a current certificate of competency indicating his qualification, in order to work in his trade.

*Liquefied petroleum gas installation contractor* means a contractor doing work on any premises or in any building or structure requiring the installation, maintenance, repair, alteration or extension of liquefied petroleum gas piping or appliances or who furnishes the liquefied petroleum gas to the consumer and maintains the gas mains, lines, laterals, tanks, regulators, meters and other paraphernalia in connection therewith.

*Master* means any person who possesses the necessary qualifications, training and technical knowledge to do, plan, layout and supervise the work connected in his particular trade. He must be a qualified contractor or work for a qualified contractor, and hold a current certificate of competency indicating his qualification, in

order to work in his trade.

*Mechanical contractor* means a contractor doing work on any premises, or in any building or structure requiring the installation, repair, alteration, addition or change to any system or refrigeration, air conditioning, heating, ventilating, boiler and unfired pressure vessel systems, and apparatus or equipment used in connection therewith.

*Plumbing contractor* means a contractor doing work on any premises or in any building or structure requiring the installation, maintenance, repair, alteration or extension of plumbing, septic tank, wells, swimming pool and solar heating systems and all appurtenances, apparatus or equipment used in connection therewith, including any incidental excavation work, and who is or who employs a supervising master plumber at all times.

*Septic tank contractor* means a contractor who does any work involving the installation, cleaning, repair, alteration or extension of a septic tank or laundry waste treatment system and all appurtenances, apparatus or equipment used in connection therewith.

*Subbuilding contractor* means a contractor whose construction work involved the use of two (2) or more building trades or crafts, who has financial means to undertake the work and has the knowledge gained by three (3) years' experience as a superintendent for a general contractor or a building contractor (or has had experience in construction work or an educational equivalent thereto), or in any combination thereof, and has satisfactorily passed a subbuilding contractors' examination, and thus has shown that he is qualified to engage in the business of a beginning contractor in the construction of a simple one-story design with load-bearing walls which does not require more advanced technical knowledge, and in case of commercial or industrial structures or buildings which shall not exceed fifteen hundred (1500) square feet.

*Subcontractor* means one who contracts with a contractor to perform part or all of the latter's work.

*Subgeneral contractor* means a contractor whose construction work involves two (2) or more building trades or crafts, who has financial means to undertake the work and the knowledge gained by not less than five (5) years' experience as a superintendent for a general contractor or a building contractor or has been a licensed subbuilding contractor for such period or has had the educational equivalent thereto, or in any combination thereof, and has satisfactorily passed a subgeneral contractor's examination, and thus has shown that his scope of operation should be permitted for the construction or alteration of buildings of not more than two (2) stories in height, but this provision shall not prohibit him from engaging in the construction of a structure of a greater height when he acts as a subcontractor under the supervision or responsibility of a general contractor.

*Trade* shall include but shall not be limited to plumbing; electrical work; plastering; construction, repair or removal of buildings; and any other similar occupation connected with the construction industry.

*Specialty contractor* means a contractor whose operations consist of the performance of construction work requiring special skills and whose principal contracting business involves the use of specialized building trades and crafts, usually a minor part of the complete structure. Specialty contractors shall be classified as, but not limited to, one (1) of the following crafts:

- (1) Asphalt driveways, parking lots and/or seal coating;

- (2) Awning erection;
- (3) Cabinet and millwork;
- (4) Carpentry;
- (5) Cement and concrete;
- (6) Demolition;
- (7) Elevators;
- (8) Fence erectors;
- (9) Flooring;
- (10) Glazing;
- (11) Guniting and sandblasting;
- (12) Insulating;
- (13) Masonry;
- (14) House moving;
- (15) Painting;
- (16) Plastering;
- (17) Roofing;
- (18) Roof waterproofing;
- (19) Sign erection;
- (20) Sheet metal;
- (21) Steel reinforcing and iron;
- (22) Structural steel erection;
- (23) Swimming pools (construction only);
- (24) Termite treating;

(25) Tile, marble and terrazzo.

*Well drilling contractor* means a contractor who operates a well drilling machine, apparatus or appliance in the drilling of water or drainage wells or who is engaged in the installation, maintenance and repair of pumping and piping incidental to a private swimming pool, not under the regulation of the state board of health, and having a closed system not connected to a water supply used for human consumption.

(Code 1964, § 6-25)

**Cross References:** Definitions and rules of construction generally, § 1-2.

#### **Sec. 14-57. Certificate required.**

It shall be unlawful for any person or firm to engage in the business or act in the capacity of a contractor, subcontractor, master or journeyman, as hereinbefore defined, anywhere within the city without a current valid certificate of competency issued by the state or county.

(Code 1964, § 6-26)

#### **Sec. 14-58. Jurisdiction.**

Any person or firm not possessing a current state or county certificate of competency and holding themselves out as plaintiff or defendant in any court of this state or advertising in a newspaper or otherwise to be a contractor shall be subject to the provisions and penalties of this article, and a certified copy of such court records or a copy of the newspaper or other advertising making such an assertion shall be prima facie evidence in court or in any other proceeding authorized by this article that the person or firm purported to have the capacity to act as a contractor.

(Code 1964, § 6-27)

#### **Sec. 14-59. Exemption.**

The provisions of this article do not apply to an owner of residential property altering or repairing his own home or duplex if occupied by the owner and not intended for sale. An owner of residential property may construct one (1) single-family residence for his own use and occupancy without qualifying for a certificate of competency, but the application for a building permit for construction of more than one (1) single-family residence in a year's time shall be construed as engaging in the construction business and such an owner must secure a certificate of competency before the permit will be issued. Nothing in this section shall release the owner-builder from the requirement for obtaining a permit.

(Code 1964, § 6-28)

#### **Sec. 14-60. Occupational license tax.**

Whenever a municipal occupational license is required of any contractor, subcontractor, master, journeyman and maintenance personnel, no such occupational license shall be issued unless the applicant shall first procure a current county or state certificate of competency and shall present a copy to the license division.

(Code 1964, § 6-33)

#### **Secs. 14-61--14-68. Reserved.**

**ARTICLE IV.**

**BUSINESS REGULATIONS**

**DIVISION 1.**

**GENERALLY**

**Sec. 14-69. Outdoor display of merchandise.**

(a) Every person engaging in or managing any business, profession or occupation in the city where the merchandise, equipment and material being offered for sale are customarily sold within an enclosed business shall confine all of the commercial activities of such business, profession or occupation, including the storage and placing for sale and the sale of merchandise, equipment and material to within an enclosed building, excepting only live plants that are accessory to a nursery, boutique, florist or garden supply facility, except on limited special sidewalk sales permitted by the mayor or his designee. No display of merchandise, equipment or material for sale or lease shall be permitted in or from any parked van, trailer or other vehicle of any nature, regardless of whether such merchandise so displayed is offered for sale from such vehicle or from any other location on the same or any other site.

(b) It shall be unlawful for any person engaging or managing any business, profession or occupation in the city to store or place for sale or sell his merchandise, equipment and materials outside of an enclosed building for which the occupational license has been obtained where such merchandise, equipment and material are customarily stored within an enclosed building excepting only live plants that are accessory to a nursery, boutique, florist or garden supply facility, except on limited special sidewalk sales permitted by the mayor or his designee. No display of merchandise, equipment or material for sale or lease shall be permitted in or from any parked van, trailer or other vehicle of any nature, regardless of whether such merchandise so displayed is offered for sale from such vehicle or from any other location on the same or any other site.

(Code 1964, § 15-29.1)

**Secs. 14-70--14-75. Reserved.**

**DIVISION 2.**

**AMUSEMENTS\***

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\* **Cross References:** Hours of operation of certain outdoor amusements, § 16-2; coin-operated video and pinball amusement games and machines, § 27-659.

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**Sec. 14-76. Carnivals, bazaars, festivals, fairs, etc.**

(a) It is the stated intent of the city to prohibit carnivals (which are defined as commercial enterprises where the revenue realized flows to private owners or operators as intended profit and where such enterprises have as any part of their operation sideshows, games of chance, hawkers, barkers, rides, games, and refreshments operated by vendors the majority of whom are nonresident, transitory and employees of such commercial enterprise) in that such privately owned profit-oriented transitory operations have in the past

adversely affected and proven detrimental to the health, welfare and safety of the citizens of the city and are thus hereby declared to be prohibited public nuisances.

(b) It is the stated intent of the city to permit local educational, charitable, rehabilitative, recreational or religious organizations consisting largely of resident citizens of the city to be permitted to conduct social or charitable festivities where any profit realized from such festivities (herein called bazaars, fairs or festivals) is to be channeled into local religious, charitable, educational, rehabilitative or recreational usage of direct benefit and impact to the citizens of Plantation. Such locally sponsored and operated festivals of an essentially noncommercial nature shall be permitted to offer entertainment to their patrons with such rides, games, booths and refreshments as are permitted by the city after obtaining prior approval of same (and of the intended beneficiary of the profit realized therefrom if other than a Plantation house of worship, the police athletic league program, or a charitable or educational or rehabilitative program having a direct substantial impact on the citizens of Plantation). No locally sponsored and operated fair, festival, bazaar, etc., will be permitted without the obtaining of such prior approval from the council and the council may attach such conditions and safeguards, including dates and times of operation, as it deems necessary and advisable to the granting of such approval.

(c) The city council may permit shopping centers to host outdoor sidewalk arts and crafts shows or exhibits which are sponsored by such shopping centers or by not-for-profit guilds or organizations, fraternal groups, or civic associations; provided however, that the city council finds that each such permitted show or exhibit promotes the hosting shopping center and directly benefits such center's businesses and merchants, that each shopping center is limited to two (2) such permits per calendar year (January through December), that the hosted show or exhibit is limited to the quiet display of arts and crafts and the incidental sale of same (and that such exhibit shall not include rides, amusements, or other sideshow events), and provided further, that such show or exhibit shall have such security personnel, parking requirements, hours of operation and be located on-site and arranged as deemed appropriate so as to minimize any adverse effect of noise, traffic or lights upon residential communities in the vicinity of such permitted event. This subsection applies only to the described outdoor activities and shall not operate to restrict shopping centers from hosting similar quiet arts and crafts festivals which are totally enclosed indoors.

(Code 1964, § 17-5.1; Ord. No. 1837, § 1, 5-13-92)

#### **Sec. 14-77. Dance halls; boxing and wrestling exhibitions.**

The city shall have the power to regulate, license, and/or suppress the use, operation and/or maintenance of any dancing hall, dancing academy and/or boxing or wrestling exhibitions.

(Ord. No. 1038, § 5(37), 2-10-82)

#### **Sec. 14-78. Reserved.**

**Editors Note:** Ord. No. 1456, § 1, adopted March 18, 1987, repealed § 14-78, concerning coin-operated pinball machines, as derived from § 17-5.2 of the 1964 Code. Related provisions are now codified under § 27-659 hereof.

#### **Secs. 14-79--14-90. Reserved.**

### **DIVISION 3.**

### **PAWNBROKERS**

## **Sec. 14-91. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Inventory* means any article, piece, or item of property, or any interest therein, which is possessed by a pawnbroker or secondhand dealer in the ordinary course of his business activity for purposes of sale, lease, security, or for the creation of security, or for any other purpose which would inure to the financial benefit of the business of the pawnbroker or secondhand dealer, except those items not covered by the terms of this division as set forth in this section and section 14-92.

*Pawn* means a written or oral bailment of personal property as security for an engagement or debt, redeemable on certain terms and with the implied power of sale upon default. Further, any agreement whereby a purchaser agrees to hold property for a specified time to allow the seller the exclusive right to repurchase, shall be deemed a pawn.

*Pawnbroker* means any person, either natural or otherwise, who as a significant part of the conduct of a business loans or lends money or some other thing of value on the delivery or deposit of personal property taken by way of pawn, pledge, or exchange as security for the repayment of money lent thereon; however, any bank or other institution authorized to conduct business under the laws of this state regulating banks or other similar institutions or under the laws of the United States, which bank or institution loans money or other thing of value on stocks, bonds, securities, or other contracts, shall not be deemed a pawnbroker.

*Secondhand dealer* means any person, natural or otherwise, who engages in the business of buying and selling items of secondhand tangible personal property; provided however, that the buying and selling of the following will not make a person a secondhand dealer or a pawnbroker:

- (1) Automobiles, boats, or like items subject to state certificate of title laws wherein the item is registered, a certificate of title is issued to identify ownership, or both;
- (2) Buying and selling only one (1) specific type or category of tangible personal property, which is not identified in this division as an item of extra value, such as dealers in used car parts only, junk metal only, antique furniture only, artwork only, publications such as books and magazines only, used construction equipment only. Items of extra value are jewelry, watches, electronic equipment, including but not limited to televisions, radios, stereos, cameras and camera equipment.

(Ord. No. 1342, § 2, 7-24-85)

## **Sec. 14-92. Precious metals.**

Precious metals are not regulated by this division as the buying and selling of same are regulated and governed by F.S. sections 538.01 through 538.019. The legislative intent of this division is to extend the regulatory scheme of F.S. sections 538.01 through 538.019 to the objects and items set forth in this division.  
(Ord. No. 1342, § 2, 7-24-85)

## **Sec. 14-93. Contents of records and reports of purchases.**

Each pawnbroker or secondhand dealer shall maintain a complete and clear record of every article or thing pawned to or purchased by him. Such record shall contain the following:

- (1) The full name, residence address, home telephone number, place of employment, business telephone number, and age, race, and sex of each person from whom the article of inventory is acquired;
- (2) The signature of the person from whom the article of inventory is acquired;
- (3) The Florida driver's license number of the person from whom the article of inventory is acquired or the number from any other form of photo identification issued to him by a governmental agency; or if the person has no form of photo identification, two (2) other identification numbers that he possesses, provided that all forms of identification show no signs of alteration or forgery on the face, the information on each is consistent with the information on the other, and the information on each is not contradicted by any information the pawnbroker or secondhand dealer may have;
- (4) A thumbprint of the person from whom the article is acquired;
- (5) A specific description of the article of inventory, which description is accurate and as reasonably complete as the nature of the article permits. The description of the article shall, if ascertainable, include:
  - a. The type of article;
  - b. The manufacturing company, if that can be determined;
  - c. Any permanent initialing or marking on the item including a brand, monogram, or hallmark; and
  - d. All serial and make identification numbers. Should any serial or identification number be altered, defaced or have been rendered unreadable, such fact shall be reported.
- (6) The date of the purchase;
- (7) The amount paid by the pawnbroker or secondhand dealer for the item.

(Ord. No. 1342, § 2, 7-24-85)

**Sec. 14-94. Records to be kept in duplicate; copy to be furnished to police department.**

All pawnbrokers and secondhand dealers shall keep the records described above in duplicate, and shall submit, within twenty-four (24) hours after the purchase or pawn of the article of inventory, to the police department a copy of such records.

(Ord. No. 1342, § 2, 7-24-85)

**Sec. 14-95. Time period which records must be kept.**

Each pawnbroker and secondhand dealer shall keep a copy of the records required and described in section 14-93 for a period of one (1) year following any purchase or acquisition of an article of inventory. (Ord. No. 1342, § 2, 7-24-85)

**Sec. 14-96. Holding period after purchase.**

Each pawnbroker and secondhand dealer shall retain possession of all inventory for at least a period of five (5) days following the receipt of possession, except that any inventory on which a serial or identification number is altered, defaced, or rendered wholly or partially unreadable shall be held for a period of at least twenty (20) days. However, this section does not limit the right of the pawnbroker or secondhand dealer to transfer ownership of inventory prior to the expiration of the required holding period if he retains physical possession of the inventory for the remainder of the holding period. (Ord. No. 1342, § 2, 7-24-85)

**Sec. 14-97. Inspection by police.**

(a) The premises and required records of each pawnbroker shall be, during regular business hours, open to visitation and inspection by the police department.

(b) The inspections described in subsection (a) of this section shall consist of an examination of the stock and required records to determine that the records are being maintained as required by this division and that inventory is being held as required by this division. (Ord. No. 1342, § 2, 7-24-85)

**Sec. 14-98. Minors.**

No pawnbroker shall purchase or possess for security, take as a pledge or pawn, any item from a person under the age of eighteen (18) years unless such person is accompanied by his parent or legal guardian and unless both the person and the parent or guardian sign the pawnbroker's records required pursuant to this division. (Ord. No. 1342, § 2, 7-24-85)

**Secs. 14-99--14-110. Reserved.**

**DIVISION 4.**

**ADOLESCENT RECREATIONAL CENTERS**

**Sec. 14-111. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Professionals trained and experienced in adolescent behavior* means persons with two (2) or more years

of collegiate education and majors in psychology or sociology or social work who profess that youth welfare work is their prime vocation and who have two (2) or more years' experience in teenage-youth-related activities with institutions such as the YMCA, boardingschools, girl scouts, boy scouts and similar organizations recognized for wholesome adolescent development.

*Responsible persons in staff positions* means adults answerable legally and morally for the discharge of their duties and trusts described in the approved program of operations and who have demonstrated by previous work experience to be persons of sober judgment.

(Code 1964, § 17A-16)

**Cross References:** Definitions and rules of construction generally, § 1-2.

#### **Sec. 14-112. Effect on community; desired operational procedure.**

For the purposes of this division, an adolescent recreational center would have no adverse effect on neighboring uses; safety, pedestrian and vehicular traffic; and general welfare of the community; and would be designed, constructed and operated according to an approved program developed by professionals and operated by an approved staff supervised by responsible persons.

(Code 1964, § 17A-17)

#### **Sec. 14-113. Compliance with zoning, building, other regulations.**

Notwithstanding the provisions of this division requiring certain inspections to be made, permits to be issued, and other duties and requirements to be performed relative to the operation of an adolescent recreational center, an applicant shall first comply with zoning regulations, building regulations, and all other regulations as required by the city before a permit shall be issued.

(Code 1964, § 17A-18)

**Cross References:** Buildings and building regulations, Ch. 5; zoning, Ch. 27.

#### **Sec. 14-114. Permit to operate; compliance with division.**

It shall be unlawful for any individual or organization to engage in the business of operating an adolescent recreational center within the city unless a permit has been issued by the city clerk and all requirements of this division have been complied with.

(Code 1964, § 17A-19)

#### **Sec. 14-115. Permit application--Contents.**

(a) To obtain a permit to run an adolescent recreational center, an applicant must apply to the city clerk.

(b) Each application shall contain a written program of operations, prepared by a professional trained and experienced in adolescent behavior, describing in detail the proposed techniques for screening adolescent participants, the organization and control of activities so that wholesome adolescent social behavior is ensured, the types of activities, the days and hours of operation, the regulation of traffic, trespass and vandalism in the neighborhood, and the proposed number and qualifications of the staff members.

(Code 1964, §§ 17A-20, 17A-21)

#### **Sec. 14-116. Same--Investigation.**

After the application has been filed with the city clerk, the clerk shall cause the application to be fully investigated, both as to qualifications of the applicants and the person or persons to be in charge of the adolescent recreation center.  
(Code 1964, § 17A-22)

#### **Sec. 14-117. Transfer of permits.**

Adolescent recreation center permits shall not be transferable, except as follows: When a licensee shall have made a bona fide sale of the adolescent recreation center, the purchaser shall not be permitted to run the adolescent recreation center unless he complies with all of the requirements for application and approval of the permit that the original license had to comply with.  
(Code 1964, § 17A-23)

#### **Sec. 14-118. Approval of permit prerequisite to application for license.**

Upon the approval of a permit, application for a license shall be made, pursuant to regulations contained in article II of this chapter.  
(Code 1964, § 17A-24)

#### **Sec. 14-119. Permit renewal.**

Renewal of the term of a permit for an adolescent recreational center shall be permitted after application to the city clerk. The city clerk shall either grant or deny the application within ten (10) days of the application. If denied, the requirements of section 14-121 must be complied with.  
(Code 1964, § 17A-25)

#### **Sec. 14-120. Inspection of premises; license subject to revocation for violations.**

Inspection of adolescent recreational center premises shall be freely allowed by any police officer of the city. Moreover, the revocation of licenses may be had for any violation contained within the permit application or for any reason which is, in the opinion of the chief of police, detrimental to the public peace, health, morals, safety or general welfare of the city; provided, however, that the requirements of section 14-121 are complied with.  
(Code 1964, § 17A-26)

#### **Sec. 14-121. Appeals.**

When a license is revoked pursuant to section 14-120, denied pursuant to section 14-119, or where a license has initially been denied, the applicant must be afforded a right of appeal directly to the city council. A writing must be provided the aggrieved party consisting of a list of any and all violations that he is charged with. Furthermore, the aggrieved party must be afforded a public hearing by the city council at the next regular session of the city council. The city clerk must, upon request for a public hearing by the aggrieved party, provide the party with a notice of hearing which states the date of the hearing, the purpose of the hearing and the place where the hearing is to be conducted.

(Code 1964, § 17A-27)

**Secs. 14-122--14-135. Reserved.**

## **DIVISION 5.**

### **PEDDLERS AND SOLICITORS\***

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\* **Cross References:** Code enforcement, Ch. 6; signs and advertising, Ch. 22; streets, sidewalks, bridges and other public places, Ch. 23; traffic and vehicles, Ch. 25; zoning, Ch. 27; hitchhiking or soliciting from roadways prohibited, § 25-2.

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#### **Sec. 14-136. Uninvited solicitation.**

(a) *Intent and purpose.* The city council of the City of Plantation wishes to protect the privacy of residents who do not ever desire door-to-door solicitation or canvassing as well as the privacy of those residents who wish to receive door-to-door solicitation or canvassing only during certain desired hours. In addition, the city council wishes to protect and further the rights of residents who may want to receive door-to-door solicitation or canvassing at all times.

The city council is no less cognizant of the First Amendment protections afforded to door-to-door soliciting and canvassing and the concomitant duty of the elected officials to safeguard and protect such First Amendment rights.

It is the purpose and intent of the city council to balance and weigh these sometimes competing concerns in creating this section so as to enact narrowly tailored content and viewpoint neutral regulation which satisfies the city's recognized and significant governmental interests in safeguarding resident privacy by using what is perceived to be very restrictive and minimally intrusive regulatory means in view of the equal adverse impact commercial and noncommercial door-to-door soliciting and canvassing have on resident privacy, all while providing for ample alternative avenues for communication. Therefore, this section will not operate to totally ban or regulate the permitted hours of door-to-door soliciting and canvassing, but will permit the residents to protect themselves from solicitors or canvassers at all times, or solicitors or canvassers at designated times, by posting "no solicitation" signs upon their property when door-to-door solicitation is not desired, all while leaving unaffected the ability of door-to-door solicitors and canvassers to contact residents desiring same and while leaving unaffected other methods of solicitation or canvassing (direct mail solicitation or canvassing, telephone solicitation or canvassing, soliciting or canvassing in areas other than residential areas, etc.).

(b) *Duties of solicitors or canvassers.*

(1) It shall be the duty of every solicitor or canvasser, commercial or noncommercial, upon going onto any premises in the city on which a residence is located to proceed from the adjacent road right-of-way directly toward the front or main entrance of such residence, to examine and look for the notice provided for in paragraph (d) herein. If any such notice is posted, then any solicitor or canvasser shall immediately and peacefully depart from the premises. Under no circumstances shall a solicitor enter upon a side or rear yard of any residence unless expressly invited so to do by the occupant thereof.

- (2) Any solicitor or canvasser who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by an occupant or owner thereof.
- (c) *Trespass, what constitutes.* It is hereby declared to be unlawful and shall constitute a trespass for:
  - (1) Any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof, and engage in soliciting or canvassing, commercial or noncommercial, in defiance of the notice exhibited at the residence in accordance with the provisions of this section.
  - (2) Any person to not immediately and peacefully depart from the premises when requested to do so by an occupant or owner thereof.
- (d) *"No soliciting" sign.*
  - (1) When a residence owner or occupant does not wish to receive door-to-door solicitation or canvassing, a sign shall be posted in the immediate vicinity of the front door or front door bell area, which sign shall read:

"NO SOLICITATION INVITED."

or

"NO SOLICITING"

- (2) The signs provided for in paragraph (1) shall be made of a durable material such as plastic, metal, or wood. Further, the sign letters shall be at least three-quarters ( 3/4) of an inch in height. In addition, the sign shall be capable of being temporarily or permanently affixed to the hanging surface.

(e) *Violations.* Any person violating any of the provisions of this section shall, upon conviction thereof, be subject to a fine not less than twenty-five dollars (\$25.00) and no more than five hundred dollars (\$500.00) for each offense.

(Ord. No. 1472, §§ 1, 2, 5-27-87)

**Editors Note:** Section 1 of Ord. No. 1472, adopted May 27, 1987, repealed § 14-136, concerning uninvited solicitation, as derived from Code 1964, § 17-24.2. Section 2 of Ord. No. 1472 added a new § 14-136 as set out hereinabove. Italicized subcatchlines have been added by the editor for clarity and to facilitate indexing.

**Cross References:** Trespass generally, § 17-5.

### **Sec. 14-137. Residential distribution of advertising.**

(a) It shall be unlawful for any person to leave hanging any kind of bag or packet containing advertising materials or samples, or to distribute advertising material or samples, at a private residence other than the residence of the person soliciting the same, by placing such material at the residence or on the residence of the person owning or occupying such home, unless the person distributing such advertising materials or samples obtains the consent of the person occupying the residence.

(b) The foregoing provision shall not apply to the distribution of advertising materials through the U.S. Postal Services. The provisions of this section shall not apply to the distribution of any newspaper of general circulation nor to materials distributed by nonprofit organizations or individuals which do not engage in the selling or renting of goods or services for value, nor to political literature distributed by political candidates. (Code 1964, § 17-24.3)

**Sec. 14-138. Ambulatory peddlers.**

(a) It shall be unlawful for any person to sell or offer for sale from a motor vehicle, motor-driven cycle, trailer, bicycle, tricycle, or on foot, upon the public streets, food of any kind, goods, wares or merchandise within two thousand five hundred (2,500) feet of any property line of a school, city-operated park or recreational facility located in the city.

(b) Vending is prohibited with the following exceptions:

(1) Vending on the sidewalks not from a motor vehicle is permitted subject to the restrictions contained in subsection (a), above, and in paragraphs (c)(1)--(12), below.

(2) Vending from motor vehicles is permitted throughout the city subject to the restrictions contained in subsection (a), above, and in paragraphs (c)(1)--(13), below.

(c) No vendor shall:

(1) Vend within five hundred (500) feet of any house of worship between one (1) hour prior to the start of any house of worship service, Sunday school or religious ceremonies and one (1) hour after such services have concluded.

(2) Vend on any street or sidewalk except as provided for in this section.

(3) Vend in such a way as would restrict or interfere with the ingress or egress of an abutting property owner or tenant, or create or become a public nuisance, increase traffic congestion or delay, or constitute a hazard to traffic, life or property, or an obstruction to adequate access for fire, police or sanitation vehicles.

(4) Wave, flag or motion to vehicles on the street.

(5) Sell food or beverages for immediate consumption unless he has available for public use his own or a public litter receptacle which is available for his patrons' use.

(6) Leave any location without first picking up, removing and disposing of all trash, materials or refuse remaining from sales made by him or the conduct of his operation.

(7) Allow any items relating to the operation of the vending business to be placed anywhere other than in, on or under the vending vehicle.

(8) Set up, maintain or permit the use of any table, crate, carton, rack or any other device to increase

the selling or display capacity of his vending vehicle.

- (9) Sell anything other than that which he is licensed to vend.
- (10) Vend without proof of an insurance policy, issued by an insurance company licensed to do business in the State of Florida, protecting the licensee from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with the license. Such insurance shall be in at least the amounts of three hundred thousand dollars (\$300,000.00) for injury for each occurrence and one hundred thousand dollars (\$100,000.00) per person.
- (11) No vendor selling on the sidewalk shall:
  - a. Vend at any location where the sidewalk is not over four (4) feet in width.
  - b. Vend within ten (10) feet of any entranceway to any building.
  - c. Vend within ten (10) feet of any driveway entrance to a police or fire station, or within ten (10) feet of any other driveway.
  - d. Vend within ten (10) feet of the crosswalk at any intersection.
  - e. Vend within fifty (50) feet of any bus stop sign.
  - f. Vend in such a manner that would obstruct pedestrian traffic.
- (12) Vend from trucks and moving vehicles as a mobile food unit without written approval (certificate) from the Broward County health department.
- (13) No vendor vending from a motor vehicle shall:
  - a. Conduct his business in such a way as would restrict or interfere with the ingress or egress of an abutting property owner or tenant, or create or become a public nuisance, increase traffic congestion or delay, or constitute a hazard to traffic, life or property, or an obstruction to adequate access to fire, police or sanitation vehicles.
  - b. Stop, stand or park his vehicle at a metered parking space for the purpose of selling, or sell on any street under any circumstances during the hours when parking, stopping or standing has been prohibited by signs or curb markings or is prohibited by statute or ordinance.
  - c. Remain in any one place for a period longer than necessary to make a sale after having been approached or stopped by a prospective customer for such purpose.
  - d. Stop, stand or park his vehicle in order to make or attempt to solicit sales within twenty-five (25) feet of any intersection.

(d) This section is not to prohibit or prevent such ambulatory peddlers from selling any such food, goods, wares or merchandise or from operating on industrial and/or construction sites while construction is in progress.

(Code 1964, § 17-24.1; Ord. No. 1551, § 1, 5-4-88)

**Cross References:** Traffic and vehicles, Ch. 25.

**Secs. 14-139--14-150. Reserved.**

## **DIVISION 6.**

### **MOTION PICTURE AND TELEVISION PERMIT**

**Sec. 14-151. Required; exceptions.**

(a) No person shall take still or moving pictures that involve the use of special settings, structures, apparatus, or the performance of a cast of persons, either amateur or professional, or the posing of professional models, on property located within the city without first having obtained a permit from the mayor.

(b) The provisions of this division shall not apply to nor in any way restrict the use of cameras by amateur or professional photographers not using set scenery, casts, or models. This division shall also not apply to bona fide newspaper, press association, newsreel, or television news media personnel.

(Ord. No. 1374, § 1, 1-22-86)

**Sec. 14-152. Application.**

Any person desiring to obtain a permit shall apply to the mayor and the application shall include, but not be limited to, the following:

- (1) Name, address, including local address, and telephone number;
- (2) Locations, dates of filming, special parking requirements, scenes to be filmed, list of city personnel or equipment required;

(3) The signature and title of an authorized representative of the company requesting the permit.  
(Ord. No. 1374, § 2, 1-22-86)

**Sec. 14-153. Insurance requirements.**

The applicant shall, as a prerequisite to the issuance of a permit, maintain in force at all times during the permit period, a comprehensive general liability policy with its limits determined upon a review of the motion picture or television project by the mayor of the circumstances involved. The applicant, as a prerequisite to the issuance of a permit, shall provide to the mayor a certificate of insurance evidencing that the insurance is in existence and certifying that the city is named insured and that the city be given thirty (30) days' notice prior to the expiration or cancellation of the policy. The limits of the policy shall range from three hundred thousand dollars (\$300,000.00) up to five million dollars (\$5,000,000.00) according to the degree of risk evidenced by examination by the mayor of the scripted scenes to be filmed.

(Ord. No. 1374, § 3, 1-22-86)

**Sec. 14-154. Rates and fees for city services.**

Should it be determined that the production company will require the direct participation of one (1) or more city services, the production company will compensate the department directly for services rendered according to that department's rate structure. That department may also determine whether the production company will be billed for services rendered or will pay for services in advance.

(Ord. No. 1374, § 4, 1-22-86)

**Sec. 14-155. Fee.**

The city will charge no fee for a motion picture and television permit.

(Ord. No. 1374, § 5, 1-22-86)

**Sec. 14-156. Issuance.**

Upon presentation of the completed application and proof of insurance, the mayor shall cause the permit to be issued.

(Ord. No. 1374, § 6, 1-22-86)