



***City of North Miami Beach, Florida***

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MAYOR AND COUNCIL

**COUNCIL CONFERENCE**

**Tuesday, April 6, 2010**

**6:00 pm**

**Fourth Floor, Council Chambers**

**AGENDA**

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**6:00 P.M.**

- 1. Business Tax Receipt Ordinance Revisions (Susan A. Owens, CMC, City Clerk)**  
*(Approximately 50 minutes)*



## City of North Miami Beach Interoffice Memorandum

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*Office of the City Clerk*

**TO:** Honorable Mayor and Council  
**FROM:** Susan A. Owens, CMC, City Clerk  
**DATE:** April 6, 2010

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**RE: Business Tax Receipt (BTR) Ordinance Revisions**

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### **BACKGROUND**

In reviewing the Business Tax Receipt ordinance, staff has identified several areas which are in need of revisions. Our review of this ordinance has been very extensive and has involved the collaboration of many departments. The two primary recommendations before you today involve cleaning up antiquated language and requirements, and adjusting the fee structure to be consistent with State Statutes and the actual costs to the City. The red-lined ordinance enclosed identifies those revisions that staff is recommending. Please be advised that the attached version of the ordinance does not contain the updated language regarding towing companies, peddlers, etc. as there are no recommendations being made for those sections at this time.

**CC:** Kelvin L. Baker, City Manager  
Darcee S. Siegel, City Attorney

## CHAPTER XII LOCAL BUSINESS TAX RECEIPTS AND REGULATIONS\*

### Article I - In General\*

#### 12-1 LOCAL BUSINESS TAX RECEIPT AND REGISTRATION OF BUSINESSES, OCCUPATIONS AND PROFESSIONS.

##### 12-1.1 Required.

Every person or agency now engaged in any business, profession or occupation, including 503(c)(3) nonprofit organizations, in the City or desiring to become so engaged, shall cause his or its name, character of business, and place or proposed place of business to be registered with the City Clerk; and no person shall become so engaged without registration, receipt of a business tax receipt and payment of business tax, the business tax to be and it is hereby levied on:

a. Any person who maintains a permanent business location or branch office within the City for the privilege of engaging in or managing any business within its jurisdiction; and

b. 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 within its jurisdiction; and

c. Any person who does not qualify under the provisions of paragraph a. or b. above and who transacts any business or engages in any occupation or profession in interstate commerce where such business tax is not prohibited by Section 8 of Article I of the United States Constitution.

(Ord. No. 281, Art. I, § 1, 9-22-52; Ord. No. 72-9 § 1, 8-1-72; 1957 Code § 12-1; Ord. No. 2006-24 § 2-19-2006; Ord. No. 2008-4 § 2, 3-4-08)

**Cross Reference**—Fingerprinting and photographing certain persons §§ 12-14.9, 12-15.9, 12-18.4a, and 9-16.1.

##### 12-1.2 Certificate of Zoning Use Required.

a. No person, firm or corporation shall commence any use of any property, nor shall a business tax receipt or building permit be issued or renewed until an application for a Certificate of Zoning Use ~~therefor has been previously filed with the Community Development Department, as provided for herein, and in other ordinances of the City, and until a Certification of Use therefor~~ has been issued by the City. Any use of a property under and pursuant to any Certificate of Zoning Use shall conform to the Certificate of Zoning Use and any conditions or restrictions therefor as approved prior to the issuance of such Certificate of Zoning Use and any deviation therefrom shall constitute a violation of this Code. The commencement or maintaining of any use of property without first having complied with the above requirements shall constitute a violation for each day it is so maintained.

b. Any use for which a Certificate of Zoning Use has been issued must commence within one hundred eighty (180) days of the issuance of the Certificate of Zoning Use, and is valid ~~for a period not to exceed one year from the date of the issuance of the Certificate of Use~~ until September 30<sup>th</sup> of each year. A new Certificate of Zoning Use must be obtained each year for apartment, commercial, and industrial uses, or prior to the issuance of any building permit, or prior to any change of use.

c. The application for a Certificate of Zoning Use will state the property address for which said permit is being issued along with the legal description, folio number, the proposed use of the property, ~~the use district, land use designation and whether the parking requirements would be complied with for the proposed use~~ and any such pertinent information as may be described by the Director of Public Services or designee. All Certificates of Zoning Use must be reviewed for concurrency as provided for by the Comprehensive Plan of the City.

d. The nonrefundable fee for a Certificate of Zoning Use shall be fifty (\$50.00) dollars for each Certificate of Zoning Use. In the case where a Certificate of Zoning Use is denied and the applicant for the Certificate of Zoning Use revises their application, a fee of thirty-five (\$35.00) dollars shall be charged to review the revised application.

e. The fee of thirty-five (\$35.00) dollars shall be charged for annual renewal of Certificate of Zoning Use for apartment, commercial, and industrial properties.  
(Ord. No. 92-22; Ord. No. 2006-24 § 2, 12-19-2006)

**12-1.3 Application; Information Required.**

Every person engaged in or managing any business, profession or occupation referred to in Section 12-31 in the City is required to procure a business tax receipt as herein provided and shall, on or before October 1 of each year, except as otherwise provided, and always before engaging in any business, profession or occupation, file an application on the prescribed form with the City Clerk, signed by an officer, partner or owner of the business. All business tax receipts shall be applied for and issued in the real name of the applicant. In cases where the applicant has qualified under the Laws of Florida for the use of a fictitious name, the business tax receipt, if issued, shall show the real name as well as the fictitious name of the applicant. In the application the applicant shall set forth the name of the owner (if a firm, the names of all members of the firm; if a corporation, the names of all officers of the corporation); the location of the business; the full nature of this business; ~~where the business tax is based thereon, the value of stock carried, or the number of seats, machines, employees, gasoline pumps, rooms, or vehicles, etc., used as the case may be;~~ and any such pertinent information as may be prescribed by the City Clerk.

a. All owners of businesses, professions, or other occupations within the City shall, upon the initial issuance ~~or next renewal~~ of their City business tax receipt, file emergency contact information cards with the Police Department. Information changing during the year shall be updated by notification of the Police Department.

b. The information cards are to contain the following information and such pertinent information as may be prescribed by the City Clerk and the Police Department:

Account Number \_\_\_\_\_  
Name of Business: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone No: \_\_\_\_\_  
Owner's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_  
Manager's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_

c. The emergency contact information shall be kept on file at the Police Department under strict confidentiality and used only for Police business.

d. All applicants for a business tax receipt not previously issued shall pay, at the time the application is filed, a nonrefundable application processing fee in the amount of ~~twenty five (\$25.00)~~thirty five (\$35.00) dollars. Application processing fees are deemed to be regulatory in nature and are assessed in order to defray the administrative expenses associated with the business tax receipt approval process. Application processing fees are in addition to, and not in lieu of, any business tax imposed pursuant to this chapter.

e. All business tax receipt holders shall be required to pay an annual Administrative Processing Fee in the amount of ~~ten (\$10.00)~~fifteen (\$15.00) dollars upon renewal of the license. Administrative Processing Fees for business tax receipt renewals are deemed to be regulatory in nature and are assessed in order to defray the administrative expenses associated with the license renewal process. Administrative Processing Fees are in addition to, and not in lieu of, any business tax imposed pursuant to this chapter.

(Ord. No. 281, Art. I, § 2, 9-22-52; 1957 Code § 12-2; Ord. No. 72-9 § 1, 8-1-72; Ord. No. 75-25 § 2, 11-18-75; Ord. No. 90-12 § 2, 9-4-90; Ord. No. 92-22; Ord. No. 2006-24, §§ 2,3, 12-19-2006)

#### **12-1.4 False Statements.**

Any business tax receipt obtained under the provisions of this chapter upon a misrepresentation of a material fact shall be deemed null and void to the same effect and degree as though no such business tax receipt has ever been issued. (1957 Code § 12-3; Ord. No. 281, Art. I, § 4, 922-52; Ord. No. 72-9 § 1, 8-1-72)

#### **12-1.5 Stock Value Determination.**

Whenever in this chapter a business tax is based upon or determinable by the value of stock carried, the value of stock carried shall be the cost value of all stock in trade and merchandise on hand as of the close of the fiscal year of the business next preceding the start of the business tax period in question. Where the business tax receipt is not a renewal business tax receipt or the business has not completed one (1) fiscal year, then the value of stock carried shall be the cost value of all stock in trade and merchandise on hand as of the date of commencement of business. The true value of stock carried as above defined, shall be stated by the applicant in his application for a business tax receipt or for a renewal thereof. In the event an applicant for a business tax receipt fails or refuses to state or set forth the value of stock carried, as above defined, or sets forth such value inaccurately, the City Clerk of the City shall fix and determine such value from any information in his possession, and the value so fixed shall be used to determine the amount of the business tax due the City. (Ord. No. 281, Art. 1, § 3, 9-22-52; 1957 Code § 12-4; Ord. No. 72-9 § 1, 8-1-72)

#### **12-1.6 Determination of Classification.**

In the event of a disagreement between applicant and the City on the question of proper classification of any business, occupation or profession for business tax receipt purposes, the City Clerk shall decide the proper classification, with the right of the applicant to appeal from each decision to the City Council, whose decision upon the point shall be final. (Ord. No. 281, Art. I, § 5, 9-22-52; 1957 Code § 12-5; Ord. No. 72-9 § 1, 8-1-72)

#### **12-1.7 Term and Maximum Period of Business Tax Receipt.**

Except as otherwise provided, business tax receipt shall expire on September 30 annually. No business tax receipt shall be issued for more than one (1) year. (Ord. No. 281, Art. I, § 6, 922-52; 1957 Code § 12-6; Ord. No. 72-9 § 1, 8-1-72)

#### **12-1.8 Business Tax Receipt Applies to One (1) Place of Business.**

All business tax receipt provided for herein shall be issued for and apply to only one (1) place of business within the City. (Ord. No. 281, Art. 1, § 8, 9-22-52; 1957 Code § 12-7; Ord. No. 72-9 § 1, 8-1-72)

#### **12-1.9 Posting of Business Tax Receipt Required.**

Every business tax receipt shall be posted in a conspicuous place in the place of business for which it is issued and the holder of such business tax receipt shall exhibit same to the City Inspector, his deputy or to any Police Officer, upon being requested so to do by any of them. (Ord. No. 281, Art. I, § 12, 9-22-52; 1957 Code § 12-8; Ord. No. 72-9 § 1, 8-1-72)

#### **12-1.10 Transfer of Business Tax Receipt.**

a. *Bona Fide Change in Ownership.* Except as otherwise provided in this Code, all business tax receipts may be transferred to a new owner when there is a bona fide sale of the business upon payment of a transfer fee of up to ten (10) percent of the annual tax, but not less than three (\$3.00) dollars nor more than twenty-five (\$25.00) dollars~~three (\$3.00) dollars~~ and presentation of evidence of the sale and the original business tax receipt provided, however, that in the case of alcoholic beverage establishments same must comply with applicable State and City regulations, and report made to the City Council by the applicable City departments.

b. *Business Tax Receipt Issued under Exemption.* Where the business tax receipt has been issued under an exemption from payment of all or any part of the business tax thereof, such business tax receipt shall not be transferable under this section.

c. *Change of Location.* Upon written request and presentation of the original business tax receipt, any business tax receipt issued under this article may be transferred from one location to another within the City upon payment of a transfer fee of up to ten (10) percent of the annual tax, but not less than three (\$3.00) dollars nor more than twenty-five (\$25.00) dollars~~three (\$3.00) dollars~~, provided that there has been prior compliance with the provisions of subsection 12-1.13 of this Code.

(Ord. No. 281, Art. I, §§ 13, 14, 9-22-52; 1957 Code §§ 12-9; 12-10; Ord. No. 62-8 § 1, 8-21-62; Ord. No. 72-9 § 1, 8-1-72; Ord. No. 2006-24, § 3, 12-19-2006)

#### **12-1.11 Lost or Destroyed Business Tax Receipts; Issuing Duplicates.**

For the purpose of replacing any mutilated, destroyed or lost business tax receipts or receipt granted by the City, the City Clerk is hereby authorized and empowered to cause to be executed and delivered, an appropriate duplicate business tax receipt, ~~upon the submission of evidence satisfactory to the City Clerk that the original business tax receipt was mutilated, destroyed or lost, and upon the holder of such original furnishing the City with indemnity satisfactory to the Clerk and upon the payment to the City by such holder of the sum of one (\$1.00) dollar for each such duplicate receipt executed and delivered hereunder, the sum being hereby declared to be a reasonable amount to reimburse the City for the expense incidental to executing and delivering each such duplicate receipt.~~ (1957 Code § 12-11; Ord. No. 281, Art. I, § 15, 9-22-52; Ord. No. 729 § 1, 8-1-72)

#### **12-1.12 Revocation of Business Tax Receipt.**

The business tax receipt of any person for the operation of any business, profession or occupation may be revoked by the City Council at any time upon notice and hearing for violation of any ordinance of the City or law of the State of Florida, or for any other good and sufficient reason; provided, however, this section shall not affect the power of the appropriate tribunal to revoke certain business tax receipts where such revocation is specifically provided for by ordinance. The City Manager is authorized to issue a temporary suspension of any business tax receipt until such hearing can be held. (Ord. No. 281, Art. 1, § 16, 9-22-52; 1957 Code § 12-12; Ord. No. 72-9 § 1, 8-1-72; Ord. No. 91-9 § 2, 3-1991)

#### **12-1.13 Regulatory Ordinances Remain in Effect.**

Unless otherwise herein specifically excepted, changed or differentiated, all qualifying and regulatory ordinances of the City applicable to or affecting any of the businesses, operations, occupations or classifications covered by this chapter, shall be and remain in full force and effect. (Ord. No. 281, Art. 1, § 17, 9-22-52; 1957 Code § 12-13; Ord. No. 72-9 § 1, 8-1-72)

#### **12-1.14 Compliance with Zoning, Building and Fire Regulations.**

a. No business tax receipt shall be issued or transferred under the provisions of the Code for any business, profession or occupation until the location thereof shall have first been approved by the City Building Inspector to assure compliance with the ~~zoning and~~ building laws of the City. Inspection and approval by the Fire Department of Miami-Dade County, or other applicable regulatory authority shall be required for the following:

1. Any nonresidential buildings containing cooking facilities, such as restaurants.
2. Any dry cleaning plants where cleaning is done on the premises.
3. All gas stations.
4. Any facility that will use or have in its possession any toxic or flammable liquids in quantities of fifty-five (55) gallons or more on the premises.

b. The City Clerk shall collect, in addition to any business tax imposed pursuant to this chapter, an additional non-refundable Business Inspection Fee of ~~twenty five (\$25.00)~~ fifty (\$50.00) dollars at the time of application for a business tax receipt. This fee is deemed to be regulatory in nature and is assessed to defray the administrative expenses associated with the building inspection process required for business tax receipt renewal and occupancy of the premises. Fees for building inspections are in addition to, and not in lieu of, any business tax imposed pursuant to this chapter. This fee shall apply only to those business tax receipts issued to business entities, and not to business tax receipts issued to professionals in an individual capacity.

(Ord. No. 281, Art. I, § 19, 9-22-52; 1957 Code § 12-14; Ord. No. 729 § 1, 8-1-72; Ord. No. 79-30 § 11, 11-20-79; Ord. No. 92-22; Ord. No. 2006-24 §§ 2, 3, 12-19-2006)

#### **12-1.15 Payment of Fees Prerequisite to Engaging in Business; Time; Penalty for Delay.**

Every person engaged in or managing any business, profession or occupation referred to in the schedule of fees and as classified therein in Section 12-31 shall, on or before October 1 of each year, except as otherwise provided, and always

before engaging in any business, profession or occupation, pay to the City the business tax provided for in the fee schedule for each separate location in the City.

Whenever any business tax provided by the Code of the City of North Miami Beach to be paid to the City shall remain unpaid after its due date, ~~i.e. October 1 of each year,~~ the business shall be considered 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 month of delinquency thereafter until paid; provided that the total delinquency penalty shall not exceed twenty-five (25%) percent of the business tax receipt fee for the delinquent establishment.

Any person engaging in or managing any business, profession or occupation, without first obtaining a City business tax receipt, if required hereunder, shall be subject to a penalty of twenty-five (25%) percent of the tax determined to be due, in addition to an after the fact penalty fee of up to twice the annual tax and any other penalty provided by law, ordinances, or this Code. (1957 Code § 12-15; Ord. No. 72-9 § 1, 8-1-72; Ord. No. 2006-24, §§ 3, 4, 12-19-2006)

#### **12-1.16 Evidence of Engaging in Businesses.**

A business tax receipt shall be required to cover each and every business advertised by sign, newspaper, magazine or otherwise and any such sign, newspaper, magazine or other advertisement shall be considered evidence of engaging in the business advertised and sufficient for conviction by the court; and provided further that the business tax receipt shall be issued to cover but one (1) location. (1957 Code § 12-15.1; Ord. No. 72-9 § 1, 8-1-72)

#### **12-1.17 Payment of Outstanding Charges Prerequisite to Issuance.**

The City Clerk is herewith directed to withhold the issuance of any business tax receipt or any transfer of the business tax receipt for businesses operating in the City of North Miami Beach unless or until there is paid in full (all other requirements having been met) all delinquent or after the fact business personal property taxes, as they pertain to the business sought to be licensed. (1957 Code § 12-16; Res. No. R61-114 § 1, 11-21-61; Ord. No. 72-8 § 1, 8-1-72; Ord. No. 88-1 § 3, 1-19-88; Ord. No. 2006-24 § 4, 12-19-2006)

#### **12-1.18 Collection Cost Fees.**

Whenever any business tax provided by this chapter to be paid to the City Clerk shall remain unpaid after its due date for a period of ninety (90) days, in addition to the penalties provided by Chapter 205, Florida Statutes and the Code of Ordinances of the City of North Miami Beach, the City Clerk shall be entitled to a collection cost fee of up to two hundred and fifty (\$250.00) ~~twenty five (\$25.00)~~ dollars, which shall be collected from delinquent tax payers at the same time as the payment of the business tax and delinquency fees. (1957 Code § 12-16.1; Ord. No. 90-12 § 3, 9-4-90)

#### **12-1.19 Business Tax a Debt.**

The amount of any business tax and penalty imposed by the provisions of this chapter is hereby declared to be a debt due the City and any person carrying on any business without first having procured a business tax receipt from the City so to do, shall be liable to the City for the amount of such business tax recoverable in any court of competent jurisdiction. (Ord. No. 281, Art. III, § 2, 9-22-52; 1957 Code § 12-17; Ord. No. 72-9 § 1, 8-1-72)

#### **12-1.20 Occupational Use of Residence.**

Notwithstanding any provision to the contrary herein contained, except as provided in paragraph d. of this subsection, certain businesses, professions or occupations may be conducted within a residentially zoned area on a restricted basis for which a restricted business tax receipt may be issued by the City when the owner of such business has secured a restricted residential business tax receipt from the City, subject to the City land use plan and provisions and limitations therein contained.

a. Any person engaged in a personal profession or occupation which requires the use of his own personal residence may apply for a restricted residential business tax receipt. Such applicant may list his home address as the place of business and shall comply with the following conditions:

1. No sign of any type may be posted or displayed on the premises which might serve to indicate that the premises are being used as a restricted residential occupational use and no vehicle with any signs painted on them, which might serve to indicate that the premises are being used as a restricted professional or restricted occupational

use, shall be parked on the premises except that such vehicles may be parked within a closed garage in a manner which makes it impossible to be seen from a public right-of-way.

2. The applicant shall not use the premises including improvements thereon for the creation, storage, distribution, repair or sale of any merchandise or goods.

3. No employees of any type may be permitted on the premises at any time in connection with the authorized use for which the business tax receipt is issued except immediate members of the business tax receipt holder's family which shall be limited to spouse and children residing on the premises for which the business tax receipt is issued.

4. No pickups or deliveries may be made from or to the premises except by the business tax receipt holder or his employees as permitted and authorized herein.

5. No noise, odors, smoke or nuisance of any type shall arise from the conduct of the business herein permitted or authorized.

6. The applicant shall not cause or permit, in connection with the business authorized herein, any vehicular or pedestrian traffic that shall increase, interfere with or disrupt the normal traffic flow for street use in the neighborhood.

7. Prior to issuance of an business tax receipt, all fees must be paid pursuant to this chapter.

b. There shall be a report from the Community Development Department prior to the issuance of any business tax receipt, which shall include a review of any outstanding Code violations.

c. *Notice of Violation.* Whenever the holder of a restricted residential business tax receipt is found to be in violation of the provisions of this chapter, the City may utilize the code enforcement procedures set forth in subsection 14-8.12 et seq. of the Code of Ordinances.

d. The provisions of this section shall not apply to the RS-1 and RM-19 zoning districts in the City of North Miami Beach, wherein the current prohibition against any trade, business, profession or other type of commercial activity shall remain in full force and effect.

(Ord. No. 94-10 § 12-21)

#### **12-1.21 Outdoor Sales by Merchants Holding a Business Tax Receipt.**

No outdoor sales by merchants having a business tax receipt shall be permitted when there is any loss of parking spaces. Temporary business tax receipts to permit outdoor sales for periods of up to seven (7) days may be applied for. A fee of ~~one hundred (\$100.00)~~ one hundred fifty (\$150.00) dollars shall be paid to the City with the application. Applications for temporary business tax receipts shall be submitted to the Director of ~~the Department of Community Development~~ Public Services or designee and the Chief Building Official, and processed by the City Clerk. If approved, a temporary business tax receipt may be granted for a specified number of days and for a specified number of parking spaces to be utilized for selling space.

Cross reference<sup>3/4</sup>Local business tax receipt peddlers and solicitors § 12-31, 104.

#### **12-1.22 Business Tax Receipt Inspector-Collector, Office Created; Duties, Powers.**

There is hereby created the position of Business Tax Receipt Inspector-Collector, whose primary duties shall be to enforce the collection and payment of delinquent business tax receipt fees; to enforce this business tax receipt fee chapter by inspection and investigation of all those tradesmen, craftsmen, professionals, and any and all other persons, firms, partnerships or corporations doing business within the confines of the City, and requiring that each of same hold a current business tax receipt from the City; and to serve process instanter upon such persons, firms, partnerships or corporations to appear before the appropriate tribunal for violation of the business tax receipt requirements of the City; and it shall be mandatory that such process be made upon the aforementioned, regardless that they shall immediately thereafter apply for and procure the business tax receipt; and provided further that such Business Tax Receipt Inspector-Collector shall come within the jurisdiction of the City Clerk's office and be subject to the instructions and directions of the City Clerk. (Ord. No. 462 § 3, 9-6-55; Ord. No. 72-9 § 1, 8-1-72; Ord. No. 91-9 § 3, 3-19-9 1; 1957 Code § 12-20; Ord. No. 2006-24, §§ 3,4; 12-19-2006)

## Article II - Alcoholic Beverages

### 12-2 REGULATING THE LICENSING OF THE SALE OF ALCOHOLIC BEVERAGES.\*

#### 12-2.1 Definitions.

As used in this chapter:

*Club* shall mean and include persons associated together as a chartered, or an incorporated club, including social clubs incorporated by orders of the circuit court judges, after their charters have been found to be for the objects authorized by law and approved by such judges as organized for lawful purposes and not for the purpose of evading license taxes on dealers in beverages, defined herein, which organizations are bona fide clubs, and at the time of application for license hereunder shall have been in continuous active existence and operation for a period of not less than two (2) years in the County where they exist, except clubs operated by or on behalf of the City as defined by law.

*Distiller* shall mean any person who owns, occupies, carries on, works in, conducts or operates any distillery, either by himself or by his agent.

*Distillery* shall mean and include any place and premises wherein any liquor is manufactured for sale.

*Establishment dealing in alcoholic beverages* shall mean and include any business or commercial establishment (whether open to the public or where entrance is limited by cover charge or membership requirement) including those licensed by the State for the sale and/or service of alcoholic beverages, and any bottle club; hotel; motel; restaurant; night club; country club; cabaret-, meeting facility utilized by any religious, social, fraternal or similar organization; business or commercial establishment where a product or article is sold, dispensed, served or provided with the knowledge, actual or implied, that the same will be, or is intended to be mixed, combined with or drunk in connection or combination with an alcoholic beverage on the premises of the business or commercial establishment; or business or commercial establishment where the consumption of alcoholic beverages is permitted. A private residence, whether permanent or temporary in nature, is not an establishment dealing in alcoholic beverages.

*Liquor* shall mean and include any and all distilled or rectified spirits, brandy, whiskey, rum, gin, cordials or similar distilled alcoholic beverages, including all dilutions and mixtures of one (1) or more of the foregoing.

*Nightclub* shall mean any building, room or rooms or other places where the principal business shall be to provide food, refreshments and entertainment; and

- a. Where accommodations for the services of meals to at least one hundred fifty (150) persons are provided; and
- b. Where a band, orchestra or some other form of musical entertainment is provided for dancing; and
- c. Where sufficient space, free from tables, chairs or other obstructions, is provided to enable twenty-five (25) couples to dance.

*Package store* shall mean any place where alcoholic beverages are sold regardless of alcoholic content where the beverages are sold in sealed containers for consumption off the premises.

*Rectified* shall mean and include any person who rectifies, purifies or refines distilled spirits or wine by any process other than as provided for on distillery premises and every person who without rectifying, purifying or refining distilled liquors, shall by mixing such spirits, wine or other liquor with any material manufacture any imitation of or compound liquors for sale under the name of whiskey, brandy, gin, wine, rum, spirits, cordials, bitters or any other name.

*Retail vendor* shall mean and include any person selling or offering for sale, or keeping with the intention of selling, liquor, wine, beer and/or any other alcoholic beverages.

*Vendor* shall mean any person, firm or corporation selling or dealing in liquor, wines, beer and/or any other alcoholic beverages.

*Wholesale vendor* shall mean any person who sells or offers to sell, consigns, or offers to consign, any liquor, wine, beer or any other alcoholic beverages for resale or in large quantities which are beyond the needs of an ordinary consumer.

*Wine* shall mean the product of the normal alcoholic fermentation of the juice of fresh, sound ripe fruit, with the usual cellar treatment and necessary additions to correct defects due to climatic saccharine and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed twenty-four (24%) percent by volume. No other products shall be called "wine" unless designated by appropriate prefixes descriptive of the fruit or other product from which same was predominantly produced or as artificial or imitation wine.

(Ord. No. 53 § 1, 12-1-36; Ord. No. 64 § 1, 9-2-38; 1957 Code § 4-1; Ord. No. 89-4 § 2, 8-15-89)  
State law reference-For definitions as to alcoholic beverages, see F.S.A. (1966) § 561.44.

### **12-2.2 Permitted Days and Hours of Sale-Sunday Restrictions; Hotels and Nightclubs.**

No distributor or vendor of alcoholic beverages shall sell, serve, offer to sell, allow to be consumed or deliver any alcoholic beverages to any person:

a. On weekdays between 2:00 a.m. and 7:00 a.m. and on Sundays between 2:00 a.m. and 1:00 p.m. unless otherwise permitted as set forth herein.

b.1. Upon application by a holder of a business tax receipt for a business tax receipt to extend the hours of a distributor or vendor of alcoholic beverages from 2:00 a.m. to 4:00 a.m., the holder of a business tax receipt shall be issued an initial business tax receipt for a six (6) month period at a non-refundable fee of one-half the annual fee. Thereafter, a business tax receipt for the extension of hours from 2:00 a.m. to 4:00 a.m. shall be issued on an annual basis for a non-refundable fee to be determined by the type and size of establishment as set forth below:

(a) Restaurant:

Class A: ~~three hundred (\$300.00)~~ three hundred (\$315.00) dollars per year.

Class B: ~~four hundred (\$400.00)~~ four hundred twenty (\$420.00) dollars per year.

Class C: ~~one thousand (\$1,000.00)~~ one thousand fifty (\$1,050.00) dollars per year.

(b) Bar/Lounge:

Class A: ~~Four hundred (\$400.00)~~ four hundred twenty (\$420.00) dollars per year.

Class B: ~~Five hundred (\$500.00)~~ five hundred twenty five (\$525.00) dollars per year.

Class C: ~~One thousand (\$1,000.00)~~ one thousand fifty (\$1,050.00) dollars per year.

(c) Nightclub:

Class A: ~~Six hundred (\$600.00)~~ six hundred thirty (\$630.00) dollars per year.

Class B: ~~Seven hundred (\$700.00)~~ seven hundred thirty five (\$735.00) dollars per year.

Class C: ~~Three thousand (\$3,000.00)~~ three thousand one hundred fifty (\$3,150.00) dollars per year.

The term "restaurant," with respect to this section only, means an establishment where the principal business is the regular serving of meals. The sale of alcoholic beverages shall be incidental to the serving of food. The sale of alcoholic beverages shall be prohibited except during the time the restaurant is actually engaged in, and open to the public for the serving of meals.

The term "bar/lounge," with respect to this section only, means any place of business where wine, beer or alcoholic beverages are sold or offered for sale for consumption on premises, and where the sale of food is incidental to the sale of such beverages, or where no food is sold. Every place of business that sells or permits alcoholic beverages to be consumed on premises that is not specifically defined in this section shall be considered a bar under this paragraph for the purposes of regulation.

The term "nightclub," with respect to this section only, means any establishment where the principal business shall be to provide food, refreshments and entertainment and where accommodations for the services of meals to at least one hundred fifty (150) persons are provided. Furthermore, a band, orchestra or some other form of musical entertainment is provided for dancing.

The size classification for establishments covered hereunder shall be as follows:

Class A: Establishments having gross square footage of 0-3,000 sq. ft.

Class B: Establishments having gross square footage of 3,001-5,000 sq. ft.

Class C: Establishments having gross square footage over 5,000 sq. ft.

2. The business tax receipt to extend hours from 2:00 a.m. to 4:00 a.m. shall be issued upon approval by the City Manager or his designee. Any decision of the City Manager or his designee is appealable to the Mayor and City Council. The City Manager or his designee may revoke the extended hours business tax receipt if it is determined that the establishment is operating in a manner which is harmful to public health, safety or welfare.

c.1. Upon application by a holder of a business tax receipt for a business tax receipt to further extend hours, and after an investigation and report by the Chief of Police to the City Council, the City Council shall have the authority, in its discretion, to further extend the hours of a distributor or vendor of alcoholic beverages from 4:00 a.m. to 6:00 a.m.

The issuance of the business tax receipt for the extension of hours from 2:00 a.m. to 4:00 a.m. shall be obtained prior to applying for a business tax receipt to extend hours from 4:00 a.m. to 6:00 a.m.

2. The initial license shall be issued for a six (6) month period at a non-refundable fee of one-half the annual fee.

3. Thereafter, upon approval by the City Council and Chief of Police, a business tax receipt for extended hours shall be issued for a nonrefundable fee subject to annual review before the issuance of the yearly business tax receipt by the City Council and a satisfactory report from the Chief of Police, as follows:

Class A: ~~One thousand (\$1,000.00)~~ one thousand fifty (\$1,050.00) dollars per year.

Class B: ~~Three thousand (\$3,000.00)~~ three thousand one hundred fifty (\$3,150.00) dollars per year.

Class C: ~~Six thousand (\$6,000.00)~~ six thousand three hundred (\$6,300.00) dollars per year.

d. The City Council at its discretion may establish the initial business tax receipt period for any extended hours business tax receipt to align with the City's standard business tax receipt period. All applications for business tax receipts authorized by this section shall be submitted to the office of the City Clerk.

e. Adult entertainment establishments shall pay an annual investigative/regulatory fee of ten thousand (\$10,000.00) dollars in addition to the extended business tax receipt fees established herein for distributing and/or vending alcoholic beverages from 2:00 a.m. to 4:00 a.m. and from 4:00 a.m. to 6:00 a.m. and other applicable regulatory and business tax receipt fees provided by the City Code.

f. Nightclubs issued a business tax receipt by the City, together with incorporated clubs issued a business tax receipt by the City, shall be governed by the restrictions herein set forth, except that no nightclub or incorporated club shall sell, service, offer to sell, allow to be consumed or deliver any alcoholic beverages to any person or persons between the hours of 6:00 a.m. and 7:00 a.m. on weekdays and between the hours of 6:00 a.m. and 1:00 p.m. on Sundays. The sale of alcoholic beverages by nightclubs, incorporated clubs, restaurants and hotels, by either the package or sealed container, is prohibited during the hours in which the sale is prohibited for other holders of a business tax receipt. Provided further, that the hours of closing set for above shall not apply to New Year's Eve or to such other gala occasions as the Mayor may from time to time designate as such.

g. These restrictions shall not apply to private residences unless licensed to serve or sell alcoholic beverages. Private clubs shall not, however, be excepted from these restrictions.

(Ord. No. 121 § 1, 2-5-46; Ord. No. 128 § 1, 10-1-46; 1957 Code § 4-13; Ord. No. 820 § 1, 3-4-58; Ord. No. 70-18 § 1, 11-17-70; Ord. No. 80-16 §§ 2, 3, 4-15-80; Ord. No. 80-35 § 2, 7-1-80; Ord. No. 91-13 § 2, 4-16-91; Ord. No. 2001-12 § 2, 9-25-01; Ord. No. 2006-24, § 4, 12-19-2006))

State law reference-Authority of municipalities to regulate the hours of sale of alcoholic beverages, F.S.A. §§ 562.14, 562.45.

### **12-2.3 Hours of Sale for Nonprofit Incorporated Organization which Operates Private Club for Members.**

No organization incorporated in the State of Florida as a nonprofit organization which operates a private club for their own members within the City limits of the City of North Miami Beach, Florida, shall serve, sell, offer to sell, allow to be consumed, or deliver, any alcoholic beverages to any person on weekdays between 8:00 p.m. and 10:00 a.m., and on Sundays between 12:01 a.m. and 12:00 p.m. (1957 Code § 4-13.1; Ord. No. 68-22 § 1, 7-2-68)

### **12-2.4 Hours of Sale for Package Stores.**

Package stores within the City limits of the City are prohibited from the sale of any and all alcoholic beverages between the hours of 4:00 a.m. to 1:00 p.m. on Sundays, and between the hours of 4:00 a.m. and 7:00 a.m. on weekdays; provided, however, that vendors operating stores primarily for the sale of products other than alcoholic beverages (excepting such stores as are nonconforming under the zoning regulations) may make sales of beer in sealed containers for consumption off the premises during such hours as their stores legally remain open for the sale of other goods. (Ord. No. 202, 4-4-50; 1957 Code § 4-14; Ord. No. 2001-12 § 3, 9-25-01)

**State law reference**-State law authorizing municipalities to regulate hours of sale, F.S.A., §§ 562.14, 562.45.

### **12-2.5 Suspension of Sale in Emergency.**

Whenever, in the opinion and judgment of the Mayor, a public emergency shall be created or exist in the City causing or tending to cause public disorder, lawbreaking and confusion, the Mayor is hereby authorized and empowered to prohibit, by and through the issuance of his official decree, the sale, serving and consumption, or other thereof, of beers, wines, spirituous and other intoxicating liquors and beverages for and during a period of twenty-four (24) hours or such longer period of time as may be described in such decree, at all commercial establishments and at all other places in the City where such beers, wines, spirituous and all other intoxicating liquors and beverages are licensed to be sold, served or otherwise dispensed; and in the issuance of such decree, the Mayor shall have the fact of the issuance and the contents of such decree broadcast by Police and by commercial radio stations and otherwise given publicity as quickly and as widely as feasible.

It is hereby declared to be illegal and to constitute a violation of the provisions of this section for any person, firm or corporation operating, employed at or otherwise controlling any of the commercial establishments or other places described herein to sell, serve or permit the consumption on the premises of beers, wines, spirituous and all other intoxicating liquors and beverages during the period described in the decree of the Mayor. (Ord. No. 106 §§ 1, 2, 9-5-44; 1957 Code § 4-14.1)

### **12-2.6 Music Between 11:00 p.m. and 7:00 a.m. Prohibited; Nightclubs Excepted.**

No person holding a business tax receipt under this chapter shall allow or permit between the hours of 11:00 p.m. and 7:00 a.m., instrumental music, music reproduced from records, singing or other forms of entertainment, in any room where beer, wine, liquor, or any alcoholic beverage is sold or offered for sale, in any room or other enclosure connected directly or indirectly thereto by or through any stairway, hallway, doorway, or other means of ingress or egress. Exceptions to this section may be permitted by written authority of the Chief of Police on festival occasions, such as New Year's night; provided, however, "nightclubs" as defined in subsection 12-2.1 shall be excepted. (Ord. No. 64 § 1, 9-20-38; 1957 Code § 4-2)

### **12-2.7 Containers Stamped and Labeled.**

a. *Compliance with State and Federal Regulations.* No liquor or intoxicating beverages shall be sold by any person holding a license under this chapter where the container thereof does not have and bear the stamps, marks and labels

required by the laws of the United States and State of Florida relating to intoxicating beverages. (Ord. No. 53 § 9, 12-1-36; 1957 Code § 4-4)

### **12-2.8 Regulations Concerning Alcoholic Beverages.**

a. *Curb Service Liquor Prohibited.* No liquor shall be sold or served to persons in automobiles, and all curbside service of liquor is hereby prohibited.

b. *Wholesalers: Sales Limited to Licensed Persons Only.* No wholesaler licensed hereunder shall sell to any person for resale within the City any intoxicating liquors or beverages except to those persons or firms or corporations holding a license under this chapter.

c. *Retailer to Purchase from Licensed Wholesaler.* No retailer licensed under this chapter shall purchase any intoxicating liquors or beverages from any person other than a licensed wholesale dealer, distiller, rectifier or winery licensed as such within the State of Florida, or directly from manufacturers licensed by the United States of America.

d. *Persons to Whom Alcoholic Beverages May Not be Sold.*

1. To any person less than twenty-one (21) years of age.
2. To any person who is intoxicated, nor to any person who is known to be an habitual drunkard.
3. To any patient under the supervision or control of any State hospital, whether such patient be on furlough, or otherwise.
4. Knowingly be sold to any person brought before any court charged with nonsupport of wife, family or other dependents.

**State law reference-**For State law as to sale to minors, see F.S.A. (1966) § 562.11.

e. *Service Stations and Barbecue Stands; Wine and Beer Only.* No liquor or intoxicating beverages of any kind or nature, except wine and beer shall be sold at any service station, or on the premises adjoining or adjacent thereto, or at barbecue stands.

f. *Minor Employees.* No minor shall be employed in any place selling beer, wine or liquor. (Ord. No. 53 §§ 8, 10-14, 17, 12-1-36; 1957 Code §§ 4-3, 4-5-4-9; Ord. No. 825, 3-4-58)

### **12-2.9 Prohibited Uses of Licensed Premises; Penalty.**

a. It shall be unlawful for any person, firm or corporation which shall have been issued an alcoholic beverage license or licenses by the State of Florida to permit the premises to which such alcoholic beverage license or licenses attach in any degree to be used for any immoral, improper or criminal purposes.

b. It shall be unlawful for any person, firm or corporation which shall have been issued an alcoholic beverage license or licenses by the State of Florida to permit any person or persons of known immoral, improper or criminal habits to frequent, loiter or assemble on the premises to which such alcoholic beverage license or licenses attach to any degree or to frequent, loiter or assemble in and about the entrance thereof.

c. Any person, persons, firm or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon being convicted thereof, shall be punished according to Section 1-8 of this Code. (Ord. No. 748 §§ 1-3, 9-12-57; 1957 Code § 4-17.2)

### **12-2.10 Regulation of Premises Where Liquor is Sold.**

No licensed wholesale or retail liquor or alcoholic beverage dealer shall permit or allow on his premises where such liquor or alcoholic beverages are sold:

- a. Any screen, blind, curtain, partition, article or thing in the windows or upon doors which shall prevent a clear view into the interior of such licensed premises from the sidewalk at all times;
- b. Any booth, screen, partition or other obstructions in the interior of the licensed premises;
- c. Any swinging entrance doors;

d. Any box, stall partition, or any obstruction which prevents a full view of the entire room by every person present therein;

e. Any opening or means of entrance or passageway for persons or things between the licensed premises and any other room or place in the building containing the licensed premises, or any adjoining or abutting premises. All glass in any window or door on the licensed premises shall be clear and shall not be opaque, colored, stained or frosted.

f. The congregating or loitering of any law-less, vicious or immoral persons, nor the solicitation of any female as hostess or otherwise to encourage the purchase of drinks by customers, or to meet or make engagements with men. (Ord. No. 53 § 19,12-1-36; 1957 Code § 4-11)

#### **12-2.11 Reserved.**

#### **12-2.12 Nudity; Sexual Conduct Prohibited.**

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

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

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

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

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

f. No person shall cause and no person maintaining, owning or operating an establishment dealing in alcoholic beverages shall suffer or permit the exposition of any graphic representation, including pictures or the projection of film, which depicts human genitals, pubic area, vulva, anus, anal cleft or cleavage, buttocks, female breasts below the top of the areola, sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, any sexual act prohibited by law, touching, caressing or fondling of the breasts, buttocks, anus, or genitals, or any simulation thereof within any establishment dealing in alcoholic beverages. (1957 Code § 4-18; Ord. No. 89-5 § 2, 8-15-89)

**Cross reference-**Prohibitions on premises where liquor is sold, § 12-2.10; prohibited conduct, § 12-2.10f

#### **12-2.13 Regulation of the Possession, Consumption and Sale of Alcoholic Beverages in Public City Parks.**

a. It shall be unlawful for any person to possess, consume, or sell alcoholic beverages in the public City parks, except:

1. A permit for the possession, consumption and/or sale of alcoholic beverages at group picnics or functions may be issued upon application to the City Clerk and compliance with all applicable rules and regulations.

2. The possession, consumption and/or sale of alcoholic beverages may be permitted at City sponsored functions.

b. Appropriate "notice" signage shall be posted to inform the public of the restrictions.

c. Any person found guilty of violating this section shall be punished by a fine not exceeding five hundred (\$500.00) dollars or sixty (60) days imprisonment or both. (1957 Code § 4-19; Ord. No. 90-6 § 2, 6-19-90)

**12-2.14 Penalty; Generally.**

Any person or any member of any firm or corporation violating the provisions of this section shall, upon conviction, be punished as provided in Section 1-8 of this Code, and in addition thereto, all licenses issued by the City may be revoked in the discretion of the Mayor with the approval of the City Council. (Ord. No. 53 § 23, 12-1-36; 1957 Code § 4-15)

**State law reference**-Provisions relevant to moonshine whiskey, F.S.A., §§ 562.12, 562.27, 562.35, 562.39, 562.401, 562.403, 562.405, 562.408, 562.451.

**12-2.15 Each Day of Violation a Separate Offense.**

a. *Compliance Required.* Each day's selling or disposing of beverages without first complying with the requirements of this section will constitute a separate and distinct violation of this section.

b. *Violation of Paragraph a.* Any person or persons or any member of any firm or corporation violating any of the provisions of paragraph a. shall, upon conviction, be punished as provided in Section 1-8 of this Code and in addition thereto, any and all licenses issued under this Code and the ordinances of the City shall stand revoked, declared null and void, and of no force and effect.

c. *Additional Penalty.* Any person who violates any law of the State of Florida, any provision of the Charter of the City presently in effect (March 4, 1958) or to become effective on March 8, 1958, or any provision of any municipal ordinance pertaining in any manner to alcoholic beverage license holders, shall be fined in an amount not to exceed one hundred (\$100.00) dollars or shall be confined by the appropriate tribunal for a period not exceeding five (5) days for each such violation.

It is intended that the penal provisions of this section shall be in addition to and supplementary to any penal provisions heretofore enacted by the City Council for any violation pertaining in any manner to alcoholic beverage license holders. (Ord. No. 53 §§ 22, 24, 12-1-36; 1957 Code §§ 4-16, 4-17, 4-17.1; Ord. No. 824, 3-4-58)

**Article III - Conditions for Specific Business Tax Receipts**

**12-3 BOWLING ALLEYS AND LIKE ESTABLISHMENTS; DISTANCE RESTRICTION FROM CHURCH OR PUBLIC SCHOOL.**

No business tax receipt shall be issued for any bowling alley and/or other like establishment, which may be considered detrimental to a church and/or other house of worship or public school within the City limits by the City Council, where the place of business designated in the application therefor is within one thousand (1,000) feet of a church, house of worship or public school; provided the method of measurement that shall be applied to determine whether or not the businesses applying for a business tax receipt are within or without one thousand (1,000) feet of a church or other house of worship and/or public school shall be measurement made as the crow flies. (1957 Code § 12-20.1; Ord. 684 § 1, 2-6-68; Ord. No. 72-9 § 1, 8-1-72)

**Cross reference**-Business tax receipt fee, Section 12-31, B,24.

**12-4 Reserved.**

**12-5 CARD CLUBS, POOLROOMS AND LIKE ESTABLISHMENTS; DISTANCE RESTRICTION FROM CHURCH OR PUBLIC SCHOOL.**

No business tax receipt shall be issued for any card club, poolroom, bingo game, and/or other like establishment, which may be considered by the City Council detrimental to a church and/or house of worship or public school within the City limits, where the place of business designated in the application therefor is within one thousand (1,000) feet of a church or public school; provided the method of measurement that shall be applied to determine whether or not the businesses applying for a business tax receipt are within or without one thousand (1,000) feet of a church or other house

of worship and/or public school, shall be measurement made as the crow flies. Bingo games are not a violation of this section when they are permitted and/or sponsored by such church or school in their own building under their own jurisdiction. (1957 Code § 12-20.2; Ord. No. 68-3 § 1, 2-6-68; Ord. No. 68-19 § 1, 5-27-68; Ord. No. 72-9 § 1, 8-1-72)

## **12-6 AMUSEMENT EQUIPMENT POOL TABLE, ETC., ON BUSINESS PREMISES.**

a. *Permitted in B-3 Zone Only.* It is prohibited and unlawful to install, use or maintain any pool table, pinball machine or other game or amusement equipment or paraphernalia in any bar and grill, restaurant or other business premises hereinafter established in a zoning district other than B-3, except as hereinafter provided in paragraph f.

b. *Continuation.* Any bar and grill, restaurant, campground or movie theater located in a zoning district other than B-3, which presently uses and maintains pool tables, pinball machines or other game and amusement equipment and paraphernalia, may continue to use and maintain same to that extent only up until such time as that establishment or their successors in interest ceases operation or goes out of business. No existing use of such equipment may be expanded in zoning districts other than B-3. The City Clerk shall note the number and type of equipment on each business tax receipt affected. All such equipment shall be located within the confines of a building.

c. It shall be permitted and lawful to use and maintain pool tables, pinball machines and game and amusement equipment and paraphernalia located in a game and amusement establishment, if any, presently located in a B-3 zoning district, and it shall be permitted and lawful to hereafter install the equipment and paraphernalia in any new game and amusement establishment to be located in a B-3 zoning district.

d. It shall be permitted and lawful to install, use and maintain pool tables, pinball machines and other game and amusement equipment and paraphernalia, not exceeding four (4) in number, in a bar and grill, restaurant or other business establishment as a subsidiary, adjunct and ancillary use, provided the establishments are located in a B3 zoning district.

e. The Community Development Department and/or the City Clerk's Office shall enforce this section and issue citations and notices of violations returnable before the Code Enforcement Board in appropriate cases.

f. Game or amusement equipment may be allowed in B-1 and B-2 zoning districts as a special limited conditional accessory use in movie theaters, lounges, clubs, bars and grills, restaurants or other similar businesses, within the discretion of the City Manager or his designee, and based upon a reasonable and logical nexus to the main business use, the appropriateness of the location, square footage and other safety considerations.

An application for this amusement equipment special limited conditional accessory use shall be submitted to the City Manager or designee together with an application fee of one hundred (\$100.00) dollars, prior to the applicant's filing a business tax receipt application. The approved special limited conditional accessory use application shall be submitted to the City Clerk upon the filing of the business tax receipt application.

The determination of the City Manager regarding an amusement equipment special limited conditional accessory use application shall be appealable directly to the City Council.  
(1957 Code § 12-20.3; Ord. No. 78-2 § 5, 1-17-78; Ord. No. 80-10 § 2, 34-80; Ord. No. 80-31 § 2, 6-10-80; Ord. No. 91-9 § 4, 3-19-91; Ord. No. 92-23 § 2, 10-20-92)

**Cross reference**-Coin-operated amusement devices, § 12-12; B-3 commercial district, See Zoning Chapter.

## **12-7-12-8 RESERVED.**

## **12-9 PEDDLERS AND SOLICITORS.\***

### **12-9.1 Definitions.**

As used this section:

*Peddler* shall mean and include any person, whether a resident of the City or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers. It shall also include one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this chapter. Solicitor shall mean and include any person, whether a resident of the City or not, who asks, entices, urgently requests, petitions, pleads, entreats, implores, supplicates, invites, excites to action, tempts, procures, or lures a person for the purpose of selling or offering to sell any goods, wares, merchandise or any other article. (1957 Code § 14-1; Ord. No. 79-1 § 2, 1-16-79)

**12-9.2 Stationary Location on Highway Prohibited.**

It shall be unlawful for a peddler to operate any private business or maintain a stationary location upon any highway, street, sidewalk or other public property, including public rights-of-way within the City. (1957 Code § 14-2; Ord. No. 79-1 § 2, 1-16-79)

**12-9.3 Violations; Penalties.\***

Any person violating any of the provisions of this section shall be liable to the penalties established in Section 1-8 of this Code. Upon conviction for a violation of any of the provisions of this section, the appropriate tribunal shall be vested with the authority to revoke the business tax receipt of any holder thereof. (1957 Code § 14-3; Ord. No. 386 § 17, 12-7-54; Ord. No. 79-1 § 2, 1-16-79)

**12-9.4 Procuring Another to Violate Regulations.**

a. *Prohibited.* Anyone procuring another one to do on his behalf that which would be unlawful for him to do under this section shall stand as guilty as if he had done it himself.

b. *Violations-By Telephone.* If the violation of this section is by telephone, the overt act shall be considered a completed act if the person whose solicitation is sought is on a telephone inside the City limits, or if the telephone through which a solicitation is sought is inside the City limits and the person whose solicitation is sought is on a telephone outside of the City limits. (Ord. No. 386 §§ 16, 26, 12-7-54; 1957 Code §§ 14-4,14-5)

**12-10 SOLICITATION FOR CHARITIES.**

**12-10.1 Purpose and Scope of this Section.**

The intention of this section is to regulate professional promoters for pay, compensation, remuneration or commission of whatsoever kind, and is not intended to apply and shall not apply against any regularly and duly established charitable or fraternal organization of the City who pays compensation in the form of salaries only to its regular employees, providing, however, no person shall be exempt from the provisions of this section under circumstances in which other than regular employees are hired or where commissions and percentage of the proceeds raised are paid to any person. (Ord. No. 386 § 25, 12-7-54; 1957 Code § 14-6)

**12-10.2 Exemption of Solicitations Not Made for Remuneration.**

Nothing contained herein shall prohibit any person, by and through its agents or members, from soliciting funds, contributions or donations where there is no salary, compensation or percentage of the moneys so collected paid to anyone. (Ord. No. 386 § 1, 12-7-54; 1957 Code § 14-7)

**12-10.3 Business Tax Receipt Required to Solicit Sales or Subscriptions.**

It shall be unlawful for any person to solicit advertising, or to solicit, or sell, or offer to sell merchandise or subscriptions, contracts for magazines, pamphlets, books or periodicals within the City if it is represented or asserted that any charitable, patriotic, fraternal, philanthropic or political organization is to receive the benefit therefrom, without first having obtained a business tax receipt from the City Clerk as provided in subsection 12-10.5. Such prohibition shall include personal solicitation, solicitation by mail and telephone or otherwise. (Ord. No. 386 § 1, 12-7-54; 1957 Code § 14-8)

#### **12-10.4 Information Required When Sale of Publications Take Place.**

It shall be unlawful for any person to solicit advertising, either in person or by mail, telephone or otherwise, for any local magazine, booklet, directory, pamphlet, newspaper or periodical without first having filed a sworn statement with the City Clerk who shall first obtain written approval of the Mayor before issuing a business tax receipt containing the following information:

- a. Number of copies of the publication to be distributed.
- b. Number of copies distributed per average issue for previous year, if any.
- c. Frequency of issue during current year.
- d. Frequency of issue during past year, if any.
- e. Method of distribution and whether free or otherwise. This information shall be available to the public at all times. This subsection shall not apply to regular publications now required by law to file a statement of circulation with the United States Post Office Department.

(Ord. No. 386 § 2, 12-7-54; 1957 Code § 14-9)

#### **12-10.5 Application.**

In order to obtain a business tax receipt for any of the activities described in subsection 12-10.3, the applicant and the organization, after filing the statement with the City Clerk as required by subsection 12-10.4, shall thereupon file with the City Clerk no less than ten (10) days prior to the first day of the event a written application under oath, signed by the applicant, together with an executive officer of the organization which he represents, containing the following information:

- a. Date.
- b. Name of solicitor.
- c. Address of solicitor.
- d. ~~Length of residence in the City~~E-mail address of solicitor.
- e. Contact phone number for the day(s) of event.
- ef. Name of principal.
- fg. Address of principal.
- gh. Percentage of funds solicited to be paid the solicitor, or if payment is to be made in the form of a salary, the amount thereof, the name and address of the person having charge of the financial books and records of such organization, and the name and address of the person having charge of the funds of such organization.

~~h. The names and addresses of not less than three (3) qualified electors of the City, who are freeholders and nonmembers of the organization and who endorse the activities of such organization. The signatures of such persons shall appear on the application.~~

- i. The method and manner of solicitation.
- j. Such other information as may be required by the City Clerk and Police Chief, in order for them to determine whether such solicitation is in the interests of, and not inimical to, the public welfare.

(Ord. No. 386 § 6, 12-7-54; 1957 Code § 14- 10)

#### **12-10.6 Soliciting or Receiving Money Without a Business Tax Receipt or by Misrepresentation.**

It shall be unlawful for any person to solicit or to obtain either in person or by mail, telephone or otherwise, any alms, moneys or gifts either directly or indirectly, within the City by one (1) or more of the following methods:

- a. Without first having obtained a business tax receipt as provided in subsection 12-10.5.
- b. By misrepresenting the name, occupation, financial, physical and social conditions or residence of the person soliciting, or the beneficiary of the funds solicited.

**12-10.7 Business Tax Receipt to Promote Fairs, Bazaars, Etc., or Conduct Rummage Sale-Required.**

a. Promoting Fairs, Bazaars, Etc. It shall be unlawful within the City to solicit either in person or by mail, telephone or otherwise, or to accept alms or gifts for any person, charitable, patriotic, fraternal, philanthropic or political organization, to promote or participate in any entertainment, fair, bazaar or carnival, or to offer tickets for sale therefor in the name of charity, patriotism, fraternalism, philanthropy or politics; or to solicit or accept gifts by any organization, except on its own premises, without first having obtained a business tax receipt from the City Clerk, who shall first obtain written approval of the Mayor before issuing such a business tax receipt, as provided in subsection 12-10.8.

b. Rummage Sales. It shall be unlawful within the City for any person to conduct a rummage sale or to sell or offer for sale any merchandise or any property which has been collected for sale for charitable, philanthropic, fraternal, patriotic or political purposes, except on the premises of such organization, without first having obtained a business tax receipt from the City Clerk, who shall first obtain written approval of the Mayor before issuing a business tax receipt, as provided in subsection 12-10.8.

(Ord. No. 386 §§ 4, 5, 12-7-54; 1957 Code § 14-12)

**12-10.8 Application; Information.**

In order to obtain a business tax receipt for any of the activities described in subsection 12-10.7, the applicant and the organization which he represents shall first file with the advisory committee a written application under oath, signed by the applicant and an executive officer of the organization which he represents, containing the following information:

- a. ~~Name~~ Date of event;
- b. Name of applicant ~~Address~~;
- c. ~~Age~~ Address of applicant;
- d. ~~Sex~~ Address of event;
- e. ~~Marital status~~ E-mail address of applicant;
- f. ~~Family relations, if any~~ Contact phone number for the day(s) of event;
- ~~g. Dependents;~~
- ~~h. Income;~~
- ~~i. Occupation;~~
- ~~j. Nationality;~~
- ~~k. Length of time resident of the City;~~
- ~~l~~g. Purpose for which alms or gifts are to be used;
- ~~m~~h. Commission or compensation paid to solicitor, ~~and the names and addresses of three (3) qualified electors of the City who are freeholders and nonmembers of the organization and who endorse the activities of such organization. The signatures of such persons shall be contained on the application~~;
- ~~n~~i. Name of organization applying for a business tax receipt to solicit, and the address of its headquarters;
- ~~o~~j. Names and addresses of its principal officers and management;
- ~~p~~k. The name of the person by whom the receipts of such solicitation shall be disbursed, and whether such person is a qualified elector of the City;
- ~~q~~l. The name and address of the person who will be in direct charge of conducting the solicitation;
- ~~r~~m. An outline of the method to be used in conducting the solicitations;
- ~~s~~n. The time when such solicitations shall be made, giving the preferred dates for the beginning and ending of such solicitation;

~~t.o~~ The amount of any wages, fees, commissions, expenses or emoluments to be expended or paid to anyone in connection with such solicitation, together with the manner in which such wages, fees, expenses, commissions or emoluments are to be expended, to whom paid, and the amount thereof;

~~u.p~~ A financial statement for the last preceding fiscal year of any funds collected for the purposes set out in subsection 12-10.7 by the organization of persons seeking a business tax receipt for such solicitations; the statement to give the amount of money so raised, together with the cost of raising it and final distribution thereof;

~~v.q~~ A full statement of the character and extent of the charitable, religious, philanthropic or political work being done by the applicant organization within the City;

~~w.r~~ Such other information as may be required by the City Clerk or Police Chief in order for them to fully determine the kind and character of the proposed solicitation, and whether such solicitation is in the interests of, and not inimical to, the public welfare;

~~x.s~~ A statement that the cost of raising the funds will not exceed ten (10%) percent of the total amount to be raised;

~~y.t~~ A statement to the effect that, if a permit is granted it will not be used or represented in any way as an endorsement by the City or by any employee thereof.

(Ord. No. 386 § 8, 12-7-54; 1957 Code § 14-13)

### **12-10.9 Issuance and Duration of Business Tax Receipts.**

Upon a compliance with the rules and regulations set forth in subsection 12-10.3 through subsection 12-10.8 governing the application for a business tax receipt, and upon payment of the sum of ~~three (\$3.00)~~ thirty five (\$35.00) dollars to the City to cover the cost of issuing such business tax receipt, the City Clerk, who shall obtain written approval of the Mayor, with the consent of the Council, to issue a business tax receipt, shall thereupon issue the business tax receipt which, when signed by the City Clerk, shall be valid for a period of time therein specified, not to exceed sixty (60) days from the day of issuance. (Ord. No. 386 § 9, 12-7-54; 1957 Code § 14-14)

### **12-10.10 Business Tax Receipt Not Transferable; Renewal.**

The business tax receipt herein described shall be inscribed upon a card, and endorsed thereon shall appear the following language:

"Not transferable and not to be construed as an endorsement or recommendation by the City of North Miami Beach."

Such business tax receipt may be renewed upon the expiration thereof provided a new application has been made and the conditions herein specified have been fulfilled. Such business tax receipt shall not be transferred, and may be revoked at any time by the City Council for proper cause shown after the holder of such business tax receipt has been afforded an opportunity to be heard. The City Manager may issue a temporary suspension of this business tax receipt until such hearing can be held. (Ord. No. 386 § 10, 12-7-54; 1957 Code § 14-15)

### **12-10.11 Excessive Remuneration to Solicitor.**

It shall be unlawful for the holder of such business tax receipt or any solicitor employed by the holder of such permit to solicit funds, contributions, donations or advertising when more than ten (10%) percent of the funds obtained from such solicitation is to be paid to the solicitor, either directly or indirectly, for procuring the advertisement, contribution or donation. (Ord. No. 386 § 11, 12-7-54; 1957 Code § 14-16)

### **12-10.12 Receipts; Requirements.**

It shall be unlawful for the holder of any business tax receipt issued under the provisions of subsections 12-9.3, 12-9.4, 12-10.10 through 12-10.12, 12-10.14 and 12-10.15 or solicitor employed by him, to solicit contributions, donations or advertising, without complying with the following regulations:

a. A receipt stating the amount of the contribution or donation shall be given to each subscriber or donee and shall be signed by the solicitor when the donation exceeds the sum of thirty-five (\$.35) cents.

b. Such receipt shall state the percentage of the donation solicited to be paid to anyone by reason of the procurement of the subscription, advertisement or donation, and if compensation of the solicitor is not to be paid in the form of a percentage, then the rate of salary per day, week, or month, shall be therein set forth.

c. Such receipt shall contain the name of the chief executive officer and the name of the person having charge of the books and records of such organization, together with their respective addresses.

d. Such receipt shall also contain the number of the City business tax receipt authorizing the solicitation and when the business tax receipt was issued. (Ord. No. 386 § 12, 12-7-54; 1957 Code § 14-17)

#### **12-10.13 When Required.**

No person who receives pay, compensation or commission for soliciting funds for the sale of tickets or advertisements, as provided herein, shall accept or receive any donation, contribution, or purchase price for the sale of any tickets or advertisements, except by issuing simultaneously therewith a written receipt for the amount so received, which receipt shall contain a written statement showing the percentage or compensation to be paid to the promoter under the terms of the written contract with the organization employing them and such receipt shall contain a serial number and shall be issued only upon authorization of the person representing the cause for which the funds are solicited. (Ord. No. 386 § 24, 12-7-54; 1957 Code § 14-18)

#### **12-10.14 Books and Records.**

It shall be unlawful for any organization obtaining a business tax receipt under the provisions of subsections 12-9.3, 12-9.4, 12-10.10 through 12-10.12, 12-10.14 and 12-10.15, to engage in the activities authorized by such business tax receipt, without maintaining books and records setting forth a list of and amount of contributions received, the expenses incurred in obtaining such funds for charitable, patriotic, fraternal, philanthropic or political purposes. Such books and records shall be maintained within the City and shall be open to inspection by any authorized representative of the City at all reasonable hours. (Ord. No. 386 § 13, 12-7-54; 1957 Code § 14-19)

#### **12-10.15 Exemption from Application of Subsections 12-9.3, 12-9.4, 12-10.10 through 12-10.12, 12-10.14 and 12-10.15.**

The provisions of subsections 12-9.3, 12-9.4, 12-10.10 through 12-10.12, 12-10.14 and 12-10.15 shall not apply to any established society, association or corporation which is organized and operated exclusively for religious, philanthropic, benevolent, fraternal, political, charitable or reformatory purposes, not operated for pecuniary profit, where no portion of the net earnings inures to the benefit of any person, private shareholder or individual, or where the solicitation of such organization shall be conducted among the members thereof by other members or officers thereof, voluntarily and without remuneration for such solicitations, or where such solicitation may be in the form of collections or contributions at the regular exercises or services of any church, religious society, lodge, benevolent order or fraternity or similar organization, or any branch thereof. (Ord. No. 386 § 14, 12-7-54; 1957 Code § 14-20)

#### **12-10.16 Soliciting for Hotels, Etc., Business Tax Receipt and Bond Required.**

Before any person shall solicit, either in any public street or alley in the City, or in any other place in the City, any person to patronize any hotel, apartment house or lodging house, or any other place where lodging is furnished for hire, situated outside of Miami-Dade County, Florida, such solicitor shall first make and file with the City Clerk, the bond provided for in subsection 12-10.17, and pay an annual business tax. Fractional business tax receipts shall not be issued under subsections 12-10.16 through 12-10.19. (Ord. No. 386 § 18, 12-7-54; 1957 Code § 14-21)

#### **12-10.17 Amount and Contents of Bond.**

The bond shall be in the sum of five thousand (\$5,000.00) dollars, payable to the City for the use and benefit of any concerned, conditioned to pay to any person all damages sustained by the misrepresentations of any such solicitor made to induce the damaged person to patronize any such hotel, apartment house, lodging house or any other place where lodging is furnished for hire; and the bond to run and be in effect for the period of the business tax receipt issued by the City to such solicitor; such bond to be with good and sufficient surety to be approved by the City Council. (Ord. No. 386 § 19, 12-7-54; 1957 Code § 14-22)

### **12-10.18 Termination of Business Tax Receipt.**

The business tax receipt required by subsection 12-10.16 shall terminate at the time provided therein, and before such time if the surety on the bond shall cease to be worth the amount of the bond subject to execution. ((Ord. No. 386 § 20, 12-7-54; 1957 Code § 14-23)

### **12-10.19 Not Applicable to Travel Bureau.**

Nothing contained in subsections 12-10.16 through 12-10.18 shall be construed to apply to or affect any duly licensed and bonded travel bureau, operating and doing business from an established place of business in the City, which has complied with the laws of the City. (Ord. No. 386 § 21, 12-7-54; 1957 Code § 14-24)

### **12-10.20 Contracts or Agreements for Soliciting Service; Copy to be Filed.**

Every person who enters into a contract or agreement with any other person for the purpose of soliciting funds, donations, contributions, or for the sale of tickets or advertisements to any part of the general public for pay, compensation, salary or commission, shall and is hereby required to file an executed copy of such contract with the City Clerk at least three (3) days prior to any such solicitation, providing, however, no more than one (1) such copy shall be required to be filed. (Ord. No. 386 § 22, 12-7-54; 1957 Code § 14-25)

### **12-10.21 Filing and Publishing Information.**

No person under any contract or agreement wherein such person is paid or expects to receive pay, compensation or commission for soliciting funds within the City limits on behalf of any other person, shall do so either by the use of any telephone or telephones or otherwise, or shall in any manner seek the sale of tickets or advertisements in connection therewith, unless there shall first be filed at least three (3) days in advance, an instrument in writing with the City Clerk wherein the name and address of the cause for which the funds are so solicited shall be stated, the name and address of each solicitor, the number of the telephone or telephones used for such purpose and the location thereof, the name and address of the professional promoter and the percentage of the receipts or remuneration to be received by such promoter; and such person shall also be required to file a sworn statement by a publisher, or his duly authorized agent, of a newspaper published daily in the City, showing that all of the foregoing information was published at least once three (3) days prior to the commencement of such solicitation. (Ord. No. 386 § 23, 12-7-54; 1957 Code § 14-26)

### **12-10.22 Penalty.**

Any person who enters into a contract as provided herein and who fails to file a copy of the same with the City Clerk, or any person who solicits funds, donations, contributions, or compensation for the sale of tickets or advertisements as provided herein, or any person who fails to file or publish the information as provided herein, or who fails to give the correct information, either in the filing of the information with the City Clerk or the publication of the notice, or who fails to issue a receipt for the funds solicited simultaneously with the collection of the same, or who issues a receipt without the truthful information thereon as provided herein, or who issues a receipt not authorized by the person for which the funds are solicited, or otherwise violates this section, shall be guilty of a violation of this Code, and shall upon conviction, be punished as provided in subsection 12-9.3. (Ord. No. 386 § 27, 12-7-54; 1957 Code § 14-27)

### **12-10.23 Fundraising Activities for Charitable Purposes.**

#### **a. Regulation of Fundraising Solicitation Activities.**

1. Chapter 496 Florida Statutes known as "Solicitation of Funds Act" be and the same is hereby adopted and made a part of the Code of Ordinances of the City of North Miami Beach.

2. A violation of paragraph 1. shall be punished pursuant to Chapter 496 Florida Statutes. (1957 Code § 14-28; Ord. 90-22 § 2, 10-16-90)

## **12-11 DISTRIBUTION OF COMMERCIAL AND NONCOMMERCIAL HANDBILLS.**

### **12-11.1 Definitions.**

As used in this section:

*Commercial handbill* shall mean and include any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature:

a. Which advertises for sale any merchandise, products, commodity, or thing;

b. Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interests thereof by sales; or

c. Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order. Nothing contained in this paragraph shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind, without a business tax receipt, where such business tax receipt is or may be required by any law of this State, or under any ordinance of this City; or

d. Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

*Handbill distributor* shall mean and include any person engaging or engaged in the business for hire or gain of distributing commercial or noncommercial handbills, other than newspapers distributed to subscribers thereof, and any person receiving compensation directly or indirectly for the distribution of such handbills.

*Noncommercial handbill* shall mean and include any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper booklet, or any other printed or otherwise reproduced original or copies of any matter or literature not included in the definition of a commercial handbill.

*Person* shall mean and include any person, firm, partnership, association, corporation, company or organization of any kind.  
(1957 Code § 13-50; Ord. No. 80-32 § 3, 6-3-80; Ord. No. 80-46 § 2, 916-80)

#### **12-11.2 Throwing or Distributing Commercial Handbills in Public Places.**

It shall be unlawful for any person to throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street, or other public place within the City, nor shall any person hand out or distribute or sell any commercial handbill in any public place. It shall not be unlawful on any sidewalk, street, or other public place within the City for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept same. (1957 Code § 13-51; Ord. No. 80-32 § 4,6-3-80)

#### **12-11.3 Placing Commercial and Noncommercial Handbills on Vehicles.**

It shall be unlawful for any person to throw or deposit any commercial or noncommercial handbill in or upon any vehicle. It shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept same. (1957 Code § 13-52; Ord. No. 80-32 § 5, 6-3-80)

#### **12-11.4 Depositing Commercial and Noncommercial Handbills on Uninhabited or Vacant Premises.**

It shall be unlawful for any person to throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant. (1957 Code § 13-53; Ord. No. 80-32 § 6,6-3-80)

#### **12-11.5 Prohibiting Distribution of Handbills Where Properly Posted.**

It shall be unlawful for any person to throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on the premises in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No

Advertisement," or any similar notice, indicating in any manner that the occupants of the premises desire not to be molested or have their right of privacy disturbed, or to have any such handbills left upon such premises. (1957 Code § 13-54; Ord. No. 80-32 § 7, 6-3-80)

**12-11.6 Distributing Commercial and Noncommercial Handbills at Inhabited Private Premises.**

It shall be unlawful for any person to throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such premises. However, in case of inhabited private premises which are not posted, as provided in this section, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon the inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public places, and except that mailboxes may not be so used when so prohibited by Federal postal law or regulations. (1957 Code § 13-55; Ord. No. 80-32 § 8, 6-3-80)

**12-11.7 Name and Address of Printer, Distributor, Etc., of Handbills.**

It shall be unlawful for any person to distribute, deposit, scatter, hand out or circulate any commercial or noncommercial handbill in any place, under any circumstances, which does not have printed on the cover, front or back thereof, the name and address of the following:

a. The person who printed, wrote, compiled or manufactured the same;

b. The person who caused the same to be distributed; provided, however, that in the case of a fictitious person or club, in addition to such fictitious name, the true names and addresses of the owners, managers or agents of the person sponsoring the handbill shall also appear thereon.  
(1957 Code § 13-56; Ord. No. 80-32 § 9, 6-3-80)

**12-11.8 Distributor's Business Tax Receipt; Fee.**

a. It shall be unlawful for any person to engage in the business of handbill distributor for hire, or for any person to distribute commercial or noncommercial handbills, without first complying with the terms of this section and all other relevant laws and regulations; provided, that nothing contained herein shall apply to any person advertising his business or activity upon his own premises, if such business or activity is regularly established at a definite location in the City, and also if a business tax receipt has been obtained thereof, if such business tax receipt be required under the terms of any applicable law or ordinance.

b. Any person desiring to engage, as principal, in the business of distributing commercial or noncommercial handbills shall make application to and receive from the City Clerk, a business tax receipt in the manner prescribed and for a prescribed period. Such applicant shall make written application to the City Clerk upon a form or forms provided for such purpose by the City Clerk. Such application shall be accompanied by a fee determined by the City Clerk. Such form shall contain, among other things that may be required:

1. The full name, mailing address and telephone number of the person, business or other organization sponsoring or promoting the distribution of the handbills;

2. The full name, mailing address and telephone number of the individual person or persons who will have supervision of and responsibility for the distribution of the handbills;

3. The full name, mailing address and telephone number of the individual person or persons who will be engaged in the distribution of the handbills;

4. The subject matter of the proposed distribution or communication, and the purpose thereof;

5. A description of the proposed activities;

6. The dates and hours which the activities or solicitations are proposed to begin, and the expected duration of the proposed activities; together with a request for a business tax receipt for the period for which the applicant seeks to engage in such business.

c. Without excluding other just grounds for revocation, the City Council, or other official so empowered by law, may revoke any business tax receipt obtained under an application containing a false or fraudulent statement knowingly made by the applicant with intent to obtain a business tax receipt by means of false or fraudulent representations, or for violation of this section, or any other grounds specified by law. No business tax receipt issued under this section shall be transferable; and if such business tax receipt shall be surrendered by the holder of a business tax receipt therein named, or shall be revoked for cause, neither the holder of a business tax receipt named in such business tax receipt, nor any other person shall be entitled to any refund of any part of such fee.

d. Provided, that persons acting for holder of business tax receipts, as agents or employees in the distributing of any handbills, shall not be required to obtain a business tax receipt or pay a fee, but each such person shall comply with each and all of the other provisions hereof, and be subject thereto.  
(1957 Code § 13-57; Ord. No. 80-32 § 10, 6-3-80; Ord. No. 80-46 §§ 3, 4, 9-16-80)

**12-11.9 Exceptions.**

The provisions of this section shall not apply to the delivery of daily or weekly news publications, the delivery of notices or bills by public or private utilities, notices of any nature delivered by the City of North Miami Beach, or any County, State, or Federal governmental agency or to election campaign literature. (1957 Code § 13-58; Ord. No. 80-32 § 11, 6-3-80)

**12-12 COIN-OPERATED AMUSEMENT DEVICES.\***

**12-12.1 Application for Business Tax Receipt; Payment of Business Tax Receipt.**

No person shall operate, or cause to be operated for profit, any machine, contrivance or device which is set in motion or made or permitted to function by the insertion of a coin or slug for purposes of amusement, without first having filed an application, properly signed, with the City Clerk, setting forth thereon the name of the operator, the address where the machine is to be located, and without first having paid the business tax provided in Section 12-31 to the City Clerk for each such machine, contrivance or device, and without having obtained a business tax receipt and permit therefor. (1957 Code § 12-26; Ord. No. 93 § 1, 2-17-42)

**12-12.2 Nontransferable; Changing Location.**

Business tax receipts issued under and by authority of this section shall not be transferable and shall be valid only for that machine for which the business tax originally had been issued and at the address specified in the application. A transfer of the location of a machine that holds a valid business tax receipt under this section shall not be permitted unless the operator first shall have made application to the City Clerk requesting such transfer and without the transfer first having been approved by the City Clerk. (Ord. No. 93 § 4, 2-17-42; 1957 Code § 12-27)

**12-12.3 Number of Machines; Business Tax Receipt Displayed.**

Not more than two (2) machines shall be issued a business tax receipt or operated at one (1) place of business and the proper City business tax receipt shall be conspicuously displayed at the place where the machine has been issued a business tax receipt to be operated. (Ord. No. 93 § 5, 2-17-42; 1957 Code § 12-28)

**12-12.4 Definitions.**

As used in this section:

*Operator* shall mean any person owning, operating, controlling, or causing to be placed in operation more than two (2) machines, contrivances or devices holding a business tax receipt under this section.  
(Ord. No. 93 § 7, 2-17-42; 1957 Code § 12-29)

**12-12.5 Business Tax Receipt Required.**

No operator shall place for operation or shall distribute to location operators any machines, contrivances or devices, holding a business tax receipt under this section, without first having applied for and obtained an operator's business tax receipt from the City Clerk and having paid the business tax. (Ord. No. 93 § 9, 2-17-42; 1957 Code § 12-30)

### **12-12.6 Nonpayment of Business Tax; Seizure; Charges; Redemption; Sale; Proceeds.**

In the event of nonpayment of the business tax, authority is hereby given and granted the City Clerk to seize the machines for the nonpayment of the tax, and in the event any machine is seized for the nonpayment of any business tax, there shall be added, charged for and collected, by the City, an additional sum in the amount of ~~five (\$5.00)~~ fifty (\$50.00) dollars for storage and hauling charges for each machine so seized, and provided further, in the event any machine has been seized for the nonpayment of any business tax the machine shall not be released or returned until and unless the owner or operator of the machine has paid to the City the necessary business tax and the ~~five (\$5.00)~~ fifty (\$50.00) dollars for storage and hauling charges.

The City Clerk is hereby authorized and directed, in all cases where there has been a seizure made for the nonpayment of the business tax for machines, to notify the owner or owners of the machines, where possible, that same are being retained under the provisions of this section, and shall, during the period of ninety (90) days from date of the seizure, permit the owner or owners to regain possession thereof by proof of ownership and the payment of all charges connected with the seizure and storage of the machines.

After the expiration of the ninety (90) days' period, the City Clerk shall sell any such machines not claimed or reduced to possession by the owner or owners thereof at public sale after ten (10) days' notice in writing to the owner if he can be found, and by advertisement in a newspaper of general circulation in the City.

Out of the proceeds of the sale of any such machines, all costs and storage shall be first paid, and any balance remaining shall be retained by the City in a fund in possession of the City, for a period of one (1) year, in order to enable the owner or owners of the machines to prove ownership of the machines so sold, and when such ownership is proven, such surplus fund shall be paid to the owner.

After the expiration of one (1) year, as in the paragraph next preceding provided, any sums arising from the sales of the machines in accordance with the provisions of this section, if unclaimed by the owner or owners of the machines, shall be transferred to the general funds of the City. (Ord. No. 93 § 8, 2-17-42; 1957 Code § 12-31)

### **12-12.7 Gambling Prohibited.**

No machine, contrivance or device, which has been issued a business tax receipt under this section shall be used for gambling or as a game of chance. The intent or purpose of this section is to allow and permit the operation of machines for amusement purposes only. (Ord. No. 93 § 6, 2-17-42; 1957 Code § 12-32)

### **12-12.8 Business Tax Receipt to be Revoked for Violations.**

In the event any person shall be convicted in any of the State or County courts of using any machine, contrivance or device which has been licensed a business tax receipt under this section as a gambling device or as a game of chance, the business tax receipt issued to such person shall be declared revoked. The City Clerk shall refuse to issue any subsequent business tax receipt hereunder for the location where the gambling or gaming violation occurred. (Ord. No. 93 § 10, 2-17-42; 1957 Code § 12-33)

## **12-13 BAIL BONDSMEN.**

### **12-13.1 Business Tax Receipt Required.**

It shall be unlawful for any person in the City to solicit for, advertise for, or engage in the business of being a surety on a cash bail bond for money or other things of value without having a valid and effective cash bail bondsman's business tax receipt issued by the City. (Ord. No. 380 § 1, 10-5-54; 1957 Code § 12-34)

### **12-13.2 Prerequisite to Issuance of Business Tax Receipt.**

A professional cash bail bondsman's business tax receipt or renewal thereof, shall be issued by the City only to an individual who delivers to the Clerk a photostatic copy of a valid, current and effective license, class or type 237, issued by the State of Florida and who pays the Tax Collector the annual fee herein required. No cash bail bondsman's business tax receipt shall be issued to an association, partnership, corporation or to any entity other than a natural person. (Ord. No. 380 § 2, 10-5-54; 1957 Code § 12-35)

### **12-13.3 Advertising and Soliciting by Surety Companies.**

It shall be unlawful for any agent of a surety company to advertise for or solicit the business of furnishing of bail bonds, or for any sub-agent, solicitor or employee in the agent's office to so advertise, or in any way solicit, advertise, contract, execute under power of attorney, or deliver a bail bond without having a valid and effective business tax receipt surety bail bondsman's license issued by the City. (Ord. No. 380 § 3, 10-5-54; 1957 Code § 12-36)

### **12-13.4 Prerequisites to Surety Bail Bondsman's Business Tax Receipt.**

A professional surety bail bondsman's business tax receipt or renewal thereof shall be issued by the City only to an individual who delivers to the Clerk a photostatic copy of a valid, current and effective license, class or type 234 or 220, issued to him by the State of Florida, and who shall pay the Tax Collector the annual required business tax, providing further, the payment of this tax and the receipt of the surety bail bondsman's business tax receipt shall exempt the holder of a business tax receipt from paying any other general business tax required by the laws of the City. (Ord. No. 380 § 4, 10-5-54; 1957 Code § 12-37)

### **12-13.5 Release of Prisoner to Bondsman Holding a Business Tax Receipt Only; Exceptions.**

No employee of the City who is authorized to release a prisoner under an appearance bond shall accept a surety or cash bail bond and release a prisoner except to a professional bondsman executing the bond who is the holder of a business tax receipt, providing this subsection shall not apply to releases authorized by the appropriate authority or to a prisoner making a cash bond for a prisoner without charge. (Ord. No. 380 § 5, 10-5-54; 1957 Code § 12-38)

### **12-13.6 Term, Suspension of Business Tax Receipt.**

Business tax receipt shall be for a term of one (1) year beginning on October 1 and expiring on September 30 next, and shall be valid and effective during such time providing the business tax receipt issued by the State of Florida has not been suspended or revoked by the Insurance Department of the State of Florida. The City, upon receipt of notice of suspension or revocation of a business tax receipt by the State of Florida, shall in writing notify the appropriate Clerk of the authority and the Chief of Police of the City not to accept an appearance bond issued by the holder of the business tax receipt concerned until further notice. (Ord. No. 380 § 6, 10-5-54; 1957 Code § 12-39)

### **12-13.7 Effect of Revocation of State License.**

It shall be unlawful for any person with authority to accept appearance bonds for the City to accept such bonds from a professional bail bondsman after notice from the City Clerk has been issued to the effect that the surety or professional bail bondsman has his State license revoked or suspended. (Ord. No. 380 § 7, 10-5-54; 1957 Code § 12-40)

### **12-13.8 Limit of Holder of a Business Tax Receipt's Authority Noted.**

It shall be the duty of the City Clerk to promptly notify in writing the Chief of Police and the Clerk of the appropriate tribunal the names and addresses of persons holding a business tax receipt hereunder, stating the limits of the holder's of a business tax receipt authority to make appearance bonds. (Ord. No. 380 § 8, 10-5-54; 1957 Code § 12-41)

### **12-13.9 Notice to Prisoners of Location and Fees Charged by Bondsman.**

There shall be posted on the wall of the outer offices of the booking sergeant, in plain view of the person held in custody, and in such other places in the County Jail where a prisoner is permitted to use a telephone, a sign furnished by the holder of a business tax receipt, being made of white cardboard, no larger than eight and one-half inches by ten and one-half (8 1/2 x 10 1/2) inches with black lettering, stating the name of the holder of a business tax receipt, address, phone number and the fees charged. (Ord. No. 380 § 10, 10-5-54; 1957 Code § 12-42)

### **12-13.10 Recommendations of Bondsmen By City Employees Prohibited.**

It shall be unlawful for an employee of the City to directly or indirectly recommend a professional bail bondsman to any person in the custody of the City. (Ord. No. 380 § 9, 10-5-54; 1957 Code § 12-43)

### **12-13.11 Soliciting the Employment of Bondsmen.**

It shall be unlawful for any person in the City while on the premises of a building, court, Police station, jail, or any other place where a person is detained, to solicit directly or indirectly the person in custody to employ a professional bail bondsman. (Ord. No. 380 § 11, 10-5-54; 1957 Code § 12-44)

**12-13.12 Gifts to Law Enforcement Officers.**

It shall be unlawful for any holder of a business tax receipt hereunder, in the City, to directly or indirectly give anything of value or loan anything of any value to any person directly or indirectly concerned with law enforcement, custody or prisoners, approval or processing of appearance bonds, prosecution, or trail of offenses, under the State or City laws. (Ord. No. 380 § 14, 10-5-54; 1957 Code § 12-45)

**12-13.13 Gifts or Loans to City Employees.**

It shall be unlawful for any City employee to directly or indirectly accept anything of value or obtain a loan of anything of value from any professional bail bondsman or from anyone directly or indirectly connected with the business of making appearance bonds. (Ord. No. 380 § 15, 10-5-54; 1957 Code § 12-46)

**12-13.14 Influencing Enforcement, Seeking Official Favor.**

It shall be unlawful for a holder of a business tax receipt in the City to directly or indirectly influence or attempt to influence any employee in the Police Department, Clerk's office, appropriate tribunal or City Attorney's office, in the performance of their duties, or request from them any special consideration for the holder of a business tax receipt or any of the holder's of a business tax receipt clients. (Ord. No. 380 § 16, 10-5-54; 1957 Code § 12-47)

**12-13.15 Blanket Cash Deposit.**

The City Clerk is hereby authorized to accept a cash deposit or negotiable bonds from holder's of a business tax receipt hereunder, as a blanket cash deposit against which the holder of a business tax receipt or two (2) or more holders of a business tax receipt associated together may write cash appearance bonds and enter into an agreement in such form as the City Attorney may deem proper to effect the following conditions:

- a. To grant full and complete authority to the Mayor, with consent of the City Council, to convert deposited negotiable bonds into cash at any time he deems it to be in the best interest of the City.
  - b. To provide for substituted payment in cash to the City on the same date any bond charged against the blanket deposit agreement is estreated.
  - c. To grant full and complete authority to the Mayor, with consent of the City Council to reduce the blanket deposit in the amount of any estreated bond for which the City has not received substituted cash as provided in paragraph b. above.
  - d. To provide that the drawing parties keep accurate records of bonds written against the blanket deposit agreement, and to certify on each bond that the amount of appearance bond written and in effect at that time does not exceed the blanket deposit.
  - e. To provide for termination of the blanket deposit agreement by three (3) days' notice by any party to the agreement, and to provide for settlement of the obligations in full to the City.
  - f. To provide that no interest is to be paid by the City on the amount deposited.
- (Ord. No. 380 § 17, 10-5-54; 1957 Code § 12-48)

**12-13.16 Procedure in Making Appearance Bonds.**

a. The Clerk of the appropriate authority shall maintain a pad of serially numbered appearance bonds in triplicate in the custody of a Deputy Clerk in the offices of the booking sergeant, which shall be executed by the principal and surety, upon which will be certified by the Deputy Clerk, his approval and one (1) of the following:

- 1. Cash deposit received with bond.
- 2. Amount to be charged against blanket deposit.
- 3. Power of attorney received from a surety company authorized under Chapter 648 F.S. to write surety bonds.

b. Upon completion, the original shall be attached to the docket sheet; the duplicate issued to the holder of a business tax receipt hereunder or to accommodating surety or to principal, if no surety is on the bond; the third copy to remain in the pad as a ledger account of the bonds received.

c. The original attached to docket sheet shall be stamped by the Clerk of the Court as released or forfeited upon the disposal of the case and retained in a separate file as a voucher until audited.

d. The duplicate, issued in accordance with paragraph b. above, shall be surrendered to the Clerk of the Court for refund when bond is discharged, and shall act as a voucher for the amount of money returned.

(Ord. No. 380 § 18, 10-5-54; 1957 Code § 12-49)

### **12-13.17 Forfeiture of Bond; Prohibited, Arrest Therefor.**

It shall be unlawful for any person who has entered into and executed any bail bond, conditioned upon his appearance before the appropriate tribunal, to forfeit such appearance bond by not appearing in the court at the time and place designated in the appearance bond, providing that this violation shall have no effect upon further proceedings under the original violation or upon the court's discretionary right to set a bond forfeiture.

The arrest for violation of this section shall be made upon a warrant of arrest issued by the appropriate tribunal or Municipal Clerk upon proper affidavit showing the violation being sworn to and executed by the professional bail bondsman involved in the matter. (Ord. No. 380 §§ 19, 20, 10-5-54; 1957 Code § 12-50)

## **12-14 PRIVATE PROTECTIVE AGENCIES.**

### **12-14.1 Definitions.**

As used in this section:

*Private protective agency or patrol agency* shall mean any person who is engaged in the business of acting as private watchman over the property, real or personal of persons within the corporate limits of the City.

(1957 Code § 12-51; Ord. No. 953 § 2, 12-2-58)

### **12-14.2 Business Tax Receipt Required.**

No person shall engage in the business of patrol agency or private protective agency without having first obtained a business tax receipt from the City Clerk and without complying with all of the provisions of this section. (1957 Code § 12-52; Ord. No. 953 § 1, 12-2-58)

### **12-14.3 Application for a Business Tax Receipt.**

Any person desiring to engage in the business of private protective agency or patrol agency shall first make application to the City Clerk for a license upon a form or forms to be prescribed by the City Clerk, which form shall set out in detail the information sought herein. (Ord. No. 953 § 3, 12-2-58; 1957 Code § 12-53)

### **12-14.4 Investigation of Applicant.**

Upon receiving the application required in subsection 12-14.3, the City Clerk shall instruct the Chief of Police to make, and the Chief shall make a proper investigation for the purpose of ascertaining whether the applicant is qualified to engage in the occupation of private protective agency or patrol agency as well as the past record of such applicant on the question of honesty, integrity, truthfulness and other qualifications of like nature. (1957 Code § 12-54; Ord. No. 953 § 4, 12-2-58)

### **12-14.5 Issuance of Business Tax Receipt; Fee.**

If, after investigation, as required by the preceding section, the Chief of Police shall, in writing, state that he is of the opinion that the applicant is qualified, and shall so notify the City Clerk, the business tax receipt required by subsection 12-14.2 shall be issued to the applicant upon the payment of the business tax required by the City; payable on the same basis and for the same term as are other business tax receipt of the City. (1957 Code § 12-55; Ord. No. 953 § 5, 12-2-58)

### **12-14.6 Insurance Required.**

~~a. A patrol agency shall furnish to the City Clerk before beginning business and shall keep in force throughout the term of such business tax receipt's proof of liability insurance in an amount and form sufficient to satisfy State requirements, which insurance shall be approved by the Clerk as to its form and sufficiency.~~

~~b. The bond shall be conditioned, generally, as follows: "The condition of the above obligation is such that whereas, the principal has been issued a business tax receipt to operate a 'Patrol Agency' in the City of North Miami Beach in accordance with the terms and provisions of Ordinance No. 953 of the City.~~

~~"Now, therefore, if the principal shall well and truly comply with all of the terms and conditions of the Ordinance and shall well and truly indemnify any and all persons of and from any illegal act and any wrongful or negligent acts of commission or omission by the principal or any agent or employee of the principal, then this obligation to be null and void, otherwise to be in full force and effect."~~

~~e. A patrol agency shall furnish to the City Clerk~~~~As an alternative compliance, a patrol agency may obtain~~ before beginning business, and shall keep in force throughout the term of such business tax receipt, a policy of insurance in an amount not less than three hundred thousand (\$300,000.00) ~~one thousand (\$1,000.00)~~ dollars insuring the City, the patrol agency and all agents and employees of the patrol agency against liability to the public, including its customers or clients, for any loss occasioned by any illegal act and any wrongful or negligent acts of commission or omission by the patrol agency or any agent or employee thereof. The policy of insurance shall be inspected and approved by the City Attorney before the patrol agency begins doing business in the City.

(1957 Code § 12-56; Ord. No. 953 § 6, 12-2-58; Ord. No. 92-4 § 2, 4-7-92)

#### **12-14.7 Employment of Minors Prohibited.**

No holder of a business tax receipt, under the provisions of this section shall employ any person under the age of eighteen (18) ~~twenty-one (21)~~ years to act as watchman or patrolman. (1957 Code § 12-57; Ord. No. 953 § 7, 12-2-58)

#### **12-14.8 Employee's History to be Furnished to the City Clerk.**

No holder of a business tax receipt under the provisions of this section, shall employ any person without having furnished to the City Clerk the name, address and a brief history of such employee. (1957 Code § 12-58; Ord. No. 953 § 8, 12-2-58)

#### **12-14.9 ~~Photographs and Fingerprints~~ State Licenses of Employees to be Filed with City.**

No person, whether the applicant himself, or if a corporation, no persons employed by such corporation, or if an individual, no persons employed by such individual, shall perform any services whatever in connection with the occupation or business of private protective agency or patrol agency without first having given to ~~the Chief of Police one (1) or more photographs of all persons engaged in such business or occupation or employed therein, together with the fingerprints of such persons, and not until after due investigation by the Chief of Police finding such persons to be properly qualified as to honesty and integrity and past record.~~ the City Clerk a valid copy of each employee's State License. (1957 Code § 12-59; Ord. No. 953 § 9, 12-2-58)

#### **12-14.10 Office Required in City.**

A patrol agency shall keep open and maintain a business office in the City which shall be kept open at such times as the Chief of Police may from time to time have prescribed. (1957 Code § 12-60; Ord. No. 953 § 10, 12-2-58)

#### **12-14.11 Employee's Minimum Experience; Good Standing Required; Statutory Compliance; Backers, Names Filed, of Good Character.**

a. The manager or managers and all employees employed by a patrol agency in a supervisory capacity shall have had at least two (2) years' experience in the patrol agency business or occupation, or shall have had at least two (2) years' experience as a public law enforcement officer or shall have satisfactorily completed four (4) academic years of high school or the substantial equivalent thereof.

b. If the patrol agency is incorporated, it shall be fully qualified and in good standing under the laws of Florida as evidenced by a certificate of the Secretary of State of Florida which shall be filed with the application for business tax receipt.

c. If the patrol agency, whether incorporated or not, operates under a name other than its own, the patrol agency shall comply with the "Fictitious Name Statute" of Florida (F.S. 1951, Sec. 865.09) and shall file with the Chief of Police a true

copy of the affidavit required by the statute ~~certified by the Clerk of the Miami-Dade County Circuit Court and showing the book and page where the same has been recorded.~~

d. A patrol agency shall, upon applying for a business tax receipt and on or before September 30 of each and every year thereafter, file an affidavit with the Chief of Police showing the names and addresses of all persons financially interested in the agency and the amount of percentage of their respective interests. The affidavit shall also set forth the names, ages and addresses of all officers, agents and employees of the patrol agency, together with a brief personal history of each. The affidavit shall be made by the resident manager referred to herein. The Chief of Police may require any patrol agency holding a business tax receipt to file such an affidavit at such other times as he deems necessary, not to exceed a total of four (4) times a year.

e. All officers, agents and employees of a patrol agency, including all persons financially interested therein, shall be persons of good moral character and integrity and shall never have been convicted of any crime involving moral turpitude. (1957 Code § 12-61; Ord. No. 953 § 11, 12-2-58)

#### **12-14.12 Exceptions to Subsections 12-14.10 and 12-14.11.**

Any patrol agency which has been issued a business tax receipt and operating in Miami-Dade County or any municipality therein continuously for a period of five (5) years immediately prior to the date of applying for a City business tax receipt, shall be entitled to receive such business tax receipt regardless of whether or not it meets the requirements of subsection 12-14.10 and the first paragraph of subsection 12-14.11 if such patrol agency meets all the other qualifications and complies with all other requirements of this section. In such cases, the president, if the agency is a corporation, or a person financially interested in the agency if it is a partnership, sole proprietorship or other form of business unit, shall sign all affidavits and receipts required by this section. (1957 Code § 12-62; Ord. No. 953 § 12, 12-2-58)

#### **12-14.13 Customers Employing Agency to be Filed with City.**

A patrol agency shall furnish the Police Department of the City with an affidavit listing all its customers who employ the agency in the City. Such affidavit shall be filed at the same time and each time the affidavit required by subsection 12-14.11 is filed and may be consolidated therewith. (1957 Code § 12-63; Ord. No. 953 § 12, 12-2-58)

#### **12-14.14 Cars and Uniforms of Private Patrol Agencies to Differ Strikingly from City Police Cars, Uniforms.**

All private protective patrol agencies hereunder holding a business tax receipt, shall establish a business address in business zoning and shall display a telephone number on any vehicle used by such agency. Such vehicle shall be painted in such manner and with such colors as are strikingly different from those employed by the Police Department of the City. All employees and patrolling personnel of such agencies shall wear a uniform strikingly different and easily distinguished from those employed by the Police Department of the City. (1957 Code § 12-64; Ord. No. 953 § 13, 12-2-58)

#### **12-14.15 Limitations on Agency Vehicle, Equipment, Etc.**

No vehicle used by a protective patrol agency shall have the word "Police" anywhere on same. No red lights, flashing or nonflashing, shall be employed on such patrol vehicles. No radios tuned to any police band or frequency shall be employed by such protective patrol agency or its personnel, either in the agency office or in the vehicle used or in any other place or manner. No firearms, guns, pistols, or weapons in the general category, shall be able to be used or carried by any personnel of a protective patrol agency holder of a business tax receipt within the City, until such firearms or weapons are registered with the City Police Department and with proper Miami-Dade County authorities and to the person employed by such agency. (Ord. No. 953 § 14, 12-2-58; 1957 Code § 12-65)

#### **12-14.16 Suspension, Revocation of a Business Tax Receipt.**

Any business tax receipt issued under the provisions of this section shall be able to be suspended or revoked at the will of the City Council of this City, if, after hearing, the Council shall find that the holder of a business tax receipt and other persons employed by him have been guilty of wrongful acts in violation of this section and all other ordinances of the City heretofore and hereafter promulgated. (1957 Code § 12-66; Ord. No. 953 § 15, 12-2-58)

## **12-15 PRIVATE DETECTIVE AGENCIES.**

### **12-15.1 Definitions.**

As used in this section:

*Private detective agency* shall mean any person or persons or corporations or firms engaged in the business of a private detective, making investigations for clients within the corporate limits of the City or whose services are retained by clients within the City.

(1957 Code § 12-68; Ord. No. 962 § 1, 12-17-58)

### **12-15.2 Business Tax Receipt Required.**

No person shall engage in the business of private detective agency without having first obtained a business tax receipt from the City Clerk of the City and without complying with all of the provisions of this section. (1957 Code § 12-69; Ord. No. 962 § 2, 12-17-58)

### **12-15.3 Application.**

Any person desiring to engage in the business of private detective agency shall first make application to the City Clerk of the City for a business tax receipt upon a form or forms to be prescribed by the City Clerk, which form shall set out in detail the information sought herein. (1957 Code § 12-70; Ord. No. 962 § 3, 12-17-58)

### **12-15.4 Investigation of Applicant.**

Upon receiving the application required in subsection 12-15.3, the City Clerk shall instruct the Chief of Police to make, and the Chief of Police shall make, a proper investigation for the purpose of ascertaining whether the applicant is qualified to engage in the occupation of private detective agency, as well as the past record of such applicant on the question of honesty, integrity, truthfulness, and other qualifications of like nature. (1957 Code § 12-71; Ord. No. 962 § 4, 12-17-58)

### **12-15.5 Issuance of a Business Tax Receipt; Fee.**

If, after investigation as required by the preceding subsection, the Chief of Police shall, in writing, state that he is of the opinion that the applicant is qualified and shall so notify the City Clerk that the business tax receipt required by subsection 12-15.2 shall be issued to the applicant upon the payment of the business tax required by the City, payable on the same basis and for the same term as are other business tax receipts of the City. (1957 Code § 12-72; Ord. No. 962 § 5, 12-17-58)

### **12-15.6 Insurance Required.**

The private detective agency shall furnish to the City Clerk before beginning business, and shall keep in force throughout the term of such business tax receipt, a policy of insurance in an amount not less than three hundred thousand (\$300,000.00) dollars insuring the City, the patrol agency and all agents and employees of the patrol agency against liability to the public, including its customers or clients, for any loss occasioned by any illegal act and any wrongful or negligent acts of commission or omission by the patrol agency or any agent or employee thereof. The policy of insurance shall be inspected and approved by the City Attorney before the patrol agency begins doing business in the City.

~~Before any holder of a business tax receipt shall be authorized to undertake the business for which the business tax receipt required by subsection 12-15.2 is issued, he shall first furnish proof of liability insurance in an amount and form sufficient to satisfy State requirements, which insurance shall be approved by the City Clerk as to its form and sufficiency.~~  
(1957 Code § 12-73; Ord. No. 962 § 6, 12-17-58; Ord. No. 92-4 § 3, 4-7-92)

### **12-15.7 Employment of Minors Prohibited.**

No holder of a business tax receipt under the provisions of this section, shall employ any person under the age of eighteen (18) ~~twenty-one (21)~~ years to act as private detective. (1957 Code § 12-74; Ord. No. 962 § 7, 12-17-58)

### **12-15.8 Employee's History Required to be Filed.**

No holder of a business tax receipt under the provisions of this section shall employ any person without having furnished to the City Clerk the name, address and a brief history of such employee. (1957 Code § 12-75; Ord. No. 962 § 8, 12-17-58)

**12-15.9 State Licenses of Employees to be Filed with City.**~~Photographs and Fingerprints Required of Employees.~~

No person, whether the applicant himself, or if a corporation, no persons employed by such corporation, or if an individual, no persons employed by such individual, shall perform any services whatever in connection with the occupation or business of private detective agency without first having given to the City Clerk a valid copy of each employee's State License. ~~to the Chief of Police one (1) or more photographs of all persons engaged in such business or occupation or employed therein, together with the fingerprints of such persons, and not until after due investigation by the Chief of Police finding such persons to be properly qualified as to honesty and integrity and past record.~~ (1957 Code § 12-76; Ord. No. 962 § 9, 12-17-58)

**12-15.10 Business Tax Receipt Revocable.**

Any business tax receipt issued under the provisions of this section shall be revocable at the will of the City Council, if after a hearing, the City Council should find that the holder of the business tax receipt and other persons employed by him have been guilty of wrongful acts. The City Manager is authorized to issue a temporary suspension of any business tax receipt until such hearing can be held. (1957 Code § 12-77; Ord. No. 962 § 10, 12-17-58)

**12-16 ELECTROLYSIS:\***

**12-16.1 Definitions.**

As used in this section:

a. The following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

1. *Electrolysis* shall mean an electro-chemical process and consists of inserting a needle charged with a small quantity of negative electricity into the follicle of the hair which is to be removed. The negative electricity which is supplied by an ordinary dry cell acts as the alkaline caustic, destroying the roots of the hair and enabling it to be removed without pain or discomfort.

2. *Electrologist* shall mean a person who engages in the business of removal of hair from a human being by the electrochemical process known as electrolysis.  
(1957 Code § 12-78; Ord. No. 60-115 § 1, 10-18-60)

**12-16.2 Prerequisite to Issuance of a Business Tax Receipt.**

For the occupation known as electrolysis, being closely entwined with the health, welfare and safety of the citizenry because of its nature and its relation to the process which is practiced upon the human body, it is therefor declared, by this section, to be an announced public policy that strict compliance with the following requirements shall be first effectuated prior to the issuance of an business tax receipt within the confines of the City, to wit:

a. The business premises in which the occupation of electrolysis is conducted shall have a separate outside entrance from any other business, room or space used for living or sleeping quarters.

b. The establishment shall be kept in a sanitary condition at all times.

c. The establishment shall have private facilities of hot and cold running water and shall have toilet facilities.

d. Operators employed in the establishment referred to in this section shall at all times wear clean, washable outer uniforms.

~~e. Every employee and/or the owner of any establishment referred to in this section must furnish to the City a certificate of good health, showing him to be free from any contagious or infectious disease of a communicable nature, such certificate being issued and signed by any licensed physician in the state within the past year.~~

**fe.** Any person or persons who shall make application to the City for such business tax receipt to conduct the business of electrolysis or to be employed as an electrologist, shall exhibit to the City a certificate which shall State that the applicant has graduated from a recognized school of electrolysis.

**gf.** As a further condition to the issuance of an business tax receipt in relation to the above occupation, the applicant shall deliver to the City a policy of insurance, (generally known as insurance against malpractice) subject to the approval of the City, containing the usual clause of protection in favor of the clientele of such occupation.

**hg.** The business tax receipt to be charged is hereby set at thirty (\$30.00) dollars and shall be payable to the City, payable to the City Clerk pursuant to the usual rules and regulations with respect to the payment of fees. The City Clerk shall deposit the fees with the City Finance Department.  
(1957 Code § 12-79; Ord. No. 60-115 § 2, 10-18-60)

## **12-17 ESCORT SERVICES.\***

### **12-17.1 Definitions.**

As used in this section:

*Conviction* shall mean and include an adjudication of guilt, a plea of guilty or nolo contendere, or the forfeiture of a bond when charged with a crime or municipal offense.

*Escort service* is a business named as an escort service, or any business however named, which makes a business of introducing individuals to other individuals for the purpose of pro-viding companionship for a period of time after the introduction, and for which a fee is charged.

*Person or business* shall mean any individual, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation leasehold interest, or any combination thereof, or any other entity.

*Specified anatomical areas* are defined as

a. Less than completely and opaquely covered:

1. Human genitals, pubic region;
2. Buttock; and
3. Female breast below a point immediately above the top of the areola.

b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

*Specified sexual activities* shall be defined as:

- a. Human genitals in a state of sexual stimulation or arousal.
- b. Acts of human masturbation, sexual intercourse or sodomy.
- c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.  
(1957 Code § 12-95; Ord. No. 78-17 § 2, 2-20-79)

### **12-17.2 Qualifications for the Issuance of a Business Tax Receipt for Escort Services.**

In addition to any other statutory code or ordinance provision, a business tax receipt to operate escort services shall be issued only to applicants of good moral character. In making such a determination the City Manager shall consider the following:

a. *Penal Conviction Information.*

1. Whether the applicant has been convicted of a felony, misdemeanor, or municipal offense in the past three (3) years in this State or any other State for prostitution, lewdness, assignation, pandering, letting premises for prostitution, keeping a disorderly house, illegally dealing in narcotics, or any felony, misdemeanor or municipal offense involving obscenity.

2. Whether any stockholder, director, partner, joint venturer, or manager associated, interested, or employed in the business of the application has been convicted of a felony, misdemeanor or municipal offense in the past three (3) years in this State or any other State for prostitution, lewdness, assignation, pandering, letting premises for prostitution, keeping a disorderly house, illegally dealing in narcotics, or any felony, misdemeanor or municipal offense involving obscenity.

3. Whether the applicant has been associated with or employed by a corporation or other business entity that has been convicted of a felony, misdemeanor, or municipal offense in the past three (3) years in this State or any other State for prostitution, lewdness, assignation, pandering, letting premises for prostitution, keeping disorderly house, illegally dealing in narcotics, or any felony, misdemeanor or municipal offense involving obscenity.

b. *Business Tax Receipt History.* Whether the applicant or any individual or business entity included in paragraph a. above, has been refused the issuance of or has had any business tax receipt license for a related business revoked or suspended in this or any other State and the reasons thereof.

c. *General Personal History.* Such other facts relevant to the general history of the applicant as the City Manager shall find necessary to a fair determination of the eligibility of the applicant.  
(1957 Code § 12-96; Ord. No. 78-17 § 2, 2-20-79)

**12-17.3 Business Tax Receipt Applications; Investigation; Approval or Disapproval by City Manager.**

a. Any person, before engaging in the escort service business, shall file a sworn application with the Business Tax Receipt Division in the Office of the City Clerk on forms provided by the City Clerk.

b. The completed application form shall be forwarded to the Chief of Police who, within thirty (30) days, will complete a full investigation of the qualifications of the applicant. Prior to making any recommendation, the Chief of Police may request the applicant or any person named in the application form or any person connected with any corporation named in the application form to file a set of fingerprints on regular U.S. Department of Justice forms.

c. Upon completion of the investigation, the Chief of Police shall report his recommendation to the City Manager as to the approval or disapproval of the application, which report shall contain specific reasons for his recommendation. If approved by the City Manager, the applicable business tax receipt shall be issued by the City Clerk's office. If the business tax receipt is disapproved by the City Manager, the applicant shall be notified of the disapproval and the reasons therefor.

d. The sole criteria of the City Manager in disapproving a business tax receipt shall be:

1. For affirmative responses to any questions posed pursuant to subsection 12-17.2a. above; or

2. The business tax receipt applicant has materially misrepresented or failed to include information required by this section.  
(1957 Code § 12-97; Ord. No. 78-17 § 2, 2-20-79)

**12-17.4 Revocation of Business Tax Receipt.**

a. The City Council may revoke the business tax receipt of any person or business holding a business tax receipt issued under this section where it is determined by the City Council, after hearing, that:

1. The holder of a business tax receipt, his or its agents, officers or employees, has been convicted of a felony, misdemeanor, or municipal offense in the past three (3) years in this State or any other State for prostitution,

lewdness, assignation, pandering, letting premises for prostitution, keeping a disorderly house, illegally dealing in narcotics, or any felony, misdemeanor or municipal offense involving obscenity; or

2. The holder of a business tax receipt has materially misrepresented or failed to include the information required by this section to be included in his business tax receipt application form.

b. At the hearing, the applicant shall be given the opportunity to be represented by an attorney, to make a record of the hearing by the use of a Court reporter, to call witnesses, to present documentary evidence, and to otherwise properly present his position or defense. [The City Manager is authorized to issue a temporary suspension of any business tax receipt until such hearing can be held.](#)

(1957 Code § 12-98; Ord. No. 78-17 § 2, 2-20-79)

#### **12-17.5 Renewal of Business Tax Receipt.**

Every year at least thirty (30) days prior to the expiration of any business tax receipt issued pursuant to this section or any business tax receipt previously issued to an escort service pursuant to any other provision of this chapter, every escort service licensee shall complete and submit a new verified application to the office of the City Clerk on the same form as required for the issuance of an original escort service holder of a business tax receipt, and each such holder of a business tax receipt shall submit to the same investigation required under this section for the issuance of an original escort service business tax receipt. (1957 Code § 12-99; Ord. No. 78-17 § 2,2-20-79)

#### **12-17.6 Application Fee; Purpose.**

Each applicant for an escort service business tax receipt shall remit the sum of six thousand (\$6,000.00) dollars with each original application, or application for renewal of each business tax receipt, which sum shall be used to defray investigative expenses and which sum is nonrefundable whether or not the business tax receipt is issued. (1957 Code § 12-100; Ord. No. 78-17 § 3, 2-20-79)

#### **12-17.7 Applicability of Sections 9-16.1-9-16.3.**

All holders of business tax receipts issued pursuant to this section, and all employees of such holders of a business tax receipt, are here-by made subject to the provisions of subsections 9-16.1, 9-16.2 and 9-16.3 of the Code of Ordinances of the City of North Miami Beach. (1957 Code § 12-101; Ord. No. 78-17 § 4, 2-2079)

#### **12-17.8 Effect on Other Provisions.**

All classifications, definitions, and fee amounts set forth in this chapter to which no reference is made in this section shall not be affected by this section. (1957 Code § 12-102; Ord. No. 78-17 § 5, 2-20-79)

### **12-18 SECONDHAND DEALERS IN JEWELRY, METALS AND COINS.**

#### **12-18.1 Definitions.**

As used in this section:

*Second hand dealer in jewelry, metals and coins* shall mean a person engaging in, conducting, managing or carrying on the business of buying, selling or otherwise dealing in secondhand jewelry, precious and semiprecious stones, metals containing gold or silver and imitations thereof, watches, rings, bracelets, coins and other similar goods, wares and merchandise. This definition includes pawnshops conducting, managing or carrying on the above-described business.

(1957 Code § 12-105; Ord. No. 81-2 § 1, 2-3-81)

#### **12-18.2 Police Clearance Permit and Business License Receipt Required.**

No person shall engage in, manage, conduct or carry on the business of a secondhand dealer in jewelry, metals and coins without obtaining a written clearance approval from the Police Department and obtaining a permit upon the payment of a business tax from the City Clerk. The permit shall contain the name and home address of the permittee and the address of the business being permitted and shall be signed by the Police Chief or his designee. (1957 Code § 12-105; Ord. No. 81-2 § 1, 2-3-81)

### **12-18.3 Change of Location.**

A change of location may be endorsed on a business tax receipt by the Police Department and the City Clerk upon written application by the holder of a business tax receipt accompanied by a change of location fee of ten (\$10.00) dollars. (1957 Code § 12-105; Ord. No. 81-2 § 1, 2-3-81)

### **12-18.4 Record of Purchases.**

Every secondhand dealer in jewelry, metals and coins shall keep a record of purchases, which record shall contain:

a. The name and address of each person from whom an item as described in subsection 12-18.1 hereinabove is purchased, including the signature of the person selling the same, together with the person's driver's license number or other identifying number and the person's right thumbprint.

b. A general description of the item purchased.

c. The estimated quantity of the item purchased.

d. The date of the purchase and the purchase price.

e. The records shall at all times be subject to inspection by all law enforcement officers and shall be preserved for a period of three (3) years after purchase.

f. A copy of the record of each item purchased shall be submitted to the Police Department within twenty-four (24) hours after the purchase.

(1957 Code § 12-105; Ord. No. 81-2 § 1, 2-3-81)

### **12-18.5 Holding Period.**

Property acquired in the course of a person holding a business tax receipt shall be held for a fifteen (15) day period. This holding period and the thumbprint requirement found in sub-section 12-18.4a. shall apply in all instances except for the purchase and sale of gold and silver coins and gold and silver bullion, when the purchase and sale is conducted by a person whose primary business is dealing in gold and silver coins and gold and silver bullion. (1957 Code § 12-105; Ord. No. 81-2 § 1, 2-3-81)

### **12-18.6 Hold-Orders.**

If a Police Officer has reasonable grounds to believe that an item acquired by the holder of a business tax receipt under this section in the course of his business is the subject of a criminal investigation, the Police Officer may place a hold-order upon such property for a period of ninety (90) days and, upon release of such property, may require the permittee to keep a record of the disposition of such property. It shall be unlawful for any person to dispose of any property contrary to any hold-order issued by a Police Officer. (1957 Code § 12-105; Ord. No. 81-2 § 1, 2-3-81)

### **12-18.7 Violation.**

No holder of a business tax receipt shall clean, alter, repair or otherwise change the appearance, melt, destroy, sell, export or other-wise dispose of any item described in subsection 12-18.1 obtained in the course of his business until the fifteen (15) day period described in subsection 12-18.5 or the ninety (90) day period described in 12-18.6 has expired. (1957 Code § 12-105; Ord. No. 81-2 § 1, 2-3-81)

### **12-18.8 Exception.**

The provisions of subsections 12-18.5 and 12-18.7 shall not apply to transactions by and between secondhand dealers in jewelry, metals and coins where the seller, before the sale to another dealer, has complied with all of the provisions of Section 12-18. (1957 Code § 12-105; Ord. No. 81-2 § 1, 2-3-81)

### **12-18.9 Requirements are in Addition to Other Code Requirements.**

The requirements of this section are in addition to any other requirements of the Code of Ordinances of the City of North Miami Beach such as, but not limited to, zoning and business tax receipt requirements. (1957 Code § 12-106; Ord. No. 81-2 § 1, 2-3-81)

## **12-19 PRIVATE SCHOOLS, NURSERIES AND MONTESSORI SCHOOLS.**

### **12-19.1 Definitions.**

a. As used in this section:

*Montessori school* shall mean an institution established and operated under the auspices and guidance of the Miami Montessori Institute.

*Nursery* shall mean a place where children are cared for and where no instruction or training of any kind is offered or given to the children, except training in personal habits, games and other activities designed for the purpose of keeping children occupied.

*Private school* shall mean an institution consisting of one (1) or more teachers and two (2) or more pupils in any branch or phase of learning other than a nursery or a Montessori school.

b. Any institution or establishment, by whatever name called, wherever three (3) or more children are in regular attendance, shall be conclusively deemed and regarded as a school and shall be subject to all pertinent requirements of this section relating to private schools, nurseries and Montessori schools.

(1957 Code § 16-1; Ord. No. 68-11 § 1, 6-4-68)

### **12-19.2 Zoning for Private Schools, Nurseries and Montessori Schools.**

Private schools, as defined herein, shall be permitted only in the specified zoning districts described and regulated in the zoning ordinances of the City of North Miami Beach.

Nurseries, as defined herein, shall be permitted only in the zoning districts established in the zoning ordinances of the City of North Miami Beach.

Montessori schools, as defined herein, shall be permitted only in zoning districts established in the zoning ordinances of the City of North Miami Beach. (1957 Code § 16-2; Ord. No. 68-11 § 2, 6-4-68)

### **12-19.3 Qualifications for Principals or Headmasters of Private Schools and Montessori Schools.**

It shall be unlawful for any person, firm or corporation operating a private school or a Montessori school in the City of North Miami Beach to employ as principal or headmaster of the private school or Montessori school any person who does not meet one (1) of the following requirements:

a. Shall hold a Florida graduate certificate and in addition hold a Master's degree in education from a standard university or college; or

b. Shall hold a Bachelor's degree from a standard university and have two (2) years of successful teaching experience in a standard public or private school of some State; or

c. Shall hold a certificate from a recognized normal school and have two (2) years of successful teaching experience in a standard public or private school of some State; or

d. Shall have five (5) years of successful teaching experience in a standard public or private school of some State; or

e. Shall be a qualified graduate of the Miami Montessori Institute; provided, however, that any school organized after November 30, 1968 shall require its principal or headmaster to hold a Florida graduate certificate and Bachelor's degree from a standard university or college and to have had two (2) years of successful teaching experience in a standard public or private school of some State, or to be a qualified graduate of the Miami Montessori Institute; and provided further that teaching experience shall be substantiated by two (2) recommendations as follows:

1. Testimonial of moral character, preferably from a minister of the gospel;

2. Testimonial, original or notarized copy of the original, as to teaching ability and success from school officials for whom applicant has done teaching, or in applicable cases from the Miami Montessori Institute.  
(1957 Code § 16-3; Ord. No. 68-11 § 3, 6-4-68)

**12-19.4 Regulations Pertaining to Private Schools and Montessori Schools.**

It shall be unlawful for any person, firm or corporation to:

a. Engage in the business of operating a private school furnishing meals or sleeping facilities to its children within the City of North Miami Beach unless such person, firm or corporation shall have first complied with all the rules and regulations governing toilet facilities, drinking water facilities and other health requirements pertaining to "independent boarding homes" as established by the State Welfare Board pursuant to the authority vested in it by Chapter 21013, Laws of Florida, 1941.

b. Employ a person as principal or headmaster of a private school who is not responsible for the management and operation of the school.

c. Employ as a teacher in any private school or in any Montessori school a person who does not hold a valid Florida teaching certificate or its equivalent, or in the case of a Montessori school a valid certificate of the Miami Montessori Institute or its equivalent.

d. Advertise any private school as a State accredited school unless the private school has been accredited by the Florida State Department of Public Instruction. Should a private school be accredited by any recognized regional accrediting association, it shall give the name of the accrediting association in all its advertisements, literature, letterheads and the like.

e. Use the word "school" in the name of any institution or establishment which does not qualify as a private school or as a Montessori school, as defined in subsection 12-19.1, and which does not meet all of the pertinent requirements and abide by all the applicable regulations otherwise provided in this section.  
(1957 Code § 16-4; Ord. No. 68-11 § 4, 6-4-68)

**12-19.5 Regulations Pertaining to Nurseries.**

It shall be unlawful for any person, firm or corporation to:

a. Engage in the business of operating a nursery which furnishes meals or sleeping facilities to its children in the City of North Miami Beach unless such person, firm or corporation shall have first complied with all the rules and regulations governing toilet facilities, drinking water facilities and other health requirements pertaining to "Independent Boarding Homes" as established by the State Welfare Board pursuant to the authority vested in it by Chapter 21013, Laws of Florida, 1941.

b. Use the word "nursery" in the name of any institution or establishment which does not meet all the pertinent requirements and abide by all the applicable regulations otherwise provided in this section.  
(1957 Code § 16-5; Ord. No. 68-11 § 5, 6-4-68)

**12-19.6 Business Tax Receipt Fees for Private Schools and Nurseries and Montessori Schools.**

It shall be unlawful for any person, firm or corporation to operate a private school or nursery or Montessori school, as defined herein, without first obtaining the approval of the Council of the City of North Miami Beach and paying a business tax receipt fee to the City of North Miami Beach as hereinafter provided in this subsection.

a. Any person, firm or corporation operating a private school, nursery or montessori school, as defined herein, shall pay a business tax receipt fee as set forth in Article V, Section 2-31, but shall not be prorated.

b. Business tax receipts for nurseries and private schools and Montessori schools shall be issued only with approval of the City Council of the City of North Miami Beach.

c. Business tax receipts shall not be transferred from the holder of the business tax receipt to any other person or corporation without consent of the City Council; and the transfer of fifty (50%) percent of the original stock to the third parties who are not at that time stockholders shall be deemed such transfer which necessitates the consent of the City Council.

(1957 Code § 16-6; Ord. No. 68-11 § 6,6-4-68; Ord. No. 2006-24 § 4, 12-19-2006)

#### **12-19.7 Condition of Obtaining a Business Tax Receipt; Inspections.**

Any person, firm or corporation applying for and obtaining a business tax receipt to operate a nursery or private school or Montessori school agrees and stipulates that such business tax receipt is issued upon the condition that the nursery or private school or Montessori school may be inspected at any time by any duly authorized official of the State Welfare Board, the State and County Boards of Health, the State and County Boards of Education, and the City of North Miami Beach. (1957 Code § 16-7; Ord. No. 68-11 § 7, 6-4-68)

#### **12-19.8 Penalties for Violation.**

Whoever shall violate any of the provisions of this section shall upon proof thereof be given sixty (60) days to satisfy the requirements of this section, and if at the end of such sixty (60) day period the requirements of this section have not been met, any and all business tax receipts for the operation of any such institution or establishment shall be revoked. In addition, whoever shall violate any of the provisions of this section may upon conviction thereof be fined any sum not exceeding five hundred (\$500.00) dollars and be imprisoned by the appropriate tribunal for any period of time up to and including sixty (60) days or may receive both such fine and imprisonment. Each day of violation of any provisions of this section shall constitute a separate and distinct offense. (1957 Code § 16-8; Ord. No. 68-11 § 8, 6-4-68)

#### **12-19.9 Effective Dates of Section.**

The provisions of this section shall be effective on any private schools and nurseries and Montessori schools beginning business after the adoption of this ordinance; and all private schools and nurseries and Montessori schools in existence on the effective date of this section shall meet the requirements of this section on or before November 30, 1968; subsection 12-19.2 shall not be applied to private schools in existence on the effective date of this section so long as such schools continue to utilize premises in nonpermitted zoning districts for school purposes and in compliance with all ordinances of the City appertaining thereto. (1957 Code § 16-9; Ord. No. 68- 11 § 9, 6-4-68)

### **12-20 TOWING.\***

#### **12-20.1 Application.**

This section shall apply to the towing or removal of any motor vehicle from private property within the City without the consent of the registered owner, authorized agent, operator or person in control of that vehicle, and where specified, to towing from public property. (1957 Code § 20A-1; Ord. No. 82-9 § 1, 4-6-82)

#### **12-20.2 Towing Conditions and Regulations from Private Property.**

The towing or removal of any motor vehicle from private property within the City without the consent of the registered owner, authorized agent, operator or person in control of that vehicle is subject to compliance with the following conditions and restrictions:

a. *Business Tax Receipt Required.* Any person or firm, prior to towing vehicles within the City, must obtain a City of North Miami Beach business tax receipt and register same with the Chief of Police.

b. *Storage Site Regulations.* All towed or removed vehicles must be stored at a site within the City limits or within five (5) miles of the City and convenient to allow citizens to retrieve vehicles with minimum difficulty. The site must be open for the redemption of vehicles seven (7) days per week, from 8:00 a.m. until 8:00 p.m., and when closed, shall have a sign, prominently displayed, indicating a telephone number in Miami-Dade County where the operator of the site can be reached at all times. Upon receipt of a telephoned request to open the site to redeem a vehicle between the hours of 9:00 p.m. and 9:00 a.m., the operator must respond to the site within one (1) hour by having an authorized employee appear at the site to allow release of the vehicle or be in violation of this section. The phone number posted shall be kept open for receipt of calls at all times. If that line is busy for five (5) continuous minutes, it shall create a rebuttable presumption that the line has been disconnected in violation of this section.

c. *Notice to City Police Department.* A person or firm towing or removing any vehicle shall, within thirty (30) minutes of such towing or removal, notify the City of North Miami Beach Police Department of such action, the storage site of the vehicle, the time the vehicle was towed or removed, and the make, model, color and license plate number of that vehicle, and shall obtain the name of the person at the Police Department to whom such information was reported and note that name on the trip record.

d. *Arrival of Vehicle Owner Before Removal.* If the registered owner, authorized agent, operator or person in control of the vehicle to be towed arrives at the scene prior to the removal or towing of the vehicle, the tow truck operator shall disconnect the vehicle from the towing or removal apparatus and the vehicle operator shall be allowed to remove the vehicle without interference from the tow truck operator upon the payment of a reasonable service fee of not more than one-half (1/2) of the allowable rate for such towing service as provided in this section.

e. *Payment Conditions.* The person or towing firm shall accept cash or either a check drawn on a Miami-Dade or Broward County bank (with appropriate identification and driver's license) or a major credit card in payment of any charges.

f. *Filing of Rates.* Any person or firm that tows or removes vehicles and requires the owner, authorized agent or person in control of the vehicle to pay the costs of towing and storage prior to the redemption of the vehicle must file and keep on record with the City of North Miami Beach Police Department a complete copy of the current rates charged for such services, and post a copy of same at the storage site in a conspicuous location. Any changes in rates must be filed with the Police Department before being placed in effect.

g. *Vehicle Identification.* All trucks or vehicles used to tow or remove vehicles from private or public property shall clearly indicate the name, address and telephone number of the towing company on the driver and passenger side doors of the towing vehicle in letters at least two (2) inches high.

h. *Temporary Holding Areas Prohibited.* When a vehicle has been towed or removed, it shall be brought directly to the storage site having a business tax receipt and shall not be kept in any temporary holding areas.

i. *Release of Vehicle to Owner.* When a vehicle has been towed or removed, it must be released to its owner or custodian within one-half (1/2) hour after a request for such release has been made and payment is offered for the towing services if such request is made between the hours of 8:00 a.m. and 8:00 p.m., or within one and one-half (1 1/2) hours if the request is made between 8:00 p.m. and 8:00 a.m. Any vehicle owner, custodian or agent shall have the right to inspect the vehicle before accepting its return, and no release or waiver of any kind may be required from any vehicle owner, custodian or agent as a condition of release. A detailed, signed receipt showing the legal name of the company or person towing or removing the vehicle must be given to the person paying the towing or storage charges at the time of payment, whether requested or not, and which receipt shall state on the front in bold letters the following:

"Acceptance of the vehicle and signing of this receipt does not constitute a waiver of any rights or a release for damage to the vehicle which may have resulted from towing."  
(1957 Code § 20A-2; Ord. No. 82-9 § 1, 4-6-82; Ord. No. 2006-24 § 4, 12-19-2006)

### **12-20.3 Rebates Prohibited.**

The payment of money or any other valuable consideration or giving rebates from the towing individual or firm to the owner or operator of the premises from which vehicles are towed or removed for the privilege of removing or towing those vehicles is expressly prohibited. (1957 Code § 20A-3; Ord. No. 82-9 § 1, 4-6-82)

### **12-20.4 Notice Required Prior to Towing from Private Property; Specifications; Sign Permit and Fees.**

Prior to towing or removing any vehicle from private property, the property owner, lessor or lessee shall post a notice meeting the requirements set forth in this section. This provision applies in all instances except at single-family residences or where personal notice has been given to the vehicle operator that the location is not available for the parking of unauthorized vehicles and vehicles are subject to removal at the vehicle operator's expense.

a. Notices shall be prominently placed at each driveway access or curb cut and must be within five (5) feet of the public right-of-way line. If there are no curbs or access barriers, a sign must be posted not less than every twenty-five (25) feet of lot frontage.

b. The notice must clearly indicate, in light-reflective letters not less than two (2) inches high on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense. The words "Tow Away Zone" must be included on the sign in not less than four (4) inch high letters.

c. The notice must provide the name and telephone number of the person or firm towing or removing the vehicles and the location of the storage lot.

d. The sign structure containing the required notices must be permanently installed with the bottom of the sign not less than four (4) feet above ground level. It must be placed and continuously maintained on the property for a period of not less than twenty-four (24) hours prior to the towing or removing of any vehicles. In addition, prior to the towing or removing of any vehicle, the following must be fully complied with:

1. All existing signs and all new signs must have a permit from the City.

2. A five (\$5.00) dollar permit fee must be paid for each premises containing up to five (5) signs, and an additional three (\$3.00) dollar fee for each additional sign, prior to issuance of a permit.

3. Plans for the sign must be submitted to the City's Community Development Department, which department shall inspect the plans or completed sign prior to issuing a permit.

4. A permit shall be issued after inspection and approval of the sign to insure conformity with the sign code and this section.

(1957 Code § 20A-4; Ord. No. 82-9 § 1, 4-6-82)

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**12-20.5 Rates.**

Any person or firm towing or removing vehicles from private property pursuant to this section shall not charge a rate greater than that set forth in the following schedule:

<i>Towing Charges</i>	<i>Day (7:00 a.m.-8:00 p.m.)</i>	<i>Night (8:00 p.m.-7:00 a.m.)</i>
(a) Passenger Cars and Small Trucks:		
(1) First 5 miles or fraction thereof	\$40.00	\$45.00
(2) Each additional mile	1.50	1.50
(b) Additional Charges:		
(1) Car trailer or car carrier	50.00	50.00
(2) Dollies	20.00	20.00
(3) Dropping and hooking up linkage	10.00	10.00
(c) Storage Charges:		
(1) Motorcycles or scooters, per 24 hours or part thereof	\$3.00	
(2) Cars and small trucks, per 24 hours or part thereof	5.00	

(1957 Code § 20A-5; Ord. No. 82-9 § 1, 4-6-82)

### **12-20.6 General Conditions Governing Holders of Business Tax Receipts.**

In addition to all other provisions of this section, the following conditions shall apply to any person or firm towing motor vehicles in the City of North Miami Beach, whether from private property or otherwise:

a. *Fees.* The person or towing firm shall pay a fee and obtain an business tax receipt or licenses as required under this Code and, in addition, shall purchase a medallion from the Police Department at a cost of fifty (\$50.00) dollars per year per vehicle, which medallion shall be prominently displayed on the lower left front windshield of each towing vehicle. Any person or firm operating more than ten (10) towing vehicles shall pay a total medallion fee of five hundred (\$500.00) dollars per year.

b. *Annual Inspection.* All wrecker type vehicles operated by towing firms shall be inspected annually by the Police Department of the City of North Miami Beach and proof of satisfactory inspection shall be submitted to the City Clerk with the application for the annual business tax receipt.

c. *Necessary Equipment.* Each person or towing firm operating a wrecker type vehicle must insure that each vehicle possess that equipment necessary to render proper towing services.

d. *Chauffeur's License Required.* All wrecker type vehicle operators are required to possess a current Florida chauffeur's license.

e. *Insurance Required.* The person or towing firm in its own name shall secure and maintain policies of insurance as listed below and shall furnish copies of same to the City.

1. Worker's compensation and employer's liability insurance as required by State Statute;

2. Public liability insurance in amounts of not less than two hundred fifty thousand (\$250,000.00) dollars per person and five hundred thousand (\$500,000.00) dollars per accident for bodily injury, and fifty thousand (\$50,000.00) dollars per accident for property damage;

3. Products or completed operations coverage to insure the towed vehicle and its contents against physical loss and damage during towing and while vehicles are being stored;

4. Automobile liability insurance covering all owned, nonowned and hired vehicles in the amounts indicated herein.

f. *Street Clean-up.* The operator of each wrecker type vehicle shall be responsible to clean the debris from the streets which is caused by the accident to which the vehicle responds.

g. *Revocation of Business Tax Receipt.* The occurrence of any of the following events shall constitute cause for canceling the business tax receipt of a towing agency:

1. The filing and adjudication of insolvency, reorganization or bankruptcy petitions (voluntary or involuntary);

2. Abandonment of the premises or discontinuance of operations.  
(1957 Code § 20A-6; Ord. No. 82-9 § 1, 4-6-82)

### **12-20.7 Equipment Requirements.**

Every wrecker type truck towing motor vehicles in the City of North Miami Beach, whether from private property or otherwise, shall be equipped with an oscillating amber light mounted on top of the tow truck cab, a commercial two-way radio connected to a base station and floodlights on the hoist as well as all other amber and red lights and amber and red reflectors as required by State law, and in addition must carry the following:

a. Portable cutting devices (must be available);

b. Porto-power or equivalent of ten-ton capacity (must be available);

c. Sand;

- d. Two (2) brooms at least one (1) of which shall be a heavy duty push broom;
  - e. Reflectors (portable) or six (6) safety cones;
  - f. Shovel;
  - g. Extra towing chain (eight (8) inch to ten (10) inch with hooks);
  - h. Axe;
  - i. Crowbar or pry bar;
  - j. Scotch blocks on large tow trucks (B&C type);
  - k. Fire extinguishers, ten-pound dry chemical (U.A. Class B and C fire extinguishers);
  - l. First aid kit;
  - m. Necessary hand tools;
  - n. Four-way lug wrench;
  - o. Steering wheel lock or some type of belt or rope;
  - p. Two (2) jack stands;
  - q. Air tank;
  - r. Extra gasoline supply;
  - s. Extra wood blocks;
  - t. One (1) pair of bolt cutters;
  - u. Jumper cables;
  - v. Flashlight;
  - w. Six (6) thirty-minute fuses.
- (1957 Code § 20A-7; Ord. No. 82-9 § 1, 4-6-82)

**12-20.8 Exceptions.**

The provisions of this section shall not apply to any towing or wrecker type vehicle operated under the auspices of an automobile club, automobile agency or gasoline service club, which club only services its members and not the general public. (1957 Code § 20A-8; Ord. No. 82-9 § 1, 4-6-82)

**12-20.9 Unlawful Acts of Towing Operator.**

In addition to all other provisions contained in this section, the following acts are expressly prohibited by any person or towing service:

- a. The failure to obtain and display a medallion from the City of North Miami Beach prior to towing any vehicle within the City;
- b. The demand or collection of a fee in excess of the rates filed or additional unauthorized charges;
- c. The failure to provide a receipt with all charges itemized;
- d. The failure to release a vehicle to its rightful owner or operator if the appropriate charge to which the person or towing service is entitled has been offered and the person making such offer promises to remove or promptly secure removal of the towed vehicle;
- e. The removal of a vehicle from location unless:

1. Requested to remove same by a Police Officer or appropriate governmental official acting in his/her official capacity; or
2. The vehicle's registered owner or the owner's authorized agent engages the operator's service; or
3. The towing operator has a signed authorization from the rightful occupier of real property for each such vehicle removed, which form must reflect all existing damage to the vehicle about to be towed.

f. The charge of a fee for attempting to tow a vehicle unless the holder of a business tax receipt has gained custody of the vehicle to be towed by hooking it to the tow truck and raising the vehicle's wheels off the ground, or has completed the process of preparing the vehicle for towing, and the holder of the business tax receipt has begun to operate the tow truck with the vehicle in tow, in which event no more than fifty (50%) percent of the towing fee may be charged;

g. The blocking or otherwise interfering with the removal of a vehicle by a person properly claiming such vehicle;

h. Going to the site of a vehicle accident for the purpose of soliciting or procuring towing service business unless called by the owner of a vehicle, the rightful occupier of property from which the vehicle is to be removed, or a Police Officer;

i. Refusing to allow a vehicle owner or operator to remove his or her possessions from a towed or stored vehicle upon presenting proof of ownership or authorized possession of the vehicle.

(1957 Code § 20A-9; Ord. No. 82-9 § 1, 4-6-82)

**12-20.10 Penalties.**

Violation of any provision of this section shall be punishable by up to sixty (60) days in jail, a fine not to exceed five hundred (\$500.00) dollars, or both if the violation is by the towing company, property owner or vehicle owner or operator, and/or revocation or suspension of the business tax receipt of the person or firm violating the section if the violation is by the towing firm. Each separate occurrence where a vehicle has been towed in violation of the provisions of this section shall constitute a separate violation. (1957 Code § 20A-10; Ord. No. 82-9 § 1, 4-6-82; Ord. No. 2006-24 § 4, 12-19-2006)

**12-21 TEMPORARY STRUCTURES OR TENTS USED FOR PLACES OF PUBLIC ASSEMBLAGE.**

**12-21.1 Erection of Temporary Structures Composed of Canvas, Etc. Used as Places of Amusement or Public Assemblage; Erection, Etc. of Devices Used by Carnivals, Etc.**

a. It shall be unlawful for any person, firm, or corporation to erect or cause to be erected, any temporary structure composed wholly or partly of canvas or similar material to be used as a place of amusement or for any religious, educational or recreational purposes or for any other public assemblages whatsoever within the limits of the City of North Miami Beach without first having made application to and received permission to do so in accordance with the conditions and limitations as set out in this section.

b. It shall be unlawful to place, construct, maintain or make available for the general public, rides, games, or other devices usually associated with the operation of a carnival or festival, without first complying with the provisions of this section.

(1957 Code § 15-1; Ord. No. 72-5 § 1, 4-18-72)

**12-21.2 Music Regulated at Certain Times; Compliance with Fire Protection Regulations.**

a. It shall be unlawful for any person to play, or cause to be played, at any site of such carnival, festival, circus, vaudeville, minstrel, theatrical performance and/or other exhibits, music after 10:00 p.m. until closing time of such performance or exhibit for that event, excepting and excluding Friday and Saturday evenings.

b. An applicant or his agent, servant, employee or lessee shall comply with all existing State, County and local laws, statutes, ordinances, and Code covering fire protection requirements when and where applicable.

(1957 Code § 15-2; Ord. No. 72-5 § 2, 4-18-72; Ord. No. 74-4 §§ 2, 3, 3-5-74)

### **12-21.3 Application for Erection of Temporary Structure; Required Building Plans Data.**

In the event an applicant proposes to erect a temporary structure as a place of public assemblage, the applicant shall file an application in writing with the Building Department, which application shall be accompanied by a set of building plans, in duplicate, drawn to scale, which shall indicate clearly:

a. *Information Required:*

1. The type of construction;
2. The seating arrangements;
3. The aisles;
4. The structural details and calculations of the seats and supports;
5. The location of all electrical wiring;
6. The location of all exits;
7. The location of all fire equipment within the structure and the specifications of such equipment;
8. The location, in so far as feasible, of adjacent structures and obstructions which might hinder the free egress of persons from the exits.

b. Such application shall further specify:

1. Whether any open flame is intended to be used within the structure, and if so what precautions are to be taken to render it safe;
2. The name of the person, firm or corporation which will use the structure;
3. The location of the principal place of business of such person, firm or corporation;
4. The names and addresses of the officers of such firm or corporation;
5. The length of time the structure is intended to be used for the purposes applied for;
6. The hours of the day or night during which such structure is intended to be used as a place of assembly;
7. The formula of the solution which is to be used to flame-proof the structure;
8. What provisions have been made for sanitary facilities for persons using the premises on which such structure is to be erected or is maintained;
9. Such other relevant information as the Fire Chief and Building Department may require.

c. The applicant shall furnish evidence that a public liability insurance policy in amounts of not less than three hundred thousand (\$300,000.00) dollars for one (1) person and one million (\$1,000,000.00) dollars for any one (1) accident, shall be in force and effect at the time such structure is to be occupied as a place of assembly by the public.

d. The applicant shall deposit with the City Clerk a cash bond in the sum of (to be set by the City Clerk and City Manager) dollars, conditioned upon saving harmless of the City of North Miami Beach from any and all liabilities or causes of action, which might arise by virtue of the granting of a permit to the applicant and conditioned further that no damage will be done to the streets, sewers, trees or adjoining property and that no dirt, paper, litter or other debris will be permitted to remain upon the streets or upon any private property by such applicant. Such cash bond shall be returned to the applicant upon certification by the Chief of Police that all conditions of this section have been complied with.

e. The applicant shall pay to the City Clerk of the City of North Miami Beach a fee or fees, of seven hundred fifty (\$750.00) dollars for each week or fractional part thereof.

f. If the Fire Chief determines that the attendance of the equipment at the location of the structure during the use of such structure as a place of assembly is necessary for the safety of persons and property, the Fire Chief shall require that

the applicant deposit with the City Clerk of the City of North Miami Beach a sum equal to the reasonable value of the use of the equipment and the furnishing of the necessary personnel for such time as will be required, in order to reimburse the City of North Miami Beach for such expense.

g. Such application and plans shall be submitted to the Building Department and the Fire Chief at least ten (10) days prior to the date of the opening of any such structure, and he shall be notified at least forty-eight (48) hours prior to the erection of such structure, so that he may make an inspection during reasonable daylight hours.

(1957 Code § 15-3; Ord. No. 72-5 § 3, 4-18-72)

**12-21.4 Applicant Required to Make Provisions for Enumerated Items.**

The Building Department and Fire Chief shall determine if the applicant has made provision for:

a. Adequate aisles, seats, platforms and poles;

b. Sufficient exits, well marked and properly lighted;

c. Lighted and unobstructed passageways to the areas leading away from the structure;

d. Removal, before the structure is to be used as a place of public assembly, of any pole, rope or other obstruction in any aisle or exit;

e. Inspection before the opening of each performance by a qualified electrician to ascertain if any defects exist in the wiring and provision made for immediate correction of any defects which may be found;

f. Sufficient first-aid fire appliances to be distributed throughout the structure with operating personnel familiar with the operation of such equipment available and assigned during the use of such structure as a place of assembly;

g. Sufficient "No Smoking" signs visible at all times;

h. An employee at each entrance to require the extinguishing of all cigarettes, cigars and other smoking materials;

i. Announcement at frequent intervals to the persons in the assembly of the fact that smoking within the structure is prohibited;

j. Proper safeguarding of any use of open flames or its use prohibited;

k. The clearing of straw, dry grass, sawdust and any combustible trash from the structure before it is opened to the public and arrangements made to keep the areas where debris may be expected to accumulate well serviced, especially under open seats;

l. Proper facilities for calling the Miami-Dade County Fire Department;

m. Such special fire equipment of the Miami-Dade County Fire Department to attend at such structure during its use as a place of public assembly as the Fire Chief may decide is necessary for proper fire protection;

n. The attendance of such special Police Officers and Firemen as the Chief of Police may deem necessary for the control of persons in the assembly to prevent overcrowding, obstruction of aisles and exits and such other control as may be necessary to render the occupation of such structure by the public safe;

o. The tent and canvas parts of the structure and all combustible decorative materials, including curtains, acoustic materials, streamers, cloth, cotton batting, straw, vines, leaves, trees and moss to be rendered fireproof.

(1957 Code § 15-4; Ord. No. 72-5 § 4, 4-18-72)

### **12-21.5 Issuance of Permit; Revocation.**

The City Clerk, Building Department, Fire Chief and Chief of Police shall report to the City Council regarding compliance by the applicant with the foregoing provisions and the City Council shall then determine, based upon the proposed location of the public assemblage, its reasonable and probable effect upon traffic, residences and businesses within the area; effects upon the ecology and environment of the area; and the effect of such assemblage upon the governmental services being supplied by the City to the area; the background and experience of the applicant. The City Council may consent to the issuance of a permit to erect or maintain the structure heretofore described, conditioned upon such reasonable limitations and requirements as the City Council may deem necessary for the safety of persons and property, provided that the Building Department, Chief of Police and Fire Chief shall determine that all of the limitations and requirements imposed by the Council have been complied with and that the structure has been erected in accordance with the application, before a permit permitting occupancy and operation may be issued by the City Clerk.

The City Manager may revoke any permit issued under this section for failure to maintain the premises in compliance with this section. (1957 Code § 15-5; Ord. No. 72-5 § 5, 4-18-72)

### **12-21.6 Permit for Public Amusements Not Places of Public Assemblage under Canvas or Temporary Structure.**

The City Council may direct the issuance of a permit to only nonprofit organizations whose official address, as stated in its bylaws, is within the limits of the City of North Miami Beach, in any district of the City, with the exception of any area which fronts on N.E. 163rd Street, for public amusements of the type described in this section which are not places of public assemblage under canvas or temporary structure, pursuant to the criteria set forth in subsection 12-21.5, upon such reasonable terms, conditions, limitations and requirements as it may determine upon application, provided that application is made therefor through the office of the City Clerk, which application shall contain such information as the City Manager may direct. Provided, however, that the aforementioned restriction as to property fronting on N.E. 163rd Street does not apply to churches, synagogues, or any houses of worship of any denomination which holds affairs of this nature on their own private property, even though same fronts on N.E. 163rd Street. In the issuance of such permit, the City Council may require such provisions for insurance for the public and the City as it may deem necessary, together with the posting of bond for cleanup, etc. The fee for such permit shall be seven hundred fifty (\$750.00) dollars paid to the City Clerk. (1957 Code § 15-6; Ord. No. 72-5 § 6, 4-18-72; Ord. No. 744 § 4, 3-5-74)

### **12-21.7 Penalties for Violation.**

Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this section; the Building Code, the Planning and Zoning Code; and Zoning Plan of the City of North Miami Beach, shall be fined not more than five hundred (\$500.00) dollars or shall be imprisoned in the City jail for not more than sixty (60) days, or both, in the discretion of the appropriate tribunal. Each day that a violation is permitted to exist after notice shall constitute a separate offense. (1957 Code § 15-7; Ord. No. 72-5 § 7, 4-18-72)

### **12-21.8 Chapter Supplementary to Existing Ordinances.**

The foregoing provisions shall be considered cumulative and supplementary to the existing provisions of ordinances of the City of North Miami Beach. (1957 Code § 15-8; Ord. No. 72-5 § 8, 4-18-72)

## **12-22 FALSE, DECEPTIVE OR MISLEADING ADVERTISING.\***

### **12-22.1 Generally.**

It is hereby declared to be unlawful to make, publish, disseminate, circulate or place before the public, or to cause, directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in the City, in a newspaper or other publication, or in the form of a book, notice, handbill, poster, bill circular, pamphlet or letter, or in any other way, as advertisement of any sort regarding merchandise, securities, service or other thing offered to the public for sale or distribution and containing any assertion, representation or statement of fact which is untrue, deceptive or misleading, with intent to sell or in any way dispose of such merchandise, securities, service or other thing, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereof, or an interest therein. (1957 Code § 3-1; Ord. No. 540 § 1, 4-10-56)

### **12-22.2 Advertising Rates or Prices Misleading.**

It shall be unlawful to advertise, or otherwise represent to the public, in any manner whatsoever, the prices, rates or fees to be demanded or charged for any merchandise, facilities, services or accommodations offered to the public, which prices, rates or fees are so represented or stated as to be incomplete, untrue, deceptive or misleading. (1957 Code § 3-1; Ord. No. 540 § 1, 4-10-56)

### **12-22.3 Deceptive Characteristics.**

It shall be unlawful to advertise or otherwise represent to the public, in any manner whatsoever, the brand, quality, quantity, trade name or other character of any goods, wares or merchandise, or service or facility of whatsoever kind, which advertisement or other public representation is untrue, deceptive or misleading. (1957 Code § 3-1; Ord. No. 540 § 1, 4-10-56)

### **12-22.4 Percentage Discount, Etc.**

It shall be unlawful to advertise, or otherwise represent to the public, in any manner whatsoever, a reduction in the price of any goods, wares, merchandise, service, facility or accommodation, of whatsoever kind offered to the public, whether such price reduction is represented in complete price figures or by percentage of reduction under a previous price, where the reduction is not based upon a previous bona fide sale price or cost price, theretofore advertised or represented to the public for articles or services so offered to the public. (1957 Code § 3-1; Ord. No. 540 § 1, 4-10-56)

### **12-22.5 Exaggerations.**

It shall be unlawful by means of exaggerated variations in the comparative size, location or position of letters, figures or other markings or characters on any price tag, sign poster, notice, display or advertisement or other public representation of any nature whatsoever, to mislead or deceive, or to attempt to mislead or deceive the public, as to the true nature, price, quantity, quality, brand, or character of any goods, wares, merchandise, services, facilities or accommodations, or as to the nature of, or the reason if any is offered, for the sale or offering for sale, so being made to the public. (1957 Code § 3-1; Ord. No. 540 § 1, 4-10-56)

## **12-23 FAKE SALES.**

### **12-23.1 Fake Sales Prohibited.**

It shall be unlawful for any person to conduct, maintain, operate or advertise at retail, any fake sale of goods, wares or merchandise within the City. (Ord. No. 541 § 1, 4-10-56; 1957 Code § 3-2)

### **12-23.2 Definitions.**

As used in this section:

*Fake sale* shall mean and is hereby defined as:

a. The sale of goods, wares or merchandise at auction or otherwise, to agents or other persons purchasing the same for, or on behalf of, the owner or other person interested in the sale thereof.

b. The sale of goods, wares or merchandise, or the offering of goods, wares or merchandise for sale in limited quantity or quantities of less than the full amount of such merchandise carried in retail stock on the premises by the person, firm or corporation offering the same for sale.

c. The sale, or offering for sale, of goods, wares or merchandise of a different quality or brand or bearing a different trademark as a substitute for merchandise previously advertised for sale.

d. The sale, or offering for sale, of any goods, wares or merchandise misrepresented as to quantity, quality, brand or otherwise.

e. The sale, or offering for sale, of any goods, wares or merchandise which is contingent upon the concurrent purchase or sale of any other article.

(Ord. No. 541 § 2, 4-10-56; 1957 Code § 3-3)

## **12-24 TERMINATION OF BUSINESS SALES.**

### **12-24.1 Definitions.**

As used in this section:

*Publish, publishing, advertising, and advertisement* shall mean and include any and all means of conveying to the public notice of a sale or notice of intention to conduct a sale whether by word of mouth, newspaper advertisement, magazine advertisement, handbill, written notice, printed display, billboard display, poster, radio announcement, and any and all means, including oral, written or printed.

*Sale or sales* shall mean the sale, or an offer to sell to the public goods, wares and merchandise of any kind or description on hand in stock in connection with a declared purpose, as set forth by advertising on the part of the seller and anticipatory to the termination, closing, liquidation, revision, winding-up, discontinuance, conclusion or abandonment of the business in connection with such sale. It shall also include any sale advertised to be a "bankruptcy sale" or any sale in which the terms "bankrupt" or "bankruptcy" are used in connection with advertising pertaining to such sale. It shall also include "adjustment sale," "creditor's sale," "liquidation sale," "re-organization sale," "alteration sale," "executor's sale," "administrator's sale," "insolvency sale," "fire sale," "insurance salvage sale," "mortgage sale," "assignee's sale," "adjuster's sale," "receiver's sale," "loss-of-lease sale," "closing-out sale," "wholesaler's closing-out sale," "creditor's committee sale," "forced-out-of-business sale," "removal sale," and any and all sales advertised in such a manner as reasonable to convey to the public that, upon the disposal of the stock of goods on hand, the business will cease and be discontinued.

(Ord. No. 542 § 1, 4-10-56; 1957 Code § 3-4; Ord. No. 84-14 § 2, 9-18-84)

### **12-24.2 Business Tax Receipt Required.**

No person shall hereafter publish or conduct any sale of the type defined in subsection 12-24.1 without first having obtained a business tax receipt as hereinafter provided and having paid the fee prescribed in subsection 12-24.3. (Ord. No. 542 § 1, 4-10-56; 1957 Code § 3-4; Ord. No. 84-14 § 2, 9-18-84)

### **12-24.3 Application for Business Tax Receipt; Contents; Investigation by City Clerk's Office; and Issuance of Business Tax Receipt.**

Any person desiring a business tax receipt to conduct any sale of the type defined in subsection 12-24.1 shall make a written application to the City Clerk and verified by the person or, if a corporation, an officer thereof, who intends to conduct the sale. Such application shall contain a description of the place where such sale is to be held, the nature of the occupancy, whether by lease or sublease, and the effective date of termination of such occupancy, the means to be employed in publishing such sale, together with the proposed language to be contained in any advertisements. Such application shall further contain, as part thereof, an inventory containing a complete and accurate list of the stock of goods, wares and merchandise on hand to be sold at such sale. Such verified application shall include the names and addresses of the persons, such as the partners, officers and directors, and the principal stockholders and owners of the business and the inventoried merchandise. The mentioned inventory shall contain the cost price of the respective articles enumerated therein, together with the date of such purchase and the identity of the seller. If the goods, wares and merchandise were purchased by the applicant or the person for whom he is acting as agent for a lump sum, or if there are other circumstances that make the listing of the cost price for each article impracticable such inventory shall state the lump sum paid for such goods, wares and merchandise, and the circumstances of the purchase of the same. The application shall further state the period of time during which the proposed sale is to continue.

Upon receipt of such application and the payment of the fee hereinafter prescribed, the City Clerk shall cause the same to be examined and inspected. If, after such inspection, the City Clerk is satisfied as to the truth of the statements contained in such application and as to the form and content of the advertising to be used in connection with such sale, he shall issue a business tax receipt permitting the publication and conduct of such sale, provided however, that, prior to or at the time of the issuance of such business tax receipt, the applicant therefor shall surrender for cancellation his existing business tax receipt for the business involved without refund of the fee or any portion thereof paid for such business tax receipt. (Ord. No. 542 § 1, 4-10-56; 1957 Code § 3-4; Ord. No. 84-14 § 2, 9-18-84; Ord. No. 2006-24 § 4, 12-19-2006)

#### **12-24.4 Business Tax Receipt Period; Renewals.**

The business tax receipt hereinabove provided for shall be for a period of time not exceeding thirty (30) days. The period of time during which a sale may be conducted under a business tax receipt issued under the provisions hereof, may be extended by the City Clerk, if, at any time during the term of the business tax receipt, a written application for such extension duly verified by affidavit of the applicant, shall be filed by such holder of the business tax receipt with the City Clerk. The application for an extension of such business tax receipt shall state the amount of the goods, wares and merchandise listed in the original inventory, which shall have been sold since the issuance of the business tax receipt, and the amount of goods, wares and merchandise contained in such original inventory which still remain in the possession of the applicant for sale, and shall state the length of time for which an extension is requested. No extension of the business tax receipt shall be granted if any goods, wares or merchandise shall have been added to the stock of merchandise listed in the inventory filed as required by subsection 12-24.3 since the date of the issuance of the business tax receipt, and the applicant shall satisfy the City Clerk's office by affidavit or otherwise, as directed by him, that no goods, wares or merchandise have been added to such stock since the date of issuance of the business tax receipt. The City Clerk may, in consideration of the facts, upon hearing the petition, grant or deny a supplemental business tax receipt, and, if such supplemental business tax receipt is granted, the period of the extension shall be determined by the City Clerk; provided, not more than two (2) supplemental business tax receipts shall be granted in any event, the first of which shall not exceed thirty (30) days from the expiration of the original business tax receipt, and the second such extension shall not exceed fifteen (15) days from the expiration of the supplemental business tax receipt.

The fees to be collected by the City Clerk for the issuance of such supplemental business tax receipts shall be the same as the fee collected for a "closing-out sale" business tax receipt. (Ord. No. 542 § 1, 4-10-56; 1957 Code § 3-4; Ord. No. 84-14 § 2, 9-18-84)

#### **12-24.5 Application Fee; Forfeited to City Upon Disapproval of Application.**

Upon filing an original application or renewal of application for a business tax receipt to advertise and conduct a sale or special sale, as defined in subsection 12-24.1, the applicant shall pay to the City Clerk a fee in the sum of fifty (\$50.00) dollars. If an application or renewal application be disapproved, such payment shall be forfeited to the City for cost of investigating the statements contained in such application or renewal application. (1957 Code § 3-4; Ord. No. 542 § 1, 4-10-56; Ord. No. 84-14 § 2, 9-18-84)

#### **12-24.6 City Clerk to Supervise Sales and Make Regulations for their Conduct.**

The City Clerk is authorized and empowered to supervise sales or special sales, as defined in subsection 12-24.1. He is further empowered to make such rules and regulations for the conduct and advertisement of such sales as in his opinion will serve to prohibit deception and to protect the public. In this connection the Business Tax Receipt Inspector of the City shall implement such provisions of this section as he is so directed by the City Clerk. (Ord. No. 542 § 1, 4-10-56; Ord. No. 84-14 § 2, 9-18-84; 1957 Code § 3-4; Ord. No. 2006-24, § 4, 12-19-2006)

#### **12-24.7 Business Tax Receipt to be Displayed; Inspection of Merchandise.**

Upon commencement of any sale, as defined in subsection 12-24.1 hereof, the business tax receipt issued by the City Clerk shall be prominently displayed in its original form near the entrance to the premises. No copy of such business tax receipt shall be otherwise displayed or utilized in any advertisement, nor shall any advertising be so worded or drafted as to indicate that such sale is being conducted under the sanction or with the approval of the City. A duplicate original of the application and stock list, pursuant to which such business tax receipt was issued, shall at all times be available to the City Clerk's office and the holder of the business tax receipt licensee shall permit such others to examine all merchandise in the premises for a comparison with such stock list. (Ord. No. 542 § 1, 4-10-56; 1957 Code § 3-4; Ord. No. 84-14 § 2, 9-18-84; Ord. No. 2006-24 § 4, 12-19-2006)

#### **12-24.8 Advertisement; Books and Records; Stock List to be Revised Daily.**

Any advertisements or advertising and the language contained therein, in reference to a sale conducted under the provisions hereof, shall be in accordance with the purpose of the sale as stated in the application pursuant to which a license was issued, and the wording of such advertisements shall not vary from the wording as indicated in the application. Suitable books and records, as prescribed by the City Clerk, shall be kept by the holder of the business tax receipt and shall at all times be available to his inspection. At the close of business each day, the stock list attached to the

application shall be revised and those items disposed of during such day shall be so marked thereon. (Ord. No. 542 § 1, 4-10-56; 1957 Code § 3-4; Ord. No. 84-14 § 2, 9-18-84)

**12-24.9 New or Additional Merchandise Not to be Added to Stock.**

It shall be unlawful for the holder of any business tax receipt issued under the provisions of this section to bring upon or cause to be brought upon the premises for which the mentioned license is issued any goods, wares or merchandise not shown or otherwise accounted for in the application for such business tax receipt with intent to advertise, sell or offer for sale such goods, wares or merchandise to the public. (Ord. No. 542 § 1, 4-10-56; 1957 Code § 3-4; Ord. No. 84-14 § 2, 9-18-84)

**12-24.10 Exemption.**

The provisions of this section shall not apply to, or affect the following persons: persons acting pursuant to an order or process of a court of competent jurisdiction; persons acting in accordance with their powers and duties as public officers such as sheriffs and marshals; and duly licensed auctioneers, selling at auction. (Ord. No. 542 § 1, 4-10-56; 1957 Code § 3-4; Ord. No. 84-14 § 2, 9-18-84)

**Article IV - Reserved**

**12-25-12-30 RESERVED.**

**Article V - Local Business Tax Fees**

**12-31 SCHEDULE OF FEES FOR BUSINESS TAX RECEIPTS.**

The following schedule of local business taxes, and the classification of the various occupations, businesses or professions as contained in this schedule, are hereby adopted as the amounts required to procure business tax receipts in the City in accordance, with the classification set out herein, to wit:

**A**

- 1. ABSTRACTING, LAND TITLE, GUARANTY, SURETY COMPANIES:  
Agents or persons engaged in the business of making abstracts of title from public records..... ~~\$127.05~~\$121.00
- 2. ADULT CARE FACILITY: (Requires a Certificate of Licensure from the Department of Health and Rehabilitative Services)..... ~~\$127.05~~\$121.00
- 3. ADULT CONGREGATE LIVING FACILITY: (Requires a Certificate of Licensure from the Department of Health and Rehabilitative Services)..... ~~\$127.05~~\$121.00
- 4. ADVERTISING:
  - (a) Advertising or trade inducement company or individual: The term "advertising or trade inducement company or individual" shall be construed to apply to each person engaged in conducting an advertising or trade company or offering for sale any goods, wares, or merchandise by advertising or in any other manner whereby prizes or other special inducements or schemes are offered to induce trade. Each advertising or trade inducement company or individual or others as provided ..... ~~181.00~~\$190.05
  - (b) In streets: Each person advertising on the streets with banners, floats or cartoons, or by any other means:
    - Where no vehicle used ..... ~~12.00~~\$12.60
    - Vehicle used, each vehicle ..... ~~30.00~~\$31.50
    - Contracting advertising in streetcars, buses ..... ~~\$127.05~~\$121.00
    - Distributing circulars, pamphlets, or other advertising matter ..... ~~\$127.05~~\$121.00
    - (See Section 12-11, Commercial and Noncommercial Handbill Distributors)
  - (c) Publications: Issued periodically including but not limited to: newspapers, magazines, other business of similar nature ..... ~~72.00~~\$75.60
  - (d) Outdoor advertising: The term "outdoor advertising" shall be construed to mean and to apply to advertising of any character on any place or structure, or the space thereon illuminated or otherwise, upon which is posted or applied in any manner advertising of any

character, where the place or structure or the space thereon is rented to the user of the advertising placed thereon but not sold outright. For the purpose of assessing a local business tax, each such place or structure shall be termed a "display." Where located on private property, each person engaged in the business of outdoor advertising alone or in connection with any other business, shall be required to obtain a local business tax receipt to be attached to each separate advertisement on each separate display (except displays advertising a business located on the same premises in a conspicuous place, and in addition thereto shall be required to have the firm name displayed in a conspicuous place thereon).

	For each such business tax receipt .....	<del>\$243.00</del>	<u>\$255.15</u>
(e)	Schemes and devices not herein provided for .....	<del>181.00</del>	<u>\$190.05</u>
5.	AIRPLANES: Dealers or manufacturers, alone or in connection with any other business .....	<del>145.00</del>	<u>\$152.25</u>
6.	ALCOHOLIC BEVERAGE BUSINESS ESTABLISHMENT: (State license required) .....	<del>\$127.05</del>	<u>121.00</u>
7.	AMBULANCE SERVICE(S) .....	<del>\$127.05</del>	<u>121.00</u>
8.	ANIMALS:		
(a)	Small or Dog Exhibition .....	<del>\$190.05</del>	<u>181.00</u>
(b)	Parade .....	<del>\$190.05</del>	<u>181.00</u>
(c)	Hospital/Veterinary Establishment .....	<del>90.00</del>	<u>\$94.50</u>
(d)	Kennel .....	<del>72.00</del>	<u>\$75.60</u>
9.	ANSWERING SERVICE .....	<del>\$127.05</del>	<u>121.00</u>
10.	APARTMENTS: Rented monthly or yearly, each unit .....	<del>4.50</del>	<u>\$4.72</u>
11.	ASTROLOGISTS, CLAIRVOYANTS, HYPNOTISTS, SPIRITUALISTS, NUMEROLOGISTS, and others of similar nature, whether or not in connection with another business, each charging fees: (City Council approval required) .....	<del>7,500.00</del>	<u>\$7,875.00</u>
12.	AUTOMOBILES OR MOTOR VEHICLES, TRUCKS, FARM TRACTORS AND FARM IMPLEMENTS, MOTOR SCOOTERS, MOTORCYCLES, ETC: (Separate local business tax receipt required for repair shop and sale of parts and accessories) State license required from Department of Agriculture and Consumer Services, Division of Consumer Services or applicable State regulatory agency.		
(a)	Dealers in new motor vehicles: Cars, trucks, motorcycles, farm tractors and implements, etc., each location.....	<del>424.00</del>	<u>\$445.20</u>
(b)	Parking: Vehicle and/or aircraft, storage, garages or parking lots, includes display room or lot or storage yard (Towing/Wrecker Companies) .....	<del>\$127.05</del>	<u>121.00</u>
(c)	Car wash, detailing, wax, polish, grease, etc.; by hand, automatic machine or power tools (Additional business tax receipt is required for sale of gasoline).....	<del>\$127.05</del>	<u>121.00</u>
(d)	Repair and/or service shop in connection with business, same as repair shop.....	<del>\$127.05</del>	<u>121.00</u>
(e)	Sale of vehicle parts and accessories, new, rebuilt and/or used. Separate local business tax receipt is required. (See Merchant(s), Retail/Wholesale, paragraph M, 95 of this section)		
(f)	Automobile paint and/or body shop or service.....	<del>\$127.05</del>	<u>\$121.00</u>
(g)	Automobile: Mechanical repairs (garage).....	<del>\$127.05</del>	<u>121.00</u>
(h)	Service station.....	<del>243.00</del>	<u>\$255.15</u>
(i)	Used car dealer.....	<del>424.00</del>	<u>\$445.20</u>
(j)	Auto renting service: Vehicle rental operations, which shall include the furnishing, hiring or providing of automobiles, trucks, jeeps,		

motorcycles, motor scooters, trailers, "haul away" boat services, "haul away" trailer and/or house services, and all types of drive or use yourself "U Drive It" motor vehicles at fixed rental or service charges either for short or long term use or service. Each vehicle ..... ~~60.00~~\$63.00

- (k) "U-Drive It" vehicles must meet the following requirements prior to the issuance of a business tax receipt: File with the City Clerk a certificate of insurance, as evidence of an insurance policy in the minimum amount of \$100,000.00 for any one person injured by reason of the negligent operation of such "U Drive It" vehicle and \$300,000.00 for more than one person so injured in any one accident, and \$50,000.00 for all property damage in any one accident.  
Where pumps dispensing any fuel not located at automotive service station ..... ~~18.00~~\$18.90

**B**

13. BAKERIES:

- (a) Retail from established place of business..... ~~\$127.05~~\$121.00
- (b) Manufacturer/Distributor of bakery products..... ~~243.00~~\$255.15

14. BANKRUPTCY, CLOSING-OUT SALES: (See Section 12-24 for regulations.)

- 15. BAR/LOUNGE\*..... ~~\$127.05~~\$121.00
- 16. BARBER: Each (State license required)..... ~~35.00~~\$36.75
- 17. BARBERSHOP: (State license required)..... ~~72.00~~\$75.60
- 18. BICYCLES..... ~~72.00~~\$75.60

- (a) Dealers, sales and rental (See Merchant(s), Retail/Wholesale, paragraph M, 95 of this section)
- (b) Bicycle repairs only (Not subject to a Retail/Wholesale Merchant local business tax receipt-performs only repairs)..... ~~72.00~~\$75.60

19. BLUEPRINTING: Photostating, map and plat makers..... ~~\$127.05~~\$121.00

20. BOATS:

- (a) Boat and marine ways and dry docks: Not operating as boat and shipyard, with capacity for hauling boats..... ~~\$127.05~~\$121.00
- (b) Boat and ship storage basins and sheds: Alone or in connection with any other business, with storage space..... ~~\$127.05~~\$121.00
- (c) Boat and shipyards: Permitting the operation of marine ways and dry docks, any capacity, designing and building boats, machine and repair shops, and stock of marine hardware and supplies and ship chandlery; for use in connection with work done by the boat and shipyard hereby issued a business tax receipt but not for sale without paying a merchant's local business tax. Does not permit the operation of storage basins and sheds, for which payment of a separate local business tax is provided and required ..... ~~+81.00~~\$190.05
- (d) Charter fishing boats..... ~~\$127.05~~\$121.00
- (e) Designers and builders: not having a business tax receipt as a boat and shipyard..... ~~\$127.05~~\$121.00
- (f) Dredge boats: Dredging, dipper or suction, owners, operators or managers of dredge boats used wholly or in part as a dredge boat, each dredge boat ..... ~~\$127.05~~\$121.00
- (g) Excursion, sightseeing and deep sea fishing boats ..... ~~\$127.05~~\$121.00
- (h) Ferry and sightseeing boats ..... ~~\$127.05~~\$121.00
- (i) Pile driving: Owners, operators or managers of boats used wholly or in part as pile drivers, for public hire or contract, each boat..... ~~\$127.05~~\$121.00
- (j) Service, gasoline or oil, or other fuel or supply service boats: Owners, operators or managers of boats used wholly or in part as gasoline or oil or other fuel or supply service boats, each boat..... ~~97.00~~\$101.85

- 21. BONDSMAN, BAIL: (See Section 12-13 et seq. for regulations)..... ~~\$127.05~~\$121.00
- 22. BOOKKEEPING/ACCOUNTING SERVICE: Including income tax ..... ~~\$127.05~~\$121.00
- 23. BOTTLING WORKS: Manufacturing, distribution of goods manufactured and bottling carbonated or other soft drinks. (Separate business tax receipt required for retail/wholesale merchant) ..... ~~181.00~~\$190.05
- 24. BOWLING: Each alley ..... ~~48.00~~\$50.40
- 25. BROKERS:
  - (a) Stocks, bonds, mortgages futures, options and other securities ..... ~~\$190.05~~181.00
  - (b) Dealing in insurance ..... ~~\$127.05~~121.00
  - (c) Yacht and ship and/or salespersons ..... ~~\$127.05~~121.00
  - (d) Others not specifically designated in this Code ..... ~~\$127.05~~121.00
- 26. BUSINESS OFFICE: Persons utilizing or renting office or desk space for a business at a physical location only not otherwise issued a business tax receipt pursuant to another section of this chapter. This subsection is applicable to primary or secondary office locations not classified and issued a business tax receipt pursuant to another section of the chapter. Application of this business tax receipt classification shall not be construed as to preclude the need for other licenses which may be required under other sections of this chapter ..... ~~\$127.05~~\$ 121.00
- 27. BUTCHERS/BUTCHER SHOPS ..... ~~90.00~~\$94.50

C

- 28. CABARETS AND NIGHTCLUBS:\*(See NIGHTCLUBS, paragraph N, 102 of this section) ..... ~~\$1,275.75~~1,215.00
- 29. CARNIVALS, CIRCUSES, VAUDEVILLE, MINSTRELS, and other shows under canvas for each week or fractional part thereof (City Council approval required) ..... ~~\$1,275.75~~1,215.00
- 30. CARPETS AND RUG CLEANERS: Each establishment..... ~~\$127.05~~121.00
- 31. CATERERS or CATERING SERVICE ..... ~~\$127.05~~121.00
- 32. CLAIM/COLLECTION AGENCIES: Engaged in collecting claims and accounts ..... ~~\$127.05~~121.00
- 33. CLOTHING:
  - (a) Alterations (Minor repairs only) ..... ~~54.00~~\$56.70
  - (b) Tailor, dressmaking, seamstress ..... ~~\$127.05~~121.00
- 34. COLD STORAGE WAREHOUSE: Renting cold storage space to the public. Alone or in connection with any other business ..... ~~\$127.05~~121.00
- 35. COMMERCIAL GARBAGE COLLECTION: (See Chapter XVIII) ..... ~~1,519.00~~\$1,594.95
- 36. COMMERCIAL TRASH COLLECTION: (See Chapter XVIII) ..... ~~547.00~~\$574.35
- 37. COMMUNITY BASED RESIDENTIAL FACILITIES: Covers drug rehabilitation, convalescent homes, elderly and halfway houses, etc. (State license required from the Department of Health and Rehabilitative Services) ..... ~~\$127.05~~121.00
- 38. CONSTRUCTION COMPANIES: (See Chapter XIV for regulations)
  - (a) General building contractors: General building excluding electrical and plumbing..... ~~\$286.65~~ 273.00
  - (b) General sub-building contractors: General sub-building contractor, not over two stories..... ~~\$215.25~~ 205.00
  - (c) Sub-building contractors: Same as general except restricted to building of 1,500 square feet or less ..... ~~\$190.05~~181.00
  - (d) Engineering contractor: Includes bridge, bulkheading, drainage and sewer excavating and sewer construction dredging, irrigation

systems, pile dredging, seawalls, sidewalks and street grading and paving, sidewalks or similar work .....	<del>\$215.25</del> \$205.00
(e) Swimming pools contractor .....	<del>\$114.45</del> 109.00
39. CONSTRUCTION DEBRIS HAULERS ONLY: (Temporary per site in the open air) See Chapter XVIII, Section 18-19.....	<del>\$414.75</del> 395.00
40. CONTRACTORS: (See Chapter XIV for regulations)	
(a) Air conditioning and refrigeration, heating, insulating and bottled gas .....	<del>\$152.25</del> 145.00
(b) Awning contractor: Permits installation, maintenance and removal of awnings, jalousies, storm shutters, or any material.....	<del>\$114.45</del> 109.00
(c) Carpentry and millwork .....	<del>\$182.70</del> 174.00
(d) Electrical contractors.....	<del>\$182.70</del> 174.00
(e) Electrical sign contractor: Including painting of signs erected .....	<del>\$152.25</del> 145.00
(f) Elevator contractor .....	<del>\$114.45</del> 109.00
(g) Floor laying and sanding contractor: Includes wood, rubber, composition, terrazzo, linoleum and any other type of flooring .....	<del>\$182.70</del> 174.00
(h) Mason and plastering contractor: Includes brick, stone, cement blocks, tile, terrazzo, concrete, gypsum block, lime plastering, lathing, cast stone.....	<del>\$182.70</del> 174.00
(i) Moving and wrecking contractor: Houses .....	<del>\$94.50</del> 90.00
(j) Moving houses through the City, each house .....	<del>\$37.80</del> 36.00
(k) Ornamental iron, bronze, steel, and other metals; fencing, aluminum.....	<del>\$94.50</del> 90.00
(l) Plumbing contractor.....	<del>\$182.70</del> 174.00
(m) Painting contractor: Includes exterior and interior painting, waterproofing, dampproofing, paperhanging.....	<del>\$152.25</del> 145.00
(n) Plate glass and glazier contractor.....	<del>\$94.50</del> 90.00
(o) Roofing and sheet metal contractor.....	<del>\$182.70</del> 174.00
(p) Sign painting contractor: Includes erection of non-electrical signs.....	<del>\$114.45</del> 109.00
(q) Solar water heating contractor.....	<del>\$94.50</del> 90.00
(r) Septic tank contractor.....	<del>\$152.25</del> 145.00
(s) Sprinkler system: Any and all kinds, including those for buildings, lawns, etc.....	<del>\$94.50</del> 90.00
(t) Structural and reinforcing iron and steel contractor.....	<del>\$75.60</del> 72.00
(u) Venetian blind contractor.....	<del>\$75.60</del> 72.00
(v) Tile and terrazzo, marble and granite contractor.....	<del>\$182.70</del> 174.00
(w) Acoustical tile contractor.....	<del>\$94.50</del> 90.00
(x) Well drilling contractor.....	<del>\$114.45</del> 109.00
(y) Other contractors not specifically classified.....	<del>\$114.45</del> 109.00
41. CONVENIENCE STORES, GROCERIES: (See Merchant(s), Retail/Wholesale, paragraph M, 95 of this section)	
42. COSMETOLOGY SALONS: (State license required).....	<del>\$75.60</del> 72.00
43. COSMETOLOGISTS: Each (State license required) .....	<del>35.00</del> \$36.75
Specialist: Facial.....	<del>\$36.75</del> 35.00
Specialist: Full.....	<del>\$36.75</del> 35.00
Specialist: Manicure/Pedicure/Nail Ext.....	<del>\$36.75</del> 35.00

- 44. CYCLEDROME: Owners or operators (Separate business tax required for Merchant(s), Retail/Wholesale, paragraph M, 95 of this section)..... ~~\$182.70~~174.00
- 45. CYCLORAMA: Owners or operators (Separate business tax required for Merchant(s), Retail/Wholesale, paragraph M, 95 of this section)..... ~~\$182.70~~174.00

**D**

- 46. DANCE HALLS: Public for profit..... ~~\$182.70~~174.00
- 47. DELICATESSEN ..... ~~90.00~~\$94.50
- 48. DELIVERY, COURIER, MESSENGER SERVICES: Each vehicle or bicycle whether or not vehicle is owned by owner of business or employee himself/ herself. (In addition to above-described service(s) a separate business tax receipt for the business office is required for this classification)..... ~~12.00~~\$12.60
- 49. DENTAL TECHNICIAN/HYGIENIST..... ~~\$37.80~~36.00
- 50. DIRECTORIES: Alone or in connection with any other business, each person compiling, making or offering directories..... ~~\$127.05~~121.00
- 51. DRAMATIC OR THEATRICAL TROUPES OR COMPANIES: Each performance, where performance is not given in local theater with a business tax receipt..... ~~243.00~~\$255.15
- 52. DRUGSTORE: (See Merchant(s), Retail/Wholesale, Paragraph M, 95 of this section)

**E**

- 53. ELECTRIC LIGHT AND POWER COMPANIES ..... ~~150.00~~\$157.50
- 54. EMPLOYMENT AGENCIES: Each agency ..... ~~\$182.70~~174.00
- 55. ENGRAVERS AND LITHOGRAPHERS ..... ~~\$127.05~~121.00
- 56. ESCORT SERVICES: (See Section 12-17)
- 57. EXTERMINATORS, PEST CONTROL AND LAWN SPRAYERS: (State license required from Department of Business and Professional Regulation)..... ~~\$127.05~~121.00

**F**

- 58. FACTORIES:
  - (a) Each person engaged in the business of manufacturing any goods, wares or merchandise, including hand and power laundries, laboratories (except dental), packing houses, printing and publishing houses, and towel supply companies shall be required to cover such manufacturing by paying out a factory business tax as follows:
    - Permitted to manufacture and sell the products manufactured at wholesale only, when operated entirely by hand workers, employing, including owners and operators;
      - Not exceeding two persons..... ~~\$63.00~~\$ 60.00
      - More than two, not more than five..... ~~\$75.60~~72.00
      - More than five..... ~~\$88.20~~84.00
    - (b) When one or more power machines are used, not to include power tool sharpeners, employing, owners and operators, inclusive:
      - Not over five persons..... ~~\$101.85~~97.00
      - Over five, but less than eleven..... ~~\$114.45~~109.00
      - More than ten..... ~~\$127.05~~121.00
- 59. FINANCE:
  - (a) Small loan companies, money lenders, salary purchasers,

small loans, investment bankers, etc. Discount consumer financing, finance companies, including capital loans and the retail and wholesale financing of the sale or lease of motor vehicles, boats, trailers, mobile homes, etc. Separate business tax payment required for each company and each location.....

~~424.00~~\$445.20

(b) Bank and Trust Companies except those exempt by Federal or State law, savings and loan associations, building and loan associations, etc. Mortgage loan business not included..... \$445.20~~424.00~~

(c) Automated teller machines (except those located on the site of, and used in conjunction with, a financial institution) as defined in 658.65, Florida Statutes, or any successor statute thereto. Each service terminal..... \$127.05~~121.00~~

(d) Others not specifically designated herein..... \$445.20~~424.00~~

60. FLORIST..... \$127.05~~121.00~~

61. FUNERAL HOME DIRECTOR: (State license required)..... \$213.15~~203.00~~

**G**

62. GAS COMPANIES:

(a) Distributing and selling gas through pipelines..... \$318.15~~\$303.00~~

(b) Selling bottled gas..... \$127.05~~121.00~~

63. GOLF: (City Council approval required)

(a) Golf course..... \$637.35~~607.00~~

(b) Driving range..... \$286.65~~273.00~~

(c) Miniature golf course..... \$286.65~~273.00~~

64. GROCERY: (See Merchant(s), Retail/Wholesale, paragraph M, 95 of this section)

**H**

65. HALLS, FOR PUBLIC HIRE: Includes social halls or similar establishments..... ~~1,215.00~~\$1,275.75

66. HEALTH STUDIO: (State license required from the Department of Agriculture and Consumer Services) ..... \$127.05~~121.00~~

67. HOME OCCUPATION(S): See subsection 12-1.20 ..... \$127.05~~121.00~~

68. HOSPITALS FOR ANIMALS: See ANIMALS, paragraph A, 8 of this section.

69. HOSPITALS, SANITARIUMS AND SIMILAR INSTITUTIONS: Privately owned and operated for profit ..... \$401.10~~382.00~~

**I**

70. ICE: MANUFACTURING, DISTRIBUTION OR STORAGE ..... \$228.90~~218.00~~

71. ICE CREAM SHOP/BUSINESS ESTABLISHMENT ..... \$127.05~~121.00~~

72. INSURANCE ADJUSTERS ..... \$127.05~~121.00~~

73. INSURANCE AGENCY: The following fees are required to be paid by each person operating an insurance agency in the City. A separate business tax shall be required for each separate location and for each person connected with said agency engaged in soliciting or taking applications for, negotiating, effecting or collecting premiums on (a) casualty and liability insurance, (b) fire insurance, (c) industrial and funeral benefit insurance, and (d) life insurance, whether the insurance companies represented by said agency shall first have taken out a business tax receipt for an insurance agency in the City, and provided that the business tax receipt shall be kept on display in a conspicuous place at the agency which was issued a business tax receipt which permits the operation of each insurance company represented through the agency. Permitting the operation of but one person..... \$127.05~~121.00~~

74. INSURANCE COMPANIES: Classified, defined and fees:

- (a) Casualty and liability insurance companies, including bonding companies, writing:  
 Accident and health insurance only, on annual, semiannual or quarterly premium-paying basis; and  
 Bonds, including fidelity, court, contract and surety bonds and financial guarantees and title insurance or guarantees;  
 Burglary insurance, including residence, bank stocks, bonds and securities, safe-burglary and holdup and messenger robbery;  
 Liability insurance, including employers' public and other forms of liability insurance and automobile liability for personal injury, property damage and collision;  
 Plate glass insurance;  
 Workman's collective insurance issued to employers of labor:  
 Each company ..... \$127.05~~\$121.00~~
- (b) Fire insurance companies: Writing policies of insurance against hazards of fire, tornado and windstorms, use and occupancy, profits, rents, leasehold, insurrection, riot and civil commotion, sprinkler leakage, rain, fire, theft, automobile, collision, marine cargo and hulls, and rail, mail and express shipments, against fire, collision, standing or sinking:  
 Each company..... \$127.05~~\$121.00~~
- (c) Industrial insurance companies: Including funeral benefit associations or companies, writing life or accident and health insurance and funeral benefits on a weekly, bimonthly or monthly premium-paying basis:  
 Each company..... \$127.05~~\$121.00~~
- (d) Life insurance companies: Writing life insurance with or without disability clauses or accident and health features as a part of the policy contract upon an annual, semi-annual or quarter-annual premium-paying basis:  
 Each company..... \$127.05~~\$121.00~~

75. INSURANCE AGENT: Or solicitor, soliciting insurance of any kind, for mutual, reciprocal or other associations, companies or exchanges. Not permitted to operate under resident agent's business tax receipt nor to solicit business for a company not permitted to operate in the City for failure to pay to the required local business tax:  
 Each agent..... \$36.75~~\$35.00~~

76. INTRODUCTORY SERVICE: Not to include Escort Service, Lonely Hearts Club or Marriage Bureau or other business of like nature ..... \$127.05~~\$121.00~~

**J**

77. JANITORIAL SERVICE: Including contract or individual cleaning agreements, window cleaning, house and office cleaning, commercial or industrial cleaning..... \$127.05~~\$121.00~~

78. JEWELRY: (See Merchant(s), Retail/Wholesale, paragraph M, 95 of this section)

79. JOB PRINTING:

- (a) By hand..... \$101.85~~\$97.00~~
- (b) By power..... \$127.05~~\$121.00~~

80. JUNK DEALERS:

- (a) Collectors: Not licensed as junk shops or dealers, each collector ..... \$127.05~~\$121.00~~
- (b) Shops or dealers: In old rope, iron, copper, brass or other metal or wastepaper, bags or other articles of any kind useless for their original purposes: Dealers in junk shall hold their stock of this class of articles and goods subject to the inspection of the proper officials of the City and shall keep a record of all purchases,

showing the date purchased, name and address of the party from whom purchased, description of the article and price paid:

Each dealer.....~~303.00~~\$318.15

**K**

81. KEROSENE DEALERS: Including white gasoline and other liquid fuels when sold only for lamp, stove and heater fuel, and other miscellaneous uses. Not as a motor fuel.

- (a) Wholesale dealer ..... ~~\$286.65~~273.00
- (b) Distributor, each vehicle ..... ~~\$34.65~~33.00

**L**

82. LANDSCAPING SERVICE/LAWN MAINTENANCE: Includes designing, installation, planting and care of trees and grounds ..... ~~\$101.85~~97.00

83. LAUNDRIES:

- (a) Laundry and Dry Cleaning Agency to include linen, uniform and towel supply and service (Retail/Wholesale on-premises laundry/dry cleaning work)..... ~~\$127.05~~121.00
- (b) Laundry and Dry Cleaning Agency or branch office where laundry or dry cleaning is left or work solicited, each location or pick up station (retail off-premises laundry/dry cleaning work)..... ~~\$101.85~~97.00
- (c) Laundry-Self or Coin Operated (See MACHINES: AUTOMATIC VENDING, paragraph M, 90 of this section)..... ~~\$286.65~~273.00
- (d) Other, not specified herein..... ~~\$127.05~~121.00

84. LECTURERS..... ~~\$286.65~~273.00

85. LINEN SUPPLY SERVICE: Business in City: See LAUNDRIES, paragraph L, 83 of this section.

86. LOCKSMITH/KEYSMITH..... ~~\$101.85~~\$ 97.00

87. LODGING:

- (a) Boarding house: Permitting the serving of meals with rooms. Including all rooms except five rooms permitted for living quarters and bathrooms and closets, with rooms:
  - Not over ten rooms ..... ~~\$63.00~~60.00
  - Each additional room over ten rooms..... ~~\$5.04~~4.80
- (b) Hotels, motels, motor courts, lodging houses, rooming houses, tourist courts, cabins, cottages or similar establishments held out for rent:  
Providing accommodations of living for a profit, not to include dining service without a restaurant license, or merchant retail/wholesale of businesses.
  - First unit..... ~~\$63.00~~60.00
  - Each additional unit..... ~~\$6.93~~6.60

88. LUMBER MERCHANTS or DEALERS: Operating a lumberyard, permitted to handle lumber, lath and shingles alone or in connection with any other business. Does not include stock of paints, oils, doors, etc., where general merchant's category applies. Average stock as follows:

- (a) Stock not exceeding 200,000 ft. BM ..... ~~\$75.60~~72.00
- (b) Stock not exceeding 500,000 ft. BM ..... ~~\$101.85~~97.00
- (c) Stock over 500,000 ft. BM ..... ~~\$127.05~~121.00

89. LUNCHEONETTES, LUNCH STANDS: See RESTAURANTS, paragraph R, 122 of this section.

**M**

90. MACHINES: AUTOMATIC VENDING

(Any Machine Operated or Set in Motion or Made or Permitted to Function by Coin, Token, Credit or Plastic Card, Paper Currency or Any Other Manner Not Specifically Designated Herein; for Amusement, Vending or Product (Trade) or Service): (This category is to be used when the local business tax is to be based solely on each individual machine and the business tax receipt is to be issued as intended to be for each individual machine.)

(a) Amusement Parlors: Permanent location in a building or a portion of a building. Any person possessing twenty or more coin-operated automatic games or devices for use in this business shall be held to be operating an amusement parlor and, in addition to the local business tax set forth herein shall pay a local business tax of \$25.00 per coin-operated automatic game or device located at a single business location..... \$401.10~~\$382.00~~

(b) Amusement Machines: Each machine or apparatus..... \$50.40~~48.00~~

(c) Vending Machines: Each machine or apparatus:

(1) Merchandise-Vending Machines  
Vending less than \$0.25, each machine ..... \$12.60~~12.00~~

(2) Merchandise-Vending machines  
Vending \$0.25 and over, each machine ..... \$22.05~~21.00~~

(d) Service Machines or Devices: Includes telephone, lockers, copiers, heart and/or blood pressure, baggage carts, bowling ball washers, laundry washers/dryers, weighing scales, etc.; each ..... \$14.70~~14.00~~

(e) Vending Company: This category is to be used when the local business tax is to be based on the vending company's business location rather than on each individual machine and the local business tax receipt is to be issued as intended to be for the vending company location and not for the individual machine locations ..... \$127.05~~121.00~~

(BUSINESS PROPRIETORS/OWNERS OF RECORD: Proprietors of places of business and/or owners of record of the premises in or on which the above-listed machines are placed shall be jointly and severally responsible for the vending machine local business tax receipt if not otherwise paid.)

91. MANUFACTURING: (See also FACTORIES, paragraph F, 58 of this section.) Includes mining, quarrying, processing, refining, assembling of the combination of different materials into finished products. Does not include manufacture of alcoholic beverages..... \$190.05~~181.00~~

92. MAP AND PLAT MAKERS: See BLUEPRINTING, paragraph B, 19 of this section

93. MESSAGE ESTABLISHMENT: (State license required from the Department of Professional Regulation for both Establishment and each Massage Therapist)..... \$127.05~~121.00~~

94. MESSAGE THERAPISTS: (State license required from the Department of Professional Regulation for both Establishment and each Massage Therapist)..... \$127.05~~121.00~~

95. MERCHANTS, RETAIL/WHOLESALE, NOT OTHERWISE CLASSIFIED:

(a) Retail: Fee determined by the average value of stocks of goods carried in trade and merchandise (See subsections 12-1.4 and 12-1.5) as follows:

Not exceeding \$1,000.00 ..... \$75.60~~\$72.00~~

Over \$1,000.00 and not over \$5,000.00 ..... \$88.20~~84.00~~

Over \$5,000.00 and not over \$10,000.00 .....	<del>\$114.45</del> <u>109.00</u>
Over \$10,000.00 and not over \$20,000.00 .....	<del>\$152.25</del> <u>145.00</u>
Over \$20,000.00 and not over \$50,000.00 .....	<del>\$254.10</del> <u>242.00</u>
Over \$50,000.00 and not over \$100,000.00 .....	<del>\$510.30</del> <u>486.00</u>
Over \$100,000.00, for each additional \$1,000.00 stock.....	<del>\$2.52</del> <u>2.40</u>

(b) Wholesale: SAME AS RETAIL 95(a) above.

- 96. MOTION PICTURE THEATERS: Indoor and outdoor..... ~~\$510.30~~486.00  
(Separate local business tax applies required for any additional type of business such as snack bar, concession operation, etc.)
- 97. MOTION PICTURE OR TELEVISION PRODUCTION COMPANY..... ~~\$127.05~~121.00
- 98. MOTORCYCLES: See AUTOMOBILE, paragraph A, 12 of this section.
- 99. MOVING/TRANSFER COMPANY: (State license required from Department of Agriculture and Consumer Services):
  - (a) General hauling freight transportation, packers, movers ..... ~~\$127.05~~121.00
  - (b) Each vehicle over two ..... ~~\$31.50~~30.00
- 100. MULTIGRAPHING AND MIMEOGRAPHING: See JOB PRINTING, paragraph J, 79 of this section
- 101. MUSEUMS..... ~~\$254.10~~242.00

N

- 102. NIGHTCLUBS/CABARETS:\* (See Section 12-2 for Definitions and Regulations. Requires City Council approval) ..... ~~\$1,275.75~~1,215.00
- 102.1 NONPROFIT ORGANIZATIONS, 503(C)(3)..... no fee
- 103. NURSE: (RN, LPN, ARNP) ..... ~~\$36.75~~35.00

O

P

- 104. PEDDLERS:
  - (a) Engaged in the occupation of selling products such as fruits, eggs, vegetables, farm products, ice cream, prepared food and drinks from wagon, push cart or other vehicle. Each vehicle ..... ~~\$127.05~~121.00
  - (b) Engaged in the occupation of selling products for immediate delivery, for out-of-town houses or enterprises not maintaining a place of business in City, such as vendors of dry goods, clothing, groceries, shoes, or any other goods, wares or merchandise, unless under interstate ..... ~~\$127.05~~121.00
- 105. PERFORMING ARTS ..... ~~\$1,275.75~~1,215.00
  - (a) Dramatic, theatrical troupes or companies: Each performance, where performance is given in local permitted theatre. (City Council approval required)
  - (b) Other, not specified therein.
- 106. PET SHOP/SALES: (See Merchant(s), Retail/Wholesale, paragraph M, 95 of this section)
- 107. PHOTO STUDIO, PHOTOGRAPHER OR PHOTOFINISHER (PROCESSING PLANT, DUPLICATING, FINISHING, BLUE-PRINTING, ETC.): Each maintaining a place of business in City. (A separate Merchant local business tax applies for sale of equipment and supplies, including microfilm) ..... ~~\$127.05~~121.00
- 108. PIANO OR ORGAN TUNERS: (Other than with business subject to local business tax) ..... ~~\$56.70~~54.00
- 109. POOL MAINTENANCE: Alone or in connection with any other business..... ~~\$127.05~~121.00

110. PRINTING:

- (a) Engraver, lithographer ..... ~~\$127.05~~\$121.00
- (b) Job Printing-hand ..... ~~\$101.85~~\$97.00
- (c) Job Printing-machine ..... ~~\$127.05~~\$121.00
- (d) Offset Printing ..... ~~\$127.05~~\$121.00

111. PRIVATE INVESTIGATIVE AGENCY: (State license required from the Florida Department of State) ..... ~~\$190.05~~\$181.00

112. PRIVATE PROTECTIVE AGENCY: (State license required from the Florida Department of State) (See Article III, Section 12-14)..... ~~\$190.05~~\$181.00

113. PRODUCE/MERCHANT: (See Merchant(s), Retail/Wholesale, paragraph M, 95 of this section)

114. PROFESSIONAL:

"Professional" shall mean any person engaged in any business, occupation or profession but not limited to the same and any person required to maintain an active and valid State of Florida Department of Business and Professional Regulation regulatory business tax receipt, permit, or certificate. (Does not include or apply to the professional firm, office, corporation, P.A.'s, partnerships and all other separate legal entities. A separate local business tax is required for each separate legal entity and each individual professional.)

The following practitioners are classed as professional. Each person engaged in the practice of any such profession listed below is regulated by the State and is required to show proof of a current State license or Certificate prior to being issued a business tax receipt. Unless such professionals as listed are otherwise provided for in this Code or are otherwise exempted by State Statute from business taxes, each individual shall be required to obtain an individual business tax receipt.

EACH PROFESSIONAL (INDIVIDUAL):

- (a) Acupuncturist..... ~~\$127.05~~\$121.00
- (b) Analytical Chemists..... ~~\$127.05~~\$121.00
- (c) Anesthesiologist..... ~~\$127.05~~\$121.00
- (d) Architects (including landscape) ..... ~~\$127.05~~\$121.00
- (e) Artists: Including retouching, sketching, cartooning, crayoning, ferrotyping, tattooing or other similar lines..... ~~\$127.05~~\$121.00
- (f) Attorneys..... ~~\$127.05~~\$121.00
- (g) Audiologist..... ~~\$127.05~~\$121.00
- (h) Certified Public Accountant..... ~~\$127.05~~\$121.00
- (i) Chiropodists..... ~~\$127.05~~\$121.00
- (j) Chiropractors..... ~~\$127.05~~\$121.00
- (k) Civil, Consulting or Drafting Engineer..... ~~\$127.05~~\$121.00
- (l) Clinical Social Worker..... ~~\$127.05~~\$121.00
- (m) Colon Irrigationist..... ~~\$127.05~~\$121.00
- (n) Dentist (including orthodontic surgeons)..... ~~\$127.05~~\$121.00
- (o) Dietitian..... ~~\$127.05~~\$121.00
- (p) Dietetics..... ~~\$127.05~~\$121.00
- (q) Drugless Physician..... ~~\$127.05~~\$121.00
- (r) Electrologist..... ~~\$127.05~~\$121.00
- (s) Embalmers..... ~~\$127.05~~\$121.00

(t) Employee Leasing.....	<del>\$127.05</del> <u>\$121.00</u>
(u) Engineer (Professional, Civil, Electrical).....	<del>\$127.05</del> <u>\$121.00</u>
(v) Hearing Aid Specialist.....	<del>\$127.05</del> <u>\$121.00</u>
(w) Home Health Care.....	<del>\$127.05</del> <u>\$121.00</u>
(x) Homeopathic Physician.....	<del>\$127.05</del> <u>\$121.00</u>
(y) Hypnotherapist.....	<del>\$127.05</del> <u>\$121.00</u>
(z) Interior Designer.....	<del>\$127.05</del> <u>\$121.00</u>
(aa) Lab Technician (Dental/Medical).....	<del>\$127.05</del> <u>\$121.00</u>
(bb) Laboratory (Dental/Medical).....	<del>\$127.05</del> <u>\$121.00</u>
(cc) Marriage/Family Therapist.....	<del>\$127.05</del> <u>\$121.00</u>
(dd) Mental Health Counselor.....	<del>\$127.05</del> <u>\$121.00</u>
(ee) Music Teacher.....	<del>\$127.05</del> <u>\$121.00</u>
(ff) Naprapaths.....	<del>\$127.05</del> <u>\$121.00</u>
(gg) Naturopaths.....	<del>\$127.05</del> <u>\$121.00</u>
(hh) Nutritionist.....	<del>\$127.05</del> <u>\$121.00</u>
(ii) Occupational Therapist.....	<del>\$127.05</del> <u>\$121.00</u>
(jj) Ophthalmologist.....	<del>\$127.05</del> <u>\$121.00</u>
(kk) Optical Dispensary.....	<del>\$127.05</del> <u>\$121.00</u>
(ll) Opticians.....	<del>\$127.05</del> <u>\$121.00</u>
(mm)Optometrist.....	<del>\$127.05</del> <u>\$121.00</u>
(nn) Osteopaths .....	<del>\$127.05</del> <u>\$121.00</u>
(oo) Pathologist.....	<del>\$127.05</del> <u>\$121.00</u>
(pp) Physical Therapist.....	<del>\$127.05</del> <u>\$121.00</u>
(qq) Physicians, Surgeons, Medical Doctors (Doctor of Medicine).....	<del>\$127.05</del> <u>\$121.00</u>
(rr) Podiatrist.....	<del>\$127.05</del> <u>\$121.00</u>
(ss) Polygraph Operator.....	<del>\$127.05</del> <u>\$121.00</u>
(tt) Psychoanalysts.....	<del>\$127.05</del> <u>\$121.00</u>
(uu) Psychologist.....	<del>\$127.05</del> <u>\$121.00</u>
(vv) Psychotherapist.....	<del>\$127.05</del> <u>\$121.00</u>
(ww)Respiratory Therapists.....	<del>\$127.05</del> <u>\$121.00</u>
(xx) Surveyors.....	<del>\$127.05</del> <u>\$121.00</u>
(yy) Veterinarians or Veterinary Surgeons.....	<del>\$127.05</del> <u>\$121.00</u>
(zz) Other(s) not listed herein.....	<del>\$127.05</del> <u>\$121.00</u>

115. PUBLIC AMUSEMENTS: Place not otherwise provided for ..... ~~\$1,592.85~~\$1,517.00
116. PUBLIC HALLS: For hire, see HALLS FOR HIRE, see paragraph H, 65 of this section.

**Q**

**R**

117. RACING: Dogs, horses, etc., per day..... ~~\$127.05~~\$121.00
118. RESERVED..... ~~\$606.90~~\$578.00
119. REAL ESTATE BROKER (FREC) (Broker, Appraiser):  
Each broker..... ~~\$127.05~~\$121.00

- Appraiser-Certified..... ~~\$127.05~~~~121.00~~
- Appraiser-Licensed..... ~~\$127.05~~~~121.00~~
- Appraiser-Registered..... ~~\$127.05~~~~121.00~~  
 (The City Clerk shall not issue a business tax receipt unless broker or salesperson or appraiser furnishes evidence of having passed real estate examination (i.e. State License). A separate business tax receipt required for the business brokerage office.)
- 120. REAL ESTATE SALESMAN: Each..... ~~\$36.75~~~~35.00~~
- 121. REPAIR AND SERVICE SHOPS, NOT OTHERWISE CLASSIFIED:  
 (A separate business tax receipt is required for Retail/Wholesale Merchant) ..... ~~\$127.05~~~~121.00~~
- 122. RESTAURANTS: Includes soda fountains, cafes, lunch counters, cafeterias, dining rooms, tearooms and all other establishments where food is sold for consumption on the premises; permitting sale of cigars, tobacco and packaged candy without additional business tax receipt:
  - (a) Minimum fee covering first fifty seats ..... ~~\$127.05~~~~121.00~~
  - (b) Over fifty seats, each additional seat..... ~~\$0.94~~~~0.99~~
  - (c) Take out only (No seating)..... ~~\$127.05~~~~121.00~~
  - (d) Take out, with seating..... ~~\$127.05~~~~121.00~~  
 Each seat..... ~~\$0.94~~~~0.99~~
- 123. RINKS: Bicycle, roller, ice skating, owners or operators or similar establishments..... ~~181.00~~~~190.05~~
- 124. ROCK AND SAND YARD: Dealing in native rock and sand, alone or in connection with any other business, employing delivery vehicles as follow:
  - (a) Not exceeding five vehicles..... ~~\$190.05~~~~181.00~~
  - (b) More than five, not over ten..... ~~\$127.05~~~~121.00~~
  - (c) More than ten, each..... ~~\$15.75~~~~15.00~~
- 125. ROLLER DERBY, RODEO, OR SHOWS OF SIMILAR CHARACTER ..... ~~\$546.00~~~~520.00~~

**S**

- 126. SANITARIUMS: See HOSPITALS, paragraph H, 69 of this section.
- 127. SCHOOLS, PRIVATE OR STUDIO: (See also Section 12-19 for regulations)  
 (State License required, where applicable)  
 (City Council approval required)
  - (a) Academy, Music
    - (1) Studio, more than one teacher..... ~~\$222.60~~~~212.00~~
    - (2) Teaching in homes..... ~~\$222.60~~~~212.00~~
  - (b) Beauty or Barber or Cosmetology..... ~~\$222.60~~~~212.00~~
  - (c) Business College(s)..... ~~\$222.60~~~~212.00~~
  - (d) Commercial Air Pilot School..... ~~\$222.60~~~~212.00~~
  - (e) Dancing (includes studio)..... ~~\$222.60~~~~212.00~~
  - (f) Driving..... ~~\$222.60~~~~212.00~~
  - (g) Electronic or Data Processing..... ~~\$222.60~~~~212.00~~
  - (h) Martial Arts..... ~~\$222.60~~~~212.00~~
  - (i) Medical..... ~~\$222.60~~~~212.00~~
  - (j) Music..... ~~\$222.60~~~~212.00~~
  - (k) Nursery, Day Care..... ~~\$222.60~~~~212.00~~
  - (l) Physical Education..... ~~\$222.60~~~~212.00~~

(m) Riding.....	<del>\$222.60</del> <u>212.00</u>
(n) Telegraph, Radio or Television.....	<del>\$222.60</del> <u>212.00</u>
(o) Universities.....	<del>\$222.60</del> <u>212.00</u>
(p) Vocational, Postsecondary, Trade.....	<del>\$222.60</del> <u>212.00</u>
(q) Schools not otherwise listed.....	<del>\$222.60</del> <u>212.00</u>
128. SECONDHAND DEALERS: (See Section 12-18 for regulations) .....	<del>\$127.05</del> <u>121.00</u>
129. SHOE REPAIR SHOP: (A separate local business tax receipt is required as Merchant(s), Retail/Wholesale).....	<del>\$94.50</del> <u>90.00</u>
130. SHOE SHINE STAND: Alone or in connection with any other business, each chair.....	<del>\$34.65</del> <u>33.00</u>
131. SHOWROOM: (A separate local business tax receipt is required for Business Office and other type(s) or nature(s) of business).....	<del>\$127.05</del> <u>121.00</u>
132. SKATING RINKS: See RINKS, paragraph R, 123 of this section.	
133. SOLICITING: Residential door-to-door soliciting, unless under interstate commerce. Soliciting orders to sell, by samples or other wise, furniture, household goods, builders' supplies, machinery and machinery supplies, musical instruments or other goods, wares or merchandise at retail, representing business houses outside the City.....	<del>\$382.20</del> <u>364.00</u>
134. SPORTING EVENTS:	
(a) Boxing matches.....	<del>\$114.45</del> <u>109.00</u>
(b) Jai-Alai or Pelota: Conducting frontons for exhibition, for each day such fronton is actually operated for the exhibition of jai-alai or pelota under the license granted by the State Racing Commission, no discount allowed. Per day.....	<del>\$63.00</del> <u>60.00</u>
(c) Roller Derby, Rodeo or Shows of similar character.....	<del>\$546.00</del> <u>520.00</u>
(d) Others not included herein.....	<del>\$546.00</del> <u>520.00</u>
135. STORAGE AND/OR WAREHOUSE OR PUBLIC STORAGE: (DEAD STORAGE ONLY-WHERE NO ACTUAL BUSINESS ACTIVITY IS BEING CONDUCTED)	
(a) Square footage from 0-2,000 .....	<del>\$63.00</del> <u>60.00</u>
(b) Square footage over 2,000 and not over 5,000 .....	<del>\$127.05</del> <u>121.00</u>
(c) Square footage above 5,000 .....	<del>\$318.15</del> <u>303.00</u>
(d) Over 5,000, for each 1,000 square feet or part thereof .....	<del>\$63.00</del> <u>60.00</u>
136. SWIMMING POOL MAINTENANCE .....	<del>\$127.05</del> <u>121.00</u>

**T**

137. TATTOOING .....	<del>\$1,275.75</del> <u>1,215.00</u>
138. TAXICABS: each taxicab .....	<del>\$63.00</del> <u>60.00</u>
139. TELEGRAPH COMPANIES:	
(a) Each with Teletype machines.....	<del>\$254.10</del> <u>242.00</u>
140. TELEPHONE COMPANIES AND SYSTEMS.....	<del>\$157.50</del> <u>150.00</u>
141. TELEPHONE SOLICITORS: (State License/Exemption Letter is required from Department of Agriculture and Consumer Services.)	
(a) Telephone solicitation operation containing five (5) or less telephones.....	<del>\$382.20</del> <u>364.00</u>
(b) For each additional telephone.....	<del>\$56.70</del> <u>54.00</u>
141.1 TEMPORARY PORTABLE STORAGE STRUCTURES: (See Chapter XXIV)–Section 24-22, Section 24-86 (D, 10).....	<del>\$341.25</del> <u>325.00</u>

- 142. THEATERS: See MOTION PICTURES, paragraph M, 96 of this section.
- 143. THEATRICAL, DRAMATIC TROUPES: See DRAMATICS, paragraph D, 51 of this section.
- 144. TOWING/WRECKER COMPANIES, FIRMS, ETC.:
  - (a) Office, including two (2) vehicles..... ~~\$192.15~~<sup>\$183.00</sup>
  - (b) Each vehicle over two (2)..... ~~\$32.55~~<sup>\$31.00</sup>
- 145. TRAILER PARK: (City Council approval required)
  - (a) Park..... ~~\$510.30~~<sup>\$486.00</sup>
  - (b) Sales..... ~~\$382.20~~<sup>\$364.00</sup>
- 146. TRAVEL AGENCIES OR BUREAUS ..... ~~\$127.05~~<sup>\$121.00</sup>
- 147. TRUCKING: See MOVING/TRANSFER COMPANY, paragraph M, 99 of this section. (same rates applicable).

U

- 148. UNCLASSIFIED: Every business, occupation, profession or exhibition, substantially fixed or temporary, engaged in by any person whether in a building or tent, or upon the street, vacant lot or anywhere in the open air in the City, not herein specifically designated, shall pay a local business tax fee of..... ~~\$127.05~~<sup>\$121.00</sup>
- 149. UPHOLSTERING OR FURNITURE REPAIR OR REFINISHING ..... ~~\$127.05~~<sup>\$121.00</sup>

V

- 150. VEHICLE FOR HIRE: Each..... ~~\$63.00~~<sup>\$60.00</sup>

W

- 151. WATCH/JEWELRY REPAIRING: Where not in connection with any other business..... ~~\$127.05~~<sup>\$121.00</sup>
- 152. WATER, BOTTLED COMPANY: DISTRIBUTORS ONLY: (See Merchants, Retail/Wholesale, paragraph M, 95. Only one (1) local business tax receipt required for Manufacturing, Distribution or Retail/Wholesale Merchant.)

(Ord. No. 580, 9-11-56; 1957 Code § 12-25; Ord. No. 60-122, 11-15-60; Res. No. R62-19 § 2, 3-20-62; Ord. No. 65-19 §§ 1, 3, 7-6-65; Ord. No. 68-33 § 1, 10-3-68; Ord. No. 68-40 § 1, 12-17-68; Ord. No. 68-42 § 1, 1-21-69; Ord. No. 70-12 § 2, 8-4-70; Ord. No. 71-13 § 1, 9-30-71; Ord. No. 72-9 § 1, 8-1-72; Ord. No. 80-42 § 2, 8-19-80; Ord. No. 81-6 § 2, 4-7-81; Ord. No. 82-23 § 1, 9-7-82; Ord. No. 84-12 § 2, 9-18-84; Ord. No. 85-4 § 2, 3-19-85; Ord. No. 90-12 § 4, 9-4-90; Ord. No. 95-6 § 2; Ord. No. 97-6 § 2; 7-15-97; Ord. No. 99-3, 7-6-99; Ord. No. 2001-6, 7-3-01; Ord. No. 2003-7, 7-1-03; Ord. No. 2006-24, § 4; 12-19-2006; Ord. No. 2008-4 § 2, 3-4-08)  
 State law reference—State law regulating fees to be charged by City, F.S.A. (1966), Ch. 205.

\*Charter Reference-Maximum limit on business tax fee for the erection of signboards, placards and advertising signs, Charter § 21(43).  
Cross Reference-Business tax receipt for private commercial trash collection, § 18-19.  
\*Editor's Note: See also Business Tax Receipt Fees, Section 12-31.  
 Charter reference<sup>3/4</sup>For authority of the City to prohibit the sale of intoxicating liquors, wines and beers, see Charter § 21(10).  
 Charter reference<sup>3/4</sup>See § 9-16 for requirement that liquor handlers be registered, photographer and fingerprinted.  
\*Cross reference-Authority to regulate and suppress hawkers and peddlers, Charter § 21(30).  
 Cross reference-Regulations of various types of advertising and sales, Section 12-22.  
\*Editor's Note: For requirement for receipts, see subsection 12-10.12 and 12-10.13.  
\*Cross reference-See Schedule of business tax receipt fees, § 12-31, No. M.90.  
\*Cross reference-For entry in general license schedule, see § 12-31, No. 114(r).  
\*Cross reference-Solicitation of or by females prohibited in establishments serving alcoholic beverages, § 12-2.10f.  
\*Cross references-Removal of wrecked, derelict or abandoned property, § 9-5.  
\*Charter reference-As to license tax for the erection of advertising signs, Charter § 29(a).  
 Cross reference-For fees for sign erection, see Chapter XIV, as to zoning restriction on the erection of signs, see § 24-143.  
\*Editor's Note: See also Section 12-2, Licensing the Sale of Alcoholic Beverages.  
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