

Chapter 11 - BUSINESS TAX RECEIPTS AND BUSINESS REGULATIONS

ARTICLE I. - IN GENERAL

Sec. 11-1. - Persons subject to tax.

A business tax for the privilege of engaging in or managing any business, profession or occupation within the city is hereby levied on the following persons:

- (1) Any person who maintains a permanent business location or branch office within the city for the privilege of engaging in or managing any business within the city.
- (2) Any person who maintains a permanent business location or branch office within the city for the privilege of engaging in or managing any profession or occupation within the city.
- (3) Any person who does not qualify under the provisions of [subsections] (1) or (2) above and who transacts any business commerce where such business tax is not prohibited by the United States Constitution.

Sec. 11-2. - Business tax receipt required; issuance.

It shall be unlawful for any person described in section 11-1 to engage in or manage any business, profession or occupation in the city unless he holds a current business tax receipt to do so, which receipt shall be issued by the city upon payment of the business tax receipt required therefore.

No person, firm or corporation may open any business to the public until they have applied and procured a certificate of use for each business location or premise. All businesses are required to obtain both, a business tax receipt and certificate of use for each location.

Sec. 11-3. - Term of business tax receipt; proration of tax; delinquency charges.

- (a) All business tax receipts shall be sold by the city beginning July 1 of each year, are due and payable on or before September 30 of each year, and shall expire on September 30 of the succeeding year. If September 30 falls on a weekend or holiday, the tax is due and payable on or before the first working day following September 30. For each receipt obtained for any new business, occupation or profession after April 1 of each year, one-half of the applicable annual business tax shall be paid. Business tax receipts which are not renewed on or before the expiration date may be reinstated thereafter upon payment by the holder of the receipt of the applicable business tax plus a delinquency charge in the amount of ten percent of such tax for the first month of delinquency, five percent each month of additional delinquency, up to a maximum of 25 percent. A new business tax receipt shall not be issued to any person for the privilege of engaging in or managing the same business, profession or occupation except upon payment of all past due business taxes and delinquency charges applicable thereto.
- (b) Any person who engages or manages any business, occupation or profession without first obtaining a business tax receipt, if required, is also subject to a penalty of 25 percent of the business tax due.
- (c) Any person who engages in any business, occupation or profession covered by this chapter, who does not pay the required business tax within 150 days after the initial notice of tax due, and who does not obtain the required business tax receipt is subject to civil actions and penalties, including court costs, reasonable attorney's fees, additional administrative costs incurred as a result of collection efforts and a penalty of up to \$250.00.

Sec. 11-4. - Business tax receipt limits; transfer fee; no rebate.

Any business tax receipt issued shall be good only for the particular business, profession or occupation and at the particular place of business designated in the business tax receipt and only for the person to whom the receipt was issued. Provided, however, all business licenses may be transferred to a new owner upon a bona fide sale of the business upon payment of a transfer fee of up to ten percent of the annual business tax, but not less than \$3.00 nor more than \$25.00 and presentation of evidence of

the sale of the original receipt. Upon written request and presentation of the original receipt, any business tax may be transferred from one location to another location in the city upon payment of a transfer fee of up to ten percent of the annual business tax, but not less than \$3.00 nor more than \$25.00. Each such receipt transfer shall be made within 30 days after such sale or removal; otherwise the business involved shall become null and void and of no effect.

No portion of any business tax receipt shall be rebated unless such business tax was collected in error.

Sec. 11-5. - Revocation or suspension of business tax receipt; grounds.

Any business tax receipt issued for any business, profession or occupation which the city council, in its discretion, shall determine is being operated in a manner that is not for the best interest, welfare, health, morals and safety of the community may be suspended for a period of time or revoked by the city council. Provided, however, prior to revocation or suspension of a receipt, the licensee shall be given at least five days' notice to appear before the city council to show cause why said receipt shall not be suspended or revoked.

Sec. 11-6. - Exemptions.

All persons exempt by state law from securing state and county business tax receipts shall be exempt from securing receipts under this chapter.

Sec. 11-7. - Business tax schedule.

The amount of the business tax receipt tax hereby levied for the privilege of engaging in or managing any business, profession or occupation within the city, pursuant to section 11-1 is set forth in the following schedule. Whenever any business, profession or occupation shall fall into more than one of the classifications contained in this schedule the person engaging therein shall be required to pay the tax required for each classification.

[Effective for the tax year beginning October 1, 2026, no Business Tax Receipt fee within this schedule shall be imposed.](#)

The following annual, except as otherwise stated, designated business taxes shall be paid to the city by persons engaging in or managing or transacting the following businesses, occupations or profession within the city:

- (1) *Abstract or title company*\$ 91.16
- (2) *Accommodations for rent, apartments, motels, motor courts, cottages, hotels, boardinghouses, etc.*
.....
 - (a) 1 to 2 rental unitsn/c
 - (b) 3 to 10 rental units30.39
 - (c) 11 to 20 rental units60.78
 - (d) 21 to 30 rental units91.16
 - (e) 31 to 40 rental units121.55
 - (f) Each additional unit24.31

License must be taken out for all rental units whether used or unused. (Does not permit dining room without restaurant license).
- (3) *Addressing, mailing or duplicating*42.55
- (4) *Advertising agency or trade inducement company*72.93
- (5) *Agents or agencies:*

- (a) Collection agency91.16
- (b) Credit reporting60.78
- (c) Booking agents60.78
- (d) Employment60.78
- (e) Private detective agency (must register with police department)91.16
- (f) Travel agents91.16
- (g) Security agency91.16
- (h) Mortgage broker91.16
 - 1. Each additional30.39
 - 2. Stocks and bonds91.16
- (i) Other48.63
- (6) *Alcoholic beverages, spirits, beer and wine* (under state supervision), state license requiredn/c
- (7) *Ambulance service* (not connected with hospital or funeral home)85.09
- (8) *Animals*
 - (a) Kennel, state license required85.09
 - (b) Boarding, state license required85.09
 - (c) Grooming42.55
 - (d) Pet sitting30.39

(Animal breeders must obtain a permit from the city animal control office in accordance with Section 5-36 of the City of Edgewater Code of Ordinances)
- (9) *Archery range*42.55
- (10) *Armored car service:*
 - (a) 1 to 3 vehicles60.78
 - (b) Each additional vehicle18.24
- (11) *Arms dealer, handling those known as concealed weapons, alone or in conjunction with any other business (as defined in F.S. ch. 790)*60.78
- (12) *Auctioneer*42.55
- (13) *Auction shops*91.16
- (14) *Automotive:*
 - (a) *Sales*
 - 1. New cars151.94
 - 2. Used cars
 - a. 1 to 10 cars30.39
 - b. 11 to 50 cars42.55
 - c. 51 to 100 cars60.78
 - d. 101 and over103.32
 - (b) *Minor repair service* (state registration required)85.09

- (c) *Motor vehicle repair shop*85.09
- (d) *Motor vehicle repair*42.55
- (e) *Pumps (gas, kerosene, diesel):*
 - 1. 1 to 4 pumps30.39
 - 2. Each additional pump6.08
- (f) *Auto machine shop*48.63
- (15) *Auto salvage*121.55
- (16) *Aviation service*48.63
- (17) *Ball, concerts, parades, carnivals, circus, exhibitions* (special activities) fees/costs set pursuant to the applicable fee resolution.
- (18) *Barbershop and cosmetology* (retail sales must have separate licenses), state license required
 - (a) *One owner operator*48.63
 - (b) *Each additional operator*30.39
 - (c) *Shoe shine stand*n/c
 - (d) *Manicurist & nail sculpture, pedicurist*30.39
 - (e) *Tanning salons*30.39
 - (f) *Other* 30.39
- (19) *Bicycles for rent* (not in connection with other business)30.39
- (20) *Billiards, pool, electronic games, etc.:*
 - (a) 1 to 10 machines30.39
 - (b) 11 to 25 machines48.63
 - (c) Each additional machine12.16
- (21) *Boats, ferry and sightseeing, used wholly or in part as ferry sightseeing boats, each boat with passenger capacity as follows:*
 - (a) Not to exceed 10 persons42.55
 - (b) More than 10 not to exceed 50 persons60.78
 - (c) More than 50 persons91.16

(Does not permit dining room without restaurant BTR)
 - (d) Boat restoration/sales60.78
- (22) *Boats for hire:*
 - (a) *Canoes, rowboats, motor boats, inboard or outboard:*
 - 1. 1 to 10 boats30.39
 - 2. 11 to 25 boats60.78
 - 3. Each additional boat12.16
 - (b) *Fishing, cruising and/or charter:*
 - 1. One boat42.55
 - 2. Each additional boat30.39

- (23) *Bottling works, bottling or distilling water or soft drinks*60.78
- (24) *Bowling lanes, skee ball, etc.:*
 - (a) 1 to 16 lanes60.78
 - (b) Each additional lane (Restaurant needs additional license)6.08
- (25) *Broadcasting stations:*
 - (a) *Cable*151.94
 - (b) *Radio*151.94
 - (c) *Television*151.94
- (26) *Cabinet shop (manufacturer and installation) (not to exceed 3 employees); (Over 3 employees, see Manufacturer); (Installer must have insurance)*60.78
- (27) *Car wash:*
 - (a) 1 to 4 bays36.47
 - (b) 5 to 7 bays72.93
 - (c) Each additional bay12.16
 - (d) Car/boat/motorcycle detailing and/or window tinting
(cleaning and polishing)42.55
- (28) *Carpet and rug cleaning*42.55
- (29) *Cemetery lots (operated for profit)*91.16
- (30) *Citrus fruit shippers, place where orders for fruit are taken and filled or shipped (excluding packing houses)*30.39
- (31) *Cleaning, pressing and dyeing (boiler inspection certificate must be presented)*
 - (a) Cleaning and pressing pickup station42.55
 - (b) Self-service:
 - 1. 1 to 10 machines30.39
 - 2. 11 to 25 machines42.55
 - 3. 26 to 50 machines60.78
 - 4. Each additional machine6.08
- (32) *Coin/card-operated machine or devices:*
 - (a) *Distributors*60.78
 - (b) *Each machine, see billiards, item (20) for amounts*
- (33) *Communication sites:*
 - (a) Commercial151.94
 - (b) Cellular151.94
 - (c) Other151.94
- (34) *Computer software service (designing programs)*60.78
 - (a) Repairs/service60.78
 - (b) Software service (designing programs)60.78
 - (c) Webdesign/consulting services60.78

(35) *Concrete mixing plants:*

- (a) 1 to 5 trucks182.72
- (b) Each additional truck30.39

(36) *Contractors*

A) *Contractors: (F.S. §§ 489.105 a through p) Part 1 and 2 and (F.S. § 489.505)— STATE LICENSE REQUIRED*

- (a) General contractor85.09
- (b) Building contractor85.09
- (c) Residential contractor85.09
- (d) Sheet metal contractor60.78
- (e) Roofing contractor60.78
- (f) Class A air conditioning contractor60.78
- (g) Class B air conditioning contractor60.78
- (h) Class C air conditioning contractor60.78
- (i) Mechanical contractor60.78
- (j) Commercial pool/spa contractor42.55
- (k) Residential pool/spa contractor42.55
- (l) Swimming pool/spa servicing contractor42.55
- (m) Plumbing contractor60.78
- (n) Underground utility and excavation contractor42.55
- (o) Solar contractor42.55
- (p) Pollutant storage system contractor42.55
- (q) Alarm system contractor I42.55
- (r) Alarm system contractor II42.55
- (s) Electrical contractor60.78

B) *Specialty contractor: (Enter local agreement with Volusia County 1-1-2006) - VOLUSIA COUNTY SPECIALTY LICENSE REQUIRED*

- (a) Carpentry contractor (frame)42.55
- (b) Garage door installer42.55
- (c) Hurricane protection installer42.55
- (d) Landscape irrigation42.55
- (e) Marine contractor42.55
- (f) Masonry contractor42.55
- (g) Prefabricated shed installer42.55
- (h) Siding, window and door installer42.55
- (i) Sign contractor (non-electrical)42.55

C) *Subcontractors: (city licensed)*

- (a) Aluminum contractors42.55

- (b) Asphalt maintenance42.55
- (c) Awning (not hurricane shutters)42.55
- (d) Cabinetry42.55
- (e) Carpentry (trim)42.55
- (f) Dredging42.55
- (g) Fence installers42.55
- (h) Flooring installer42.55
- (i) Home repair (see limitations)42.55

Any occupation that limits itself to cleaning, minor repairs, replacement, and general maintenance of a nature that does not entail work concerning the structure of a building: mechanical, electrical, plumbing, gas, heating, ventilation air conditioning, roofing or any other function normally considered construction. Home maintenance and repair shall include, but not be limited to: minor repair of the interior and/or exterior of a dwelling; painting; caulking, minor repairs to windows and doors, and minor repairs to mechanical equipment, consisting of the replacement of simple air filters and the cleaning of interior or exterior units by washing or compressed air blowing. Minor repairs to plumbing consisting of the replacement of fixtures beyond the last manual shutoff valve shall be allowed:

Hot water heater replacement, installation of new lines or additional fixtures, sewer or septic tank work, or gas piping shall not be authorized. No structural repairs, new additions, roofing, or foundation work of any kind is permitted. Adding, changing, and/or removing refrigerant, welding, pipe fitting, and duct work is prohibited. No electrical work except the replacement of lamps and bulbs is authorized.

- (j) House movers (including mobile homes)
(requires state license from DMV)42.55
- (k) Insulation installer42.55
- (l) Land clearing42.55
- (m) Landscaping42.55
- (n) Painter/wallpaper42.55
- (o) Paving contractor42.55
- (p) Plastering contractor42.55
- (q) Pressure cleaning42.55
- (r) Sandblasting42.55
- (s) Satellite dish installer42.55
- (t) TV cable wiring42.55
- (u) Tile, terrazzo, marble and granite installer42.55
- (v) Tree cutting and trimming42.55
- (w) Other 42.55

(37) *Delivery services:*

- (a) One vehicle30.39
- (b) Each additional vehicle12.16

- (38) *Distributors and home party sales*
(Avon, Tupperware, Fuller brush, Amway, etc.)30.39
- (38a) *Entertainment* (bands, orchestras, etc.)30.39
- (39) *Exterminators, spray service, state license required:*
 - (a) One vehicle91.16
 - (b) Each additional truck12.16
- (40) *Financial:*
 - (a) Banks and trust companies158.03
 - (b) Building and loan associations158.03
 - (c) Finance and discount companies, liquidating accounts, whether purchased or not158.03
 - (d) Money lenders, except banks or bankers whose business consists of or including taking, buying or selling assignments of wages or commissions earned or to be earned, etc.158.03
 - (e) Personal finance companies158.03
- (41) *Fortune tellers, mind readers, gypsies and other Nomadic people (see Sections 11-21 through 11-25)*91.16
- (42) *Funeral chapel*91.16
- (43) *Funeral homes, including embalmer or undertaker and ambulance, state license required*121.55
- (44) *Furniture packers, moving and/or storage:*
 - (a) 1 to 2 trucks91.16
 - (b) Each additional truck30.39
- (45) *Gas companies, state license required:*
 - (a) Distributing through pipe lines, natural gas (includes one truck); (franchised or other method devised by city council)121.55
 - (b) Bottle gas, wholesale merchant license required60.78
 - (c) Bottle gas, retail merchant license required60.78
- (46) *Gas contractors, installing container, piping* (includes one vehicle), state license required
 - (a) Not connected with other business91.16
 - (b) When connected with other business60.78
- (47) *Gasoline, fuel oil. and other petroleum products, resident or nonresident* (includes one vehicle):
 - (a) Wholesale151.94
- (48) *General repairs, permitting to carry stocks or parts necessary to be used in making repairs in shop hereby licensed, however, if any portion of such stock is sold in any manner, a merchant's license is required.*

Machine shop and welding (not working on automotive)
(Employing including owner and operator)42.55

 - (a) Not to exceed 3 employees (assemblage)42.55
 - (b) Not exceeding 8 employees60.78
 - (c) More than 8 employees, not exceeding 20 employees151.94
 - (d) More than 20 employees230.85

- (49) *Golf:*
- (a) Driving ranges or practice courses60.78
 - (b) Course
 - 1. 9 holes91.16
 - 2. 18 holes151.94
 - (c) Miniature golf42.55
- (50) *Hazardous materials*30.39
- (51) *Health fitness centers*60.78
- (52) *Hospitals, sanitariums, nursing homes, and congregate living, operated for profit, state license required:*
- (a) 1 to 5 beds42.55
 - (b) 6 to 12 beds85.09
 - (c) 13 to 20 beds121.55
 - (d) Each additional bed6.08
- (License must be taken out for all beds whether used or unused)
- (53) *Housecleaning and janitorial services* (including window cleaning; domestic help excepted)42.55
- (54) *Insurance adjustor company:*
- (a) Company with one adjustor91.16
 - (b) Each additional adjustor30.39
- (55) *Insurance companies* (see also Section 11-20, City Code). For the purpose of taxation, insurance companies are classified and defined as follows:
- (a) Casualty and liability insurance, only on annual, semi-annual, or quarterly premium basis and:
 - 1. Bonds, including fidelity, court contracts and surety bonds and financial guarantees.
 - 2. Burglary insurance, including residences, bank stock, bonds and securities, safety deposits and holdup and messenger robbery.
 - 3. Liability insurance, including employers, public and automobile liability for personal injury, property damage and collision.
 - 4. Plate glass insurance.
 - 5. Workman's compensation insurance issued to employers or labor.
 - 6. Accident and health insurance only on annual, semiannual, or quarterly premium basis.
 - (b) Fire insurance companies, writing policies of insurance against hazards of fire, tornado and windstorms, use and occupancy, profits, rent, leasehold insurance, insurrections, riot and civil commotion, sprinkler, leakage, rain, fire, theft, automobile collisions; and marine cargoes and bills; and rail, mail express shipments; against fire, collisions, stranding, sinking.
 - (c) Industrial insurance companies, (including funeral benefits associations or companies) writing life and or accident and health, insurance and funeral benefits on a weekly, bimonthly or monthly premium paying basis.
 - (d) Insurance agency, any person who represents or otherwise acts as agent for an insurance company as defined and or classified in this subsection or classification of insurance companies,

or which operates or maintains an office or place of business in the city shall be deemed to constitute and operate an insurance agency. Fees to be paid by the company, includes representation by each agent:

1. Casualty and liability companies42.55
2. Fire insurance companies42.55
3. Industrial insurance and funeral benefits association or company42.55
4. Life insurance company42.55
5. Each additional agent30.39

(56) *Laboratories, scientific and industrial investigation*, if not connected with licensee's manufacturing enterprises151.94

(57) *Lawn service and care*:

- (a) Gardener and/or lawn care30.39

(58) *Manufacturers*. The following businesses are classified as manufacturers and each person engaged in the operation of such business in the manner described are required to cover this operation by taking out a manufacturer's license as follows:

(Factory, permitted to manufacture and sell the products manufactured, employees include owner and operators actively engaged in such business.

- (a) Not to exceed 3 employees (assemblage)42.55
- (b) Not exceeding 8 employees60.78
- (c) More than 8 employees, not exceeding 20 employees151.94
- (d) More than 20 employees230.95

(59) *Meat, fish and poultry products, packinghouses or storage*91.16

(60) *Merchandise mart (flea market) owner operator*:

- (a) Up to 4 spaces91.16
- (b) 5 to 10 spaces121.55
- (c) 11 to 20 spaces182.72
- (d) Each additional12.16

(61) *Merchants—Retail*, provided license shall permit but one location when average stock of goods carried is as follows:

- (a) Stock up to \$1,000.0030.39
- (b) Stock from \$1,001.00 to \$5,000.0042.55
- (c) Stock from \$5,001.00 to \$10,000.0060.78
- (d) Stock from \$10,001.00 to \$30,000.0091.16
- (e) Stock from \$30,001.00 to \$50,000.00144.70
- (f) Stock from \$50,001.00 to \$100,000.00182.72
- (g) Stock from \$100,001.00 and over212.72
- (h) Internet based merchants with no stock on location30.39

(62) *Merchants—Jobbing, wholesaling or distributing*, provided license shall permit but one location when average stock of goods carried is as follows:

- (a) Stock up to \$1,000.0042.55
- (b) Stock from \$1,001.00 to \$10,000.0060.78
- (c) Stock from \$10,001.00 to \$30,000.0091.16
- (d) Stock from \$30,001.00 to \$75,000.00121.55
- (e) Stock from \$75,001.00 and over164.09
- (63) *Museums, historical, for profit* (permission and fees set by council)
- (64) *Newspaper publisher*91.16
- (65) *Parking lots, for profit:*
 - (a) 1 to 10 cars30.39
 - (b) 11 to 60 cars91.16
 - (c) 61 to 100 cars121.55
 - (d) 101 cars and over151.94
- (66) *Pawnbrokers and second hand gold buyers, not transferable*182.72
- (Each pawnbroker, gold buyer or money broker shall keep a complete and true record of all transactions showing from whom the article was taken or purchased and to whom sold, which shall at all times be subject to inspection by the police department to the city, one copy of daily records being delivered to the police department. Violations of this subsection shall be punished by fine or imprisonment (See Sections 11-26 and 11-27, City Code.)
- (67) *Printing business*60.78
- (68) *Private and social clubs, bars and lounges (no food served)*60.78
- (69) *Private schools (religious, institutions exempt)*30.39

- (a) Art color studio
- (b) Automobile and truck driving
- (c) Business
- (d) Cosmetology
- (e) Dancing
- (f) Dramatic
- (g) Flying instructions
- (h) Kindergarten, nursery, or day care (state license required)
- (i) Martial arts
- (j) Model or charm
- (k) Music (piano, voice, instruments)
- (l) Riding school or academy
- (m) Trade
- (n) Other

- (70) *Professional*91.16

(The following professional practitioners, are classed as professional and each person engaged in the practice of any such profession is required to cover this practice by taking out a professional license as follows: (Other county and state license compliance required if applicable)

- (a) Accountants, bookkeepers
- (b) Artists
- (c) Acupuncturists, state license required
- (d) Architects
- (e) Astronomers
- (f) Attorneys, state license required
- (g) Auditors, state license required
- (h) Chemists, state license required
- (i) Clinic labs, state license required
- (j) Computer consultant
- (k) Drafting
- (l) Dentistry, state license required
- (m) Embalmers, state license required
- (n) Engineers, state license required
- (o) Engravers, embossing, lithographs
- (p) Homeopathic or drugless physicians
- (q) Income tax consultant
- (r) Interior decorators, designers
- (s) Masseur, state license required
- (t) Medical doctors, state license required
- (u) Naprapaths, state license required
- (v) Opticians, state license required
- (w) Optometrists
- (x) Osteopathic physicians, state license required
- (y) Pharmacists (exempt F.S. 205.196), state license required
- (z) Physicians, state license required
- (aa) Photographers
- (bb) Pilots
- (cc) Podiatrists, state license required
- (dd) Private instructors
- (ee) Secretaries
- (ff) Security (must register with police department)
- (gg) Therapists
- (hh) Tree surgeons
- (ii) Veterinarians, state license required
- (jj) Taxidermists, state license required
- (kk) Bondsman, state license required

1. Each agency91.16
2. Each agent30.39
- (II) Dispensing facilities (Florida Department of Health license required)
- (mm) All other professions91.16
- (71) *Real estate or rental agency*, state license required:
- (a) With one person designated as broker42.55
- (b) Each additional salesperson30.39
- (No license issued until state registration certificate is presented.)
- (72) *Recording studios*60.78
- (73) *Refuge hauling and recycling, for profit*, (by authority of the city council fees also determined by council)
- (74) *Rental (equipment & video)*60.78
- (75) *Restaurant, cafe and other public eating places*, where food is served in connection with or separate from other business according to seating capacity:
- (a) 0 to 50 seats, also carryout60.78
- (b) 51 to 100 seats91.16
- (c) 101 seats and over103.32
- (d) Caterer service42.55
- (Health permit certificate required)
- (76) *Rinks*91.16
- (77) *Sawmills*91.16
- (78) *Service*:
- (a) Mail order42.55
- (b) Parcel packing42.55
- (c) Telephone answering services42.55
- (d) Telemarketing42.55
- (e) Housesitting30.39
- (f) Chimney sweeper30.39
- (g) Other42.55
- (79) *Shooting galleries*60.78
- (Must be arranged and located as to be entirely safe and not a nuisance to adjoining property and approved by the city council and the police department.)
- (80) *Shows, carnivals, parades, concerts* fee/costs set pursuant to the applicable fee resolution (special activities)
- (81) *Solicitors*:
- (a) For magazines or periodicals (see Section 11-26, City Code); (each solicitor required to register with the city and receive a registration and identification card signed by the city)30.39

- (b) Going from house to house soliciting business, (each solicitor required to register with the city and receive a registration and identification card signed by the police chief)30.39
 - (c) Canvassers (see Section 11-26, Edgewater Code, must get permit from city)30.39
- (82) *Storage warehousing*91.16
 - (a) Boat houses or boat yards (keeping or storing)30.39
 - (b) Garage and storage and parking for all types of vehicles42.55
 - (c) Self storage/mini warehouse42.55
- (83) *Swimming pools (public)*42.55
- (84) *Telegram companies*60.78
- (85) *Telephone companies:*60.78
- (86) *Theaters:*
 - (a) Up to 500 seats72.93
 - (b) 501 to 1,000 seats91.16
 - (c) Over 1,001 seats121.55
 - (d) Drive-ins91.16

(If merchandise is sold, merchant's license is required)
- (87) *Trailers or mobile homes parks or camps:*
 - (a) 1 to 9 trailer spaces42.55
 - (b) 10 to 20 trailer spaces60.78
 - (c) 21 or more trailer spaces91.16

Sales151.94
- (88) *Transportation:*
 - (a) Chauffeurs, taxis, limousines or motor vehicles for hire:
 - 1. 1 to 5 vehicles60.78
 - 2. 6 to 10 vehicles91.16
 - 3. Each additional vehicle6.08
 - (b) Wrecker service:
 - 1. One vehicle42.55
 - 2. Each additional vehicle6.08
- (89) *Trucking companies (freight):*
 - (a) Each truck30.39
- (90) *Unclassified*60.78
- (91) *Utilities*151.94
- (92) *Vendors, concession mobile*, health permit required42.55
- (93) *Warehouse/distribution - one truck*60.78
 - (a) each additional truck6.08

Sec. 11-8. - Punishment for violation.

If any person is in violation of any provision of this chapter said person shall, in addition to any penalties herein prescribed, upon conviction thereof, be subject to punishment as provided in section 11-7.

Sec. 11-9. - Certificate of use required.

- (a) No person, firm or corporation shall engage in or manage any business, profession, trade, amusement or industry in the city, without first making application and having procured a certificate of use for each location or premise. Certificates of use shall not be issued until a new business inspection is completed at the location or premise and found to comply with all requirements of the code of the city and all applicable laws and regulations.

Whenever any business, profession, occupation trade, amusement or industry shall fall into more than one of the classifications or uses contained in the schedule set forth in section 11-8 business tax schedule, such occupation, business, profession, or privilege shall not be required to obtain more than one certificate of use. Each classification or use shall be indicated on the certificate of use as appropriate.

- (b) Prior to the issuance of a home occupation certificate of use, an applicant shall be required to sign an affidavit stating compliance with all matters as may be required by the land development code. Any action contrary to the terms of such affidavit shall be subject to enforcement against the violator in the manner provided by F.S. § 162 or § 166.0415 article X et. seq. of the City Code and all other available legal and judicial remedies.
- (c) Anyone other than a property owner making application for a certificate of use must provide a notarized property owner affidavit. The property owner affidavit makes the property owner aware that their tenant is applying for a business tax receipt and certificate of use. This affidavit states that the property owner is aware that if the tenant, for any reason, is found to be in noncompliance with any city codes, ordinances or laws relating to the tenant's business that they as the property owner, will be held responsible for any code enforcement action that may be necessary.
- (d) In order to obtain a certificate of use, an original fee shall be paid for the purpose of defraying the costs of all original new business inspections and/or department approvals. An annual renewal fee shall be paid to defray the costs of maintenance of the certificate of use.
- (e) As of the effective date of this article, all existing paid home occupations or mobile occupations, businesses, professions or privileges shall be considered to have an active certificate of use and shall not be subject to the original fee however, they will be subject to the annual renewal fee.
- (f) The city shall have the right to request reasonable records from any paid business for purposes of ensuring and confirming continued compliance with representations made to the city when such business applied to the city for land use or zoning approval.

Sec. 11-9.1 - Reserved.

Sec. 11-10. - Definitions.

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings given herein.

Business shall mean all kinds of vocations, occupations, professions, enterprises, establishments, and all kinds of activities and matters, together with all devices, machines, vehicles and appurtenances used therein, any of which are conducted for private profit or benefit, either directly or indirectly. It shall not include the customary religious, charitable or educational activities of nonprofit religious, nonprofit charitable and nonprofit educational institutions in the city, which institutions are more particularly defined as follows:

- (a) *Religious institutions* shall mean churches and ecclesiastical or denominational organizations or established physical places for worship in this city at which nonprofit religious services and activities are regularly conducted and carried on, and shall also mean church cemeteries.

- (b) *Educational institutions* shall mean state tax-supported or parochial, church and nonprofit private schools, colleges or universities conducting regular classes and courses of study required for accreditation by or membership in the southern association of colleges and secondary schools, department of education or the Florida Council of Independent Schools. Nonprofit libraries, art galleries and museums open to the public are defined as educational institutions and eligible for exemption.

Certificate of use shall mean the method by which the city grants approval for any business to occupy any office building, industrial or commercial building, apartment building or hotel, upon inspection of the premises and proof of compliance with all requirements of the Code of the City of Edgewater and all applicable laws and regulations. The term "business" shall include for purposes of certificate of use only, any nonprofit religious, nonprofit charitable and nonprofit education institution.

City business tax receipt shall mean the tax paid to the city for the privilege of engaging in or managing any business, profession or occupation within its jurisdiction. It shall not mean any fees or taxes paid to any board, commission or officer for permits, registration, examination or inspection or any fees which are of a regulatory nature which shall be in addition to and not in lieu of any city business tax imposed under the provisions of this article.

Classification shall mean the method by which a business or group of businesses are identified.

Home occupation shall mean a business or occupation conducted entirely within a dwelling unit providing such business or occupation meets the provisions of article III, section 21-34.01 of the city land development [code].

Mobile occupation shall mean a business, occupation or trade where the physical location is a residential dwelling unit, used only for office purposes and whereby the actual business operation is performed someplace other than the dwelling unit providing such mobile business or occupation meets the provisions of article III, section 21-34.01 of the city land development code.

New business inspection shall mean the inspection made at the commercial location(s) or premises in which a business, profession occupation trade, amusement or industry is conducted. The inspection is to ensure compliance with all zoning regulations Life Safety Code requirements proper tenant separations, and all applicable city, county and state regulations.

Person shall mean any individual, firm, partnership, joint adventure, syndicate or other group or combination acting as a unit, association, corporation, estate trust, business trust, trustee, executor, administrator, receiver or other fiduciary and shall include the plural as well as the singular; or any officers, agents, employees, factors, or any kind of personal representatives if any thereof, in any capacity, acting either for himself, or for any other person, under either personal appointment or pursuant to law.

Premises shall mean all lands, structures, places, and also the equipment and appurtenances connected or used therewith, in any business, and also any personal property which is either affixed to, or is otherwise used in connection with any such business conducted on such premises.

Professional shall mean any person engaged in the practice of any profession, business or occupation regulated by law and requiring a tax issued by the state. However, "professional" shall not include those persons who are required to obtain a tax under a regulatory statute, but are prohibited from engaging in a profession, business or occupation unless under the direct supervision of another person. A professional tax shall not relieve the person paying the tax from the payment of any business tax imposed on any business operated by him or her.

Taxed or taxes shall include respectively the words "permit" or "permittee" or the holder for any use or period of time of any similar privilege, wherever relevant to any provision of this article or other law or ordinance.

Taxing authority shall mean that person designated by the city manager

Taxpayer shall mean any person liable for taxes imposed under the provisions of this article, any agent required to file and pay any taxes imposed hereunder, and the heirs, successors assignees and transferees of any such person or agent.

Sec. 11-11. - Terms of certificate of use.

- (a) No certificate of use shall be issued for more than one year, and all certificates shall be issued by the city manager or his/her designee, upon payment of the required fee, beginning July 1 of each year and shall be due and payable on or before September 30 of each year. Certificates shall expire on September 30 of each succeeding year. In the event that September 30 falls on a weekend or holiday the fee shall be due and payable on or before the first working day following September 30.
- (b) The certificate of use for commercial locations may be transferred to a new owner where there is a bona fide sale of the business with no additional fee. Evidence of the sale and the original certificate of use must be submitted. If the sale of the business involves a change of business name, classification or use a new certificate of use shall be required.
- (c) if a business is moved from one location to another properly zoned location in this city, a new certificate of use shall be required. No certificate of use shall be issued for commercial locations until a new business inspection is completed at the commercial location or premises and the location or premises is found to comply with all requirements of the City of Edgewater Code of Ordinances, Land Development Code and all applicable laws and regulations.

Sec. 11-11.1. - Evidence of engaging in business; responsibility of agent; separate business tax for each location; approval of uses; separate business tax for each company.

- (a) *Evidence of engaging in business.* The fact that a person represents himself as being engaged in any business for which a business tax and certificate of use is required for the transaction of business or the practice of a profession shall be evidence of the liability of such person to pay a business tax and certificate of use fee, regardless of whether such person actually transacts any business or practices a profession. Soliciting business, displaying a sign or advertising, which indicates the conduct of a business or profession at a given location, advertising a business or profession in the classified section of the telephone directory or city directory or other media shall be sufficient evidence that such person is holding himself out to the public as being engaged in a business or profession.
- (b) *One act constitutes doing business.* For the purpose of this article, any person shall be deemed to be in business and thus subject to the requirements of this chapter, when he does one act of:
 - (1) Selling any goods or service:
 - (2) Soliciting business or offering goods or services for sale or hire.
- (c) *Agents responsible for obtaining business tax.* The agents or other representatives of nonresidents who are doing business in this city shall be personally responsible for compliance with this article by their principals and of the businesses they represent.
- (d) *Each location to have separate business tax.* If any person operates any business at more than one location, each location shall be considered a separate business and a separate business tax is required unless otherwise provided for herein
- (e) *Approval of uses.* All activities and uses included within the operation of the business shall be approved uses in accordance with all applicable codes.
- (f) *Separate business tax for each company.* A company shall include each corporation and/or fictitious name being used for the operation of that business.

Sec. 11-11.2. - Administrative fees; reprint, reinstatement, duplicate fees.

Due to additional services provided by the city departments relating to the issuance of certificates of use the city shall administer the following administrative fees in an amount stipulated below:

- (a) *Reprint fee.* Any business/person who holds a business tax receipt and/or certificate of use and who requests an additional copy of the business tax receipt or certificate of use shall be charged a \$7.00 reprint fee.

- (b) *Reinstatement fee.* Any business/person who holds a certificate of use that results in an expiration, revocation or suspension shall be charged a \$35.00 administrative fee for the reinstatement of the certificate of use in addition to all required annual fees and other delinquency charges.

Sec. 11-11.3. - Duties of licensing authority.

- (a) The licensing authority shall collect all business taxes and shall issue certificates of use and business tax receipts in the name of the city to all persons qualified under the provisions of this article and shall:
 - (1) Promulgate and enforce all reasonable rules and regulations necessary to the operation and enforcement of this article, with the approval of the city council.
 - (2) Adopt all forms and prescribe the information to be given therein as to character and other relevant matters for all necessary papers.
 - (3) Require applicants to submit all affidavits and oaths necessary to the administration of this article.
 - (4) Submit all applications in a proper case, to interested city officials for their endorsements thereon as to compliance by the applicant with all city regulations which they have the duty of enforcing.
 - (5) Investigate and determine the eligibility of any applicant for a certificate of use and business tax receipt as prescribed herein.
 - (6) Notify any applicant of the acceptance or rejection of his application and, upon his refusal of any certificate of use and business tax receipt or permit, at the applicant's request, state in writing the reasons therefore and deliver them to the applicant.
- (b) The licensing authority shall perform all functions designated by the director of development services to ensure enforcement and carry out the provisions of this article.

Sec. 11-11.4. - Duties of tax payers.

- (a) *General standard of conduct.* Every taxpayer under this article shall:
 - (1) Permit all reasonable inspections of his business by public authorities so authorized by law.
 - (2) Ascertain and at all times comply with all laws and regulations applicable to such taxed business.
 - (3) Refrain from operating the taxed businesses on premises after expiration of his business tax receipt and during the period his certificate of use is revoked or suspended.
- (b) *Display of tax and insignia.* Every taxpayer under this article shall:
 - (1) Post and maintain such certificate of use and tax upon the taxed premises in a place where it may be seen at all times.
 - (2) Carry such business tax receipt on his person when he has no taxed business premises.
 - (3) Not allow any certificate of use, business tax receipt, special permit or insignia to remain posted, or displayed or used, after the period for which it was issued has expired; or when it has been suspended or revoked; or for any other reason has become ineffective. The taxpayer shall promptly return such inoperative certificate of use, business tax receipt, special permit or insignia to the development services director.
 - (4) Not loan, sell, give or assign to any other person or allow any other person to use or display or to destroy, damage or remove, or to have in his possession, except as authorized by the Development Services Director or by law, any certificate of use, business tax receipt or insignia which has been issued to the taxpayer.

Sec. 11-11.5. - How tax construed as to professions.

The tax provided by this article for professionals shall be construed to mean that each individual shall pay the tax herein provided, whether practicing by himself or in partnership or employed by another.

Sec. 11-11.6. - Scope of tax; tax obtained by false statements void ab initio.

- (a) No business tax receipt issued under the provisions of this article shall protect any person from prosecution for transacting any business not covered by such tax.
- (b) Any business tax receipt issued upon any false statement made under oath shall be considered as void ab initio and shall not protect the holder thereof from prosecution for transacting business without a tax.

Sec. 11-11.7. - Separate violations.

Each day or part of a day that any provision of this article is violated shall constitute a separate and distinct offense for which such person or his agents, servants or employees may be prosecuted.

Sec. 11-12. - Enforcement—Certificate of use.

- (a) The licensing authority and such other personnel of the city, as shall be designated by the city manager, shall conduct such investigations and inspections as shall be necessary to the enforcement of this article.
 - (1) No business shall occupy any office building, industrial or commercial building, apartment building or hotel until a certificate of use is issued by the city. Certificates of use may not be issued until the premises have been inspected and found to comply with all requirements of the Code of the city.
 - (2) At time of application for a certificate of use, a fee shall be paid for all new businesses, change of address, and changes of use, as specified in the city business tax schedule, in addition, fees shall be paid to defray the cost of any required inspection(s) and reinspections as specified in the city business tax schedule.
 - (3) The licensing authority shall either revoke or temporarily suspend the certificate of use of any owner/applicant where it is determined by the licensing authority that:
 - a. The owner/applicant has misrepresented or failed to disclose material information required by this chapter to be included in the certificate of use application form; or
 - b. The owner/applicant, as part of the owner/applicant's business activity within the city, is engaged in conduct which is an actual threat to the public health, welfare or safety; or
 - c. The owner/applicant is conducting business from premises which do not possess a valid and current business tax receipt and/or certificate of use as may be required by city or county laws; or
 - d. Habitual conduct has occurred at the owner/applicant's premises which violates city, county or state law; or
 - e. The certificate of use issued by the city depended upon the owner/applicant's compliance with specific provisions of federal, state, city or Volusia County law and the owner/applicant has violated such specific provision of law; or
 - f. The owner/applicant has violated any provision of this chapter and has failed or refused to cease or correct the violation after notification thereof; or
 - g. The premises have been condemned by the local health authority for failure to meet sanitation standards or the premises have been condemned by the local authority because the premises are unsafe or unfit for human habitation.

The suspension or revocation shall be of the certificate of use in effect at the date of such suspension or revocation, even though it may have been issued and an owner/applicant other than the person who held the certificate of use at the time the cause for such suspension or revocation arose.

No certificate of use shall be suspended under this section for a period of more than 12 months. No new certificate of use shall be issued to the owner/applicant, or to any other firm in which the owner/applicant or any of its stockholders is interested, for any premise during the term of such suspension or revocation. At the end of such period of suspension or revocation the owner/applicant may apply for a new certificate of use.

- (4) A suspension not exceeding six months shall be imposed in cases where the owner/applicant's violation is shown to be inadvertent and can be promptly corrected by the owner/applicant a revocation of the certificate of use shall be imposed in all other cases.
 - (5) If the licensing authority believes that an owner/applicant has engaged or is engaged in conduct warranting the suspension or revocation of a certificate of use, he shall serve the owner/applicant by certified mail or hand delivery at his business address, a written notice to the owner/applicant of facts or conduct which warrant the intended action. The notice shall state what is required to be done to eliminate the violation if any.
 - (6) If an owner/applicant or permittee fails to comply with any notice issued as provided above, the licensing authority may cause to have a notice of violation issued and provide a reasonable time for correction. If not corrected within noticed time, a citation will be issued. Violator may correct the violation and satisfy the fine or request a hearing before the citizen code enforcement board. In the event an owner/applicant fails to comply with the rulings of the code enforcement board, the licensing authority may order the closing of the offending business and enforce the order by action of the Edgewater Police Department, contracted services or other city forces. The cost of the enforcement action shall be placed as a lien against the owner/applicant's real and personal property.
- (b) All persons authorized herein to inspect businesses shall have the authority to enter, with or without warrant at all reasonable times, the following premises:
- (1) Those for which a certificate of use is required;
 - (2) Those for which a certificate of use was issued and which, at the time of inspection, are operating under such certificate of use;
 - (3) Those for which the certificate of use has been revoked or suspended.
- (c) Persons inspecting businesses or premises, as herein authorized, shall report all violations of this article or of other laws or ordinances to the licensing authority and shall submit such other reports as the licensing authority shall order.

Sec. 11-13. - Delinquent certificate of use; failure to obtain; penalty.

Any person who violates the provisions of this article or otherwise fails to obtain or allows to expire the certificate of use as required by this article shall be subject to prosecution in the manner provided by F.S. ch. 162 or § 166.0415, and upon conviction, such person shall be subject to a fine, imprisonment, or both.

Sec. 11-14. - Other certificates, taxes and regulations to be in addition to certificate of use.

The provisions of this article are cumulative and in addition to all other state, county and city laws which require certificates, taxes or permits, or provide for the collection of certificate, business tax receipt and permit fees, and other charges: and no certificate of use issued hereunder shall exempt the certificate of use holder from any other certificate, tax, permit or fee required by law, or compliance with all applicable ordinances, rules and laws.

Sec. 11-15. - Schedule of certificate of use fees.

Certificate of use fees are as follows:

Original certificate of use:

Residential:\$ 31.50

Commercial:52.50

Certificate of use renewal:

Residential:20.00

Commercial31.50

Sec. 11-16. - Suspension or revocation of certificate of use.

- (a) A certificate of use may be suspended or revoked by the City on the following grounds:
- (1) The owner/applicant has misrepresented or omitted material facts or information on the certificate of use application, or
 - (2) The owner/applicant as part of the owner/applicant's business activity, has violated city, county, or state laws for the protection of public health, safety or welfare, and it is determined by the city that the continuation of the business activity would be detrimental to the public health, safety or welfare; or
 - (3) The certificate of use issued depended upon the owner/applicant's compliance with specific provisions of city, county or state laws and the owner/applicant has violated such specific provisions of law, or
 - (4) The owner/applicant has violated any provision of this article and has failed or refused to cease the violation thereof; or
 - (5) The premises has been condemned by the local health authority for failure to meet sanitation standards or the premises has been condemned by local authority because the premises is unsafe or unfit for human habitation; or
 - (6) The owner/applicant has been convicted of a crime involving moral turpitude, and such crime was committed within the course of a business activity regulated by this article.
 - (7) The owner/applicant fails to supply to the city the reasonable records requested by the city for purposes of ensuring and confirming continued compliance with representations made to the city when such business applied to the city for land use or zoning approval.
- (b) Prior to the suspension or revocation of a certificate of use under this section, the city shall notify the owner/applicant of the grounds for such suspension or revocation, and the right of such owner/applicant to request a hearing. Further, procedures for notices and hearings may be prescribed by the city by resolution, under authority of this article.

Secs. 11-17—11-19. - Reserved.

ARTICLE II. - MISCELLANEOUS TAXES AND REGULATIONS

Sec. 11-20. - Excise tax on insurance companies—Casualty risk insurance.

- (a) There is hereby assessed, imposed and levied on every insurance company, corporation or other insurance now engaging in or carrying on, or which shall hereafter engage in or carry on the business of insuring with respect to casualty risks, as shown by the records of the insurance commissioner of the state, an excise tax or license tax in addition to any license tax or excise tax now levied by the city, which said tax shall be in the amount of 0.85 percent of the gross amount of receipts of premiums from policyholders on all premiums collected on casualty insurance policies, covering property within the city.

- (b) The license or excise tax herein levied shall be due and payable annually on the first day of March of each year.

State Law reference— Authority, F.S. § 185.08.

Sec. 11-20.1. - Same—Property insurance.

- (a) There is hereby assessed, imposed and levied on every insurance company, corporation or other insurer now engaging in or carrying on, or which shall hereafter engage in or carry on the business of property insurance as shown by the records of the insurance commissioner of the state, an excise or license tax in addition to any tax or excise tax levied by the city, which tax shall be in the amount of 1.85 percent of the gross amount of receipts of premiums from policyholders on all premiums collected on property insurance policies covering property within the corporate limits of the city.
- (b) The license or excise tax herein levied shall be due and payable annually on the first day of March of each year hereafter.

Secs. 11-21—11-25. - Reserved.

Sec. 11-26. - Pawnbrokers.

Sec. 11-26.1. - Definitions.

As used in this section, the term:

Agency means the department of agriculture and consumer services.

Amount financed is used interchangeably to mean the same as "amount of money advanced" or "principal amount".

Appropriate law enforcement official means the sheriff of the county in which a pawnshop is located or in case of a pawnshop located within a municipality, the police chief of the municipality in which the pawnshop is located; however, any sheriff or police chief may designate as the appropriate law enforcement official for the county or municipality, as applicable, any law enforcement officer working within the county or municipality headed by that sheriff or police chief. Nothing in this subsection limits the power and responsibilities of the sheriff.

Beneficial owner means a person who does not have title to property but has rights in the property which are the normal incident of owning the property.

Claimant means a person who claims that his or her property was misappropriated.

Conveying customer means a person who delivers property into the custody of a pawnbroker, either by pawn, sale, consignment, or trade.

Default date means that date upon which the pledgor's right of redemption expires and absolute right, title, and interest in and to the pledged goods shall vest in and shall be deemed conveyed to the pawnbroker by operation of law.

Identification means a government-issued photographic identification or an electronic image taken from a government-issued photographic identification.

Misappropriated means stolen, embezzled, converted, or otherwise wrongfully appropriated against the will of the rightful owner.

Net worth means total assets less total liabilities.

Operator means a person who has charge of a corporation or company and has control of its business, or of its branch establishments, divisions, or departments, and who is vested with a certain amount of discretion and independent judgment.

Pawn means any advancement of funds on the security of pledged goods on condition that the pledged goods are left in the possession of the pawnbroker for the duration of the pawn and may be redeemed by the pledgor on the terms and conditions contained in this section.

Pawnbroker means any person who is engaged in the business of making pawns, who makes a public display containing the term "pawn," "pawnbroker," or "pawnshop" or any derivative thereof; or who publicly displays a sign or symbol historically identified with pawns. A pawnbroker may also engage in the business of purchasing goods which includes consignment and trade.

Pawnbroker transaction form means the instrument on which a pawnbroker records pawns and purchases as provided in section 11-26.5.

Pawn service charge means a charge for investigating the title storage, and insuring of the security; closing the transaction; making daily reports to appropriate law enforcement officials, expenses and losses; and all other services.

Pawnshop means the location at which a pawnbroker conducts business.

Permitted vendor means a vendor who furnishes a pawnbroker with an invoice specifying the vendor's name and address, the date of the sale, a description of the items sold, and the sales price, and who has an established place of business, or, in the case of a secondhand dealer as defined in F.S. § 538.03, has represented in writing that such dealer has complied with all applicable recordkeeping, reporting, and retention requirements pertaining to goods sold or otherwise delivered to a pawnbroker.

Person means an individual, partnership, corporation, joint venture, trust, association, or other legal entity

Pledged goods means tangible personal property that is deposited with, or otherwise delivered into the possession of a pawnbroker in connection with a pawn. "Pledged goods" does not include titles or any other form of written security in tangible property in lieu of actual physical possession, including, but not limited to, securities, printed evidence of indebtedness, or certificates of title and other instruments evidencing title to separate items of property including motor vehicles. For purposes of federal and state bankruptcy laws, a pledgor's interest in his or her pledged goods during the pendency of a pawn is a right of redemption only.

Pledgor means an individuals who delivers pledged goods into the possession of a pawnbroker in connection with a pawn.

Purchase means the transfer and delivery of goods, by a person other than a permitted vendor, to a pawnbroker by acquisition for value, consignment or trade for other goods.

Sec. 11-26.2. - License required.

- (a) A person may not engage in business as a pawnbroker unless the person has a valid certificate of use issued by the city pursuant to section 11-9 and license issued by the department of agriculture and consumer services. A separate certificate of use is required for each pawnshop. The city must issue more than one certificate of use to a person if that person complies with the requirements for each certificate of use.
- (b) An owner/applicant who seeks to move a pawnshop to another location must give 30 day's prior written notice to the city by certified or registered mail, return receipt requested; and the city must then amend the certificate of use to indicate the new location. The owner/applicant must also give such written notice to the chief of police.
- (c) Each certificate of use remains in effect until it is relinquished, suspended, revoked or expires as provided in section 11-16 et seq. Each owner/applicant shall annually pay a license amount as provided in section 11-15 for each certificate of use held.
- (d) A person must apply to the city for a new certificate of use upon any change, directly or beneficially, in the ownership of any pawnshop. An application for a certificate of use or an application to transfer an existing certificate of use is not required upon any change, directly or beneficially, in the ownership of a pawnshop if one or more holders of at least 90 percent of the outstanding equity interest of the

pawnshop before the change in ownership continue to hold at least 90 percent of the outstanding equity interest after the change in ownership.

- (e) Any person applying for or renewing a local certificate of use to engage in business as a pawnbroker must exhibit a current license from the agency before the local business tax receipt may be issued or reissued.

Sec. 11-26.3. - Eligibility for license.

- (a) To be eligible for a pawnbroker's certificate of use, an applicant must:

- (1) Be of good moral character.
- (2) Have a net worth of at least \$50,000.00 or file with the city a bond issued by a surety company qualified to do business in this state in the amount of \$10,000.00 for each license. In lieu of the bond required in this subsection the applicant may establish a certificate of deposit or an irrevocable letter of credit in a state banking institution in the amount of the bond. The original bond, certificate of deposit or letter of credit shall be filed with the city; and the city shall be the beneficiary to the document. The bond, certificate of deposit or letter of credit shall be in favor of the city for the use and benefit of any consumer who is injured by the fraud, misrepresentation, breach of contract, financial failure or violation of any provision of this section by the pawnbroker. Such liability may be enforced either by proceeding in an administrative action or by filing a judicial suit at law in a court of competent jurisdiction. However, in such court suit, the bond, certificate of deposit or letter of credit posted with the city shall not be amenable or subject to any judgment or other legal process issuing out of or from such court in connection with such lawsuit; but such bond, certificate of deposit or letter of credit shall be amenable to and enforceable only by and through proceedings before the city. Such bond, certificate of deposit or letter of credit shall be applicable and liable only for the payment of claims duly adjudicated by order of the city. The bond, certificate of deposit or letter of credit shall be payable on a pro rata basis as determined by the city, the aggregate amount may not exceed the amount of the bond, certificate of deposit or letter of credit.
- (3) Not have been convicted of, or found guilty of, or pled guilty or nolo contendere to or not have been incarcerated within the last ten years as a result of having previously been convicted of, or found guilty of, or pled guilty or nolo contendere to; regardless of adjudication, a felony within the last ten years and not be acting as a beneficial owner for someone who has been convicted of, or found guilty of, or pled guilty or nolo contendere to; regardless of adjudication, a felony within the last ten years; and
- (4) Not have been convicted of, or found guilty of, or pled guilty or nolo contendere to, or not have been incarcerated within the last ten years as a result of having previously been convicted of, or found guilty of, or pled guilty or nolo contendere to; regardless of adjudication, a crime that involves theft, larceny, dealing in stolen property, receiving stolen property, burglary, embezzlement obtaining property by false pretenses, possession of altered property, or any other fraudulent or dishonest dealing within the last ten years, and not be acting as a beneficial owner for someone who has been convicted, of, or found guilty of, or pled guilty or nolo contendere to, or has been incarcerated within the last ten years as a result of having been previously been convicted of, or found guilty of, or pled guilty or nolo contendere to; regardless of adjudication, a crime that involves theft, larceny, dealing in stolen property, receiving stolen property, burglary, embezzlement, obtaining property by false pretenses, possession of altered property, or any other fraudulent or dishonest dealing within the last ten years.

- (b) Any applicant claiming to have a net worth of \$50,000.00 or more shall file with the city at the time of applying for a certificate of use, the following documentation:

- (1) A current financial statement prepared by a Florida certified public accountant; or
- (2) An affidavit stating the applicants net worth is at least \$50,000.00, accompanied by supporting documentation; or

- (3) If the applicant is a corporation, a copy of the applicant's most recently filed federal tax return. If the city cannot verify that the applicant meets the net worth requirement for a license, the city may require a finding, including the presentation of a current balance sheet, by an accounting firm or individual holding a permit to practice public accounting in this state, that the accountant has reviewed the books and records of the applicant and that the applicant meets the net worth requirement.
- (c) If an applicant for a pawnbroker's certificate of use is not an individual, the eligibility requirements of this subsection, other than the requirements of subsection (a)(2), apply to each operator of the pawnshop and to each direct or beneficial owner of at least ten percent of the outstanding equity interest of the pawnshop and, if the applicant is a corporation, to each officer and director of the corporation.

Sec. 11-26.4 - Application for certificate of use.

- (a) An application for a pawnbroker's certificate of use, for the transfer of an existing pawnbroker's certificate of use, or for the approval of a change in the ownership of a licensee's pawnshop must be under oath and must state the full name and place of residence of the applicant, the place where the business is to be conducted, and other relevant information required by F.S. § 539.001(5).

Sec. 11-26.5. - Pawnbroker transaction form.

- (a) At the time the pawnbroker enters into any pawn or purchase transaction, the pawnbroker shall complete a state approved pawnbroker transaction form for such transaction, including an indication of whether the transaction is a pawn or a purchase, and the pledgor or seller shall sign such completed form, which must elicit the information required under this section in completing the pawnbroker transaction form, the pawnbroker shall record the information required in subsection (b), which must be typed or written indelibly and legibly in English.
- (b) A pawnbroker transaction form must include:
 - (1) The name and address of the pawnshop.
 - (2) A complete and accurate description of the pledged goods or purchased goods, including the following information, if applicable:
 - a. Brand name.
 - b. Model number.
 - c. Manufacturer's serial number.
 - d. Size.
 - e. Color, as apparent to the untrained eye.
 - f. Precious metal type, weight and content, if known.
 - g. Gemstone description, including the number of stones.
 - h. In the case of firearms, the type of action, caliber or gauge, number of barrels, barrel length, and finish.
 - i. Any other unique identifying marks, numbers, names, or letters.

Notwithstanding subsections (2)a.—i., in the case of multiple items of a similar nature delivered together in one transaction that do not bear serial or model numbers and that do not include precious metals or gemstones, such as musical or video recordings, books, and hand tools, the description of the items is adequate if it contains the quantity of items and a description of the type of items delivered.

- (3) The name, address, home telephone number, place of employment, place of birth, physical description and right thumbprint of the pledgor or seller.

- (4) The date and time of the transaction.
- (5) The type of identification accepted from the pledgor or seller including the issuing agency and the identification number.
- (6) In the case of a pawn:
 - a. The amount of money advanced, which must be designated as the amount financed;
 - b. The maturity date of the pawn which must be 30 days after the date of the pawn;
 - c. The default date of the pawn and the amount due on the default date;
 - d. The total pawn service charge payable on the maturity date, which must be designated as the finance charge;
 - e. The amount financed plus the finance charge that must be paid to redeem the pledged goods on the maturity date, which must be designated as the total of payments;
 - f. The annual percentage rate, computed according to the regulations adopted by the Federal Reserve Board under the Federal Truth in Lending Act; and
 - g. The front or back of the pawnbroker transaction form must include a statement that:
 - 1. Any personal property pledged to a pawnbroker within this state which is not redeemed within 30 days following the maturity date of the pawn, if the 30th day is not a business day, then the following business day, is automatically forfeited to the pawnbroker, and absolute right, title, and interest in and to the property vests in and is deemed conveyed to the pawnbroker by operation of law, and no further notice is necessary;
 - 2. The pledgor is not obligated to redeem the pledged goods; and
 - 3. If the pawnbroker transaction form is lost, destroyed, or stolen the pledgor must immediately advise the issuing pawnbroker in writing by certified or registered mail, return receipt requested, or in person evidenced by a signed receipt;
 - 4. A pawn may be extended upon mutual agreement to the parties.
- (7) In the case of a purchase, the amount of money paid for the goods or the monetary value assigned to the goods in connection with the transaction.
- (8) A statement that the pledgor or seller of the item represents and warrants that it is not stolen, that it has no liens or encumbrances against it, and that the pledgor or seller is the rightful owner of the goods and has the right to enter into the transaction.
- (9) A pawnbroker transaction form must provide a space for the imprint of the right thumbprint of the pledgor or seller and a blank line for the signature of the pledgor or seller.
- (10) At the time of the pawn or purchase transaction, the pawnbroker shall deliver to the pledgor or seller an exact copy of the completed pawnbroker transaction form.

Sec. 11-26.6 - Hours of operation.

No pawnbroker shall engage in or conduct business as a pawnbroker between the hours of 12:00 midnight and 6:00 am.

Sec. 11-26.7. - Recordkeeping; reporting; hold period.

- (a) A pawnbroker must maintain a copy of each completed pawnbroker transaction form on the pawnshop premises for at least one year after the date of the transaction. On or before the end of each business day, the pawnbroker must deliver to the appropriate law enforcement official the original pawnbroker transaction forms for each of the transactions occurring during the previous business day unless other arrangements have been agreed upon between the pawnbroker and the appropriate law enforcement official. If the original transaction form is lost or destroyed by the appropriate law enforcement official, a copy may be used by the pawnbroker as evidence in court. When an electronic image of a pledgor

or seller identification is accepted for a transaction, the pawnbroker must maintain the electronic image in order to meet the same recordkeeping requirements as for the original transaction form. If a criminal investigation occurs; the pawnbroker shall, upon request, provide a clear and legible copy of the image to the appropriate law enforcement official.

- (b) All goods delivered to a pawnbroker in a pawn or purchase transaction must be securely stored and maintained in an unaltered condition within the jurisdiction of the appropriate law enforcement official for a period of 30 calendar days after the transaction. Those goods delivered to a pawnbroker in a purchase transaction may not be sold or otherwise disposed of before the expiration of such period. The pawnbroker shall make all pledged and purchased goods and all records relating to such goods available for inspection by the appropriate law enforcement official during normal business hours throughout such period. The pawnbroker must store and maintain pledged goods for the period prescribed in subsection 11-27.8 unless the pledged goods are redeemed earlier; provided, however, that within the first 30 days after the original pawn, the pledged goods may be redeemed only by the pledgor or the pledgor's attorney in fact.

Sec. 11-26.8. - Pledged goods not redeemed.

Pledged goods not redeemed by the pledgor on or before the maturity date of a pawn must be held by the pawnbroker for at least 30 days following such date or until the next business day if the 30th day is not a business day. Pledged goods not redeemed within the 30 day period following the maturity date of a pawn are automatically forfeited to the pawnbroker; absolute right, title and interest in and to the goods shall vest in and shall be deemed conveyed to the pawnbroker by operation of law and no further notice is necessary. A pledgor has no obligation to redeem pledged goods or make any payment on a pawn.

Sec. 11-26.9. - Pawn service charges.

- (a) In a pawn transaction, a pawnbroker may contract for and receive a pawn service charge. The interest component of the pawn service charge shall be deemed to be two percent of the amount financed for each 30-day period in a pawn transaction. The pawnbroker may charge any amount of pawn service charge, so long as the total amount, inclusive of the interest component does not exceed 25 percent of the amount financed for each 30 day period in a pawn transaction, except that the pawnbroker is entitled to receive a minimum pawn service charge of \$5.00 for each such 30-day period.
- (b) The default date of any pawn may be extended to a subsequent date by mutual agreement between the pledgor and the pawnbroker; except the pawnbroker may not impose a minimum duration of more than 30 days, evidenced by a written memorandum, a copy of which must be supplied to the pledgor, which must clearly specify the new default date, the pawn service charges paid for the extension and the pawn services charges owed on the new default date. In this event, the daily pawn service charge for the extension shall be equal to the pawn service charge for the original 30-day period divided by 30 days (i.e., 1/30 of the original total pawn service charge). There is no limit on the number of extensions the parties may agree to.
- (c) The total amount of pawn service charges that a pawnbroker may collect in the case of pledged goods redeemed at any time within 30 days after the date of the pawn is the amount provided in subsection (a) of this section. The total amount of pawn service charges that a pawnbroker may collect in the case of redemptions occurring at any time more than 30 days after the date of the pawn is twice the amount provided in subsection (a) of this section; except that, for redemptions occurring more than 60 days after the date of the pawn, pawn service charges continue to accrue from and after the 60th day at the daily rate determined as provided in subsection (b) of this section. Any unused pawn service charge paid in advance by the pledgor shall be refunded by the pawnbroker.
- (d) Pledged goods may be redeemed by mail by agreement between the pledgor and the pawnbroker. The pledgor must pay in advance all moneys due and a reasonable charge assessed by the pawnbroker to recover its cost and expenses involved in the packaging, insuring and shipping of the pledged goods. If the pawnbroker insures the pledged goods in an amount not less than the amount advanced to the pledgor in the pawn transaction, the pawnbrokers liability for loss or damage in

connection with the shipment of such pledged goods is limited to the amount of the insurance coverage obtained.

- (e) Any interest, charge or fees contracted for or received, directly or indirectly, in excess of the amounts authorized under this section are prohibited may not be collected, and render the pawn transaction voidable, in which case the pawnbroker shall forfeit the right to collect twice the amount of the pawn service charge contracted for in the pawn and upon the pledgor's written request received by the pawnbroker within 30 days after the maturity date, shall be obligated to return to the pledgor the pledged goods delivered to the pawnbroker in connection with the pawn upon payment of the balance remaining due, provided that there shall be no penalty for a violation resulting from an accidental and bona fide error that is corrected upon discovery. Any action to circumvent the limitation on pawn service charges collectible under this section is voidable. If a pledgor makes a partial payment on a pawn that reduces the amount financed, any additional pawn service charges shall be calculated on the remaining balance of the original amount financed.

Sec. 11-26.10. - Prohibited acts.

A pawnbroker, or an employee or agent of a pawnbroker, may not:

- (a) Falsify or intentionally fail to make an entry of any material matter in a pawnbroker transaction form.
- (b) Refuse to allow the agency, the appropriate law enforcement official, or the state attorney, or any of their designated representatives having appropriate jurisdiction, to inspect completed pawnbroker transaction forms or pledged or purchased goods during the ordinary hours of the pawnbroker's business or other time acceptable to both parties.
- (c) Obliterate, discard or destroy a completed pawnbroker transaction form sooner than three years after the date of the transaction.
- (d) Accept a pledge or purchase property from a person under the age of 18 years.
- (e) Make any agreement requiring or allowing the personal liability of a pledgor or the waiver of any of the provisions of this section.
- (f) Knowingly enter into a pawn or purchase transaction with any person who is under the influence of alcohol or controlled substances when such condition is apparent, or with any person using the name of another or the registered name of another's business.
- (g) Conduct any pawn or purchase transaction at a drive-through window or similar device in which the customer remains in a vehicle while conducting the transaction.
- (h) Fail to return or replace pledged goods to a pledgor upon payment of the full amount due the pawnbroker unless the pledged goods have been placed under a hold order under section 11-26.14 or taken into custody by a court or otherwise disposed of by court order, or lost or damaged.
- (i) Sell or otherwise charge for insurance in connection with a pawn transaction, except in connection with the shipment of pledged goods redeemed by mail as provided in section 11-26.9.
- (j) Engage in title loan transactions at a licensed pawnshop location.
- (k) Lease pledged goods to the pledgor or any other party.
- (l) Knowingly hire anyone to work in a pawnshop who has been convicted of, or entered a plea of guilty or nolo contendere to, or had adjudication withheld for a felony within the last five years, or been convicted of or entered a plea of guilty or nolo contendere to, or had adjudication withheld for a crime within the last five years which involves theft, larceny, dealing in stolen property, receiving stolen property, burglary, embezzlement, obtaining property by false pretenses, possession of altered property, or any fraudulent, or dishonest dealing.
- (m) Knowingly accept or receive misappropriated property from a conveying customer in a pawn or purchase transaction.

Sec. 11-26.11. - Right to redeem; lost pawnbroker transaction form.

- (a) Only a pledgor or a pledgor's authorized representative is entitled to redeem the pledged goods described in the pawnbroker transaction form; however, if the pawnbroker determines that the person is not the original pledgor, or the pledgor's authorized representative, the pawnbroker is not required to allow the redemption of the pledged goods by such person. The person redeeming the pledged goods must sign the pledgor's copy of the pawnbroker transaction form, which the pawnbroker may retain as evidence of the person's receipt of the pledged goods. If the person redeeming the pledged goods is the pledgor's authorized representative, that person must present notarized authorization from the original pledgor and show identification to the pawnbroker and the pawnbroker shall record that person's name and address on the pawnbroker transaction form retained by the pawnshop. It is the pawnbroker's responsibility to verify that the person redeeming the pledged goods is either the pledgor or the pledgor's authorized representative.
- (b) If a pledgor's copy of the pawnbroker transaction form is lost, destroyed or stolen, the pledgor must notify the pawnbroker in writing by certified or registered mail, return receipt requested, or in person evidenced by a signed receipt; and receipt of this notice invalidates the pawnbroker transaction form if the pledged goods have not previously been redeemed. Before delivering the pledged goods or issuing a new pawnbroker transaction form, the pawnbroker must require the pledgor to make a written statement of the loss, destruction or theft of the pledgor's copy of the pawnbroker transaction form. The pawnbroker must record on the written statement the type of identification and the identification number accepted from the pledgor, the date the statement is given, and the number of the pawnbroker transaction form that was lost, destroyed or stolen. The statement must be signed by the pawnbroker or the pawnshop employee who accepts the statement from the pledgor. A pawnbroker is entitled to a fee not to exceed \$2.00 in connection with each lost, destroyed or stolen pawnbroker transaction form and the taking of a property prepared written statement.
- (c) Sales tax is not due or collectible in connection with the redemption of pledged goods.
- (d) If pledged goods are lost or damaged while in the possession of the pawnbroker, the pawnbroker may satisfy the pledgor's claim by replacing the lost or damaged goods with like kinds of merchandise of equal value, with which the pledgor can reasonably replace the goods. Such an offer of replacement is a defense to any prosecution based upon the loss or damage of the goods.

Sec. 11-26.12. - Pawnbroker's lien.

A pawnbroker has a possessory lien on the pledged goods pawned as security for the funds advanced, the pawn service charge owed, and the other charges authorized under this section, but not for other debts due to the pawnbroker. A pawnbroker has no recourse against a pledgor for payment on a pawn transaction except for the pledged goods themselves. Except as otherwise provided in this section, the pawnbroker must retain possession of the pledged goods until the lien is satisfied or until the default date. The pawnbroker may be compelled to relinquish possession of the pledged goods only after receipt of the applicable funds advanced plus the accrued service charge and other authorized charges, upon court order, or as otherwise provided by law.

Sec. 11-26.13. - Claims against purchased goods or pledged goods held by pawnbrokers.

- (a) To obtain possession of purchased or pledged goods held by a pawnbroker that a claimant claims to be misappropriated, the claimant must notify the pawnbroker by certified mail, return receipt requested, or in person evidenced by signed receipt, of the claimant's claim to the purchased or pledged goods. The notice must contain a complete and accurate description of the purchased or pledged goods and must be accompanied by a legible copy of the applicable law enforcement agency's report on the misappropriation of such property. If the claimant and the pawnbroker do not resolve the matter within ten days after the pawnbrokers receipt of the notice, and if the pledged goods are not under a hold order under section 11-27.14, the claimant may petition the court to order the return of the property, naming the pawnbroker and the conveying customer as a defendant, and must serve the pawnbroker and the conveying customer with a copy of the petition. The pawnbroker shall hold the property described in the petition until the right to possession is resolved by the parties or by a court of

competent jurisdiction. The court shall waive any filing fee for the petition to recover the property and the sheriff shall waive the service fees.

- (b) If after notice and a hearing the court finds that the property was misappropriated and orders the return of the property to the claimant:
 - (1) The claimant may recover from the pawnbroker the cost of the action, including the claimant's reasonable attorney's fees; and
 - (2) If the conveying customer is convicted of theft, a violation of this section or dealing in stolen property, the court shall order the conveying customer to repay the pawnbroker the full amount the conveying customer received from the pawnbroker for the property, plus all applicable pawn service charges. As used in this paragraph, the term "convicted of" includes a plea of nolo contendere to the charges or any agreement in which adjudication is withheld; and
 - (3) The conveying customer shall be responsible to pay all attorney's fees and taxable costs incurred by the pawnbroker in defending a replevin action or any other civil matter wherein it is found that the conveying customer was in violation of this paragraph.
- (c) If the court finds that the claimant failed to comply with the requirements in subsection (a) of this section or otherwise finds against the claimant the claimant is liable for the defendant's costs, including reasonable attorney's fees.
- (d) The sale, pledge or delivery of tangible personal property to a pawnbroker by any person in this city is considered to be:
 - (1) An agreement by the person who sells, pledges or delivers the tangible personal property that the person is subject to the jurisdiction of the court in all civil actions and proceedings arising out of the pledge or sale transaction filed by either a resident or nonresident plaintiff;
 - (2) An appointment of the secretary of state by any nonresident of this state as that person's lawful attorney and agent upon whom may be served all process in suits pertaining to the actions and proceedings arising out of the sale, pledge or delivery; and
 - (3) Any agreement by any nonresident that any process in any suit so served has the same legal force and validity as if personally served in this state.

Sec. 11-26.14. - Hold orders; issuance; required information; procedures.

- (a) *Placing of hold order.* When a law enforcement officer has probable cause to believe that property in the possession of a pawnbroker is misappropriated, the law enforcement officer may place a written hold order on the property. The written hold order may impose a holding period not to exceed 90 days unless extended by court order. The law enforcement agency may place only one hold order on property.
- (b) *Expiration.* Upon the expiration of the holding period the pawnbroker may notify, in writing, the appropriate law enforcement official by certified mail, return receipt requested, that the holding period has expired. If, on the 10th day after the written notice has been received by the appropriate law enforcement official, the pawnbroker has not received from a court an extension of the hold order on the property, title to the property shall vest in and be deemed conveyed by operation of law to the pawnbroker free of any liability for claims but subject to any restrictions contained in the pawn transaction contract and subject to the provisions of this section.
- (c) *Contents.* A hold order must specify:
 - (1) The name and address of the pawnbroker.
 - (2) The name, title and identification number of the representative of the law enforcement agency or the court placing the hold order.
 - (3) If applicable, the name and address of the law enforcement agency or court to which such representative is attached and the number, if any, assigned to the claim regarding the property.

- (4) A complete description of the property to be held, including model number and serial number if applicable.
- (5) The name of the person reporting the property to be misappropriated.
- (6) The mailing address of the pawnbroker where the property is held.
- (7) The expiration date of the holding period.
- (d) *Receipt.* The pawnbroker or the pawnbroker's representative must sign and date a copy of the hold order as evidence of receipt of the hold order and the beginning of the 90-day holding period.
- (e) *Release or disposal of property.*
 - (1) Except as provided in subsection (e)(2) of this section, a pawnbroker may not release or dispose of property subject to a hold order except pursuant to a court order, a written release from the chief of police, or the expiration of the holding period of the hold order.
 - (2) While a hold order is in effect the pawnbroker may release the property subject to the holder order to the custody of the law enforcement official for use in a criminal investigation. The release of the property to the custody of the law enforcement official is not considered a waiver or release of the pawnbroker's property rights or interest in the property. Upon completion of the criminal investigation, the property must be returned to the pawnbroker unless the court orders other disposition. When such other disposition is ordered, the court shall additionally order the conveying customer to pay restitution to the pawnbroker in the amount received by the conveying customer for the property together with reasonable attorney's fees and costs.

Sec. 11-26.15. - Injunctions.

When the city has reasonable cause to believe that a person is violating this section, the city may enter an order requiring the person to stop the violation. The city may petition the court to enjoin the person from engaging in the violation continuing the violation, or doing any act in furtherance of the violation. The court may order a preliminary or permanent injunction.

Sec. 11-26.16. - Confidentiality.

All records relating to pawnbroker transactions delivered to the appropriate law enforcement official pursuant to this section are confidential and exempt from the provisions of Fla. Const., art. I, § 24(a), and F.S. § 119.07(1) and may be used only for official law enforcement purposes. This section does not prohibit the disclosure by the appropriate law enforcement officials of the name and address of the pawnbroker, the name and address of the conveying customer, or a description of pawned property to the alleged owner of pawned property.

Sec. 11-26.17. - Enforcement.

- (a) Enforcement of this section shall be by the police department. Upon conviction, violators may be subject to penalties provided in section 1-14. Violations of this section that also constitute criminal violations of F.S. ch 539 may be punished as provided in F.S. § 539.001(17).
- (b) Additionally, violators may be subject to certificate of use revocation procedures as set forth in section 11-16 and suits for injunctive relief.

Sec. 11-27. - Same—Buying or receiving from minors.

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

Sec. 11-28. - Reserved.

Secs. 11-29—11-33. - Reserved.

Sec. 11-34. - Body art code.

F.S. SECTIONS 381.00771-381.00791, The practice of tattooing, is hereby adopted, in its entirety, as if fully set forth herein, as part of the Code of Ordinances of the city.

Secs. 11-35—11-45. - Reserved.

ARTICLE III. - PRECIOUS METAL DEALERS^[3]

Sec. 11-46. - Purpose.

The purpose of this article is to set forth regulations governing the purchase and disposition of personal property made of precious metals by dealers within the city.

Sec. 11-47. - Definitions.

As used in this article unless the context otherwise requires:

Bullion coins shall mean fungible coins with intrinsic value greater than the numismatic value.

Dealer shall mean any person engaged in the business of purchasing or selling at retail or wholesale or otherwise dealing in any old, used or secondhand precious metals of any kind or description, whether with a fixed place of business or as an itinerant.

Precious metal shall mean gold, silver or platinum.

Sec. 11-48. - Register of transactions.

- (a) Any person engaged in business as a dealer shall keep a register in connection with his business, said register to be approved as to type and form by the Chief of Police of Edgewater, Florida, and at the time of each transaction shall enter or cause to be entered therein an accurate description of the person from whom any article of personal property made of precious metal is purchased or received, and shall include in the description, but [the description shall] not [be] limited to, the name, date of birth, sex, race, place of residence and driver's license or, if none, other government identification numbers of the person, together with an accurate description of any article of personal property made of precious metal so purchased or received, which description shall contain any mark, brand, monogram, hallmark, word or letters which may be engraved, stamped, etched or otherwise permanently marked upon the article. The description of bullion coins shall be adequate if it provides the total dollar amount of each denomination. The register shall at all times be kept open and available for the inspection and examination of the Chief of Police of Edgewater, Florida, or any other person authorized by the chief of police to inspect the register.
- (b) Any and all persons engaged in business as a dealer shall, in keeping the register required in subsection (a) above, take the following precautions to insure the accuracy of the personal identification required:
 - (1) Require the customer, as a condition to the purchase, to sign his name on the registration form.
 - (2) Require reasonable proof of identity which would include but not be limited to display of a driver's license or other governmental identification cards or certificates.
- (c) It shall be unlawful for any customer to give or display false identification to the dealer or to sign a false name.

Sec. 11-49. - Disposal within ten days of receipt prohibited.

- (a) Except for the exempt transactions hereinafter provided, no articles of personal property made of precious metals shall be sold, melted, altered or otherwise disposed of by any dealer until ten days have elapsed from the time the chief of police has had made available to him a copy or transcript of the register in which such articles of personal property made of precious metals are entered, and said articles shall not be transferred from within the city during said ten-day period of time.
- (b) The following transactions shall be exempt from the provisions of subsection (a) above:
 - (1) Coins repurchased by a dealer, provided the dealer repurchases from the same person and maintains a record of the prior sale and the repurchase.
 - (2) The purchase of bullion coins.
 - (3) Transactions between dealers, provided the article has been registered in accordance with this article and in the possession of any local dealer for the period set forth in subsection (a) above.

Sec. 11-50. - Transcript of register to be made available to the chief of police.

All dealers shall, not later than 12:00 noon of each business day, make available to the Edgewater Chief of Police or his representative, a full and complete copy or transcript of the register in which is entered the transactions of the preceding business day as required by section 11-48.

Sec. 11-51. - Dealing with minors prohibited.

It shall be unlawful for any dealer to buy, take or receive by way of purchase or exchange any articles made of precious metals from any person under the age of 18 years.

Sec. 11-52. - Arrangement of stock to facilitate inspection.

All articles of personal property made of precious metals purchased or received by dealers shall remain attached to a copy of the bill of sale and be so arranged in stock as to enable the stock to be inspected by the sheriff's department or any other person with such authority during the period set forth in subsection 11-49(a) above.

Sec. 11-53. - Penalty.

Any and each violation of any provision of this article shall be punished as provided in section 1-8 of the City of Edgewater Code.

Secs. 11-54—11-60. - Reserved.

ARTICLE IV. - PEDDLERS, SOLICITORS, CANVASSERS AND ITINERANT MERCHANTS^{[41](#)}

Sec. 11-61. - Legislative findings and intent.

- (a) The city council finds that panhandling may be startling, annoying, disturbing, and disruptive to residents and businesses and may contribute to disorder and to the loss of enjoyment of public places.
- (b) The city council finds aggressive panhandling such as by detaining, impeding or unwanted touching or intimidation which causes fear or apprehension in another person constitutes a threat to the public health, safety, and welfare of the citizens of the city.
- (c) The city council finds that panhandling may interfere with the safe access of pedestrian and vehicular traffic into public areas, public buildings and public transportation which would thereby constitute a threat to public health, safety and welfare.
- (d) The city council finds that the presence of panhandlers in places that are difficult to avoid, where citizens typically find it necessary to wait, or are confined areas, can enhance the fear of crime.
- (e) This article is intended to prevent and/or reduce the threat of crimes, to provide a safe and pleasant environment within the city and to eliminate public nuisances within the city.

- (f) This article is intended to protect the privacy and peaceful enjoyment of citizens' homes and businesses and to provide residents with information helpful to determine their response to solicitors.
- (g) This article is intended to protect citizens from the annoyance, disruption, and intimidation associated with certain kinds of solicitation and is not intended to limit constitutionally protected activity.

Sec. 11-62. - Definitions.

As used in this article, the following definitions shall apply:

Aggressive panhandling means:

- (1) To approach or speak to a person while panhandling in such a manner as would cause a reasonable person to believe that the person is being threatened with:
 - a. Imminent bodily injury; or
 - b. The commission of a criminal act upon the person or another person, or upon property in the person's immediate possession.
- (2) To persist in panhandling after the person solicited has given a negative response;
- (3) To block, either individually or as part of a group of persons, the passage of a solicited person;
- (4) To touch a solicited person; or
- (5) To engage in conduct that would reasonably be construed as intended to intimidate compel, or force a solicited person to accede to demands.

Canvasser or *solicitor* means any individual, whether a resident of the city or not, traveling either by foot, vehicle or other conveyance from place to place taking or attempting to take orders for the sale of goods, wares and merchandise or personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future. The canvasser or solicitor may carry or expose for sale a sample of the subject of such sale, or may collect advance payment on such sales and may be considered any person who for himself or for another person hires, leases, uses or occupies any building, structure, car, room, shop or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery. This includes any person who, without invitation, goes upon private property to request contribution of funds or anything of value or to sell goods or services for political, charitable, religious or other noncommercial purposes.

Itinerant merchant or *itinerant vendor* means any person, firm, organization, corporation, or other entity whether its owner, agent, consignee or employee, whether a resident of the city or not, who engages in the stationary, temporary (not to exceed three months) business of selling and delivering goods, wares and merchandise, i.e. holiday tree sales and pumpkin sales during the fall season, within the city for the exhibition and sale of such wares or merchandise. The term "itinerant merchant" also includes a business operator, on said operator's own property, when said operator conducts activities in open spaces outside of an enclosed structure, including, but not limited to, approved activities, the sale or display of goods and/or services not part of the normal business activities of that operator but encompassed by said city local business tax receipt. Persons, firms or corporations so engaged shall not be relieved from complying with provisions herein by reason of temporary association with or sponsorship by any local dealer, trade, merchant or auctioneer, or by conducting such itinerant business with, as a part of, or in the name of any local licensee. Notwithstanding anything to the contrary herein, the term "itinerant merchant" shall also include business operators who conduct activities within enclosed structures at flea markets operating during recognized events on days flea markets are not normally operated with appropriate city approvals. Vendors registered by approved special activity permits are excluded from this provision.

Panhandling means any solicitation made in person which, directly or indirectly, requests an immediate donation of money, employment, credit, financial assistance, property or other thing of value. Except as specifically provided for in this article, panhandling does not include passively standing or sitting with a sign or other indication that a donation is being sought, but without any vocal request other than in response to an inquiry by another person.

Peddler means any person, whether a resident of the city or not, traveling by foot, vehicle, or any other type of conveyance from place to place carrying or transporting goods, wares and merchandise; offering and exposing the same for sale or making sales and delivering articles purchased; or who, without traveling from place to place, shall sell or offer the same for sale from his or her person, or from any vehicle or conveyance.

Resident of the city means any person with a mailing or street address located within the city, including temporary visitors, renters or boarders.

Right-of-way means land dedicated, deeded, used or to be used for a street, alley, walkway, boulevard, drainage facility, access for ingress and egress, utilities or other purpose by the public, certain designated individuals, or governing bodies.

Roadway means public or private roads falling into one of several categories, more particularly defined as follows:

Expressway means a limited access facility of four (4) or more lanes designed primarily for the high-speed movement of traffic.

Arterial means a facility of two (2) or more lanes designed primarily to serve as a major access route to expressways and/or as a connector of subregions, intercounty and inter-city vehicular movement. The main function is to move large volumes of vehicles (greater than 6,000 Average Daily Trips (ADT's)).

Collector means roads of two (2) or more lanes designed primarily for traffic movement within and between residential neighborhoods, commercial and industrial areas and all other roads.

Cul-de-sac means a minor street with only one (1) outlet terminating at one (1) end with a circular turn around.

Local means road facilities designed primarily to provide direct access to abutting property. Average daily trips are normally less than 1,000 vehicles.

Marginal Access means roads which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.

Private means any street that has not been dedicated for public use.

Public means any street designed to serve more than one (1) property owner which is dedicated to the public use and accepted for ownership and maintenance by the city council or other regulatory public body, and includes any street right-of-way dedicated to the public prior to, or at the time of, adoption of this Code.

Solicit, solicitation or soliciting means the act of requesting, directly or indirectly, expressly or by implication, money, credit, property, financial assistance, information or any other thing of value either in return for goods or services, or for an order for either goods or services, or as a contribution or donation whether or not such contribution or donation results in receipt of any goods, merchandise or service or any similar exchange or something of value between the person engaging in the act of solicitation and a resident of the city, whether such things of value be tangible or intangible.

Structure means any object constructed or installed by a person having a permanent location on the ground.

Vehicular panhandling means any activity which is conducted in the furtherance of obtaining money, employment, or any other thing of value from an occupant of a motor vehicle, most commonly accomplished by giving a hard-luck story, holding out a cap, bucket, or other container for receipt of money or other donation, or displaying a sign asking directly or indirectly for money or donations, when such activity/activities result(s) in the panhandler approaching a motor vehicle being operated on a roadway, to collect or receive the money or other thing of value.

Sec. 11-63. - Registration—Required.

- (a) Except as otherwise provided in section 11-76, it shall be unlawful for any person 18 years of age or older to engage in soliciting, panhandling or itinerant merchandising sales within the city without first being registered for that purpose as provided in this article.
- (b) No person under the age of 18 shall be permitted to engage in soliciting, panhandling or itinerant merchandising sales except as provided in this section.
- (c) A registration shall be obtained by a sponsoring person, company or organization for the conduct of any solicitation or itinerant merchandising sales activities involving, in whole or in part, a sales force of one or more person under 18 years of age.
- (d) The sponsor shall be responsible for supervising and controlling the conduct of all persons, including juveniles, soliciting under the sponsor's registration. For the purposes of this section, supervision shall mean that the sponsor has the person soliciting under the sponsor's registration within view at all times.
- (e) For solicitation, the sponsor shall provide to each individual in its sales force a badge or other easily readable form of identification which identifies the name of the sponsor and the name of the individual. The sponsor shall require all individuals in its sales force to wear such identification so that it is clearly visible at all times when the individuals are soliciting.

Sec. 11-64. - Same—Application for soliciting, peddling and canvassing.

- (a) *Form.* Applicants for registration shall complete and return to the city, not fewer than five working days in advance of the date upon which the applicant wishes to commence solicitations within the city, a registration form furnished by the city which shall require the following information:
 - (1) Name, permanent address and telephone number, and temporary address and telephone number.
 - (2) A physical description of the applicant, setting forth the applicant's date of birth and any other distinguishing physical characteristics.
 - (3) The make, model and license number of any vehicles to be used by applicant.
 - (4) The place where the applicant may be contacted for at least seven days after leaving the city.
 - (5) Name, address and telephone number of the person or organization the applicant represents or is employed by, (if applicable).
 - (6) Name and title of an officer of such organization who can verify the authority of the applicant to represent the organization.
 - (7) The name of three previous cities where applicant (or the organization represented) conducted similar solicitations or itinerant merchandising sales (if applicable).
 - (8) A statement of any convictions, nolo contendere pleas, or forfeitures for violating any local, state or federal law, excluding traffic fines of \$50.00 or less, the nature and location of the offense(s) and the penalty imposed.
 - (9) The applicant shall furnish with the form two photographs of the applicant taken within 60 days immediately prior to the date of filing of the application, which shall be at least two inches by two inches, showing the head and shoulder of the applicant in a clear and distinguishable manner, one of which shall remain on file with the city and the other shall be attached to and made part of the permit.
 - (10) The applicant shall provide a set of fingerprints which shall remain on file with the city.
 - (11) A statement as to whether or not the applicant (and/or represented organization, if applicable), has:
 - a. Engaged in solicitations of a similar nature in the city before; and
 - b. If so, whether any license, permit or registration issued by the city has ever been revoked;

- (12) The nature of the solicitations to be conducted and a brief description of any good or services offered.
- (13) The proposed method of delivery of goods or services, if applicable.
- (14) The length of time solicitation is to be conducted in the city.
- (15) A statement that the registration does not represent and will not be used by the applicant as an endorsement of the solicitor's or itinerant merchants product, service or cause by the city.

All statements made by the applicant upon the application or in connection therewith, shall be under oath.

(b) *Additional information.* Each applicant shall present to the city for examination:

- (1) A driver's license or some other proof of identity providing equivalent information;
- (2) Any certificates, licenses or other authorizations as may be required by the city, state or other regulatory bodies applicable to the applicant's proposed solicitation activity.
- (3) A valid home solicitation sales permit from the clerk of court as required by F.S. 501.022, unless excluded by F.S. 501.022(b), as amended.

Sec. 11-65. - Same—Application for itinerant merchant/itinerant vendor.

(a) *Form.* Applicants for registration shall complete and return to the city, not fewer than 14 working days in advance of the date upon which the applicant wishes to commence itinerant merchant sales/activities, a registration form furnished by the city which shall require the following information:

- (1) Name, permanent address and telephone number, and temporary address and telephone number;
- (2) The place where the applicant may be contacted for at least seven days after leaving the city;
- (3) Name, address and telephone number of the person or organization the applicant represents or is employed by (if applicable);
- (4) Name and title of an officer of such organization who can verify the authority of the applicant to represent the organization;
- (5) The name of three previous cities where applicant (or the organization represented) conducted similar itinerant merchandising sales (if applicable);
- (6) A statement of any convictions, nolo contendere pleas, or forfeitures for violating any local, state or federal law, excluding traffic fines of \$50.00 or less, the nature and location of the offense(s) and the penalty imposed;
- (7) A statement as to whether or not the applicant (and/or represented organization, if applicable), has:
 - a. Engaged in itinerant merchandising sales of a similar nature in the city before; and
 - b. If so, whether any license, permit or registration issued by the city has ever been revoked;
- (8) A brief description of goods or services offered;
- (9) The proposed method of delivery of goods or services, if applicable;
- (10) The length of time itinerant merchandising sales are to be conducted in the city;
- (11) A statement that the registration does not represent and will not be used by the applicant as an endorsement of the itinerant merchant's product, service or cause by the city;
- (12) A notarized statement from the property owner authorizing applicant to conduct itinerant merchant activities on the property. Statement shall also acknowledge that the property owner recognizes that he/she will be responsible for any code violations on the property. Nothing herein

alters the city's ability to cite and lien the property owner pursuant to the authority in F.S. ch. 162, if the statement is not provided by the property owner.

All statements made by the applicant upon the application or in connection therewith, shall be under oath.

(b) *Additional information.* Each applicant shall present to the city for examination:

- (1) A driver's license or some other proof of identity providing equivalent information;
- (2) Any certificates, licenses or other authorizations as may be required by the city, state or other regulatory bodies applicable to the applicant's proposed solicitation activity.

Sec. 11-66. - Same—Application for panhandling.

(a) Applicants for a panhandling permit shall complete and return to the city, not fewer than five working days in advance of the date upon which the applicant wishes to commence panhandling within the city, a registration form furnished by the city requesting the following information:

- (1) Name, date of birth, permanent or temporary address and telephone number.
- (2) A physical description of the applicant and any other distinguishing physical characteristics.
- (3) The length of time panhandling is to be conducted in the city.
- (4) A statement that the registration does not represent and will not be used by the applicant as an endorsement by the city. All statements made by the applicant upon the application or in connection therewith, shall be under oath.

(b) *Additional information.* Each panhandler applicant shall present to the city for examination:

- (1) A driver's license or some other photo proof of identity providing equivalent information;
- (2) A notarized statement from the property owner authorizing the applicant to conduct panhandling activities on private property.

Sec. 11-67. - Same—Fee.

At the time the application is submitted a fee shall be paid to the city. The fee shall be established by a resolution from the city council and subject to change accordingly. This fee is not refundable if the registration is refused for any reason noted in section 11-68 or if the applicant withdraws the application at any time after the close of the business day on the day during which it was submitted.

Any person claiming to be legally exempt from the regulations set forth in article IV, and/or from the payment of the fee, shall cite to the city in writing the statute or other legal authority under which exemption is claimed.

Sec. 11-68. - Same—Review; issuance or denial.

(a) Upon receipt of an application, the city shall refer it as soon as possible to the chief of police who shall cause such review of the applicant's criminal background.

(b) The city shall refuse to register the applicant if it is determined, pursuant to the chief of police's review that:

- (1) The application is incomplete or contains false data;
- (2) Has been convicted of a felony offense or first degree misdemeanor;
- (3) The applicant failed to comply with any applicable provision of section 11-64, 11-65 and 11-66.

(c) Absent a cause to refuse registration in accordance with subsection (b), the city shall grant a registration and issue to the applicant a certificate of registration. Such certificate shall authorize the holder to operate within the city for 60 days. Upon the receipt of a renewal application, the city may renew a registration one time in a calendar year. The city shall maintain an accurate record of every

application received and acted upon together with all other information and data pertaining to the application and all certificates of registration issued and applications refused.

- (d) A permit is not transferable between solicitors, panhandler or itinerant merchants. When a solicitor changes employers, or his permit is revoked, the permit is automatically void; and he shall return the void permit to the city.

Sec. 11-69. - Appeal.

Any person aggrieved by the action or decision of the city clerk to deny or revoke a registration may appeal such decision to the city manager by filing a written request with the city manager within 30 days after the rendition of the decision by the city clerk.

Sec. 11-70. - Loud noises and speaking devices.

No applicant, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound-amplifying device upon any of the streets, alleys, parks or other public places of the city or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such applicant proposes to sell.

Sec. 11-71. - Prohibited practices.

- (a) It is unlawful for any peddler, solicitor or itinerant merchant to make exclusive use of any location on any street, alley, sidewalk or right-of-way for the purpose of selling, delivering or exhibiting goods or merchandise.
- (b) It shall be unlawful for any person to knowingly make any false or misleading representation in the course of soliciting a donation. False or misleading representations include, but are not limited to, the following:
 - (1) Stating that the donation is needed to meet a specific need, when the solicitor already has sufficient funds to meet that need and does not disclose that fact;
 - (2) Stating that the donation is needed to meet a need which does not exist;
 - (3) Stating that the solicitor is from out of town and stranded, when such is not true;
 - (4) Wearing a military uniform or other indication of military service, when the solicitor is neither a present nor former member of the service indicated;
 - (5) Wearing or displaying an indication of physical disability, when the solicitor does not suffer the disability indicated;
 - (6) Use of any makeup or device to simulate any deformity; or
 - (7) Stating that the solicitor is homeless, when he or she is not.
 - (8) It shall be unlawful for any person to solicit a donation stating that the funds are needed for a specific purpose and then spend the funds received for a different purpose.
- (c) It shall be unlawful for any person to panhandle, and no registration issued under this Article shall be deemed to allow panhandling, including passively standing or sitting with a sign or other indication that one is seeking donations, when the person solicited is in, on, or at any of the following locations:
 - (1) On public property in the area more particularly described as city parks and recreational areas such as recreational trails or at locations where the city is hosting or conducting an event;
 - (2) Within 500 feet of a public school or daycare facility;
 - (3) At any bus stop or any public transportation facility;
 - (4) Inside or within 20 feet of any public restroom;

- (5) In any public transportation vehicle or facility;
 - (6) In any vehicle on the street;
 - (7) Within 50 feet of the site of any automated teller machine (ATM);
 - (8) On private property, unless the panhandler has permission from the owner or occupant;
 - (9) On any of the following roadways or right-of-ways: East Indian River Boulevard. West Indian River Boulevard. State Road 442, South Ridgewood Avenue. North Ridgewood Avenue, State Road 5, U.S. Highway 1, East Park Avenue, W Park Avenue, and Interstate 95.
- (d) It shall be unlawful for any person to panhandle in any of the following manners:
- (1) By blocking the path of the person solicited;
 - (2) By using profane or abusive language, either during the solicitation or following a refusal;
 - (3) By panhandling in a group of three or more persons; or
 - (4) By any statement, gesture, or other communication which a reasonable person in the situation of the person solicited would perceive to be a threat.
 - (5) By aggressive panhandling as defined in sec. 11-62.
- (e) It shall be unlawful for any person to panhandle between sunset and sunrise Monday through Saturday at any location within the corporate limits of the City of Edgewater.

Sec. 11-72. - Solicitor business regulations.

It shall be unlawful for any solicitor:

- (1) To call at any residence prior to the hour of 9:00 a.m. or after 8:00 p.m.;
- (2) To call at any residence or other place bearing a notice of "No Peddlers" or "No Solicitors" or words of a similar meaning, providing such notice is posted in a conspicuous place or near the main entrance, is plainly visible, is at least three inches by five inches in height;
- (3) To call at other than the front or main door of any residence;
- (4) To remain on any premises after being asked to leave by the owner, occupant or other person having authority over such premises;
- (5) To misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods or services provided, the purpose of the visit, his or her identity or the identity of the represented organization; or
- (6) To impede the free use of sidewalks and streets by pedestrians and vehicles.
- (7) To fail to carry or display a valid home solicitation sale permit from the county clerk of court as required by F.S. 501.022(8), as amended.

Sec. 11-73. - Solicitor disclosure.

All registered solicitors shall conform to the following requirements:

- (1) After the initial greeting and before any other statement is made to a prospective solicitee, a solicitor shall expressly disclose his or her name, the name of the organization represented, if any, and identify the nature of the solicitation, i.e. selling _____, seeking information for _____, asking for contributions to or for _____, etc.
- (2) If the solicitation is for the purchase of goods or services or for any order for the later delivery of goods or services, the solicitor shall clearly inform the solicitee of their right to cancel the transaction at any time within 72 hours if it involves the extension of credit or is a cash transaction of more than \$25.00.

- (3) If the solicitation results in an order for the later delivery of goods or services, the solicitor shall, at the time the order is taken, provide the buyer with a copy of all signed documents, containing at the minimum: the terms of the agreement, the amount paid in advance and whether such amount represents full, partial or no advance payment; the name, address and telephone number of the seller or provider, the delivery or performance date; and whether a guarantee or warranty is provided, if so, the terms thereof.
- (4) Upon any request to do so, the solicitor shall display for review the certificate of registration issued by the city.

Sec. 11-74. - Itinerant merchant business regulations.

- (a) The site shall have appropriate sanitary facilities available at the premises upon which temporary business will be permitted.
- (b) The proposed location will not result in unsafe ingress/egress for either pedestrians or vehicles.
- (c) The proposed location shall comply with the appropriate Florida Fire Prevention Codes.
- (d) The proposed location will direct on-site lighting away from adjacent parcels and roadways.
- (e) The city may add other conditions to protect the health, safety and welfare of the residents.

The city shall provide scheduled and unscheduled inspections prior to and/or during the period of the permit by police, fire, code compliance, building and/or city administration representatives to monitor and ensure compliance with all applicable city, county and state codes.

Sec. 11-75. - Revocation.

Any certificate of registration may be revoked by the city if the holder conducts peddling, solicitation or itinerant merchandising activities contrary to any of the provisions of this article; has made a false statement in the application; has made a misrepresentation or a false statement in the conduct of business; has been convicted of a felony offense or first degree misdemeanor; conducts peddling or solicitation or itinerant merchandising activities in such a manner as to create a public nuisance, constitute a breach of the peace or endanger the health, safety or general welfare of the public; or otherwise becomes disqualified for the issuance of a certificate of registration under the terms of this article. Immediately upon such revocation, written notice thereof shall be given by the city to the holder of the certificate in person or by registered United States mail addressed as set forth in the application. Immediately upon the giving of such notice, the certificate of registration shall become null and void.

Sec. 11-76. - Exemptions.

The following, or their authorized agents, are exempt from the provisions of this article; any person:

- (1) Delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;
- (2) Selling goods at wholesale dealers in such goods;
- (3) Who has an established place of business where goods or services being sold are offered for sale on a regular basis, and where the buyer has initiated contact with and specifically requested a home visit by such person;
- (4) Who has had, or one who represents an organization which has had, a prior transaction similar to that being solicited with the solicitee;
- (5) Who is an officer or employee of the city, county, state or federal government or any subdivision thereof, when on official business;
- (6) Conducting solicitations from the membership of the represented organization for the sole benefit or under the auspices of that organization, and

- (7) Nonprofit organizations are exempt from paying the fee but shall register, with proof of nonprofit status
- (8) Wholesale dealers conducting business with commercial or industrial businesses within the city.
- (9) Panhandling for less than one hour in a single calendar year.

Sec. 11-77. - Enforcement.

The provisions of this chapter shall be enforced by the city, code enforcement division, police department and fire department.

Sec. 11-78. - Penalty.

Any person violating the provisions of this article shall, upon conviction, be subject to the penalties in section 1-8 of this Code. Each separate day of violation constitutes a separate offense.