

TOWN OF HASTINGS, FLORIDA

TOWN CODE

Chapter 12

Occupational Licenses, Taxes

Sec. 12-1. Occupational license fees.

A. LICENSES ANNUAL. All licenses named in the Ordinances unless otherwise specified, are annual licenses, and shall be payable on or before the 1st day of October of each and every year; and no license term or year except only that any person, firm or corporation who shall, after the 1st day of April of any year, engage in any business, profession or occupation licenses shall be required to pay one-half of the annual license required for such year, and said half license shall expire at midnight of the 30th day of September that next ensuing.

B. OCCUPATIONAL LICENSE FEES. The following licenses shall be paid as hereinafter provided by all persons, firms or corporations engaging in, running or managing any of the professions, businesses, or occupations following:

BANKS \$37.50

BILLIARD OR POOL WHEN CONDUCTED FOR PROFIT -

One table \$62.50

Each additional table \$37.50

ELECTRICAL SERVICE PROVIDERS \$27.50 plus \$0.50 processing fee

CONTRACTORS \$31.25 plus \$0.50 processing fee

GENERAL CONTRACTORS \$62.50

SUBCONTRACTORS \$12.50

RAILROAD COMPANIES \$62.50

TELEPHONE COMPANIES AND TELEGRAPH COMPANIES \$25,00

WHOLESALE MERCHANTS \$12.50

RETAIL MERCHANTS \$15.00 plus \$0.50 processing fee

ALL OTHER BUSINESSES NOT OTHERWISE CLASSIFIED \$12.50

Codifer's Notes: Occupational license fees were established by Ordinance 8A, adopted September 10, 1972, as follows:

BANKS \$15.00

BILLIARD OR POOL WHEN CONDUCTED FOR PROFIT -

One table \$25.00

Each additional table \$15.00

GENERAL CONTRACTORS \$25.00

SUBCONTRACTORS \$5.00

RAILROAD COMPANIES \$25.00

TELEPHONE COMPANIES AND TELEGRAPH COMPANIES \$10.00

WHOLESALE OR RETAIL MERCHANTS \$5.00

ALL OTHER BUSINESSES NOT OTHERWISE CLASSIFIED \$5.00

By Ordinance No. 82-1, the fee charged for occupational licenses was increased by an amount equal to 100%. By Ordinance No. 90-3 the fee was increased by an amount equal to 25% of the cost of fees as charged pursuant to Ordinance No. 82-1. Section 1 of Ordinance No. 97-06 provided that occupational licenses "shall be increased as follows:

Current Fee	New Fee
A. Retail Business: \$12.50 plus \$0.25 processing fee.	\$15.00 plus \$0.50 processing fee
B. Electrical Service Providers: \$25.00 plus \$0.25 processing fee.	\$27.50 plus \$0.50 processing fee.
C. Contractors: \$31.25 plus \$0.25 processing fees.	\$33.50 plus \$0.50 processing fee.

Other than as provided in Ordinance No. 97-06, the Codifer has found no reference to the "processing fee."

C. TRANSFER FEES. The license required by the provisions of this Chapter may be transferred upon payment of a fee of \$3.00 to the Town Tax Collector.

D. AMATEUR ENTERTAINMENT EXCEPTED. Nothing in this ordinance shall be construed to require a license for amateur entertainments of any kind or description where local talent is used exclusively.

E. LICENSES POSTED. All licenses and transfers of licenses shall be posted in a conspicuous place of business of the person, firm or Corporation to whom issued, where the same can be easily observed by the public and shall show the amount paid for same, the date issued or the date transferred, the business, profession or occupation thereby licensed, and shall bear the signature of the Town Tax Collector, and the seal of the Town.

Sec. 12-2. Peddlers.

A. Definitions. The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

1. *Temporary Vendor*, includes any person, whether a resident of the Town or not, traveling by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, ice cream, vegetables, fruits, garden, truck or farm products or other provisions and commodities, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from his person or from a cart, wagon, automotive vehicle, railroad car, or other vehicle or conveyance; and further provided, that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this Ordinance shall be deemed a temporary vendor subject to the provisions of this Ordinance.

2. *Vehicle* means either cart, wagon, automotive vehicle or any other type of conveyance of any kind or description which shall be used in the manner and for the purposes set forth in the preceding paragraph of this Section.

B. Enforcement. It shall be the duty of the Code Enforcement Officer of the Town to require any person seen peddling, and who is not known by such officer to be duly licensed, to produce his or her regulatory permit and to enforce the provisions of this Ordinance against any person found to be violating the same.

C. Vending from Stationary Vehicles. Nothing in this article shall be taken or construed to permit the temporary vending, the sale or offer for sale of any goods, wares, merchandise, meats, fish, ice cream, vegetables, fruits, garden, truck or farm products or other provisions and commodities by any person, without traveling from place to place, from his or her person or from a cart, wagon, automotive vehicle or

other vehicle or conveyance which is parked on any single plot or parcel of land for more than one (1) hour and the sales from a cart, wagon, automotive vehicle or other vehicle or conveyance parked in any parking lot, lot or parcel of land more than one (1) hour is declared to be unlawful and shall be subject to Code Enforcement proceedings pursuant to the authority of the Chapter 162, Florida Statutes.

D. Loud Noises and Speaking Devices. No temporary vendor, nor any person in his or her behalf, shall shout, make any outcry, blow a horn, ring a bell or use any sound device, including any loudspeaking radio or sound-amplifying system upon any of the streets, alleys, parks or other public places of the Town or upon any private premises in the Town 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 of any goods, wares or merchandise which such licensee proposes to sell.

E. Use of Streets.

1) No temporary vendor shall have any exclusive right to any location in the public streets, nor shall he or she be permitted a stationary location, nor shall he or she be permitted to operate in any congested area where his or her operations might impede or inconvenience the public.

2) For the purpose of this section, the judgment of the Town Clerk or a Code Enforcement Officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

F. Regulatory Permit. It shall be unlawful for any person to engage in the business of temporary vending within the corporate limits of the Town without first obtaining a temporary vendor's regulatory permit.

G. Application for Regulatory Permit. An applicant for a regulatory permit under this Section must file with the Town Clerk a sworn application in writing in duplicate on forms to be furnished by the Town, giving the following information:

1) Applicant with Established Place of Business. In case the applicant is a person with an established place of business within the Town paying an occupational license tax required by the Town and is applying for a license to sell on foot or to operate a vehicle for the purpose of temporary sales under this Section, the applicant shall provide the following information:

a. The name of such person, the principal place of business of such person, whether or not such person has paid all prior and current occupational license taxes due the Town;

b. If a vehicle is to be used, a description of the same, together with license and motor vehicle number, if any, or other means of identification;

c. A brief description of the nature of the business to be done and the goods to be sold.

2) Applicant without Established Place of Business. In case the applicant is a person not having an established place of business within the Town, whether such person is a resident or nonresident of the Town, and is applying for a permit to sell on foot or to operate a vehicle for the purpose of temporary sales under this Section, the applicant shall provide the following information:

a. The name and residence of such person, and the principal place of business of such person, if any;

b. If a vehicle is to be used, a description of the same, together with license and motor vehicle number, if any, or other means of identification;

c. A brief description of the nature of the business to be done and the goods to be sold.

H. Investigation of Applicant; Approval or Disapproval of Application; Issuance.

1) Upon receipt of the application required by the preceding section, the original shall be referred to the Town Clerk, who shall immediately cause such investigation of the application.

2) If such result of such investigation the applicant is found to be deficient, the Town Clerk shall endorse on such application his or her disapproval and his or her reasons for the same, and who shall notify the applicant that his or her application is disapproved and that no regulatory permit shall be issued to such person.

3) If as a result of such investigation, the applicant is found to be sufficient, the Town Clerk shall endorse on the application his or her approval and shall immediately thereafter prepare the permit and shall deliver the same to the applicant upon the payment of any required fee therefor.

4) Such permit, when issued, shall be in the name of the Town shall be signed by the Town Clerk and shall show in substance:

a. In case of a permit to sell on foot or to operate a vehicle for the purpose of temporary sales hereunder, the name of the permittee, the residence or principal place of business of the permittee, the class of permit issued, the kind of goods to be sold thereunder, the beginning and expiration date of such permit, a detailed description of the vehicle to be used in such sales, if any, and the amount of fee paid.

b. In case of permit to operate under another's occupational license, the name, residence and photograph of the permittee, the number or other description of the occupational license under which the permittee shall be authorized to sell on foot or to operate a vehicle, the description of the vehicle, if any, the permittee is authorized to operate and the amount of the fee paid.

c. In case of a permit to one growing his or her own farm and orchard products the name, residence and photograph of the permittee, a description of the vehicle, if any, from which products are to be sold, a statement to be made on proof satisfactory to the Town Clerk that the farm or orchard products of the permittee were grown by the permittee and that no fee has been charged for the issuance of such permit.

5) A permit, as provided herein, must be had for each person selling on foot or selling from a vehicle in the Town. Such permit cannot be assigned, transferred, used or changed at will from one person to another or from one (1) vehicle to another; but in the event the permittee sells and disposes of the vehicle described in the permit and purchases a new or other vehicle to operate under such permit, the Town Clerk is authorized to endorse a description of such new or other vehicle on the reverse side of such permit. Upon such endorsement being made, and upon the applicant paying a fee of twenty-five and 50/100 dollars (\$25.50) for the services of the Town Clerk in investigating same, the person shall be authorized to operate the new or other vehicle under such permit as though the same were originally issued for such new or other vehicle.

I. Permit Fees.

1) A permit fee of twenty-five and 50/100 dollars(\$25.20) per year for each person selling on foot or operation from a vehicle an occupational license issued to a person having an established place of business under an occupational license issued to a person having an established place of business shall be paid to the Town.

2) A permit fee of twenty-five and 50/100 dollars (\$25.50) per year for each person selling on foot or operating from a vehicle under an occupational license issued to a person not having an established place of business within the Town and not paying an occupational license tax thereon shall be paid to the Town.

3) No fee shall be required of a person selling products of farm or orchard actually produced by the seller, but a permit to sell home-grown farm or orchard products shall be required as provided herein.

4) Annual fees herein provided for shall be assessed on a yearly period from October first to September thirtieth of each year. Any license or permit issued during the first six (6) months of any year shall be charged the full annual fee, but any license or permit issued during the last six (6) months of any such year shall be charged only half such annual fee as provided herein.

J. Transfer. No permit issued under the provisions of this division shall be transferred or used at any time by any person other than the one to whom it was issued.

K. Exhibition. Temporary Vendors are required to exhibit their permits as the case may be at the request of any citizen, the Town Clerk or the Code Enforcement Officer of the Town.

L. Expiration. All annual permits issued under the provisions of this division shall expire on the thirtieth day of September of the year following the date of issuance.

M. Revocation; Notice; Hearing.

1) Permits issued under the provisions of this division may be revoked by the Town Clerk, after notice and hearing, for any of the following causes:

a. Fraud, misrepresentation or false statement contained in the application for license.

b. Fraud, misrepresentation or false statement made in the course of carrying on his business as temporary vendor.

c. Any violation of this article.

d. Conviction of any crime or misdemeanor involving moral turpitude.

e. Conducting the business of temporary vending in an unlawful manner or in such a manner as to constitute a breach of peace or to constitute a menace to the health, safety or general welfare of the public.

2) Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee or permittee at his last known address at least five (5) days prior to the date set for hearing.

N. Right of Appeal Upon Denial, Revocation. Any person aggrieved by the action of the Town Clerk in the denial of an application for permit or license as provided in Section 8 or in the decision with reference to the revocation of a permit as provided in Section 13, shall have the right of appeal to the Town Council.

Such appeal shall be taken by filing with the Town Council, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Town Council shall set a time and place for a hearing on such appeal at the next regular meeting of the Town Council, and notice of such hearing shall be given to the appellant

in the same manner as provided in Section 13(b) for notice of hearing on revocation. The decision and order of the Town Council on such appeal shall be final and conclusive.

Sec. 12-3. Public Service Taxes.

A. Electrical Service Tax:

1.) That the TOWN'S utilities tax for monthly electrical service sold to customers within the boundaries of the TOWN shall be as follows:

a. First \$200.00 Per Month for Purchases of Electrical Services: Eight and One-Half (8 1/2%) Percent.

b. All Charges in Excess of \$200.00 Per Month for Purchases of Electrical Services: Five (5%) Percent.

2.) All taxes described herein in this Section shall be levied only upon purchases within the TOWN. The term "Purchase of Electricity" shall be defined to mean the purchase of electric power by a person or entity who will consume it within the TOWN.

3.) The taxes described herein shall be levied in accordance with the requirements of Section 166.231, Florida Statutes, to the extent the nonmandated provisions of that Statute have been adopted by the TOWN.

History: Ordinance 01-02.

B. Telecommunications Service Tax.

1.) The utility tax for monthly telecommunications services as defined by Section 203.012, Florida Statutes, for residential and commercial customers within the TOWN shall be increased from Five (5%) Percent to Seven (7%) Percent of the total amount charged for any telecommunications service that originates or terminates in the state and provided within the TOWN in accordance with the provisions of Section 166.231, Florida Statutes.

2.) If the location of the telecommunications service cannot be determined as part of the billing process, the tax levied herein shall be imposed on the total amount billed for such telecommunications service to a telephone or telephone number, a telecommunications number or device, a service address or a billing address located within the municipality, excluding public telephone charges collected on site, charges for any foreign exchange service or any private line service except when such services are used or sold as substitute for any telephone company switched service or dedicated facility by which a telephone company provides a communication path, access charges and any customer access line charges paid to a local company. Telecommunications services as defined in Section 203.012(5)(b), Florida Statutes, shall be taxed only on the monthly recurring customer charges, excluding variable usage charges.

C. Bottled Gas, Fuel Oil. The Town of Hastings, Florida will levy on each and every purchase in said form of bottled gas and fuel oil a tax based upon a charge made by the seller thereof as follows: 5% of all charges made by the seller.

History: Ordinance 90-2.

D. Public Service Providers -- Inspection of Records. Each and every seller of electricity, bottled gas (natural or manufactured), and local telephone service shall keep complete records showing all sales in said Town of such commodities or service, which records shall show the price charged upon each sale, the date thereof, and the date of payment therefore, and said records shall be kept open for inspection by the duly authorized agents of said Town during business hours on all business days, and said duly authorized agents of said Town shall have the right, power and authority to make such transcripts thereof during times as they may desire.

E. Exemptions from Tax. The United States of America, State of Florida, and political subdivisions and agencies thereof are hereby exempted from payment of the taxes by this ordinance. Said tax shall not apply to long distance telephone service, or to coin box telephones.