

LAKE WALES

OFFICIAL CODE OF ORDINANCES

CHAPTER 14. LICENSES AND BUSINESS REGULATIONS

LAKE WALES
CHAPTER 14. LICENSES AND BUSINESS
REGULATIONS

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LAKE WALES
CHAPTER 14. LICENSES AND BUSINESS
REGULATIONS

Article I. In General

§ 14-1. Local business tax receipt required

Effective: Tuesday, July 18, 2017

It is unlawful for any person, either as owner, agent or otherwise, to own, operate or otherwise be engaged in the conduct of an amusement center unless the owner or operator of that business holds a current business tax receipt as required in section 19-130.

(Ord. No. 2017-13, § 3, 7-18-2017)

Article II. Reserved

Article III. Amusement Centers

§ 14-71. Definitions.

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

Amusement center shall mean a business where the sole or main activity is the use or operation of a device or devices as defined in this section.

Device shall mean a machine or game that is coin-operated or noncoin-operated for which a fee is charged, including pinball machines, pool and billiard tables, jukeboxes and other games of skill or amusement, but not to include vending machines dispensing gum, soft drinks, candy bars, cigarettes and the like.

(Code 1962, § 19-24; Ord. No. 88-16, § 3(19-24), 9-6-88; Ord. No. 2003-40, § 1, 1-6-04)

§ 14-72. Approval of location required for issuance of license.

No business tax receipt required by this article shall be issued by the city unless the location of the business and the individual taxpayer first are approved by the city commission.

(Code 1962, § 19-26; Ord. No. 2006-47, § 3, 12-5-06)

§ 14-73. Local business tax receipt required. [Repealed]

Effective: Tuesday, July 18, 2017

(Code 1962, § 19-25; Ord. No. 2006-47, § 3, 12-5-06; Repealed by Ord. No. 2017-13, § 3, 7-18-2017)

§ 14-74. Filing petition; investigation fee.

Any person desiring a business tax receipt required by this article shall:

(1) File with the city commission a petition:

- a. Describing the nature of the business to be operated;
- b. Setting forth the location of the proposed business by street and number; and
- c. Requesting a permit to operate at such location.

(2) Pay the city a fee of twenty-five dollars (\$25.00) to cover the costs of investigation and administration by the city.

(Code 1962, § 19-27; Ord. No. 2006-47, § 3, 12-5-06)

§ 14-75. Payment of fee; issuance of business tax receipt; term; renewal; nontransferable.

If the city commission approves the petition filed pursuant to this article, the city, upon payment by the applicant of the applicable local business tax imposed by section 19-130, shall issue a business tax receipt to be valid for a period of one (1) year with annual renewal, unless earlier revoked. The receipt issued by the city shall state on its face that it is nontransferable.

(Code 1962, § 19-28; Ord. No. 2006-47, § 3, 12-5-06)

§ 14-76. Appeal of denial of petition.

If the city commission denies a petition filed under this article, the applicant, within ten (10) days of the denial, may request a hearing, and within ten (10) days from the request, shall be given a full hearing before a committee of the city commission. The report of the committee recommending the denial or granting of the petition shall forthwith be submitted to the city commission for final action.

(Code 1962, § 19-29)

§ 14-77. Effect of change of ownership, management on approval to operate.

Any change of ownership or management shall terminate the approval to operate granted under this article and shall require a new petition and conformance with all the requirements of this article as upon original approval, except that a new owner or operator may receive credit for local business tax payments made by the former owner or operator in accordance with section 19-130.

(Code 1962, § 19-30; Ord. No. 2006-47, § 3, 12-5-06)

Article IV. Electronic Game Centers

§ 14-96. Defined.

Any business which offers for public use in one (1) location more than ten (10) devices shall be considered an electronic game recreation center.

(Code 1962, § 19-36(a); Ord. No. 88-16, § 3(19-36(a)), 9-6-88)

CROSS REFERENCE

Definitions and rules of construction generally, § 1-2.

§ 14-97. Application and approval procedure.

(a) Any person desiring to operate an electronic game recreation center must file a written application for a business tax receipt with the city commission. This application must set forth the location of the business, the hours of operation and any rules of conduct the proprietor expects to post and enforce in his place of business.

(b) In ruling upon the application for business tax receipt, the city commission shall consider a background check of the applicant conducted by the police department, the proposed location and nature of the surrounding neighborhood, the proposed hours of operation, the number of games that will be located in the business and the rules of conduct the proprietor expects to post on the premises and enforce.

(c) In approving an application for business tax receipt of an electronic game recreation center, the city commission, in its discretion, may attach to the approval certain conditions concerning the hours of operation, number of machines and the rules of conduct to be posted on the premises and enforced by the proprietor.

(d) If the city commission approves an application while attaching certain conditions and the applicant violates or otherwise dishonors the conditions, such violation shall constitute grounds for code enforcement action.

(e) The for an electronic game recreational center shall be computed in accordance with the amusement center tax contained in section 19-130

(Code 1962, § 19-36; Ord. No. 2006-47, § 3, 12-5-06)

Article V. Special Events

§ 14-111. Application of provisions.

The provisions of this article, except as to licensing and fees, shall apply to all circuses, carnivals, menageries, festivals, parades, filming for commercial purposes and any other special event which takes place on city-owned public property whether specifically licensed in another section or not and whether admission fees are charged or not. The provisions of this article shall also apply to such special events which take place on private property or public property not owned by the city when state, county or city permits, inspections or license are required.

The provisions of this article shall not apply to dances, receptions or similar social events which are held on private property.

(Ord. No. 93-02, § 1, 5-4-93)

§ 14-112. Rules and regulations.

(a) *Permit required.*

(1) Upon application as provided for herein, the city manager may issue a special event permit subject to any conditions imposed in this article.

(2) The application for a special event permit shall be filed at least forty-five (45) days prior to the date on which the permit is to take effect. The city manager may approve a lesser time period. The application forms shall provide such information as the city manager shall find to be reasonably necessary for fair administration.

(3) Application for a special event permit shall be made to the city manager and shall contain the following information:

a. A diagram accurately portraying the property to be used for the special event indicating layout of event, temporary structures, parking areas, traffic flow, electrical connections, etc., as applicable. If the property to be used is private property, a survey or legal description of the property and a notarized statement of consent by the property owner are also required.

b. A description of the special event.

c. In addition to the above, sufficient information and assurances to determine the suitability of the proposed special event as required by the city. This information may include but is not limited to the following:

1. Arrangement for temporary sanitary facilities and such assurances as the city may require concerning compliance with public health regulations.

2. Such information and assurances as the city may require concerning length of operation.

3. Such information and assurances as the city may require concerning hours of operation.

4. Provision for adequate parking.

5. An agreement assuming financial responsibility for the repair of any damage to public property and for claims resulting from injury or damage to persons or private property as a result of the event.

6. A permit issued by the state department of transportation if the special event requires the closing of a state road.

7. Arrangement for public safety and such assurances as the city may require concerning compliance with public health regulations when live animals are included in special events.

(b) *Conditions.* A permit for a special event shall be issued upon such conditions as the city manager may reasonably require to assure compliance with all information and assurances submitted with the application and shall, in addition, be expressly conditioned upon the following:

(1) No electrical service will be installed without an electrical permit and inspection.

(2) No permanent structure will be erected.

(3) No tent will be erected without obtaining a permit from the fire department.

(4) Site will be cleared of all debris at the end of the special event and cleared of all temporary structures within five (5) days after close of the event. Effective October 1, 1993, when city employees are required to assist in clearing of debris and structures, the city manager may require sponsors of the event to reimburse the city for employee costs. A monetary deposit in an amount determined by the city manager may be required to ensure reimbursement of such costs.

(5) Traffic control and pedestrian safety arrangements in the vicinity of the special event are to be arranged by the sponsors of the event with the police department and public works departments. Effective October 1, 1993, when city employees are required to assist in traffic control and pedestrian safety during the event, the city manager may require sponsors of the event to reimburse the city for employee costs. A monetary deposit in an amount determined by the city manager may be required to ensure reimbursement of such costs.

(6) Permit will be issued for a specific period of time, not to exceed seven (7) days. An extension, not to exceed three (3) days, may be granted at the discretion of the city manager.

(7) Issuance of a permit to hold a special event on public property will transfer control of vendors, participants and activities associated with the special event to the sponsors of the event.

(c) Additional rules and regulations for circuses, carnivals and other similar public amusements.

(1) No circus, carnival or other similar public amusement shall be located within the city limits except when sponsored by a nonprofit civic organization or merchants' association unless such location shall have been approved by the city commission prior to the issuance of such permit as provided in this article.

(2) No circus, carnival or other similar public amusement, whether profit or nonprofit, shall operate within the city unless inspected and licensed by the state division of agriculture and consumer services and operated in conformance with rules and regulations promulgated by that agency.

(Ord. No. 93-02, § 1, 5-4-93)

§ 14-113. Liability insurance.

Prior to issuance of a permit or license for any special event as set forth above, the city manager may require the applicant to file with the city clerk a certified insurance policy issued by a company authorized to do business in the state, against the liability of such applicant for a license hereunder for injuries to any one (1) person in the sum of not less than one hundred thousand dollars (\$100,000.00). Such policy shall be in the generally accepted form for liability insurance used in the state and shall include an endorsement that the same cannot be canceled for any cause without notice of such cancellation being served upon the city clerk at least fifteen (15) days prior to such cancellation. Failure by any licensee hereunder to maintain such policy at all times shall be grounds for revocation of the permit and license.

(Ord. No. 93-02, § 1, 5-4-93)

§ 14-114. local business tax receipt required.

Upon receiving a special event permit, the applicant shall obtain the local business tax receipt required under section 19-130, except when the event is sponsored and operated by a local nonprofit civic, professional, educational or religious organization. If the special event is sponsored by a local nonprofit civic, professional, educational or religious organization but operated by a commercial organization, the local business tax may be waived with the prior approval of the city commission.

(Ord. No. 93-02, § 1, 5-4-93; Ord. No. 2006-47, § 3, 12-5-06)

§ 14-115. Administration.

(a) *Public notice.* At the discretion of the city manager, public notice to property owners within two hundred (200) feet of the proposed location may be required. The decision to require public notice shall be made within five (5) days of receipt of the completed application. The application shall provide a certificate of mailing within five (5) days after notification of this requirement. Payment of notification costs will be the responsibility of the applicant.

(b) *Approval of permit.* Upon finding that the application does sufficiently comply with those general standards set forth above, as conditioned as provided for herein, the city manager shall issue a special event permit, setting forth the duration of the period and specifying such conditions as to hours, location, parking, traffic access, and safety requirements and any other conditions as will protect the health, safety and welfare of the public and which will protect the adjoining properties from any adverse effects of the activity.

(c) *Denial of permit.* Denial of the permit request shall be in writing and provided to the applicant within fifteen (15) working days of receipt of a completed application. Reasons for the denial shall be included.

(d) *Appeal.* Any special event permit denial or approval may be appealed by the applicant or any persons entitled to take an appeal to the city commission. Upon filing of such an appeal, the permit shall be withheld until the city commission hears the appeal and renders a decision. The city commission shall have final authority to approve, conditionally approve, or deny the permit application.

(e) *Revocation of permit.*

(1) The city manager, upon finding that the terms of any permit are being violated, may revoke the permit and order the immediate cessation of event. The holder of the permit may appeal that revocation to the city commission and revocation shall be stayed pending the appeal.

(2) Upon finding imminent and hazardous threats to public health and safety caused by any use covered by permit, the city manager may take reasonable steps to prevent public access thereto and to eliminate such hazard and may revoke or suspend a permit. An appeal of such action may be taken as provided above, but without a stay of the revocation or suspension. A permit may be reinstated provided that the applicant has met all conditions required by the city manager and city commission.

(Ord. No. 93-02, § 1, 5-4-93)

Article VI. Peddlers And Solicitors

Division 1. Generally

§ 14-131. Definitions.

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

Peddler means any person, whether a resident of the city or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, magazines, books, periodicals of all types, photographs, household appliances, merchandise of any kind, meats, fish, vegetables, fruits, garden truck, farm products or provisions, 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 a wagon, automotive vehicle, railroad car, or other vehicle or conveyance. Anyone who solicits orders and, as a separate transaction, makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this chapter shall be deemed a peddler. The word "peddler" shall include the words "hawker" and "huckster."

Solicitor means any individual, whether resident of the city or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares, magazines, books, periodicals of all types, photographs, household appliances, and other merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individuals have, carry or expose for sale a sample of subject of such sale. Such definition shall include any person who for himself, or for another person, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop, or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery. The term "solicitor" shall include the term "canvasser."

(Code 1962, § 16-1)

CROSS REFERENCE

Definitions and rules of construction generally, § 1-2.

§ 14-132. Local business tax; exemption.

The local business tax as set forth in section 19-130 shall be paid to the city before any peddler or solicitor is allowed to do any peddling or soliciting in the city. No tax shall be required of one selling products of the farm or orchard actually produced by the seller.

(Code 1962, § 16-11; Ord. No. 2006-47, § 3, 12-5-06)

§ 14-133. Exhibition of identification card and license.

Solicitors and peddlers are required to exhibit their licenses and identification cards at the request of any citizen.

(Code 1962, § 16-7)

§ 14-134. Permitted hours of operation.

No peddler or solicitor shall apply his trade except during daylight hours and it shall be unlawful to solicit at any time other than during daylight hours.

(Code 1962, § 16-14)

§ 14-135. Soliciting on Sundays.

It shall be unlawful for any person to solicit any order for the sale of any goods, wares, merchandise, periodicals or publications, or to sell or offer for sale any goods, wares or merchandise, with the exception of milk and ice, from house to house, between the hours of 12:00 midnight on Saturday until 12:00 midnight on Sunday.

(Code 1962, § 16-15)

§ 14-136. Unauthorized use of identification card.

No identification card issued pursuant to this article shall be used at any time by any person other than the one to whom it was issued.

(Code 1962, § 16-9)

§ 14-137. Duties of police officer.

It shall be the duty of any police officer of the city to:

- (1) Require any person seen soliciting or peddling and who is not known by such officer to be duly licensed, to produce his license;
- (2) Enforce the provisions of this article against any person found to be violating this article.

(Code 1962, § 16-12)

§ 14-138. Clerk's record of violations.

The chief of police shall report to the city clerk all convictions for violations of this article and the city clerk shall maintain a record for each license issued and record the reports of violations in the record.

(Code 1962, § 16-13)

Division 2. Identification Card And License**§ 14-151. Required.**

It shall be unlawful for any person to engage in the business of solicitor or peddler within the corporate limits of the city without first obtaining an identification card and license as provided in this division.

(Code 1962, § 16-2)

§ 14-152. Application.

Applicants for identification cards and licenses required by this division must file with the city clerk a sworn written application in duplicate on forms to be furnished by the city clerk, which shall give the following information:

- (1) Name and description of the applicant;
- (2) Permanent home address and full local address of the applicant;

- (3) A brief description of the nature of the business and the goods to be sold. Peddlers only: Where goods to be sold are products of farm or orchard, peddlers must state whether such goods are self-produced or grown, and if so how many acres in production and where acreage is located;
- (4) If employed, the name and address of the employer, together with credentials establishing the exact relationship;
- (5) The length of time for which the right to do business is desired;
- (6) For peddlers only: If a vehicle is to be used, a description of the vehicle, together with the license number or other means of identification;
- (7) For solicitors only: The place goods or property proposed to be sold by order for future delivery are manufactured or produced, where such goods or products are located at the time the application is filed and the proposed method of delivery;
- (8) A photograph (in the case of peddlers, two (2) photographs) of the applicant, taken within sixty (60) days immediately prior to the date of filing for the application, which picture shall not be larger than two (2) by two (2) inches and not smaller than one (1) by one (1) inch, showing the head and shoulders of the applicant in a clear and distinguishing manner;
- (9) The fingerprints of the applicant and the names of at least two (2) reliable property owners of the county who will certify as to the applicant's good character and business respectability, or in lieu of the names of references, such other available evidence as to good character and business responsibility of the applicant as will enable an investigator to evaluate properly such character and business responsibility;
- (10) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor; and
- (11) A statement of reputable physician of the city, dated not more than ten (10) days prior to submission of the application, certifying the applicant to be free of contagious, infectious or communicable disease. Such a statement shall be submitted also upon the renewal of any license issued pursuant to this article.

(Code 1962, § 16-3)

§ 14-153. Fee.

At the time of filing an application for the identification card and license required by this division, a fee of two dollars (\$2.00) shall be paid to the city clerk to cover the cost of investigation of the facts stated in the application.

(Code 1962, § 16-3)

§ 14-154. Investigation of character.

Upon receipt of an application for the identification card and license required by this division, the original shall be referred to the chief of police who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good.

(Code 1962, § 16-4)

§ 14-155. Disapproval.

If as a result of the investigation provided for in section 14-154, the applicant's character or business responsibility is found to be unsatisfactory, the chief of police shall endorse on such application his disapproval and his reasons for the same, and return the application to the city clerk, who shall notify the applicant that his application is disapproved and that no license will be issued.

(Code 1962, § 16-10)

§ 14-156. Issuance.

If as a result of an investigation the character and business responsibility of an applicant for the identification card and license required by this division are found to be satisfactory, the chief of police shall endorse on the application his approval, execute an identification card and return the identification card along with the application to the city clerk. Upon receipt of the prescribed license fee, the city clerk shall deliver to the applicant his identification card and issue a license.

(Code 1962, § 16-5)

§ 14-157. Contents of identification card; clerk's record of licenses.

The identification card required by this division shall contain the signatures of the applicant and shall show the name, address, a photograph, a general description and the fingerprint of the right index finger of the applicant. The clerk shall keep a permanent record of all peddlers' or solicitors' licenses issued.

(Code 1962, § 16-6)

§ 14-158. Expiration.

(a) Annual licenses and identification cards issued pursuant to this division shall expire on the 31st day of September of the year in which issued. Licenses and identification cards issued for shorter periods shall expire on the date specified in the license.

(b) Upon license renewal, the chief of police may approve continued use of the previously issued identification card.

(Code 1962, § 16-8)

§ 14-159. Revocation.

(a) *Grounds.* Identification cards and licenses issued pursuant to this division may be revoked by a board consisting of the city manager, the chief of police and the city clerk, after notice and hearing, for any of the following causes:

- (1) Fraud, misrepresentation, or false statement contained in the application for license;
- (2) Fraud, misrepresentation, or false statement made in the course of carrying on his business as solicitor or peddler;
- (3) Any violation of this article;

(4) Conviction of any crime or misdemeanor involving moral turpitude;

(5) Conducting the business of soliciting or peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

(b) *Notice of hearing.* Notice of the hearing for revocation of a license or identification card issued pursuant to this division 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 at his last known address at least five (5) days prior to the date for hearing.

(Code 1962, §§ 16-16, 16-17)

§ 14-160. Appeal to city commission.

(a) Any solicitor or peddler aggrieved by the action of the chief of police or the city clerk in denial of an application, identification card or license, or in the decision with reference to the revocation of the identification card or license, shall have the right of appeal to the city commission.

(b) Such appeal shall be taken by filing with the city commission 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 appeal.

(c) The city commission shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given to the appellant in the same manner as provided in subsection 14-159(b) for notice of hearing on revocation. The decision and order of the city commission on such appeal shall be final and conclusive.

(Code 1962, §§ 16-18—16-20)

§ 14-161. through 14-169 Reserved.

Effective: Tuesday, December 20, 2016

(Ord. No. 2016-22, § 1, 12-20-16)

Article VII. Charitable Donation Bins

Division 1. Generally

§ 14-170. Definitions.

Effective: Tuesday, December 20, 2016

Charitable Organization – 501C3 organization registered with the State of Florida Charitable Solicitation Division.

Donation Bin Operator – Company, organization or person that is registered with the State of Florida Charitable Solicitation Division that owns and/or operates donation bins for the purpose of charitable solicitation.

Donation Bin – Temporary structure not to exceed 36 feet square for the collection of non-hazardous donated items for the purpose of charitable solicitation.

(Ord. No. 2016-22, § 1, 12-20-16)

§ 14-171. Registration.

Effective: Tuesday, December 20, 2016

A donation bin operator shall be required to register with the City to solicit donations on behalf of a charitable organization.

The registration application for a donation bin shall include:

1. Applicant's name, local address and phone number, website and name of the responsible party.
2. Proof of registration with Florida Attorney General's Charitable Solicitation Department.
3. Site map of the proposed locations of each donation bin within the city limits.
4. Signed affidavit acknowledging that a city solicitation permit does not entitle the donation bin operator to place a donation bin on private or public property without notarized written consent of the property owner, a copy of which is provided to the City.

(Ord. No. 2016-22, § 1, 12-20-16)

§ 14-172. Location, size and structural restrictions.

Effective: Tuesday, December 20, 2016

Donation bins shall:

1. Not cause a visual obstruction to vehicular or pedestrian traffic.
2. Not exceed 7.0 feet in height, 6.0 feet in width and 6.0 feet in depth.
3. Maintain all applicable setbacks as set in the land development regulations, Chapter 23 of this code.
4. Not cause safety hazards with regard to a designated fire lane or building exit.
5. Not interfere with an access drive, off-street parking lot maneuvering area and/or required off-street parking space to an extent which would cause safety hazards and/or unnecessary inconvenience to vehicular or pedestrian traffic.
6. Be constructed of metal or other appropriate material as approved by the Director of Planning and Development Services or their designee, and shall further be maintained in good condition and appearance with no structural damage, holes or visible rust and shall be free of graffiti.
7. Be constructed as to not be accessed by anyone other than those responsible for the retrieval of the contents.
8. Name, website and phone number of operator must be on at least the front side of the bin.
9. Donation bins shall be serviced and emptied as needed, but no less than once every seven (7) days.
10. The donation bin operator shall maintain, or cause to be maintained, a 10 foot radius area surrounding the donation bin(s), free from any junk, debris or other material.
11. The donation bin operator shall be responsible to the extent provided by law for the City's cost to abate any unmitigated violation.

(Ord. No. 2016-22, § 1, 12-20-16)

§ 14-173. Penalties for violation.

Effective: Tuesday, December 20, 2016

Any person violating any of the provisions of this chapter shall, upon conviction thereof, for each offense, be subject to penalties as provided in section 1-15 of this Code. Any failure or refusal by an owner to correct a violation after notification to do so, as hereinabove provided, or any failure or refusal to pay the charges or rates provided within this chapter shall be construed to be a violation of this chapter.

(Ord. No. 2016-22, § 1, 12-20-16)

§ 14-175. through 14-180 reserved.

Effective: Tuesday, December 20, 2016

(Ord. No. 2016-22, § 1, 12-20-16)

Article VIII. MOBILE CAR WASH/AUTO DETAIL BUSINESSES

§ 14-200. MOBILE CAR WASH/AUTO DETAIL BUSINESSES.

Effective: Tuesday, December 07, 2021

(Ord. No. 2021-14, § 1, 12-07-21)

§ 14-201. Definition.

Effective: Tuesday, December 07, 2021

For purposes of this Chapter, "mobile car wash/auto detail business" means a business that is:

- a. Conducted from other than a fixed place of business within the City, including operations conducted from a motorized vehicle;
- b. Engaged in the washing, waxing, cleaning or detailing of motor vehicles; and
- c. Carried out primarily by means of human effort rather than primarily by mechanical means.

(Ord. No. 2021-14, § 1, 12-07-21)

§ 14-202. License required.

Effective: Tuesday, December 07, 2021

It is unlawful for a person to conduct, engage in, carry on, advertise, or market a mobile car wash/auto detailing business without a license issued pursuant to this Chapter. In the case of a business that operates from more than one vehicle, each vehicle must be licensed. A Business Tax Receipt, as prescribed in Chapter 19 of the City Code of Ordinances, is also required.

(Ord. No. 2021-14, § 1, 12-07-21)

§ 14-202.1. Licensing period.

Effective: Tuesday, December 07, 2021

Licensing period is one calendar year from date of issuance and must be renewed annually in compliance to all sections of this chapter.

(Ord. No. 2021-14, § 1, 12-07-21)

§ 14-203. License renewal.

Effective: Tuesday, December 07, 2021

All licenses issued under this section are valid for the entire licensing period unless revoked prior to expiration. An application to renew a license may be made prior to the expiration of the current license. All current documentation required for initial license issuance shall be submitted with each renewal.

(Ord. No. 2021-14, § 1, 12-07-21)

§ 14-203.1. Revocation of license.

Effective: Tuesday, December 07, 2021

Any license issued under this section may be revoked by sending a “Notice of Revocation” to the licensee stating both the facts and legal conclusions constituting cause to revoke. Within 10 business days’ of the “Notice of Revocation,” the licensee may request a hearing before the City Manager, or designee, by submitting a written request and response to the Notice to the City Clerk. At the hearing before the City Manager, or designee, the issue shall be whether cause to revoke is present based on either licensee misconduct or the licensee’s failure to comply with registration requirements. The City Manager, or designee, shall allow the licensee to present any defenses the licensee may have and shall, after all of the evidence has been presented, issue a determination in writing. Any party aggrieved by the decision of the City Manager or designee may appeal the decision to a court of competent jurisdiction by petition for writ of certiorari.

(Ord. No. 2021-14, § 1, 12-07-21)

§ 14-203.2. Unlawful activities.

Effective: Tuesday, December 07, 2021

In the operation of a mobile car wash/auto detail business, it is unlawful for a principal, employee or agent of the business to:

- a) Engage in washing the exterior of a vehicle upon any public street or public right-of-way, or upon any vacant property or unimproved lot;
- b) Interfere with the ingress or egress of the abutting property owner or tenant or create or become a public nuisance under F.S. 823.01, increase traffic congestion or delay or constitute a hazard to traffic, life or property or an obstruction to adequate access to fire, police or sanitation vehicles.
- c) Engage in washing or cleaning a motor vehicle engine;
- d) Leave any location without first picking up, removing and disposing of all trash, materials or refuse remaining from mobile car wash/auto detail activities.
- e) Advertise that services are available at a specific location, or otherwise invite customers to come to a specific location to receive services provided by the business
- f) Erect or place advertising of the business at any location the business may operate, except to the extent required in order to comply with section § 14-206
- g) Operate at a fixed location, other than in compliance with section § 14-207
- h) Operate a mobile car wash/auto detail business to provide services at any location without the consent of the property owner or authorized tenant.
- i) Violate any provision of State law or of the Code of Ordinances pertaining to water conservation, stormwater system, or noise.

(Ord. No. 2021-14, § 1, 12-07-21)

§ 14-204. Vehicles—Registration and insurance.

Effective: Tuesday, December 07, 2021

Each vehicle that is used by a mobile car wash/auto detail business in performing services must be:

- a) Properly registered with the Florida Department of Motor Vehicles; and
- b) Insured as required by Florida law, with proof thereof to be provided upon request by the officer/authorized employee.

(Ord. No. 2021-14, § 1, 12-07-21)

§ 14-205. Documentation required at all times.

Effective: Tuesday, December 07, 2021

At any time a mobile car wash/auto detail business is providing services, an employee or officer of the City may request any principal, employee or agent of the business who is engaged in providing services to produce documentation to verify that he or she is providing, and is authorized to provide, services pursuant to a license issued under this Section.

(Ord. No. 2021-14, § 1, 12-07-21)

§ 14-206. Allowable signage.

Effective: Tuesday, December 07, 2021

Each licensee that uses a vehicle in its business operation may display the business name, telephone number and City business license number on one or both sides of the vehicle (or on any attached mobile unit or trailer). The displayed graphics must be in form of paint, decals, or magnetic stickers affixed to the vehicle or trailer body.

(Ord. No. 2021-14, § 1, 12-07-21)

§ 14-207. Time limits.

Effective: Tuesday, December 07, 2021

- a) Except as otherwise provided in Subsection (B), a mobile car wash/auto detail business may operate between half hour before sunrise to 10pm (as prescribed in Section 12-61, Noise Ordinance exemptions)) within any twenty-four (24) hour period, and cannot be at a particular location for more than four (4) hours.
- b) The limitation set forth in Subsection (A) does not apply to a licensed mobile car wash/auto detail business during any period of time in which the business:
 - 1) Is washing vehicles consisting of the inventory of a motor vehicle dealer licensed under Florida law and is entitled to sell or lease motor vehicles; or
 - 2) Pursuant to written agreement with another business, is washing the vehicles that are used by that other business or vehicles that belong to employees of that other business.

(Ord. No. 2021-14, § 1, 12-07-21)

§ 14-208. Location restrictions.

Effective: Tuesday, December 07, 2021

No mobile car wash/auto detail business may operate within one hundred fifty feet of any location at which any other mobile car wash/auto detail business is providing services during the period of those services.

(Ord. No. 2021-14, § 1, 12-07-21)

§ 14-209. Enforcement and Penalties.

Effective: Tuesday, December 07, 2021

Any person or business in violation of this chapter shall be subject to a civil penalty as shown in subsection (A). Each day the violation exists shall be considered a separate violation. The penalty provided herein is cumulative to other remedies or enforcement processes the City may have, including those available under Chapter 162, Florida Statutes and this Code.

A. Penalties:

1 st offense	\$100
2 nd offense	\$250
3 rd offense	\$500
4 th offense	Revocation for one year, per sec 14-203.1

In addition to those agencies, officers and employees specifically authorized to enforce the provisions of this Section, this Chapter may be enforced by any department or function of the City specifically assigned to its enforcement by the City Manager.

(Ord. No. 2021-14, § 1, 12-07-21)