

Chapter 25

LICENSES

Sec. 25-1. OCCUPATIONAL LICENSES.

There is hereby levied an occupational license tax for the privilege of engaging in or managing any business, profession or occupation within the city limits of the City of Archer, which are subject to taxation under the laws of the State of Florida, carried on in the City of Archer. The amount of such taxes shall be termed charges for occupational licenses, and the licenses shall be called occupational licenses. The amount to be charges for each license shall be Thirty dollars (\$30.00) and may be adjusted by resolution of the City Commission adopted from time to time or as provided by inclusion in the annual budget. (Ord. 7-2001 § 1, 11-26-01)

Sec. 25-2. PREREQUISITE FOR LICENSE.

Prior to the issuance of an occupational license the applicant must provide;

54284)A copy of the applicant's or new owner's current fictitious name registration, issued by the Division of Corporations of the Department of State; or

54285)A written statement, signed by the applicant or new owner, which sets forth the reason that the applicant or new owner need not comply with the Fictitious Name Act. (Ord. 7-2001 § 2, 11-26-01)

Sec. 25-3. UNLAWFUL TO OPERATE WITHOUT LICENSE.

It shall be unlawful for any business or occupation to be carried on, without compliance with this ordinance. A license shall only be valid for the location to which it is issued. Violations shall be prosecuted or punished in the manner provided for violation of city ordinances, pursuant to Charter, ordinances, or State law. (Ord. 7-2001 § 3, 11-26-01)

Sec. 25-4. BUSINESSES REQUIRED TO OBTAIN LICENSE.

A license shall be required from:

54776)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;

54777)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;

54778)Any person who does not qualify under the provisions of sub-section 1 or sub-section 2 and who transacts any business or engages in any occupation or profession in interstate

commerce, if such licensed tax is not prohibited by Article 1 Section 8 of the United States Constitution. (Ord. 7-2001 § 4, 11-26-01)

Sec. 25-5. TERM OF LICENSE.

No license shall be issued for longer than one (1) year, and all licenses shall be signed by the City Manager. All licenses shall expire on the thirtieth (30th) day of September of each year. All licenses fees shall be payable on or before October 1st of each year. Half-year licenses may be issued from April 1 to September 30 each year on payment of one-half of the yearly rate. No license to be issued prior to 2002-2003 fiscal year. (Ord. 7-2001 § 5, 11-26-01)

Sec. 25-6. LICENSE TRANSFER.

55292)All business licenses may be transferred to a new owner when there is a bona fide sale of the business upon payment of a transfer fee of ten percent (10%) of the annual license tax, and presentation of the original license and evidence of the sale.

55293)Upon written request and presentation of the original license, any license may be transferred from one location to another location in the City upon payment of a transfer fee of ten percent (10%). (Ord. 7-2001 § 6, 11-26-01)

Sec. 25-7. POSTING.

It shall be the duty of all persons carrying on any business, profession or occupation mentioned in this chapter, to keep their license conspicuously posted in their place of business. (Ord. 7-2001 § 7, 11-26-01)

Sec. 25- 8. REVOCAION OR CANCELLATION OF LICENSE.

Every license issued by the City shall contain the following provisions written or printed in the face thereof: "The City expressly reserves the right to revoke or cancel this license in the case the licensee or any person doing business hereunder so conducts such business that it becomes a nuisance or disturbs the peace of the citizens of this community." (Ord. 7-2001 § 8, 11-26-01)

Sec. 25-9. SUSPENSION AND REVOCATION.

Any license issued by the City may be suspended by the City Commission upon proper complaint of a violation of an ordinance of the City and sufficient evidence to sustain such complaint and such license may be revoked by the City Commission after the license holder has had opportunity for a hearing before the City Commission on his license. (Ord. 7-2001 § 9, 11-26-01)

Sec. 25-10. PENALTY FOR DELINQUENT PAYMENTS.

55808)Those licenses not renewed by October 1 shall be considered delinquent and subject to a delinquency penalty of ten (10%) percent for the month of October, plus an additional five (5%)

percent for each month delinquency for each month thereafter until paid. However, the total delinquency penalty shall not exceed twenty-five (25%) percent of the occupational license fee for the delinquent establishment.

55809) Any person engaging in or managing any business, occupation or profession without first obtaining a local occupational license, if required hereunder, shall be subject to a penalty of twenty-five (25%) percent of the license fee due, in addition to any other penalty provided by law or ordinance. (Ord. 7-2001 § 10, 11-26-01)

Sec. 25-11. EXEMPTIONS.

56324) All disabled persons physically incapable of manual labor, all widows or widowers with minor dependants, and all persons 65 years of age or older shall be allowed to engage in any business, occupation or profession without being required to pay a license tax, except for a license to sell intoxicating liquors, wine or beer, provided they

- a) live in Alachua County
- b) employ not more than one employee or helper, and
- c) use their own capital only, not in excess of \$1,000.00.

56325) Any bona fide, permanent resident elector of the state who is a veteran of any war in which the United States armed forces participated and who was honorably discharged from the service of the United States and who at the time of application for license, shall be disabled from performing manual labor shall, upon due proof of qualifications for exemption, be granted a license to engage in any business, profession or occupation which may be carried mainly through the personal efforts of the licensee as a means of livelihood. The unremarried spouse of the deceased disabled veteran of any war in which the United States armed forces participated will be entitled to the same exemptions as the disabled veteran.

56326) College and other students may, with the approval of the proper school authorities, sell pendants, badges, insignia and novelties of their school without being required to pay a license tax.

56327) Nothing in this chapter shall be construed to require a license for practicing the religious tenets of any church.

56328) All persons engaging in or managing a business, profession, or occupation regulated by the Department of Business and Professional Regulation who have paid an occupational license tax for the current year

- a) to Alachua County,
- b) another municipality within Alachua county, or
- c) to a municipality in the state that is outside of Alachua County, where their permanent business location or branch office is maintained shall be exempt from payment of the occupation tax levied by this chapter for work or services performed on a temporary or transitory basis in areas within the City of Archer.

56329) No occupational license shall be required of any charitable, religious, fraternal, youth, civic, service or other organization when the organization makes sales or engages in fundraising projects when the projects are performed exclusively by the members thereof and when the proceeds derived from the activities are used exclusively in the charitable, religious, fraternal, youth, civic, and service activities of the organization.

56330) All persons engaging in or managing a business, profession, or occupation from their residence and their yearly net profits do not exceed \$600.00

56331)The licenses under this chapter shall be subject to exemptions as set forth by Florida Statute. (Ord. 7-2001 § 11, 11-26-01)

Sec. 25-12. BUSINESSES LOCATED IN AN ENTERPRISE ZONE

1)Any business subject to the occupational license tax which exercises its privilege to do business at a permanent business location or branch office in an enterprise zone established pursuant to authority granted by Chapter 290, Florida Statutes, may receive a 50-percent reduction in the occupational license tax levied for the business located in the enterprise zone.

2)Before a license with the exemption authorized herein may be issued, the applicant must provide proof to the City that the applicant is entitled to such exemptions. Such proof shall be made by means of a statement filed under oath with the City Manager, which statement indicates that the permanent business location or branch office of the applicant is located in the enterprise zone within the City. In order to obtain the exemption herein authorized, any business renewing its license must file the required proof with its occupational tax payment on or before October 1 of the affected fiscal year. Any business failing to timely file required proof and payment will forfeit its right to the exemption for that fiscal year.

3)Any license obtained with the exemptions herein authorized which was procured by the commission of fraud, shall be deemed null and void. Any person who fraudulently obtained such exemptions and thereafter engages, under color of license, in any business, profession, or occupation requiring the license is subject to prosecution for engaging in a business, profession, or occupation without having the required license under the laws of the state.

4)Any license issued with the exemption herein authorized is nontransferable.

5)This exemption shall be applicable beginning with licenses issued for the 2002-2003 fiscal year.

6)This section shall stand repealed on December 31, 2005; and no license shall be issued with the exemption authorized in this section for any period beginning on or after January 1, 2006. (Ord. 7-2001 § 12, 11-26-01)

Sec. 25-13. VIOLATION OF ZONING AND GAMBLING LAWS PROHIBITED.

This chapter shall not be construed to authorize gambling or the operation of a lottery or permit the conduct of any business, occupation or profession in any area of the City in violation of zoning laws or any other ordinances of the City of Archer. (Ord. 7-2001 § 13, 11-26-01)