

**TEMPLE TERRACE CODE
CHAPTER 13 –LOCAL BUSINESS REGULATIONS¹**

**Section 13.130 APPLICATION FOR NEW BUSINESS; INFORMATION TO BE SHOWN;
ISSUANCE.**

Any person desiring to operate a business within the City of Temple Terrace shall file an application with the City Manager or his designee to register said business. Such application shall contain the name of the applicant or, if a co-partnership, then the name(s) of the person(s) who constitute such co-partnership, and if a corporation, the names of its directors or trustees and present or managing officer, location and type of proposed business. Copies of all other state licenses and/or certifications pertinent to the business, and/or information as required by Florida Statutes, shall be submitted at time of application. There will be a non-refundable application fee, based upon the type of business. All applications are subject to approval and may require further information upon request. (*Ord. No. 1055, 10-16-01; Ord. No.1208, 7-17-07*)

Person(s) and organizations who are exempt pursuant to Internal Revenue Code 501(c)3 from paying a Local Business Tax, as set forth in Section 13.130 and following, are required to register their business as provided herein and apply for an exemption receipt. When requested, those exempt under this provision shall provide evidence of said exemption. (*Ord. No. 1208, 7-17-07*)

Section 13.135 DEFINITIONS.

For the purpose of this Chapter, words used herein shall have the following meaning:

Administrative office: Includes any physical office from which a professional conducts business with an employee other than the professional. In addition to this classification, each professional must pay a fee. This category also applies to home occupations. (*Ord. No. 1208, 7-17-07*)

Auctioneer: Any person who in any room, booth, place or shelter sells goods, chattels or articles of personal property at public outcry, or who, in any room, booth, place or shelter sells goods, chattels or articles of personal property to the highest bidder.

Average annual inventory of stock on hand: One-twelfth of the sum of the actual inventory on hand, in storage or held on consignment for each month of the preceding fiscal year beginning July First and ending June Thirtieth, at cost. (*Ord. No. 1208, 7-17-07*)

Business: Includes all kinds of vocations, occupations, professions, trades, enterprises, establishments, and all other 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, on any premises in this City, or anywhere else within its jurisdiction.

Business Tax: A tax levied on each business, occupation, or profession for the privilege of engaging in or managing any business, occupation, or profession within the city limits. (Business tax was formerly referred to in the Temple Terrace Code of Ordinances as “Occupational License Tax.”) It does not mean any fees or licenses paid to any board, commission, or officer for permits, registrations, examination, or inspection. Unless otherwise provided by law, these are deemed to be regulatory and in addition to, but not in lieu of, any local business tax imposed under the provisions of Chapter 19, Section 19.195, Temple Terrace Code of Ordinances. (*Ord. No. 1208, 7-17-07*)

Employee: Includes every person engaged in any business, profession, occupation under any appointment, agency, contract of hire, or apprenticeship, express or implied, oral or written.

¹Business Tax, formerly known as Occupational License, is now found in Chapter 19, Section 195, Temple Terrace Code of Ordinances.

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Merchandise: Includes any goods, wares or commodities bought or sold in the usual course of trade, wholesale or retail.

Merchant: Includes any person engaged in the business of selling merchandise or food at retail or wholesale.

Merchant, retail: Includes any merchant who sells to the consumer or for any purpose other than resale, except that sales to manufacturers and sales to the State, United States Government, or any political subdivision of either of them shall be considered wholesale sales.

Merchant, wholesale: Includes any merchant who sells to another for the purpose of resale. Sales to governmental entities shall be considered wholesale sales.

Person: Includes any individual, firm, partnership, joint venture, 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.

Receipt: A document that is issued by the City which bears the words “Local Business Tax Receipt” and provides evidence that the person in whose name the document is issued has complied with the provisions of this chapter and Chapter 19, Section 195, Temple Terrace Code of Ordinances, relating to the annual business tax. (*Ord. No. 1208, 7-17-07*)

Sale: Includes the transfer of ownership, title or possession, transfer exchange or barter, whether conditional or otherwise for consideration.

Secondhand dealer: Any person engaged in the business of purchasing and selling goods of any kind or description having once been used or transferred from the manufacturer to the dealer and then received into the possession of third parties whether the same consists of clothes, rags, iron, or other metals, furniture or articles of household utensils, or articles of personal use, or male or female wearing apparel, or of jewelry of any kind or description or of gold and silver.

Section 13.140 RECORDS OF BUSINESSES.

It shall be the right and duty of the City Manager or his designee, auditor, inspector or representative, to inspect from time to time the records of any business in the City, where the local business tax of the business is based on amount of inventory, number of employees, number of vehicles, or number of rental units. The information obtained from such inspection and investigation shall be used as an aid in determining the proper classification and tax for such business or establishment. Any person hindering, impeding or obstructing the City Manager or his designee, auditor, inspector or representative in the reasonable performance of his duty shall be guilty of an offense against the City.

Business Tax Receipts shall be posted in a conspicuous place on the premises or vehicle licensed.

Section 13.145 REQUIREMENTS FOR NEW BUSINESSES.

(a) The application for a new business shall state the exact location at which the business shall be operated and a zoning official shall verify that such business, occupation or profession is allowed under the land development code.

(b) The application shall be approved by the City Council, when required for the business, occupation or profession.

(c) The application shall be approved by the County health department, when required, for the business, occupation or profession.

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(d) The application shall be approved by the building official when occupancy of a vacant or reconstructed business premise is involved.

(e) The application shall be completed without failure to disclose or misrepresentation of the information required.

(f) After issuance of the business tax receipt, notification will be given to both the Police and Fire Departments for review.
(*Ord. No. 921, 7-9-96, Ord. No. 1208, 7-17-07*)

Failure to comply with the provisions of this section shall result in a violation of the Temple Terrace Code of Ordinances and shall be subject to penalties and enforcement as provided in Chapter 1, Sections 1.145 and 1.150 of the Temple Terrace Code of Ordinances. (*Ord. No. 1208, 7-17-07*)

Section 13.155 ANNUAL REVIEW.

(a) Annually any business operating within the City shall be reviewed and examined to determine if all applicable provisions of this Chapter, State law or City ordinance, rules, and regulations have been complied with, followed and adhered to by such business. (*Ord. No. 1208, 7-17-07*)

(b) When the business has failed to comply with, follow or adhere to any applicable provisions of this Chapter, State law or City ordinance, rule, or regulation, it shall result in a violation of the Temple Terrace Code of Ordinances and shall be subject to penalties and enforcement as provided in Chapter 1, Sections 1.145 and 1.150 of the Temple Terrace Code of Ordinances. (*Ord. No. 1208, 7-17-07*)

Section 13.235 AUCTIONEERS AND SECONDHAND DEALERS.

Section 13.235.1 APPLICATION FOR NEW BUSINESS; COMPLIANCE WITH CHAPTER.

No person shall conduct an auction or engage in business within the City of Temple Terrace as a secondhand dealer until after filing an application with the City Manager or his designee to register his business, in the manner prescribed in Section 13.235.3. (*Ord. No. 1208, 7-17-07*)

Section 13.235.2 APPLICATION FOR NEW BUSINESS; INFORMATION TO BE SHOWN~~;~~

Any person desiring to operate a business as an auctioneer or secondhand dealer shall file his application with the City Manager or his designee. Such application shall contain the name and age of the applicant or, if a copartnership, then the name and ages of the persons who constitute such copartnership, and if a corporation, the names and ages of its directors or trustees and present or managing officer, and location of the proposed business together with a certificate from the Chief of Police showing that the applicant(s) has, or have, not been convicted of any crime involving moral turpitude from the time such applicant was eighteen (18) years of age until the date of the application. If the City Manager or his designee is unable to allow the proposed business to operate because of failure to comply with these requirements, the applicant may file his application with the City Clerk who shall submit the same to the City Council at its next meeting. If the City Council finds that there is no cause why the business should not be allowed within the City and that the applicant, or its members or officers, is, or are, over the age of twenty-one (21) years, then the applicant shall be authorized to conduct their business by the City Council but such authorization shall not extend beyond midnight, on the thirtieth day of September next, except when the authorization is granted during the month of September, and then in that event, if granted, it shall extend until midnight of the next succeeding thirtieth day of September. When any application is presented to the City Council under the provisions of this Section and the City Council is in doubt as to whether or not such authorization shall be granted, action upon such application may be deferred, but for not longer than two (2) weeks. (*Ord. No. 1208, 7-17-07*)

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Section 13.235.3 REGISTER TO BE KEPT; INFORMATION TO BE SHOWN; INSPECTION.

Any auctioneer or secondhand dealer shall keep a register, on forms provided by the Temple Terrace Police Department. At the close of business on each day or not later than 8:00 a.m. of the succeeding day, each auctioneer or secondhand dealer shall enter or cause to be entered in said register, an accurate description of the person from whom any article of personal property is purchased or received, including but not limited to the name, age, sex, color, nationality and place of residence of such person. In such register shall also be entered an accurate description of any article of personal property so purchased or received, including but not limited to a description of any mark, brand, monogram, words or letters blown, stamped, etched or otherwise permanently marked upon such article. All articles so purchased or received shall be so arranged in stock so as to enable the same to be inspected by the Chief of Police or his designee. The auctioneer or secondhand dealer's register shall at all times be kept open for inspection and examination by the Chief of Police or his designee.

Section 13.235.4 TRANSCRIPT OF REGISTER TO BE FURNISHED POLICE.

All secondhand dealers and auctioneers shall, not later than 12:00 noon of each day, furnish to the Chief of Police a full and complete copy or transcript of the register referred to in Section 13.235.4 hereinabove in which the descriptions of the articles and sellers are entered for the transactions of the preceding day.

Section 13.235.5 RECEIVING ARTICLES BELONGING TO CITY.

No auctioneer or secondhand dealer shall buy or receive for sale any goods or chattels or other articles of personal property from the driver of any vehicle owned by the City of any licensed contractor or transfer company, unless said auctioneer or secondhand dealer has first received the written consent of such contractor or the owner or manager of such transfer company or the chief or head of the City department in which such vehicle is used. Such written consent shall be filed for inspection for not less than three (3) months.

Section 13.235.6 DEALING WITH MINORS.

No auctioneer or secondhand dealer shall buy or receive from any minor any goods, chattels or other articles of personal property; provided, however, that this Section shall not apply to any minor who has in his possession a written consent to the proposed transaction signed by his parent or guardian, nor shall it apply to any minor whose disabilities of nonage have been removed as provided by law.

Section 13.235.7 TIME GOODS TO BE HELD BEFORE SALE.

No goods, chattels or articles of personal property of any kind or character shall be sold or otherwise disposed of by any auctioneer, or secondhand dealer, until ten (10) days after the Chief of Police or his designee has been furnished a copy of transcript of the register in which such goods, chattels or articles of personal property are described, together with the description of their seller.

Section 13.240 GARAGE SALES.

Section 13.240.1 DEFINITION.

Garage sale shall mean the sale of old, used or unwanted household articles and other personal items displayed or offered for sale on a lot, parcel or tract of land in any area not zoned for retail or wholesale sale of such articles or items, nor similar commercial uses; provided that the casual sale of household articles and personal items shall not be considered a garage sale where such sale shall be advertised by means other than by a sign or poster on or near the premises where such sale is conducted and where articles and items for sale are kept and displayed solely within or upon the premises as would be appropriate for the type of item.

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Section 13.240.2 TIME LIMITATIONS ON CONDUCT OF SALE.

- (a) No garage sale shall extend more than forty-eight (48) hours.
- (b) Only one garage sale every six (6) months shall be allowed on any single lot, parcel, or tract of land.

Section 13.240.3 DISPLAY OF SALE ITEMS, SIGNS ADVERTISING SALE.

- (a) At the conclusion of the garage sale, all unsold articles and items shall be removed or packed in such a manner as not to be visible from any public street or from the abutting properties.
- (b) A maximum of two (2) signs or posters, one of which may be a directional sign, shall be permitted to advertise a garage sale. Any sign or poster shall not exceed four (4) square feet in area; shall not be placed more than two (2) City blocks from the site of the sale; shall not be placed in any public right-of-way; and shall be removed immediately at the conclusion of the garage sale.

Section 13.240.4 PARKING.

The person, firm, or corporation conducting the garage sale shall provide for parking of vehicles in such a way as to avoid creation of a hazardous or unsafe condition, or any congestion of public streets as a result of the garage sale.

(Ord. No. 393, 9-26-79; Ord. No. 589, 9-2-86; Ord. No. 743, 8-7-90; Ord. No. 878, 8-16-94; Ord. No. 1208, 7-17-07)

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