

**TEMPLE TERRACE CODE**  
**CHAPTER 14 – OFFENSES AND MISCELLANEOUS PROVISIONS**

**Section 14.140                    HAWKING, PEDDLING, SOLICITING, AND CANVASSING PROHIBITED WITHOUT LICENSE.**

It shall be unlawful for any hawker, peddler, solicitor or canvasser, as defined in Subsection 14.140(a) of this Section, to engage in such business within the corporate limits of the City of Temple Terrace without first obtaining a license in compliance with the provisions of this Section.

(a)        **Definition.** A hawker, peddler, canvasser or solicitor is defined as any person or persons, whether a citizen or resident of the City of Temple Terrace 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, in a residential area, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature or for services to be furnished or performed, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales, or engaging in any act which directs attention to any of such sales, or other activity, for the purpose of promoting, either directly or indirectly, the interests thereof by sales, including, but not limited to, the distribution of advertising materials, leaflets, flyers and the like, that is accomplished by physically placing same on any portion of the property of a resident of the City; this definition shall include any person who, for himself, or for another person, firm, or corporation, hires, leases, uses or occupies any building, structure, tent, railroad box car, 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. Persons and organizations who have obtained an exemption pursuant to 26 U.S.C. Subsection 501(c) [the Internal Revenue Code], and persons and organizations who are hawking, peddling, canvassing or soliciting for the benefit of, on behalf of, or are affiliated with, persons and organizations who have obtained an exemption pursuant to 26 U.S.C. Subsection 501(c) are specifically declared not to be hawkers, peddlers, solicitors or canvassers and they are therefore, exempt from the provisions of this Section. When requested, those exempt under this provision shall provide evidence of said exemption.

(b)        **State of Florida Home Solicitation Permit.** If a hawker, peddler, canvasser or solicitor has obtained a home solicitation permit through the Clerk of the Circuit Court pursuant to Chapter 501, Florida Statutes, he shall submit the approved permit to the Department of Finance and Administration in lieu of the application and application fee required in Subsection 14.140(c) and (d) hereof. The Director of the Department of Finance and Administration shall execute a City license addressed to the applicant for the carrying on of the specific business as previously permitted pursuant to Chapter 501, Florida Statutes, and shall return said license, along with the permit from the Clerk of the Circuit Court, to the hawker, peddler, canvasser, or solicitor. The licensee shall be required to otherwise comply with all the requirements of Subsection 14.140(f)-(k) of this Section in addition to the requirements of Chapter 501, Florida Statutes. Solicitors who are exempt from the Florida Home Solicitation permit requirements pursuant to Section 501.022(b), Florida Statutes, are hereby exempt from this Section. (*Ord. No. 917, 4-16-96*).

(c)        **Applications.** To apply for a license under this Section, a written sworn application shall be submitted in duplicate on a form to be furnished by the Director of the Department of Finance and Administration, which shall contain the following information:

- (1)        Name and address of the applicant, business and agent representing business; and
- (2)        Permanent address and local address of the applicant, business and agent representing business; and
- (3)        A brief description of the nature of the business, goods and services to be sold or advertised; and
- (4)        The name and address of each employee or agent who will be engaged in the door to door activities for which the license is being applied; and

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- (5) The length of time during which the door to door activity is desired; provided, however, that no permit shall be issued for longer than one hundred-eighty (180) days; and
- (6) A clear, distinguishable photograph of each employee who will be engaged in the door to door activity being requested, taken within sixty (60) days immediately prior to the date of filing of the application, which picture shall be 2" x 2" showing the head and shoulders of the applicant; and
- (7) The applicant's sworn affidavit whether or not the applicant and/or employees who will be engaged in the door to door activities have been convicted of any crime, misdemeanor or violation of any municipal ordinance and specifying the nature of the offense; and
- (8) The applicant's sworn affidavit dated not more than ten (10) days prior to submission of the application, certifying that the applicant is free of contagious, infectious or communicable diseases.

(d) **Non-refundable Administrative Fee.** At the time of filing the application, a non-refundable administrative fee of \$20.00 shall be paid for each employee who will be engaged in the door to door activity.

(e) **Issuance of License.** The license shall be issued within three (3) days of the submittal of a complete application and payment of the \$20.00 administrative fee or within three days of the submittal of a Florida Home Solicitation permit to the Department of Finance and Administration. (*Ord. No. 917, 4-16-96*)

(f) **Badge.** At the time of delivery of the license, the Department of Finance and Administration shall issue a badge, which shall contain the number and expiration date of the license, the name of the business conducting the door to door activity, and a picture of the individual who is conducting the door to door activity. A separate and identical badge shall be worn in a conspicuous place on the front of the outer garment by each person who is engaged in the door to door activity.

(g) **Exhibition of Badge.** Hawkers, peddlers, solicitors and canvassers shall exhibit their badge at the request of any citizen.

(h) **Posting of No Solicitation Signs.** Private homeowners and businesses may post a "No Solicitation" sign or a similar sign which communicates that hawking, peddling, canvassing, or soliciting is not desired. Hawking, peddling, canvassing, or soliciting is prohibited when a "No Solicitation" or similar sign is posted and violators will be subject to a revocation of license and the penalties of this Section.

(i) **Enforcement.** Any police officer or other authorized code enforcement official of the City of Temple Terrace shall require any person seen hawking, peddling, soliciting or canvassing, who is not known by such officer to be duly licensed, to produce his solicitor's or canvasser's license and to enforce the provisions of this Section.

(j) **Revocation of Licenses.** (Criminal penalties might also apply)

- (1) Licenses issued under the provisions of this Section may be revoked by the City Manager, after notice and hearing, for any of the following causes:
  - a. Fraud, misrepresentation, or false statement contained in the application for license; or
  - b. Fraud, misrepresentation, or false statement made in the course of carrying on his business as solicitor or as canvasser; or
  - c. Any violation of this Section; or

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d. Conducting the business of hawking, peddling, soliciting or canvassing, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a nuisance as defined in Section 14.185(a)(2).

(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 to the licensee at the local address specified in his license application at least five (5) days prior to the date set for hearing.

(k) **Appeal.** Any person aggrieved by the action of the City Manager in the denial or revocation of a license may appeal to the City Council. Such appeal shall be taken within fourteen (14) days after written notice of the action complained of has been mailed to such person's local address as specified in his license application, by filing a written statement setting forth fully the grounds for the appeal with the City Clerk, who shall set a time for a hearing by the City Council on such appeal. Notice of such hearing shall be given to the applicant by mailing notice to the licensee at the local address specified in his license application. The decision and order of the City Council on such appeal shall be final and conclusive. (*Ord. No. 40, 11-5-57; Ord. No. 652, 4-5-88; Ord. No. 875, 7-5-94; Ord. No. 894, 3-21-95*)

**Section 14.145 SOLICITATION IN PUBLIC RIGHTS-OF-WAY PROHIBITED.**

Solicitation for donations and sales, as well as any type of dissemination of information, tracts, documents, literature, merchandise, flowers, objects and any type of printed or non-printed matter is prohibited on the public rights-of-way, thoroughfares and streets of the City of Temple Terrace. Persons advertising for events, services or goods, including but not limited to, car washes, sales and charitable fund raisers, shall not be permitted on the public rights-of-way, thoroughfares and streets of the City of Temple Terrace. (*Ord. No. 652, 4-5-88*)

**Section 14.150 JUVENILES – CURFEW.**

(a) **Purpose.**

(1) The purpose of this Section is to protect the welfare of minors by:

- a. Reducing the likelihood that minors will be the victims of criminal acts during the curfew hours;
- b. Reducing the likelihood that minors will become involved in criminal acts or exposed to drug trafficking during curfew hours;
- c. Aiding parents in carrying out their responsibility to exercise reasonable supervision of minors entrusted to their care; and
- d. Aiding parents in carrying out their responsibility to ensure mandatory school attendance of minors entrusted to their care.

(b) **Definitions.**

(1) **Minor** is any person under the age of sixteen (16), also stated as any person fifteen (15) years or less years of age.

(2) **Parent** is any person having legal custody of a minor:

- a. as a natural or adoptive parent;
- b. as a legal guardian;

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- c. as a person who stands in loco parentis; or
- d. as a person to whom legal custody has been given by order of court.

(c) **Curfew for minors.** The Mayor and City Council of the City of Temple Terrace, Florida, impose a curfew on minors in the City of Temple Terrace between the hours of 11:00 p.m. and 6:00 a.m., Sunday through Thursday, and between the hours of 12:00 a.m. and 6:00 a.m. Friday and Saturday.

(d) **Exceptions.** Section (c) shall not apply under the following circumstances:

- (1) When a minor is accompanied by a parent;
- (2) When a minor is accompanied by an adult authorized by a parent of such minor to take said parents' place in accompanying said minor during specified curfew hours;
- (3) When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and right of assembly provided the minor participating in such activity is carrying a statement signed by such minor's parent or by an adult specified in Section (d)(2) specifying the nature, purpose and hours of such activity;
- (4) When returning home, by direct route from an activity authorized under Section (d)(3);
- (5) When the minor is, with parental consent, traveling in a motor vehicle. This clearly exempts bona fide interstate movement through Temple Terrace. This also exempts interstate travel beginning or ending in Temple Terrace.
- (6) When the minor is on the sidewalk of the place where such minor resides, or on the sidewalk of either next door neighbor;
- (7) When the minor carries a card of employment renewable each calendar month, signed by such minor's employer, stating such minor's home address and place, hours and address of employment – a reasonable time shall be allowed for travel to and from work during curfew hours;
- (8) When the minor is engaged in an emergency errand with written consent of such minor's parent or other adult as specified in Section (d)(2), if practicable;
- (9) When otherwise authorized by such minor's parent or other adult specified in Section (d)(2) when the minor carries proof of such authorization including the address and hours of the authorized activity. (*Ord. No. 686, 4-4-89; Ord. No. 696, 7-18-89*)

**Section 14.155**

**OBSCENE MATERIALS OR PERFORMANCES AND INDECENT MATERIAL TO MINORS.**

(a) **Definition of terms.** The following definitions are applicable to this Section and have the following meanings:

- (1) **Obscene.** Any material or performance is obscene if (1) considered as a whole, its predominant appeal is to the prurient, shameful or morbid interest in nudity, sex, excretion, sadism or masochism; (2) it is patently offensive because it affronts contemporary community standards in describing or representing such matters, and (3) it is utterly without redeeming social value. Predominant appeal shall be judged with reference to ordinary adults unless it appears from the character of the material or performance or the circumstances of its promotion to be designed for children or other intended and probable recipient groups.

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- (2) **Material** means any thing tangible which is capable of being used or adapted to arouse interest, whether through the medium of reading, observation, sound or in any other manner.
- (3) **Performance** means any play, motion picture, dance or other exhibition performed before an audience.
- (4) **Promote** means to manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, produce, present, direct, exhibit or advertise, or to offer or agree to do the same.
- (5) **Wholesale promote** means to manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, produce, present, direct, exhibit or advertise, or to offer or agree to do the same for purposes of resale.
- (6) **Person** includes individuals, firms, associations, corporations, and all other groups and combinations.

(b) **Unlawful.** It shall be unlawful for any person, when knowing its content and character, that person:

- (1) Promotes or wholesale promotes, or possesses with intent to promote or wholesale promote, any material which is obscene; or
- (2) Promotes or wholesale promotes, or possesses with intent to promote or wholesale promote, any performance which is obscene or participates in, any portion thereof which is obscene or which contributes to its obscenity.

(c) **Prior hearing on obscenity.** No material or performance which is conceived to be obscene under this Section shall be seized before a prior, judicially supervised, adversary proceeding is held on the question of the obscenity of such material or performance.

(d) **Presumptions.** A person who promotes or wholesale promotes any obscene material or performance, or possesses the same with intent to promote or wholesale promote it, in the course of that person's business is presumed to do so with knowledge of its content and character.

(e) **Defenses.**

- (1) In any prosecution for obscenity, it is an affirmative defense that the persons to whom allegedly obscene material was promoted, or the audience to an allegedly obscene performance, consisted of persons or institutions having scientific, educational, governmental or other similar justification for possessing or viewing the same.
- (2) In any prosecution for obscenity, it is an affirmative defense that the person so charged was a motion picture projectionist, stage employee or spotlight operator, cashier, doorman, usher, candy stand attendant, porter or in any other non-managerial or non-supervisory capacity in any promotion of obscene material or performance; provided that the person had no financial interest, other than the person's performance, which employment does not encompass compensation based upon any proportion of the net or gross receipts in the promotion of any obscene material or performance, and that the person did not personally participate or contribute to the obscene performance prohibited by Subsection (b)(2) or promotes, wholesale promotes or possesses any obscene material prohibited by Subsection (a)(2) of this Section [Section 14.155].

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**(f) Places declared a public nuisance; may be abated and enjoined.**

Any person who shall erect, establish, continue, maintain, own or lease, any building, booth, tent or place, or otherwise has any legal or equitable estate in any premises, whether alone or jointly with others, and whether in possession or not, where any obscene material or obscene performance is promoted in violation of this Section, or where any materials or performances have been declared obscene by any courts having competent jurisdiction to provide a prior, judicially supervised, adversary proceeding as required by Subsection (c) of [Section 14.155] of this Code, is deemed to be against the public peace, health, welfare, prosperity and morals of the City of Temple Terrace and declared a public nuisance. All such places or persons shall be abated or enjoined as provided by Subsection (g) of [Section 14.155] of this Code, or as otherwise provided by the laws of the State of Florida.

**(g) Injunction.** Obscene material, performances, promotions and wholesale promotions, and places declared a public nuisance as provided in Subsection (f) of [Section 14.155] of this Code, or any other nuisance declared to be the same by the City of Temple Terrace Code, by common law or the laws of the State of Florida, may be abated and enjoined in accordance with the laws of the State of Florida or as hereinafter provided:

- (1) Upon a complaint in the name of the municipality filed by a state attorney or attorney for the municipality, a violation or threatened violation of this Section may be abated and enjoined by a court of competent jurisdiction.
- (2) When the relator state attorney or attorney for the municipality shall request a judge of said court to set a hearing upon a complaint to abate and enjoin such violation or threatened violation, such judge shall set a hearing within three (3) days after the making of such request. The judge shall be satisfied that sufficient notice of the complaint and notice of hearing, which shall give the date, time and place for said hearing, has been given to the party sought to be enjoined.
- (3) The party sought to be enjoined shall be entitled to a trial of the issues within one day after joinder of the issues and a decision shall be rendered by the court within two (2) days after the conclusion of the trial.
- (4) In the event that a final judgment or decree of injunction is entered, it shall contain a provision directing the party having the possession, custody, or control of the materials affected by the injunction to surrender the same to the court.
- (5) The right to promote appellate review is provided by the laws of the State of Florida.
- (6) In any action brought as provided in this Section, no bond or undertaking shall be required of the State Attorney or the municipality or the attorney for the municipality before the issuance of an injunction provided for by this Section, and there shall be no liability on the part of the State Attorney, the municipality or the attorney for the municipality for costs or for damages sustained by reasons of such injunction in any case where a final judgment or decree of a court of competent jurisdiction, or the judgment or decree of any appellate court, is rendered in favor of the party sought to be enjoined.
- (7) Every person who has possession, custody, or control of, or otherwise promotes or wholesale promotes, any obscene material or obscene performance defined in this Section, after the service upon him of the complaint for injunction filed under this Section, is presumed to have knowledge of the content and character thereof.

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(h) **Disposition of obscene material.** There shall be no right of property in any obscene material or obscene performance or any right to possession thereof, and upon the seizure of any such obscene material or obscene performance by any authorized law enforcement officer or upon the surrender of such material or performance, the same shall be delivered to and held by the clerk of the court having jurisdiction to try such violation. When the same is no longer required as evidence, the prosecuting officer or any claimant may move the court in writing for the disposition of the same and after notice and hearing, the court, if it finds the same to be obscene or otherwise in violation of this Section, shall order the material or performances destroyed in the presence of the clerk; otherwise, the court shall order the same returned to the claimant if he shows that he is entitled to possession. If destruction is ordered, the clerk shall file a certificate of compliance.

(i) **Expert witness testimony and admissibility of evidence.** In any prosecution for the violation of the provisions of this Section or any prior adversary hearing on the question of obscenity or injunction under Subsection (g) of [Section 14.155] of this Code, neither the prosecution nor the defense, nor any party, shall be required to introduce expert witness testimony concerning the obscene or harmful content or character of the material or performance which is the subject matter of the action. Any evidence which tends to establish any of the elements defining obscenity under Subsection (a)(1) of [Section 14.155] of this Code, shall be admissible when offered by either the prosecution or by the defense or any party.

(j) **Florida laws incorporated; appeals.** Any party shall have the right to invoke the laws of the State of Florida, both statutory and common law, to accomplish the purposes of this Section and such law is hereby adopted and made a part of this Section and the right to prompt appellate review is provided by the laws of the State of Florida.

(k) **Penalty for violation of Section.** Any person violating the provisions of this Section, upon conviction, shall be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding six (6) months, or both, in accordance with Section 1.145 of the City of Temple Terrace Code. (*Ord. No. 280, 5-1-73*)

**Section 14.160 PUBLIC BUILDINGS; INJURE, DEFACE, ETC.**

(a) It shall be unlawful for any person to cut, mar, injure or deface any public building or property within the corporate limits of the City. (*Ord. No. 40, 11-5-57*)

(b) City Council, in its sole discretion, may offer a reward up to five hundred dollars (\$500.00) to be paid to any person whom the City Council determines to have provided substantial information to the City of Temple Terrace Police Department leading to an arrest and conviction for violation of Section 14.160(a). (*Ord. No. 621, 7-21-87*)

**Section 14.165 SWIMMING IN HILLSBOROUGH RIVER PROHIBITED.**

It shall be unlawful for any person to swim or bathe in the Hillsborough River from any public property within the corporate limits of the City. (*Ord. No. 40, 11-5-57; Ord. No. 48, 9-2-58*)

**Section 14.170 DISCHARGING DANGEROUS WEAPONS.**

It shall be unlawful for any person to discharge any gun, pistol, or other firearm within the corporate limits of the City without a special permit from the City Manager; provided, that this shall not apply to a Police Officer in the discharge of his duties. (*Ord. No. 40, 11-5-57*)

**Section 14.175 DISCHARGING OR ABANDONING UNUSED HYPODERMIC SYRINGE OR HYPODERMIC SYRINGE NEEDLE.**

(a) It shall be unlawful for any person within the corporate limits of the City to abandon or discard any hypodermic syringe or hypodermic syringe needle which has not been first rendered permanently unusable as a hypodermic syringe or hypodermic syringe needle by demolishing, obliterating or otherwise rendering it permanently useless before abandoning or discarding same.

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(b) Any person convicted of a violation of this Section will be punished as provided in Section 1.145. (Ord. No. 267, 7-11-72)

**Section 14.180 USE OF OFF-HIGHWAY MOTOR VEHICLES ON PRIVATE PROPERTY OR ON PUBLIC PROPERTY NOT OPEN FOR VEHICULAR USE.**

(a) **Findings and purpose:**

- (1) The City Council finds that the driving, riding and use of motorcycles, motor bikes, mini-bikes, dirt bikes, trail bikes, dune buggies, motor scooters, jeeps or other forms of off-highway motor vehicles on public and private property within the limits of the City of Temple Terrace is and can be the cause of noise and dust and of the destruction of plants, other ecological damage, [and damage to] landscaping and other personal and real property, which conduct adversely affects the comfort and privacy of occupants and residents of the City of Temple Terrace. Because said conduct may be intermittent, fleeting, moving and/or caused by persons who are minors, the noise and public nuisance provisions of this Code, as well as other legal remedies, are inadequate to control said conduct and its adverse effects. The provisions of this Section relating to the regulation of motorcycles, motor bikes, mini-bikes, dirt bikes, trail bikes, dune buggies, motor scooters, jeeps, or other forms of off-highway motor vehicles are therefore necessary for the public welfare.
- (2) The City Council declares that the purpose of this Section is to exercise the general police power in order to protect the enjoyment and use of public and private property, to protect the rights of privacy, to preserve property and personal values, and to promote peace and quiet within the City of Temple Terrace by regulating the use of motorcycles, motor bikes, mini-bikes, dirt bikes, trail bikes, dune buggies, motor scooters, jeeps, or other forms of off-highway motor vehicles on public and private property within the City of Temple Terrace.

(b) No person shall operate upon the private property of another or upon any public property of another or upon any public property which is not held open to the public for any vehicular use and which is not subject to the provision of the Florida Uniform Traffic Control Law, a motor vehicle; including a motorcycle, motor bike, mini-bike, dirt bike, trail bike, dune buggy, motor scooter, jeep, or other forms of off-highway motor vehicle.

(c) The provisions of Subsection (b) shall not prohibit the operation of off-highway motor vehicles upon the property of another when said motor vehicles are:

- (1) Authorized emergency vehicles;
- (2) Used for ingress to and egress from, and parking upon, parking lots or structures open to the public, or private parking lots;
- (3) Motor vehicles operated upon property used for a motor vehicle riding area which has received approval from the City and is being operated as a business;
- (4) The property of any governmental agency; including any motor vehicle riding facility operated by the City of Temple Terrace;
- (5) Used by the owner of the land or his family, provided the property is zoned for such use;
- (6) Upon private property for ingress and egress only.

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(d) The operation of any motorcycle, motor bike, mini-bike, dirt bike, trail bike, dune buggy, motor scooter, jeep or other forms of an off-highway motor vehicle upon any vacant or unimproved lands within the City limits shall constitute a prima facie violation of this Section unless the operator is able immediately to exhibit signed written permission by the owner of the land for such use.

(e) Each parent and/or guardian of any child under the age of eighteen (18) years may be charged under this Section with having permitted a violation of any of the provisions of this Section. Subsequent to receipt of a written warning from the Chief of Police, each parent and/or guardian so warned shall be assumed knowingly to have permitted any subsequent violation and shall be subject, upon conviction, to penalties identical to those provided for the violator for having permitted a violation of this Section.

(f) Whoever shall violate the provisions of this Section shall, upon conviction thereof, be punished by a fine not to exceed the sum of one hundred dollars (\$100.00) and/or imprisonment not to exceed ten (10) days for any single offense. Penalties shall be double for any offense after the first conviction. (*Ord. No. 341, 4-19-77; Ord. No. 428, 1-5-82*)

**Section 14.185 PUBLIC NUISANCES.**

(a) **Definitions.** The following words and phrases, when used in this Section, shall mean:

- (1) Board refers to the Municipal Code Enforcement Board created pursuant to Chapter 25, Article III, Temple Terrace Code of Ordinances.
- (2) Nuisance includes, but is not limited to:
  - a. Any conduct so designated by statute, including but not limited to those types of conduct defined in Section 823.05, Florida Statutes.
  - b. Any conduct specified in this Chapter to constitute a nuisance;
  - c. Any building condition or use of premises or buildings exteriors or land which causes substantial diminution of the value of property in the vicinity of said condition or use, or any continuing condition or use of premises or buildings or of land which unreasonably annoys, injures, or endangers the comfort, health, repose, privacy or safety of the public through offensive odors, noises, substances, smoke, ashes, soot, dust, gas, fumes, chemical diffusion, smog, flooding, disturbance.
  - d. Vibrations of earth, air, or structures, emanations, light, sights;
  - e. Entry on adjoining property by unauthorized persons or vehicles; and
  - f. Other unreasonable intrusions upon the free use and comfortable enjoyment of the public or private property of the citizens of Temple Terrace, Florida.
- (3) Person includes individuals, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, private or public corporations, and all other groups or combinations.
- (4) Premises means the land and all structures and property appurtenant or attached thereto which are owned, leased, occupied or controlled by a person.
- (5) Vehicle includes automobile, motorcycle, truck, motorized van, recreation vehicle, bicycle, or any other device which any person or property is or may be transported on land, except devices used exclusively on stationary rails or tracks.

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(b) **Duty of maintenance of private property.** The following conditions and conduct are hereby declared to constitute a public nuisance:

- (1) Any condition or use that causes a substantial diminution of the property value of premises in the vicinity of the condition or use.
- (2) Any conduct prescribed by statute, including but not limited to the conduct described in Florida Statutes 823.05.
- (3) Any condition or use of premises that unreasonably intrudes upon the free use, privacy, safety, and comfortable enjoyment of the property of the citizens of Temple Terrace; provided, however, that the following uses or conditions shall be presumed to constitute an unreasonable intrusion upon the free use and comfortable enjoyment of property:
  - a. Repeated intrusion of odors, gases, smoke, ashes, soot, dust, fumes, chemical diffusion, smog, or other particles or gases upon premises adjoining or surrounding the use or condition;
  - b. Repeated intrusion or disturbances of earth or air, including but not limited to vibrations, explosions, loud raucous, unnecessary noise and light;
  - c. Repeated, unauthorized intrusion on adjoining premises by patrons or uses of property premises which unreasonably disturbs or interferes with the peace, comfort, privacy, and repose of owners or possessors of said adjoining premises in the enjoyment and the use of their premises;
  - d. Repeated, unauthorized intrusion upon property of persons or vehicles which disturb the privacy, comfort, peace, repose or use by owners or possessors of adjoining property;
  - e. Repeated attraction to the premises of persons, who, through frequent raucous or disorderly conduct, or through repeated disturbances of the peace, or through violation of any law of the State, County, or City, adversely affect ordinarily reasonable persons in the enjoyment and use of their property.
- (4) Partially constructed, partially destroyed, abandoned, boarded up, or dilapidated buildings or structures which are:
  - a. Permitted to so remain for longer than ninety (90) days without occupancy, substantial construction or repair, especially where the appearance and condition of said building or structure detracts from the appearance of the immediate neighborhood or reduces the value of the property in the immediate neighborhood; or;
  - b. Any building or structure which has been under construction for more than two (2) years; provided, however, that the owner of said property may file an application to the City Council of Temple Terrace for an extension of the times set forth above. Said application shall be filed before the expiration of the applicable time period and shall be accompanied by sufficient evidence to establish that the applicant has made substantial efforts to abate or prevent the nuisance and to further establish the acts and time parameters within which the building or structure will be completed or rehabilitated. City Council may, in its sole discretion, grant extension of said time periods by resolution expressly conditioned on completion of specified curative measures within a certain time.

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- (5) Any condition that is both attractive and dangerous to children, including but not limited to broken or abandoned equipment, machinery, or appliances, hazardous pools, excavations and unfenced construction materials.
- (6) Blocking of drainage pipes, ditches, channels, and streams.
- (7) Any other continually or repeatedly maintained condition or use that constitutes a nuisance to the public, generally, as that term is defined in this Chapter, or in general law, the abatement of which would be in the best interest of the health, safety and welfare of the citizens of the City.

(c) **Enforcement and hearing procedures.** This Section may be enforced by injunction in accordance with the procedures established by Chapter 25, Article III, of the Temple Terrace Code or Ordinances; or in accordance with the provisions of Section 1.145 of the Temple Terrace Code of Ordinances; or in any other way provided by law, including but not limited to suspension, revocation or denial of an occupational license. (*Ord. No. 663, 8-4-88*)

**Section 14.190 NOISE CONTROL.**

(a) No person shall willfully make, or cause to be made or continue to make any loud and raucous noise, which term shall mean any sound which, because of its volume level, duration and character annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensibilities within the corporate limits of the City. The term shall be limited to loud and raucous noise heard upon the public streets, in any public park, in any school or public building or upon the grounds thereof while in use, in any church, other house of worship, hospital, or upon the grounds thereof while in use, upon any parking lot open to members of the public or invitees or licensees, or in any occupied residential unit which is not the source of the noise or upon the grounds thereof, and in any event from a location not less than fifty (50) feet from the source of the noise, measured in a straight line from the noise source.

(b) **Enumerated.** The following acts, subject to the limitations provided above and the exceptions contained within Section 14.190, are declared to be in violation of subsection (a) above;

- (1) **Engine exhaust** - The discharge into the open air of the exhaust of any steam engine or stationary internal combustion engine except through a muffler or other device which will effectively prevent loud and raucous noises therefrom.
- (2) **Pile drivers, etc.** - The operation between the hours of 6:00 p.m. and 7:00 a.m. on weekdays or between the hours of 6:00 p.m. and 9:00 a.m. on Saturday or any time on Sunday any earth mover, loader, crane, pile driver, pneumatic hammer, derrick, steam or electric hoists or other appliances, the use of which is attended by loud and raucous noise.
- (3) **Blowers, etc.** - The operation of blower or power fan or any internal combustion engine, which causes loud and raucous noise, unless the noise from such blower or fan is muffled or such engine is equipped with a muffler device sufficient to prevent loud and raucous noise.
- (4) **Horns, signaling devices, etc.** - The sounding of any whistle, horn or other audible device so as to create a loud and raucous noise.
- (5) **Radios, amplifiers, boom boxes, etc.** - The use, operation, or playing of any radio, amplifier, tape recorder, receiving set, boom box, musical instrument, or other device for the producing or reproducing of sound in such manner as to cause loud or raucous noise, between the hours of 10:00 p.m. and 8:00 a.m. on any day.

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- (6) **Sound trucks** – No amplifier or loudspeaker in, upon, or attached to a sound truck or other device for amplifying sound shall be operated or permitted to operate within the City for advertising purposes or to attract the attention of the public.
- (7) **Yelling, shouting, etc.** – Yelling, shouting, whistling or singing at any time or place so as to create a loud and raucous noise between the hours of 10:00 p.m. and 8:00 a.m. on any day.
- (8) **Animals, birds, etc.** – The keeping of any animal or bird which habitually causes a loud and raucous noise.
- (9) **Defect in vehicle or load** – The use of any motor vehicle so out of repair, so loaded or in such manner as to create loud grating, grinding, rattling or other loud and raucous noise, which is not equipped with a muffler in good working order so as to prevent loud and raucous noise.
- (10) **Loading and unloading** – The creation of a loud and excessive noise in connection with loading or unloading of a vehicle or with the opening and destruction of bales, boxes, crates and containers, between the hours of 10:00 p.m. and 7:00 a.m. on any day.
- (11) **Construction or repairing of buildings** – The erection, including excavation, demolition, alteration or repair of any building so as to create a loud and raucous noise between the hours of 6:00 p.m. and 7:00 a.m. on any weekday or between the hours of 6:00 p.m. and 9:00 a.m. on Saturday or any time on Sunday, except in case of urgent necessity in the interest of public health and safety, the City Manager or his designee may issue a permit for such work to be done during non-designated hours.
- (12) **Noises heard within schools, public buildings, churches, etc.** – The creation of any loud and raucous noise heard within any school, public building, church or other place of worship, or the grounds thereof, while in use, which interferes with the workings of such institution.
- (13) **Noises to attract attention** – The shouting and crying of peddlers, hawkers and vendors or the use of any drum or other instrument or device which creates a loud and raucous noise.
- (14) **Lawn maintenance equipment** – The use or operation of mowers, edgers, blowers, chain saws, or other similar equipment between the hours of 9:00 p.m. and 7:00 a.m. on weekdays and 9:00 p.m. and 8:00 a.m. on Saturday and Sunday.

(c) **Persons responsible.** Any person, owner, agent or supervisor in charge of operating, ordering, directing or allowing the operation or maintenance of a device or machine creating noise as prohibited in this Section shall be deemed guilty of violating this Section.

(d) **Exceptions.** The following events, activities and actions shall not be considered “loud and raucous noise” under this section:

- (1) Events for which a permit has been issued by the City Manager or his designee;
- (2) Cries for emergency assistance and warning calls;
- (3) Radios, sirens, horns, and bells on Police, Fire, and other emergency response vehicles;
- (4) Parades, fireworks displays and other special events for which authorization has been obtained from the City Manager or his designee;

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- (5) Fire alarms and burglar alarms, prior to the giving of notice and a reasonable opportunity for the owner or tenant in possession of the premises served by any such alarm to turn off the alarm.
- (6) Religious worship activities, including but not limited to bells and organs.
- (7) Activities and repairs in response to natural disasters, weather conditions, or other public emergencies when coordinated by the City or other public utility.
- (8) Road construction or repair required to minimize impact of activities during peak traffic periods.  
(*Ord. No. 975, 4-7-98*)

**Section 14.196                    ROLLER SKATES AND SKATEBOARDS.**

(a) Public Property.

- (1) No person shall use or operate roller skates, skateboards or other similar devices on any public street, road, alley, right-of-way or sidewalk, within any commercial zoning district in the City, or upon posted County public property, unless specifically permitted and posted for such purposes. In addition, upon determination that the use of roller skates, skateboards or other similar devices is detrimental to the public health, safety and welfare at any particular location, the City Council may direct the City staff to post signage prohibiting the use of roller skates, skateboards or other similar devices on any public property.
- (2) No person using or operating roller skates, skateboards or other similar devices on a sidewalk owned by the City shall pass a pedestrian at a distance closer than three (3) feet. If such sidewalk is not sufficiently wide to allow the roller skates, skateboards or other similar devices to pass the pedestrian while maintaining the three (3) foot distance, use or operation of the roller skates, skateboards or other similar devices shall cease and the user or operator shall walk past the pedestrian until such time as the three (3) foot distance can be maintained.
- (3) Roller skates, skateboards and other similar devices shall only be used or operated in the upright position and no person shall ride, use, or operate roller skates, skateboards or other similar devices in a prone, crouching, other than upright position.
- (4) Roller skates, skateboards or other similar devices shall be used or operated only during the daylight hours. No person shall use or operate roller skates, skateboards or other similar devices later than one-half hour after sunset.
- (5) Wheelchairs and other such devices to assist handicapped or physically impaired persons are excluded from the provisions of this Section.
- (6) Violation of this Section may result in the temporary confiscation of the violator's roller skates, skateboard or other similar device. Additionally, violators may be punished by fine not to exceed \$15.00 per violation. In lieu of said fine, a violator may elect to provide five hours of volunteer labor services to the City. Such provision of services shall be carried out under adequate supervision, with regard for the health and safety of participants, and in accordance with applicable State and federal law.

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(b) Private Property.

- (1) No person shall use or operate roller skates, skateboards or other similar devices on private property, zoned for either residential or commercial use, that is posted to prohibit such operation.
- (2) Enforcement of this Section shall be in the manner provided for enforcement of trespasses.  
(*Ord. No. 695, 7-18-89*)

**Section 14.200                   REGULATION OF SALE AND USE OF FIREWORKS.**

**Section 14.205                   TITLE.**

This ordinance shall be known as and may be cited as the Temple Terrace Fireworks Ordinance.

**Section 14.210                   FINDING OF FACT.**

The foregoing findings are incorporated herein by reference and made a part hereof.

**Section 14.215                   APPLICABILITY.**

This ordinance shall apply within all of the corporate areas of Temple Terrace.

**Section 14.220                   DEFINITIONS.**

(a) **Department:** The Temple Terrace Fire Department.

(b) As used herein, the terms “**fireworks**”, “**sparklers**”, “**retailer**”, “**wholesaler**”, “**distributor**”, and “**manufacturer**” shall have the same meaning as specified in Section 791.01, Florida Statutes.

**Section 14.225                   PENALTIES.**

Violations of this ordinance may subject an offender to arrest pursuant to Florida Statutes, Section 901.15; prosecution pursuant to Florida Statutes, Section 125.69; such sanctions as may be available under the provisions of Florida Statutes, Chapter 791, or any other remedies otherwise provided by law, including but not limited to those provided for in Section 6. hereof [Section 6 of Ordinance No. 1107 states, “A violation of any part of this ordinance or the laws enabling same shall constitute a violation of applicable law and be enforceable by mandatory injunction, damages, or any other means of relief afforded under Florida law including, but not limited to, those set forth in Section 14.225 hereof.”], or any of the following sanctions:

(a) Any person, firm, partnership, or corporation that violates any provision of this ordinance shall, upon conviction, in a court of competent jurisdiction, be subject to a fine not exceeding the sum of Five Hundred Dollars (\$500.00) or imprisonment in the County jail for a term not exceeding sixty (60) days, or by both such fine and imprisonment. Each incidence of a violation shall constitute a separate offense.

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(b) The law enforcement agency having jurisdiction has the authority to immediately order the cessation of the sale of fireworks at any business or location that is selling fireworks without all required permits until such time as corrective action is taken and the missing permits are obtained. Upon notification by the law enforcement agency that sales are to cease, the seller shall take appropriate action to secure its fireworks inventory immediately and to prevent the further sale by securing the fireworks in an appropriate off premises locked facility that meets State and local Fire Code standards. As an alternative to securing the fireworks off site, the business may cease operations until such time as the required permits are obtained and during this time store the inventory on site if the location is secure and meets State and local Fire Code requirements. It shall be the obligation of the seller to ensure that adequate security is in place during any period they cease operations. Prior to resuming the sale of fireworks, the seller shall notify the Department of its intent to resume sales and of the corrective action taken.

(c) If a seller has been convicted of a violation of this ordinance or of Chapter 791, Florida Statutes, and within 12 months of that conviction is convicted again of a violation of this ordinance or Chapter 791, Florida Statutes, its permit to sell fireworks under Section 14.250 shall be suspended. The suspension shall be in addition to any sanction otherwise available under State law or this Code. The first suspension shall be for a period of 120 days.

In the event of any successive conviction of a violation of this ordinance or the provisions of Chapter 791, Florida Statutes, occurring within 24 months of a suspension of permit under this section, the seller's permit to sell fireworks shall be suspended for a period of one year. Upon notification of a suspension of the permit to sell fireworks, the seller shall immediately remove their fireworks inventory from their premises and store them in a secure offsite location which meets all appropriate State and local Fire codes. Alternatively, the seller may cease operations during the period of suspension if their premises are secure and otherwise meet the requirements of State and local Fire codes.

(d) For purposes of this ordinance, a conviction includes the payment of the assessed fine by not contesting the notice of violation where there is no court appearance.

(e) Parents or Guardians are responsible for the violations of minors.

**Section 14.230 STORAGE AND SALE OF SPARKLERS.**

(a) Sparklers shall be stored and/or sold in the corporate areas of Temple Terrace in accordance with the Zoning Ordinance, the Fire Code, and all related fire prevention regulations, Temple Terrace license laws, permits issued by the local fire official having jurisdiction, and all other State and local laws.

(b) All manufacturers, distributors, and wholesalers of sparklers shall be registered with the Division of State Fire Marshal pursuant to Section 791.015, Florida Statutes.

(c) A retailer of sparklers shall be required to comply with the provisions of Section 791, Florida Statutes.

**Section 14.235 PROHIBITION AGAINST FIREWORKS; EXCEPTIONS; PERMITS AND REGULATIONS.**

(a) Except as provided in Sections 791.02, 791.04, or 791.07, Florida Statutes, or under this ordinance, it shall be unlawful for any person, firm, partnership, or corporation to offer for sale at wholesale or retail, expose for sale at wholesale or retail, or use or explode any fireworks within Temple Terrace, Florida.

(b) The Department shall develop an affidavit which all sellers of fireworks within Temple Terrace shall use to determine the entitlement of any purchaser at retail or wholesale to buy fireworks.

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(c) The purchaser of any fireworks must furnish to the seller, at the time of sale, proof of identification and, if applicable, proof that the purchaser is registered with the Division of the State Fire Marshal and is otherwise in compliance with Chapter 791, Florida Statutes. The seller shall retain a copy of any proof of registration presented.

(d) The seller must maintain an on-site record of all sales, including the name and address of each purchaser, the form of the purchaser's identification presented, along with any unique identifier associated with the identification (e.g., driver's license number), and where required, proof of registration and compliance with Chapter 791, Florida Statutes. If the seller determines that registration under Chapter 791 is not required, then the basis for such exception or exemption shall be recorded on a form approved by the Department.

(e) Any person, firm, partnership, or corporation who is not registered with the Division of the State Fire Marshal and who, pursuant to Section 791.04, Florida Statutes, purchases fireworks for shipment directly out of the state, shall not be allowed to take possession of such fireworks. The seller shall retain the possession of such fireworks and shall be responsible for shipping all fireworks purchased to the purchaser or other recipient at an out-of-state point of delivery.

(f) Any person, firm, partnership or corporation who, pursuant to rules promulgated by the Department of Agriculture and Consumer Services under Section 791.07, Florida Statutes, purchases firecrackers for frightening birds must provide to the seller a copy of the statement that has been filed with and stamped as received by the Hillsborough County Sheriff's Office pursuant to the rules prescribed by the Department of Agriculture and Consumer Services. The seller shall be required to maintain the stamped copy of the statement in addition to the information required in paragraph (d) above.

(g) The purchaser of fireworks to be used by a railroad or other transportation agency must provide a copy of the business license or other government issued document evidencing that the purchaser is a legitimate railroad or transportation agency. A commercial driver's license, by itself, does not meet the requirements of this Section. The seller must maintain a copy of this document.

(h) The purchaser of fireworks to be used in quarrying or for blasting or other industrial use must produce a copy of the quarry or mine permit or business license or other governmentally-issued document showing that the purchaser is operating a mine, quarry, or other industrial enterprise. The seller shall maintain a copy of this proof and note the use for which the fireworks shall be used. The seller shall also record the location where the fireworks will be used.

(i) The purchaser of fireworks to be used in a public display such as those authorized by the Department must produce a copy of the current permit from a county or municipality, and the seller must keep a copy of this permit with the record of sale.

(j) All appropriate local and state permits, registrations, certificates, and licenses must be displayed at all retail, wholesale, distributing, or manufacturing sites.

(k) The seller must maintain copies of the records required by this ordinance at the location where the sale took place for a period of four years from the date of the sale. If the location of the sale was in a temporary facility, the record must be maintained at that site for the duration of the existence of the temporary facility and thereafter for the remainder of the four years in a location within Hillsborough County which location shall be listed on the application for the permit from the Department. These records must be available and provided immediately upon request for inspection by Fire or Law Enforcement officials. In the event that the sales location, other than a temporary site, closes or moves, the records required by this section to be retained must be stored at a location in Hillsborough County where they will be readily available for inspection by the Department, Fire Officials or Law Enforcement. The seller shall advise the Department of any change in the location of these records.

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**Section 14.240           VENDOR RECEIPTS.**

Every vendor of fireworks or sparklers shall be required to provide to each purchaser of such item a receipt showing the vendor's name and address. Such receipt shall be provided at the time of purchase. Failure to do so at the time of the transaction shall constitute a violation of applicable law and shall be punishable in accordance therewith.

**Section 14.245           LABELING REQUIREMENTS.**

Any device permitted by this ordinance shall have printed in English on the label or container thereof the total weight of combustible substance, the name of the chemical composition, and a brief statement describing its action when ignited.

**Section 14.250           FIRE DEPARTMENT TO ISSUE PERMITS GOVERNING THE SALE OF FIREWORKS.**

(a) The Fire Department is authorized to issue permits, which shall be required for all sales of fireworks within Temple Terrace.

(b) Any person, firm, partnership, or corporation engaging in the sale, at retail or wholesale, or in the distributing or manufacturing of fireworks must first apply for and secure a permit from the Department. Any sale of fireworks without first obtaining a permit is a violation of this ordinance.

(c) In order to obtain a permit, the applicant must provide proof of compliance with all State and Federal regulations regarding the storage, display for sale, and sale of fireworks at each location listed on the application, and payment of the \$250 permit fee to cover the City's costs of administering this ordinance.

(d) The application for such permit shall include proof that the applicant is registered with the Division of the State Fire Marshal as a wholesaler, distributor or manufacturer of fireworks pursuant to Section 791.015, Florida Statutes.

(e) The applicant must show evidence of Financial Responsibility pursuant to Section 14.255.

(f) The applicant must disclose the name and address of all persons or entities having an interest (financial, security or otherwise) in the inventory that will be offered for sale.

(g) Each location at which the applicant intends to display fireworks for sale or sell fireworks must be listed on the application. The application must also list the name of the manager in charge of each location and their address. The permit shall be issued in the name of the applicant only and shall not be transferable.

(h) The application for the permit shall also list the nature of any other sales or business operations of the applicant, which are to take place at the permitted premises.

(i) Once a permit is issued, the permit holder shall have a continuing obligation to notify the Department of any change in the information set forth in the application for the permit including, but not limited to, any changes in physical address, closure of the permit holders operations at any location where the permit holder does business in Temple Terrace.

(j) As a condition of maintaining the permit, the permit holder must comply with all Federal, State, and local regulations governing the sale and storage of fireworks, and must maintain all necessary permits required by Federal, State, and local law, ordinance or regulation. The permit holder must also comply with the record keeping provisions of this ordinance.

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(k) The Department is authorized to issue Temporary Fireworks Sales Permits which shall be in force for a period not to exceed 90 days and Annual Fireworks Sales Permits which shall remain in effect for no longer than 12 months.

**Section 14.255 EVIDENCE OF FINANCIAL RESPONSIBILITY.**

In furtherance of the provisions of this ordinance, all sellers of fireworks, must keep in force an insurance policy showing general, comprehensive, liability and property damage insurance coverage on an occurrence basis with minimum limits in the policy of not less than one million dollars (\$1,000,000.00) combined single limit coverage for each loss that may result from the activities of the sellers. Sellers must maintain Workers' Compensation coverage as required pursuant to Chapter 440, Florida Statutes. A failure to maintain this required coverage after the procurement of a permit shall be a violation of this ordinance and grounds for suspension of their permit from the Department and the sale of the permitted goods as set forth in this ordinance shall cease until such time as the required insurance is obtained.

*(Ord. No. 1107, 12-2-03)*