Chapter 13

LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS*

* **Cross References:** Definitions and rules of construction generally, § 1-2; financial affairs, § 2-22 et seq.; alcoholic beverages, Ch. 3; animal licenses, § 4-81 et seq.; construction contractors, § 6-71 et seq.; child care centers, day care centers, etc., Ch. 7; waste disposal and collection franchises, § 21-51 et seq.; publicity tax, App. A, § 2-96 et seq.

Art. I. In General, §§ 13-1--13-25

Art. II. Gas Taxes, §§ 13-26--13-45

Art. III. Tourist Development Tax, §§ 13-46--13-70

Art. IV. Business Taxes, §§ 13-71--13-145

Div. 1. Generally, §§ 13-71--13-95

Div. 2. Classification and Fees, §§ 13-96--13-145

Art. V. Musical or Entertainment Festivals, §§ 13-146--13-159

Art. VI. Reserved, §§ 13-160--13-170

Art. VII. Reserved, §§ 13-171--13-230

Art. VIII. Bingo Regulations, §§ 13-231--13-250

Art. IX. Telecommunications Systems Permit Regulations, §§ 13-251--13-260

Art. X. Motion Photography Production Permitting, §§ 13-261--13-269

Art. XI. Merchandising of Tobacco Products, §§ 13-270--13-273

Art. XII. Motor Vehicle Title Loans, §§ 13-274--13-289

Art. XIII. Additional Homestead Exemption, §§ 13-290--13-299

Art. XIV. High Water Recharge Protection Tax Assessment Program, §§ 13-300--13-306

Art. XV. Non-Emergency Stretcher and Wheelchair Transport Regulations, §§ 13-307--13-313

ARTICLE I.

IN GENERAL

Sec. 13-1. Discretionary sales surtax levied; use of proceeds.

(a) (1) *Extension of one-cent surtax.* The board of County Commissioners of Lake County, Florida, hereby levies and imposes within Lake County an extension of the one (1) percent (one-cent) infrastructure sales surtax pursuant to F.S. § 212.055(2), for an additional fifteen (15) years.

(2) *Term of levy.* The extension of the surtax authorized by this section shall commence on January 1, 2003. The surtax levy shall remain in full force and effect for a period of fifteen (15) years from and after January 1, 2003 to December 31, 2017.

(b) *Use of revenues.* Proceeds of the surtax and any interest accrued thereto shall be expended by the cities and the school board only for purposes allowed by F.S. § 212.055(2), and any other applicable law. The proceeds of the surtax and any interest accrued thereon shall be expended by Lake County only as follows: One-half (1/2) (fifty (50) percent) for transportation purposes one-half (1/2) (fifty (50) percent) for purposes allowed by F.S. § 212.055(2).
(Ord. No. 1987-9, §§ 1, 5, 8-18-87; Ord. No. 2001-123, § 11, 9-4-01)

Editors Note: Ord. No. 1987-9, adopted Aug. 18, 1987, and approved by a majority of the voters of the county at a referendum held Nov. 3, 1987, did not specifically amend the Codification. Inclusion of §§ 1 and 5 of said ordinance as § 13-1 herein has been at the discretion of the editor.

Secs. 13-2--13-25. Reserved.

ARTICLE II.

GAS TAXES

Sec. 13-26. Two-cent tax.

(a) Beginning September 1, 1984, and continuing for a period of ten (10) years until August 30, 1994, there shall be imposed in addition to all other taxes allowed by law, a two-cent local option gas tax upon every gallon of motor fuel and special fuel sold in the county and taxed under the provisions of F.S. Ch. 206.

(b) The tax shall be collected in the manner provided by F.S. § 336.025(2).

(c) The proceeds of the tax shall be distributed among the county government and eligible municipalities based on the transportation expenditures of each for the five (5) fiscal years preceding the year in which the tax is authorized, as a proportion of the total of such expenditures for the county and all municipalities within the county.

(d) Proceeds of the tax shall be used by the county and eligible municipalities only for transportation expenses as defined in F.S. § 336.025.
(Ord. No. 1984-5, §§ 1--3, 5, 7-10-84)

Sec. 13-27. Additional two-cent tax (four-cents total).

(a) Beginning September 1, 1985, and continuing for a period of thirty (30) years until August 30, 2015, there shall be imposed in addition to all other taxes allowed by law an additional two-cent local option gas

tax to make a total of four-cents local option gas tax as of the effective date of Ordinance No. 1985-15 upon every gallon of motor fuel and special fuel sold in the county and taxed under the provisions of F.S. Ch. 206.

(b) The additional two-cent tax shall be collected in the manner provided by F.S. § 336.025(2).

(c) The proceeds of the additional two-cent tax shall be distributed as provided in the interlocal agreement entered into between the county and municipalities located in the county, representing a majority of the population living in incorporated areas pursuant to F.S. § 336.025(3)(a)(1). At termination of the existing agreement, the funding formula shall comply with state statute or be by mutual agreement with the municipalities.

(d) Proceeds of the tax shall be used by the county and eligible municipalities only for transportation expenses as defined in F.S. § 336.025.
(Ord. No. 1985-15, §§ 1--3, 5, 7-9-85)

Sec. 13-28. Additional two-cent tax (six-cents total).

(a) Beginning September l, 1986, and continuing for a period of thirty (30) years until August 30, 2016, there shall be imposed in addition to all other taxes allowed by law an additional two-cent local option gas tax to make a total as of the effective date of Ordinance No. 1986-4 of six-cents local option gas tax upon every gallon of motor fuel and special fuel sold in the county and taxed under the provisions of F.S. Ch. 206.

(b) The adaption two-cent tax shall be collected in the manner provided by F.S. § 336.025(2).

(c) The proceeds of the additional two-cent tax shall be distributed as provided in the interlocal agreement entered into between the county and municipalities located in the county representing a majority of the population living in incorporated areas pursuant to F.S. § 336.025(3)(a)(1). The percentages of the additional two-cent gas tax that the county and each eligible city will receive are as follows:

Percentage

Lake County 69.04

Leesburg 7.60

Clermont 3.20

Mount Dora 3.35

Eustis 6.34

Tavares 3.19

Umatilla 1.11

Astatula 0.51

Montverde 0.24

Minneola 0.50

Lady Lake 1.14

Fruitland Park 1.41

Groveland 1.13

Mascotte 0.88

Howey-in-the-Hills 0.36

(d) Nothing in this section shall affect the distribution of the first four-cents local option gas tax as adopted in sections 13-26 and 13-27.

(e) Proceeds of the additional two-cent gas tax shall be used by the county and eligible municipalities only for transportation expenses as defined in F.S. § 336.025.
(Ord. No. 1986-4, §§ 1--3, 8-12-86)

Sec. 13-29. Two-cent tax reimposed.

(a) Beginning September 1, 1994, and continuing for a period of twenty (20) years until August 31, 2014, there shall be reimposed in addition to all other taxes allowed by law, a two-cent local option tax upon every gallon of motor fuel and special fuel sold in Lake County, Florida, and taxed under the provisions of Chapter 206, Florida Statutes.

(b) The tax shall be collected in the manner provided by Florida Statute 336.025(2).

(c) The proceeds of the tax shall be distributed among the Lake County government and eligible municipalities based on the following formula:

(1) Lake County shall receive 61.82 percent of the tax proceeds, which percentage is the proportion of Lake County's transportation expenditures for the past five (5) fiscal years as to the total of such expenditures for Lake County and all municipalities within Lake County for that same period.

(2) The eligible municipalities shall receive 38.18 percent of the tax proceeds, which amount shall be divided among the eligible municipalities based on current population.

If on or before June 1, 1994, an interlocal agreement providing for the foregoing distribution formula is not approved by one or more of the municipalities located in Lake County representing a majority of the

population of the incorporated area within the county, then the distribution of the tax proceeds shall be made according to general law.

(d) Ten (10) years from the date of the enactment of the enabling ordinance, the proportions shall be recalculated based upon the transportation expenditures of the immediately preceding five (5) years.

(e) The county manager is hereby directed to determine the percentage allocations as provided in paragraph (c) and to provide copies to all municipalities within Lake County, and to the department of revenue prior to July 1, 1994. The clerk of the board of county commissioners shall provide a certified copy of this section to the department of revenue upon passage. Any dispute as to the determination of distribution proportions shall be resolved as provided in Florida Statutes 336.025(5)(b).

(f) Proceeds of the tax shall be used by Lake County and eligible municipalities only for transportation expenses as defined in Florida Statute 336.025.

(g) The provisions of this section shall not affect any distribution of prior allocations of the three-cent, four-cent, five-cent or six-cent local option gas tax.
(Ord. No. 1994-8, §§ 1--7, 5-17-94)

Secs. 13-30--13-45. Reserved.

ARTICLE III.

TOURIST DEVELOPMENT TAX*

* **State Law References:** Tourist development tax, F.S. § 125.0104.

Sec. 13-46. Imposed; collection, etc.

(a) There is hereby levied and imposed a tourist development tax in the county, at the rate of four (4) percent of each whole and major fraction or each dollar of the total rental charged every person who rents, leases or lets for consideration any living quarters or accommodations in any hotel, apartment hotel, motel, resort motel, apartment, apartment motel, rooming house, tourist or trailer camp, or condominium for a term of six (6) months or less. When receipt of consideration is by way of property other than money, the tax shall be levied and imposed on the fair market value of such nonmonetary considerations.

(b) The tourist development tax shall be in addition to any other tax imposed pursuant to F.S. Ch. 212, and in addition to all other taxes, fees, and the considerations for the rental or lease.

(c) Notwithstanding any provisions hereof to the contrary, it is the intent of Lake County to be exempted from those requirements as set out in F.S. § 125.0104, establishing that the revenues collected be remitted to the department of revenue before being returned to the county. The county intends to provide for the collection and administration of the tax on a local basis in accordance with F.S. § 125.0104(10), and the Lake County Tax Collector shall keep appropriate records of said remittances.

(d) The tourist development tax shall be charged by the person receiving the consideration for the lease or rental (hereinafter the "dealer"), and it shall be collected from the lessee, tenant, or customer at the time of payment of the consideration for such lease or rental.

(e) For any taxing period subsequent to October 31, 1998, the dealer shall receive, account for, and remit the tax to the Lake County Tax Collector, at the time and in the manner provided for persons who collect remit taxes under F.S. § 212.03. The same duties and privileges imposed by F.S. Ch. 212, upon dealers in tangible property, respecting the collection and remission of tax, the making of returns, the keeping of books, records, an accounts, and compliance with the rules of the State Department of Revenue in the administration of F.S. Ch. 212, shall apply to and be binding upon all persons who are subject to the provisions of this article; provided, however, the Lake County Tax Collector may authorize a quarterly return and payment when the tax remitted by the dealer for the preceding quarter did not exceed one hundred dollars ($100.00).

(f) Collection of the tax by the Lake County Tax Collector shall begin November 1, 1998, and shall continue to be made in the same manner as the tax imposed under F.S. Ch 212, Pt. I.

(g) The Lake County Tax Collector, Clerk of the Circuit Court and Lake County may promulgate such rules and may prescribe and publish such forms as may be necessary to effectuate the purposes of this section.

(h) The Lake County Tax Collector shall retain a total of three (3) percent of the total tourist development tax collected to cover the costs of administration pursuant to F.S. § 125.0104(10)(b)(5).

(i) The taxes imposed by this section shall become county funds at the moment of collection. Collections received by the Lake County Tax Collector from the tax, less costs of administration of this article, shall be paid and returned, on a monthly basis, to Lake County, Florida, for use by the county in accordance with the provision of this article and shall be placed in the "Lake County Tourist Development Trust Fund."

(j) Pursuant to the provisions of F.S. § 125.0104(10)(c), all responsibility for auditing the records and accounts of dealers, and for assessing, collecting and enforcing payment of delinquent taxes levied hereunder is hereby delegated to the department of revenue. However, nothing herein shall prohibit the Lake County Tax Collector from conducting any audits or from collecting and enforcing payment of delinquent taxes. (Ord. No. 1984-7, § I, 9-18-84; Ord. No. 1996-1, § 1, 1-9-96; Ord. No. 1996-34, § 1, 5-6-97; Ord. No. 1998-73, § 1, 9-1-98; Ord. No. 2003-03, § 2, 1-21-03)

Editors Note: It should be noted that the provisions of Ord. No. 2003-3, § 2, adopted Jan. 21, 2003, shall become effective April 1, 2003.

Sec. 13-47. Use of funds; tourist development plan.

The tax revenues received pursuant to this article shall be used to fund the county tourist development plan, which is hereby adopted as follows:

(1) Under the provisions of F.S. § 125.0104, the Local Option Tourist Development Act, a four (4) percent tourist room tax will be levied throughout the county.

(2) As required by the Local Option Tourist Development Act, the tourist development council plan recommends that the revenue from three (3) percent of the tourist development tax be utilized for the following projects and uses which are listed below:

a. To acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate or promote one (1) or more publicly owned and operated convention centers, sports stadiums, sports arenas, sports and recreation complexes, coliseums, auditoriums or multipurpose exhibition halls within the boundaries of Lake County. However, these purposes may be implemented through service contracts and leases with persons who maintain and operate adequate existing facilities;

b. To promote and advertise tourism in the State of Florida nationally and internationally;

c. To fund, construct, maintain or operate convention bureaus, tourist bureaus, tourist information centers and news bureaus as county agencies;

d. To finance beach improvement, maintenance, renourishment, restoration and erosion control, including shoreline protection, enhancement, cleanup or restoration of inland lakes and rivers to which there is public access;

e. To acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate or promote one (1) or more museums, zoological parks, fishing piers or nature centers which are publicly owned and operated or owned and operated by not-for-profit organizations and open to the public;

f. To provide for the employment of personnel needed to operate any facilities constructed, to operate any tourism promotional agency or entity created and to carry out any programs established for tourism promotion pursuant to a. through e. above; and

g. To provide, arrange and make expenditures for transportation, lodging, meals and other reasonable and necessary items and services for such persons, as determined by the head of any tourism promotional agency or entity created hereunder, in connection with the performance of promotional and other duties of such tourism promotional agency or entity. All such expenditures shall be consistent with F.S. § 125.0104, and F.S. § 112.061.

h. 1. To implement a grant program to promote Lake County as a tourist destination.

2. Grants shall be limited to a maximum of five thousand dollars ($5,000.00) per applicant.

3. The grant program shall be funded by the interest earned in the prior fiscal year on the revenue derived from the tourist development tax.

(3) The revenues from the remaining one (1) percent tax shall be utilized to promote and advertise tourism in the State of Florida, nationally and internationally; however, if tax revenues are

expended for an activity, service, venue, or event, the activity, service, venue, or event shall have as one of its main purposes the attraction of tourists as evidence by the promotion of the activity, service, venue or event to tourists.

(4) The above tourist development plan may not be amended except by ordinance enacted by an affirmative vote of a majority plus one (1) additional member of the board of county commissioners.

(Ord. No. 1984-7, § II, 9-18-84; Ord. No. 1990-7, § 1, 5-1-90; Ord. No. 1993-9, § 1, 4-27-93; Ord. No. 2003-03, § 3, 1-21-03)

Editors Note: It should be noted that the provisions of Ord. No. 2003-3, § 3, adopted Jan. 21, 2003, shall become effective April 1, 2003.

Sec. 13-48. Tourist development council.

(a) There is hereby established an advisory council to be known as the "Lake County Tourist Development Council." The Lake County Tourist Development Council may utilize the name, the "Lake County Convention and Visitors Bureau," in lieu of, or in addition to, the Lake County Tourist Development Council for promotional purposes. Pursuant to section 125.0104(4)(e), Florida Statutes, the Lake County Tourist Development Council shall consist of nine (9) members. Appointments to the tourist development council shall be made as follows:

(1) One (1) member shall be the chair of the Board of County Commissioners or any other member of the board as designated by the chair; and

(2) Two (2) members shall be elected municipal officials, at least one (1) of whom shall be from the most populous municipality in the county; and

(3) Six (6) members shall be residents who are involved in the tourist industry and who have demonstrated an interest in tourist development, of which members, not less than three (3) nor more than four (4) shall be owners or operators of motels, recreational vehicle parks, or other tourist accommodations in Lake County.

(b) All appointments to the council shall be by resolution of the board of county commissioners and each new member shall serve for a term of four (4) years. However, nothing herein shall cause the interruption of the current term of any person who is a member of the council as of October 1, 1996. The Board of County Commissioners shall have the option of designating the coucil chair or allowing the council to elect a chair. The chair shall be appointed or elected annually and may be reappointed or reelected.

(c) The council shall meet at least once each quarter and, from time to time, make recommendations to the board of county commissioners for the effective operation of the special projects or for uses of the tourist development tax revenue raised by the tax levied in this article and may perform such other duties or functions as hereinafter may be prescribed by ordinance or resolution.

(d) The council shall continuously review all expenditures of revenue raised by the tax hereby levied and shall receive at least quarterly, expenditure reports from the Board of County Commissioners or its designee. The council shall report to the Board of County Commissioners and to the Department of Revenue all

expenditures of said revenue the council believes to be unauthorized. The Board of County Commissioners and the Department of Revenue shall review the council's findings and take such administrative or judicial action as they see fit to insure compliance with this article and the provisions of section 125.0104, Florida Statutes.

(e) All members of the tourist development council are expected to attend all council meetings. If any member of the tourist development council fails to attend three (3) council meetings without cause within a calendar year, or fails to attend a total of six (6) council meetings with or without cause in a calendar year, the chairman of the tourist development council shall notify the board of county commissioners in writing. The Board of County Commissioners shall declare the member's office vacant and promptly fill such vacancy. Absences for cause include but are not limited to: illness, vacation, or family emergencies. Quorum requirements shall be based upon the number of seats actually filled.
(Ord. No. 1984-7, § III, 9-18-84; Ord. No. 89-1, § 1, 1-10-89; Ord. No. 1993-9, § 2, 4-27-93; Ord. No. 1998-19, § 1, 2-17-98; Ord. No. 1998-87, § 1, 11-3-98)

Cross References: Boards, commissions, authorities, etc., § 2-61 et seq.

Secs. 13-49--13-70. Reserved.

ARTICLE IV.

BUSINESS TAXES*

* **Editors Note:** Ord. No. 1995-10, § 1, adopted July 18, 1995, amended Art. IV, in its entirety, to read as herein set out. Prior to inclusion of said ordinance, Art. IV pertained to similar subject matter. Subsequently, Ord. No. 2007-1, § 2, adopted January 16, 2007, amended Art. IV, in its entirety, to read as herein set out. Prior to inclusion of said ordinance, Art. IV pertained to occupational license taxes. See also the Code Comparative Table.

DIVISION 1.

GENERALLY

Sec. 13-71. Definitions, rules of construction, etc.

The definitions of F.S. § 205.022 are adopted and incorporated in this article by reference. All references in this article to the term "population" means the latest official state estimate of population certified under § 186.901. In this article "tax collector" means the county tax collector or his agents or employees acting on his behalf.
(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

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

Sec. 13-72. Article cumulative.

The provisions of this article are cumulative and in addition to all other state, county and municipal laws which require licenses or permits, or provide for the collection of taxes, licenses and permit fees, and other charges, and no business tax receipt issued hereunder shall exempt the receipt holder from any other license, permit, fee or tax required by law.

(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Sec. 13-73. Business tax receipt required.

No person shall engage in or manage any business, profession or occupation anywhere within the limits of the county unless the appropriate business tax has been paid and a county receipt has been procured from the tax collector as provided by this article or unless such business, profession or occupation is exempt pursuant to this article or other state, county or federal law. The receipt shall be issued to each person upon payment of the appropriate business tax, and satisfaction of any other applicable conditions prescribed pursuant to law.
(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Sec. 13-74. Penalties and enforcement.

(a) The provisions of this article may be enforced by the code enforcement special master.

(b) Any person who violates the provisions of this article, or otherwise fails to pay for and secure a receipt required by this article, shall be subject to prosecution in the manner provided by general law; and upon conviction, such person shall be subject to a fine as provided by section 1-6.

(c) The provisions of this section shall be in addition to the delinquency fees as set forth in this article.
(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Sec. 13-75. Exemptions.

The exemptions provided for in F.S. Ch. 205 are hereby adopted and incorporated herein by reference. Other exemptions shall be as provided by state or federal law.
(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)
State Law References: Exemptions, F.S. § 205.054 et seq.

Sec. 13-76. Disposition of revenues.

(a) The tax collector shall determine the annual cost of collecting business taxes, including overhead expenses, and shall deduct this cost from the first monies collected in each fiscal year. At the option of the tax collector a percentage of the total business taxes, not to exceed fifteen (15) percent may be charged. The balance of the taxes collected shall be distributed as provided by law.

(b) Business tax revenues collected from businesses, professions, or occupations whose places of business are located within the unincorporated portions of the county shall be disbursed by the tax collector to the county. Tax revenues collected from businesses, professions, or occupations whose places of business are located within a municipality, exclusive of the costs of collection, shall be apportioned between the unincorporated area of the county and the incorporated municipalities located therein by a ratio by dividing their respective populations by the population of the county.

(c) The revenues so apportioned shall be sent to the governing authority of each municipality,

according to its ratio, and to the governing authority of the county, according to the ratio of the unincorporated area, within fifteen (15) days after the month revenues are received.
(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

State Law References: Use of proceeds, F.S. § 205.0536.

Sec. 13-77. Registration for business tax receipt.

(a) Persons registering for business tax receipts shall file on forms as prescribed by the tax collector. The tax collector shall, before issuing a receipt based upon capacity, number of persons employed, or any other contingency, require the person or entity registering for such receipt to file, under oath, a statement giving full and complete information relative to such contingency. The tax collector may also require the registrant to disclose such other relevant information as the registrant's full name, address, and the registrant's relationship to the business for which the receipt is sought. In issuing receipts based upon the number of persons employed, the tax collector may require the registrant to produce relevant records from the operations of such business.

(b) Any person who knowingly makes a false statement in connection with any form for business tax receipt shall be subject to the penalties in section 13-74 as well as other penalties prescribed by law.
(Ord. No. 1995-10, § 1, 7-18-95)

Sec. 13-78. Term, due date, delinquency penalty, fractional receipts and display of receipts.

(a) All business tax receipts shall be issued by the tax collector beginning August 1 of each year and shall be due and payable on or before September 30 of each year. Receipts shall expire on September 30 of the succeeding year. In the event that September 30 falls on a weekend or holiday, the tax shall be due and payable on or before the first working day following September 30.

(b) Those receipts not renewed when due and payable 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 penalty for each month of delinquency thereafter until paid. However, the total delinquency penalty shall not exceed twenty-five (25) percent of the business tax fee for the delinquent establishment.

(c) Any person engaging in or managing any business, occupation or profession in the county without first obtaining a business tax receipt, unless such business, occupation or profession is exempt, shall be subject to a penalty of twenty-five (25) percent of the receipt determined to be due, in addition to any other penalty provided by ordinance or other law.

(d) Any person who engages in any business, occupation, or profession who does not pay the required business tax within one hundred fifty (150) days after the initial notice of tax due, and who does not obtain the required business tax receipt is subject to civil actions and penalties, including court costs, reasonable attorney's fees, additional administrative costs incurred as a result of collection efforts, and a penalty of up to two hundred fifty dollars ($250.00).

(e) The tax collector shall fill out and validate each receipt before issuing it to any applicant. The tax collector shall maintain a record of the receipt information in its electronic database. The person obtaining the receipt shall keep the receipt displayed in a conspicuous and prominent location at the place of business and in

such a manner as to be open to the view of the public and subject to the inspection of all duly authorized officers of the county. Upon failure to display the receipt as required, the person shall be subject to payment of another business tax for engaging in the business for which the receipt was obtained.

(f) Any business, occupation or profession which begins business on or after April 1st of any year may be issued a receipt during the last six (6) months of the year (April 1 through September 30) upon the payment of one-half (1/2) the amount fixed as the price of such receipt for one (1) year.
(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

State Law References: Due date, penalties, etc., proration authorized, F.S. § 205.053.

Sec. 13-79. Receipt transfer.

(a) All business tax receipts may be transferred to a new owner when there is a bona fide sale of the business upon payment of a transfer fee of up to ten (10) percent of the annual business tax, but not less then three dollars ($3.00) nor more than twenty-five dollars ($25.00), and presentation of the original receipt and evidence of the sale.

(b) Upon written request and presentation of the original receipt, any receipt may be transferred from one (1) location to another location in the same county upon payment of a transfer fee of up to ten (10) percent of the annual receipt tax, but not less than three dollars ($3.00) nor more than twenty-five dollars ($25.00).
(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

State Law References: Similar provisions, F.S. § 205.033(2), (3).

Sec. 13-80. Repayment of funds paid to tax collector in error.

(a) The tax collector may refund to the person who paid a business tax or his or her heirs, personal representatives, or assigns, monies paid to the tax collector which constitute:

(1) An overpayment of an business tax:

(2) A payment where no business tax is due: or

(3) Any payment made in error;

and if any such payment has been credited to an appropriation, such appropriations shall at the time of making such refund, be charged therewith. There are appropriated from the proper respective funds from time to time such sums as may be necessary for such refunds.

(b) Application for refunds as provided by this section shall be filed with the tax collector within three (3) years after the right to the refund has accrued or else the right is barred. The application for refund shall be on a form approved by the tax collector and shall be supplemented with additional proof the tax collector deems necessary to establish the claim; provided, the claim is not otherwise barred under the laws of this state. Upon receiving an application for refund, the tax collector shall make a determination of the amount due. If an application for refund is denied, in whole or in part, the tax collector shall notify the applicant stating the reasons therefore. Upon approval of an application for refund, the tax collector shall refund the money.

(c) No refund of moneys referred to in this section shall be made of an amount which is less than one dollar ($1.00), except upon specific application.

(d) This section is the exclusive procedure and remedy for refund claims regarding payment of business taxes.
(Ord. No. 1998-29, § 1, 4-14-98; Ord. No. 2007-1, § 2, 1-16-07)

Secs. 13-81--13-95. Reserved.

DIVISION 2.

CLASSIFICATION AND FEES

Sec. 13-96. Generally.

The classification of business tax receipts and rates of taxation provided for in the ordinance shall be used by the tax collector in the issuance of business tax receipts.
(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Sec. 13-97. Packing, processing or canning agricultural products.

Every person engaged in the business of packing, processing, or canning agricultural products not grown by that person, shall for each place of business pay a business tax of forty-five dollars ($45.00) plus nine dollars ($9.00) for each five (5) persons employed thereat; provided the business tax shall not exceed four hundred fifty dollars ($450.00).
(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Sec. 13-98. Wholesale farmers product markets.

The management of wholesale farmers produce markets shall have the right to pay a business tax of two hundred dollars ($200.00) that will entitle its stall tenants to deal in agricultural and horticultural products without obtaining individual receipts, but individual receipts shall be required of such tenants unless such receipt is obtained for the market.
(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Sec. 13-99. Advertising space renters.

Every person renting for a profit advertising space in or on any boat, car, bus, truck or other vehicle shall pay a business tax of three dollars ($3.00) for each such boat, car, bus, truck or other vehicle operated by that person.
(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Sec. 13-100. Amusement devices--Indoor.

Every person who operates for a profit any game, amusement or recreational device, contrivance, or

facility indoors not otherwise licensed by some other ordinance of the county shall pay a business tax of fifteen dollars ($15.00) on each such game, amusement or recreational device, contrivance or facility. This receipt shall be good for one (1) location only. Indoor amusement facilities include, but are not limited to, any bowling alley, skating rink, gun range and racquetball/handball facility.
(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Sec. 13-101. Same--Outdoor.

Every person who operates for a profit any game, amusement or recreational device, contrivance, or facility outdoors not otherwise licensed by some other ordinance of the county shall pay a business tax of two hundred dollars ($200.00) on each such game, amusement or recreational device, contrivance or facility. Outdoor amusement facilities include, but are not limited to, any golf course, swimming park, zoo, race/go-cart track, gun range and tennis facility. Any person who operates the sponsorship of a merchant, shopping center or merchant's association shall be taxed under this section. This receipt shall be good for one (1) location only; however, the receipt holder may return to the same location during the same receipt year without obtaining an additional receipt other than for any additional devices.
(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Sec. 13-102. Hotels, apartment hotels, motels and public lodging establishments.

Every person engaged in the business of renting accommodations and public lodging as defined in F.S. Ch. 509, except non-transiently rented apartment houses shall pay for each place of business an amount of one dollar and fifty cents ($1.50) per room. However, no such establishment shall pay less than thirty dollars ($30.00) for said receipt. The room count to be used in this section shall be the same as used by the division of hotels and restaurants of the department of business and professional regulation under F.S. § 509.251. The tax collector shall not originally issue a business tax receipt to any business coming under the provisions of this section until a license has been procured for such business from the division of hotels and restaurants of the department of business and professional regulation.
(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Sec. 13-103. Cemeteries, mausoleums, etc.

Every person engaged in the business of operating for a profit cemetery, mausoleum or similar place or institution, shall for each place of business pay a business tax of one hundred fifty dollars ($150.00).
(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Sec. 13-104. Circuses, traveling shows, tent shows, etc.; sideshows.

(a) Shows of all kinds, including circuses, vaudeville, minstrels, theatrical, traveling shows, exhibitions or amusement enterprises, including carnivals, vaudeville, minstrels, rodeos, theatrical games or tests of skill, riding devices, dramatic repertoire and all other shows or amusements, or any exhibition giving performances under tents or temporary structures of any kind, whether such tents or temporary structures are covered or uncovered, to which admission is charged, shall pay a business tax of two hundred twenty-five dollars ($225.00) for each day.

(b) For the purposes hereof, the show, riding device, concession or sideshow charging the highest admission or fee shall be considered the main show in determining the business tax to be levied. When there are more than one (1) such riding device, concession or sideshow in this admission or free price group, any one (1) of the same may be considered the main show.

(c) Any of the shows mentioned in this section which have paid the business tax provided in subsection (a) of this section shall be allowed to operate a sideshow upon the payment of a tax of thirty dollars ($30.00) for each day.

(d) The following shall be considered sideshows on which shall be levied business taxes as provided in this section:

(1) All riding devices, including merry-go-rounds, Ferris wheels, or any other rides or automatic riding devices.

(2) All concessions, including revolving wheels, corn games, throwing balls, rolling balls, cane racks, knife racks, weighting machines, games or tests of skill or strength, candy machines, sandwich, confectionery or similar stands or any other booth, unit, tent or stand commonly known as a concession.

(3) Every sideshow, exhibition, display, concert, athletic contest, lecture, minstrel, or performance to which admission is charged, a fee collected, or a charge is made for anything of value; provided that no receipt shall be issued for a sideshow unless a receipt has been paid for a main show, or exhibition or structure; and provided further, that both receipts shall be issued to the same party and for the same day.

(e) The business taxes provided for by this section shall be collected for each and every tent and for each and every day to which admission is charged; provided that annual receipts may be issued to any of the shows or exhibitions mentioned in this section when such show or exhibition is permanently located in one (1) place, upon the payment of six (6) times the full amount of the daily business tax, according to the charge for admission and population as defined and prescribed by this section; but a receipt so issued shall be good only for the place for which it was originally taken out, and the tax collector shall so state in writing on the face of each receipt.

(f) No fractional receipt shall be issued under this section.

(g) Exempt from the provisions of this section are public fairs, expositions, as defined in F.S. Ch. 616, and exhibits held by bona fide nonprofit organizations on the premises of a licensed public lodging establishment in connection with a convention.
(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Sec. 13-105. Traveling medicine shows.

(a) There is hereby levied a daily receipt fee of seventy-five dollars ($75.00) in addition to all other licenses, on itinerant medicine shows where entertainment is given incidental to or as a part of an effort to sell

any product by such licensee in the state.

(b) The additional receipt fee here imposed shall be collected and the receipt issued in the same manner as the receipts provided for in section 13-103.
(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Sec. 13-106. Cafes, restaurants and other eating establishments.

(a) Every person engaged in the business of operating a restaurant, cafe, snack bar, takeout service, dining room, drive-in eating establishment, or other public eating place, whether operated in conjunction with some other line of business or not, except dining rooms in licensed public lodging establishments shall pay a business tax based on the number of people for whom he has seats or accommodations for the service or consumption of food at any one (1) time, in accordance with the following schedule:

(1) 0--30 seats $30.00

(2) 31--74 seats 60.00

(3) 75--149 seats 90.00

(4) 150 or more seats 120.00

(5) Drive-in restaurants where customers are served while seated in their cars shall pay a business tax of sixty dollars ($60.00). The receipt required by this paragraph shall be in addition to the receipt required in paragraphs (1) through (4) above.

(b) The seating capacity and classifications used by the division of hotels and restaurants of the state department of business and professional regulation under F.S. § 509.251 shall be used in this section. The tax collector shall not originally issue a business tax receipt to any business coming under the provisions of F.S. Ch. 509 until a license has been procured for such business as required by that chapter.
(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Sec. 13-107. Contracting.

(a) Each person who contracts or subcontracts to construct, alter, repair, dismantle or demolish buildings, roads, bridges, viaducts, sewers, water and gas mains or engages in the business of construction, alteration, repairing, dismantling, or demolition of buildings, roads, bridges, viaducts, sewers, water and gas mains must obtain a license as a contractor. The business tax shall be determined by the maximum number of persons actually employed, or to be employed during the receipted year, in the county in which the work is performed and shall be at the following rates:

(1) For 1--10 . . . . . $30.00

(2) For 11--20 . . . . . 60.00

(3) For 21--30 . . . . . 90.00

(4) For 31--40 . . . . . 120.00

(5) For 41--50 . . . . . 180.00

(6) For 51 or more employees 225.00

(b) In determining the number of persons employed all principals shall be deemed employees and be included in the calculation.
(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Sec. 13-108. Dance halls, variety exhibitions, etc.

(a) Every person who operates any place for a profit where dancing is permitted or where entertainment is provided for a charge, such as variety programs or exhibitions, shall pay a business tax of two hundred twenty-five dollars ($225.00). The receipt required by this section shall be in addition to any other license required by law, and the operation of such a place as herein described shall not be construed to be incidental to some other business; provided, that a receipt may be issued for one (1) night only, upon the payment of fifty dollars ($50.00) but in such cases the tax collector must write across the receipt the words, "good for one (1) night only;" provided, further, that this section shall not apply to hotels or motels of fifty (50) licensed units or more paying a business tax as provided for above; provided further, that no such limitation of licensed units as heretofore provided shall affect the receipt of hotels previously issued.

(b) Exempted from the provisions of this section are:

(1) Variety exhibitions conducted or exhibited in a motion picture theater which pays the annual occupational license tax as provided by law.

(2) Any dances or variety entertainment which performs under the control of a charitable or fraternal organization, with the organization putting on the show on its own account and paying the show a fixed compensation.

(3) Local cultural or concert music organizations or professionals' or artists' organizations which appear under the auspices of such local cultural or concert music organizations.

(4) Educational institutions and off-campus professional talent, when employed by such institutions for student entertainment, such as sports events, musical concerts, dance bands and dramatic productions, when such activities are produced or conducted under the auspices of such educational institutions.

(5) Traveling shows put on by local merchants, where no admission is charged, either directly or by increasing the price of items sold.

(6) Dances or variety entertainments given by local performers, the proceeds of which are given to

local charities.

(7) Any dance held by any group of private individuals who hold square dances and square dance competitions for recreation rather than profit, and where the only charge made is to cover actual expenses incurred by the individuals in sponsoring the square dances or square dance competitions.

(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Sec. 13-109. Electric power plants, gas plants, telephone systems, and community television antenna companies.

(a) Every person engaged in the business of furnishing electric power, gas, telephone services or community television antenna service for a profit shall pay a business tax of five hundred dollars ($500.00).

(b) Any person serving less than twenty-five (25) customers shall be exempt from paying this tax.

(c) Municipal corporations which own and operate their own electric power plant or gas plant shall not be subject to the above taxes.

(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Sec. 13-110. Fortunetellers, clairvoyants, etc.

(a) Every fortuneteller, clairvoyant, palmist, astrologer, phrenologist, character reader, spirit medium, absent treatment healer, or mental healer and every person engaged in any occupation of a similar nature shall pay a business tax of two hundred twenty-five dollars ($225.00).

(b) This section does not require a business tax receipt for practicing the religious tenets of any church.

(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Sec. 13-111. Insurance adjusters.

All persons acting as insurance adjusters in the county shall pay a business tax of thirty dollars ($30.00). The provisions of this section shall not apply to insurance agents.

(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Sec. 13-112. Junk dealers or scrap metal processors.

(a) In construing this section, unless the context otherwise requires:

(1) *Junk* means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, junked, dismantled, or wrecked automobiles or parts thereof, iron, steel, and other old scrap ferrous or nonferrous material.

(2) *Junkyard* means an establishment or place of business which is maintained, operated, or used for

storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills.

(3) *Junk dealer* means any person who is not a traveling junk dealer within the purview of section 13-113, and is engaged in the business of maintaining and operating a junkyard.

(4) *Scrap metal processing plant* means an establishment or place of business maintaining and operating machinery and equipment used to process scrap iron, steel and other metals to specifications prescribed by, and for sale to, mills and foundries.

(5) *Scrap metal processor* means a person maintaining and operating a scrap metal processing plant.

(6) *Metals* means copper, brass, and bronze pipe, piping and tubing and wire which is or can be used for transmission or distribution in a utility or communications system.

(7) *Transmission or distribution* means that part of a utility or communications system which extends from the point of origin of such utility or communications system to the service entrance of the consumer or user.

(b) Every person engaged in business as a scrap metal processor shall pay a business tax of one hundred fifty dollars ($150.00).

(c) Every person engaged in business as a junk dealer shall pay a business tax of one hundred dollars ($100.00).
(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Sec. 13-113. Traveling junk dealers.

Each person who travels from place to place purchasing junk shall pay a business tax in each county of thirty dollars ($30.00) and he shall, before leaving any village or incorporated town or city, submit to the chief of police or marshal a list of the junk he has purchased together with the name and permanent address of the person from whom purchased.
(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Sec. 13-114. Liquefied petroleum gas; distributors, installers, and manufacturers.

All persons who deal in liquefied petroleum gas, either as distributors, installers or manufacturers, shall pay the following business taxes; however such persons shall be exempt from the provisions of sections 13-107 and 13- 109.

(1) Manufacture of appliances and equipment for use of liquefied petroleum gas, one hundred twenty-five dollars ($125.00).

(2) Installation of equipment to be used with liquefied petroleum gas, fifty dollars ($50.00).

(3) Dealer in liquefied petroleum gas, in appliances and equipment for use of such gas and in the installation of appliances and equipment, one hundred twenty-five dollars ($125.00).

(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Sec. 13-115. Manufacturing, processing, quarrying and mining.

(a) Every person engaged in the business of manufacturing, processing, quarrying, or mining must obtain a receipt under this section. The amount of the business tax shall be determined by the maximum number of persons actually employed, or to be employed, during the receipted year in the county and shall be at the following rates:

(1) 1--10 . . . . . $30.00

(2) 11--20 . . . . . 60.00

(3) 21--30 . . . . . 90.00

(4) 31--40 . . . . . 120.00

(5) 41--50 . . . . . 180.00

(6) 51 or more employees 225.00

In determining the number of persons employed all principals shall be deemed employees and shall be included in the calculation.

(b) No receipt shall be required under this section where the manufacturing, processing, quarrying, or mining is incidental to and a part of some other business classification for which a receipt is required by this article and is carried on at the place of business receipted under such classification.

(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Sec. 13-116. Miscellaneous businesses not otherwise provided.

Every person engaged in the operation of any business of such nature that no receipt can be properly required for it under any other provisions of this article or other law of the state, shall pay a receipt tax of two hundred twenty-five dollars ($225.00) plus the maximum number of employees actually employed, or to be employed during the receipted year, in the county in which the work is performed and shall be at the following rates:

(1) 1--10 . . . . . $30.00

(2) 11--20 . . . . . 60.00

(3) 21--30 . . . . . 90.00

(4) 31--40 . . . . . 120.00

(5) 41--50 . . . . . 180.00

(6) 51 or more employees 225.00

No receipt shall be required for the growing or producing of agricultural and horticultural products.
(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Sec. 13-117. Moving picture shows, theaters, and drive-in theaters.

Owners, managers or lessors of theaters or halls employing traveling troupes, theatrical, operatic or minstrel, giving performances in buildings fitted up for such purposes, or moving picture shows giving exhibitions in buildings permanently used for such purposes, or drive-in theaters, shall be allowed to give as many performances or exhibitions in such buildings, theaters or areas as they wish on payment of an annual business tax of one dollar ($1.00) per seat, or in the case of drive-in theaters, the determination shall be based upon the number of parking spaces for automobiles or other vehicles.
(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Sec. 13-118. Pawnbrokers.

Every person engaged in the business of pawnbroker shall pay a business tax of seventy-five dollars ($75.00) for each place of business located in the county.
(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Sec. 13-119. Permanent exhibits.

Any person who operates for a profit in this state a permanent exhibit shall pay a business tax of two hundred twenty-five dollars ($225.00) for each exhibit in the county.
(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Sec. 13-120. Professions, businesses, occupations.

(a) Every person engaged in the practice of any profession, who offers his service either directly or indirectly to the public for a consideration, whether or not such endeavor be regulated by law, shall pay a business tax of thirty dollars ($30.00) for the privilege of practicing, which receipt shall not relieve the person paying same from the payment of any business tax imposed on any business operated by that person.

(b) Every person engaged in a profession, business or occupation regulated by law where licensing and qualification standards are required shall display and exhibit to the tax collector the license for the current year prior to the tax collector issuing a business tax receipt pursuant to this article.

(c) A business tax receipt shall not be required where a person, although licensed by law under a regulatory statute, is prohibited from engaging in a profession, business or occupation unless under the direct supervision of another person.

(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Sec. 13-121. Professional offices.

Every individual, corporation, professional agencies, firms, co-op's, partnerships and all other separate legal entities shall pay a business tax for each office in which the profession is practiced at a fee of thirty dollars ($30.00). A separate receipt is required for each professional.
(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Sec. 13-122. Public service.

(a) Every person engaged in any business in the county as owner, agent, or otherwise that performs some service for the public in return for a consideration shall pay a business tax based on the maximum number of persons actually employed, or to be employed, during the receipted year, in the following amounts:

(1) 1--10 . . . . . $30.00

(2) 11--20 . . . . . 60.00

(3) 21--30 . . . . . 90.00

(4) 31--40 employees 120.00

(5) 41 or more 180.00

(b) No receipt shall be required under this section for any business, the principal function of which is the performance of some service for the public in return for a consideration, when the nature of the service is such that a business tax is required of the business by some other law of this state; but this provision shall not be construed to exempt service departments of merchandising and other lines of business from the receipt required by this section, with the exception of gasoline service stations with not more than three (3) persons engaged in the performance of a service for a consideration.

(c) In determining the number of persons employed all principals shall be deemed employees and be included in the calculation.
(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Sec. 13-123. Retail store receipts.

(a) For the privilege of conducting, engaging in and carrying on the business of a retailer there is hereby levied and assessed upon every person for each store located and operated within this county by such person, an annual business tax on the maximum number of employees actually employed, or to be employed during the receipted year and shall be at the following rates:

(1) 1--10 . . . . . $30.00

(2) 11--25 . . . . . 60.00

(3) 26 or more employees 90.00

(b) The following words, terms and phrases when used in this section have the meaning ascribed to them, except where the context clearly indicates a different meaning.

(1) *Retailer* includes every person engaged in the business of making sales at retail.

(2) *Retail sale or sale at retail* means any sale to a consumer or to any persons for any purpose other than for resale in the form of tangible personal property; provided, that no sale shall be construed to be a "retail sale" where goods, wares, and merchandise are sold in wholesale quantities at wholesale prices by licensed wholesale dealers under standing orders or through outside salesmen as distinguished from sales of small packages at retail prices or is sold in wholesale quantities and at wholesale prices to any governmental institution, subdivision or agency.

(c) The term "retailer" shall not include bulk plants or filling stations engaging principally in the sale of gasoline and other petroleum products; ice plants or ice dealers engaging principally in the sale of ice; bakeries and other manufacturing or processing plants selling only the products manufactured or processed therein; or restaurants, cafes, cafeterias, hotels and liquor stores; provided, however that where food or intoxicating liquors are sold in connection with a principal business, but only incidental thereto, the principal business shall not be exempt from the license tax imposed herein. Provided further, that incidental sales not otherwise excepted in this subsection made by a licensed wholesaler to consumers at wholesale prices, shall not be construed to be retail sales unless such sales exceed five (5) percent of such wholesaler's total sale.

(d) In determining the number of employees employed all principals shall be deemed employees and be included in the calculation.
(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Sec. 13-124. Schools, colleges, etc.

Every person engaged in the business of operating a school, college, or other educational or training institution for profit shall pay a business tax of thirty dollars ($30.00) for each place of business, except that persons giving lessons or instructions in their homes without assistants, or a staff shall not be required to pay a business tax.
(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Sec. 13-125. Trading, etc., in intangible personal property.

(a) Every person engaged in the business of trading, bartering, buying, lending or selling intangible personal property, whether as owner, agent, broker or otherwise, shall pay a business tax of two hundred dollars ($200.00) for each place of business, and shall pay an annual business tax of seventy-five dollars ($75.00) for each automatic teller machine located off the site of the principal or branch business office.

(b) Any person or business not falling within the provisions of paragraph (a) of this section which

owns, leases, or franchises any automatic teller machine shall pay an annual business tax of seventy-five dollars ($75.00) for each such machine.
(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Sec. 13-126. Trading, etc., in tangible personal property.

(a) Every person engaged in the business of trading, bartering, serving, or selling tangible personal property, as owner, agent, broker or otherwise, shall pay a business tax on the maximum number of employees actually employed, or to be employed during the receipted year which shall entitle the person to maintain one (1) place of business, stationary or movable, and shall pay a business tax on the maximum number of workers actually employed, or to be employed during the year for each additional place of business at the following rates:

(1) 1--10 . . . . . $30.00

(2) 11--25 . . . . . 60.00

(3) 26 or more employees 90.00

Vehicles used by any person for the sale and delivery of tangible personal property at wholesale from his established place of business, and no business tax may be levied on such vehicles any other law to the contrary notwithstanding.

(b) The business tax receipt for each bulk plant or depot at wholesale dealers in petroleum products shall be seventy-five dollars ($75.00) plus the maximum number of employees actually employed, or to be employed during the receipted year and shall be at the following rates:

(1) 1--10 . . . . . $30.00

(2) 11--20 . . . . . 60.00

(3) 21--30 . . . . . 90.00

(4) 31--40 . . . . . 120.00

(5) 41--50 . . . . . 180.00

(6) 51 or more employees 225.00

(c) No receipt shall be required under this section where the trading, buying, bartering, serving or selling of tangible personal property is a necessary incident of some other business classification for which a business tax is required by this article or law of this state and is carried on at the place of business receipted under such other classification, nor shall this section apply to any person engaged in the sale of motor vehicles or principally in the sale at retail of gasoline and other petroleum products.
(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Sec. 13-127. Toll bridges.

Owners of toll bridges shall pay a business tax of four hundred sixty-eight dollars and seventy-five cents ($468.75) where the bridge is entirely within the limits or boundaries of the county, and where the bridge joins two (2) counties a business tax of four hundred sixty-eight dollars and seventy-five cents ($468.75) provided, that nothing in this article shall apply to toll bridges owned by any county or municipality.
(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Sec. 13-128. Vending machines.

(a) As used in this section the following words shall have the meanings set forth in this subsection:

(1) *Merchandise vending machine* means any machine, contrivance or device which is set in motion or made or permitted to function by the insertion of a coin, slug, token or paper currency and dispenses merchandise without the necessity of replenishing the device between each operation.

(2) *Merchandise vending machine operator* means any person who operates for a profit thirty-five (35) or more-merchandise vending machines.

(3) *Service vending machine* means any machine, contrivance or device which is set in motion or made or permitted to function by the insertion of a coin, slug, token or paper currency and which dispenses some service or amusement.

(4) *Service vending machine operator* means any person who operates for a profit thirty-five (35) or more service vending machines.

(5) *Laundry equipment* means any equipment necessary for the operation of coin-operated laundry, including washers, dryers, pressing or ironing machines and soap, bleach and laundry bag dispensing machines.

(b) Any person who operates for a profit, or allows to be operated for a profit, in his place of business or on his property, any of the above vending machines shall pay a business tax according to the following schedule except the exemptions allowed in subsection (c) of this section:

(1) Merchandise vending machines, five dollars ($5.00) for each machine.

(2) Merchandise vending machine operators, one hundred fifty dollars ($150.00) for the privilege of engaging in such business, and shall further pay an annual business tax of one dollar and fifty cents ($1.50) for each machine.

(3) Service vending machines, fifteen dollars ($15.00) for each machine.

(4) Service vending machine operators, three hundred dollars ($300.00) for the privilege of engaging in such business, and shall further pay an annual business tax of one dollar and fifty cents ($1.50)

for each machine.

(5) Laundry equipment, four dollars and fifty cents ($4.50) for each piece of equipment.

(6) Coin-operated radio, television and similar devices installed in businesses providing housing accommodations for the traveling public, twenty-one dollars ($21.00) for coin-operated radios, television sets, vibrating mattresses or similar devices installed in guest rooms in hotels, tourist homes, tourist courts, rooming houses and other businesses providing housing accommodations for the traveling public, and further pay an annual business tax of sixty cents ($0.60) for each device.

(7) Penny vending machines, one dollar ($1.00) for each machine.

(c) The following vending machines and lockers are exempt from the tax provided by this section:

(1) All vending machines which dispense only United States postage stamps, unadulterated Florida-produced citrus juices or newspapers are hereby exempt from the payment of any excise or license tax levied by the state or any county, municipality or other taxing districts thereof.

(2) Penny-operated vending machines located in licensed places of business and dispensing only nuts, citrus juices and other foods products.

(3) Coin-operated parcel-checking lockers and toilet locks used in railroad, bus, airport stations, or depots, and in hotels, boardinghouses, restaurants and rest rooms for the convenience of the public.

(4) All coin-operated telephones which are otherwise subject to tax under Section 13-124.

(d) All machines receipted under paragraphs (1), (2) and (3) of subsection (b) of this section shall display in a prominent place on each machine a proper sticker or decal showing that the tax has been paid.
(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Sec. 13-129. Water companies and sewage disposal companies.

Every person engaged in the business of operating water companies or sewage disposal companies in the county shall pay the following business taxes based upon the number of customers or subscribers to the services offered according to the following schedule:

(1) 999 or less $60.00

(2) 1,000--5,000 . . . . . 225.00

(3) 5,000 or more 500.00
(Ord. No. 1995-10, § 1, 7-18-95; Ord. No. 2007-1, § 2, 1-16-07)

Secs. 13-130--13-145. Reserved.

ARTICLE V.

MUSICAL OR ENTERTAINMENT FESTIVALS

Sec. 13-146. Definition.

In this article "musical or entertainment festival" shall mean any gathering of groups of individuals for the purpose of listening to or participation in entertainment which consists primarily of musical renditions, for periods of time in excess of six (6) hours.
(Ord. No. 1971-5, § 2, 10-22-71)

Sec. 13-147. Business tax receipt.

No person shall stage, promote, or conduct any musical or entertainment festival in the county unless he, she or it shall first secure from the tax collector the business tax receipt provided for in section 13-104, which business tax receipt shall be issued by the tax collector only after issuance of a special entertainment permit by the board of county commissioners.
(Ord. No. 1971-5, § 3, 10-22-71; Ord. No. 2007-1, § 3, 1-16-07)

Sec. 13-148. Entertainment permit--Generally.

(a) Any person or partnership desiring to stage, promote, or conduct any musical or entertainment festival in the county shall first secure a special entertainment permit from the board of county commissioners for any gathering at which five hundred (500) or more persons are anticipated to attend or five hundred (500) or more tickets are printed or sold.

(b) The permit shall not be issued unless and until the following plans, documents and information are submitted to the board of county commissioners and the following minimum conditions are met:

(1) Adequate plans for camp construction, sanitation facilities, sewage disposal, garbage and refuse disposal, drainage, floodlighting during darkness, insect and rodent control, water supply and food service, and adequate private police protection by a licensed private police organization. For the purposes of evaluating such plans, the standards established by the rules of the state in the state sanitary code shall be considered as minimum requirements. For the purposes of this article, the following sections of the Sanitary Code in the Florida Administrative Code shall be considered specifically applicable to the operation of a musical or entertainment festival: chapter 170-C-32.03; 32.04; 32.07; 32.09; 32.10; 32.11; 32.13; 32.14; 32.15; 32.16; 32.17; 32.18; 32.21; 32.22; chapter 170C-6; and chapter 170C-16. In evaluating the plans, the board shall also consider the applicability of provisions of F.S. Ch. 386, and such other provisions of law, of the Sanitary Code or of local ordinances, as it may deem necessary in the interests of the public health and welfare.

(2) An adequate geographic description and scale map or plan of the festival site, showing the

location of all required facilities, including adequate traffic control and parking facilities outside the performance area. Such plans shall provide for at least one (1) parking space for every five (5) patrons, and for safe transportation of the patrons from the parking area to the performance area. No motor vehicle or motorcycle shall be permitted in the performance area except when necessary to insure compliance with this section.

(3) An adequate plan for medical facilities. There shall be provided one (1) physician licensed in this state on duty at all times for every two thousand (2,000) patrons, one (1) nurse licensed in this state on duty at all times for every one thousand (1,000) patrons, one (1) bed or cot for every two hundred (200) patrons, complete and sterile supply of medicines, bandages, medical compounds, medical instruments, serums, tape and such other supplies as are necessary to treat adverse drug reactions, cuts, bruises, abrasions, bites, fractures, infections and other injuries commonly connected with such activities.

(4) An adequate plan for internal security, traffic control, communications, fire protection, and emergency services, including ambulance service, in and around the festival area. Such plan shall provide for at least one (1) person professionally trained in security and traffic control on duty at all times for every five hundred (500) patrons. The plan shall include a detailed description of the plan of security, traffic control, communications, fire protection, and emergency services, including ambulance service, to be used and how it is to be implemented, and a detailed background on the training and ability of the personnel to be used in implementing the plan.

(5) A full and complete disclosure in the financial backing of the festival, including the names of all persons with a direct or indirect financial interest in the staging, promoting or conducting of the festival, whether such interest be by virtue of ownership in any corporation staging, promoting or conducting the festival, status as an employee of any person, persons or entities staging, promoting, or conducting such festival, or any involvement by which such person stands to gain or lose financially from such festival.

(6) The names of all persons who will perform at the festival, and executed copies of all contracts or agreements with such persons.

(7) The names of all persons who will provide products, materials or services, other than entertainment, to or at the festival, and executed copies of all contracts or agreements with such persons.

(8) Full and complete compliance with all zoning and land use laws, beverage license laws and other laws, ordinances and regulations applicable to the county.

(9) The exact date and time of commencement and the enact date and time of the conclusion of the festival.

(10) A written public liability insurance policy insuring the person staging, promoting or conducting the musical or entertainment festival against any and all claims and demands made by any person or persons for injuries received in connection with the staging, promoting, conducting or

attendance of or at the musical or entertainment festival, written within limits of not less than three hundred thousand dollars ($300,000.00) damage or injury to any one (1) person for bodily injury or otherwise, and for not less than five hundred thousand dollars ($500,000.00) for damages incurred or claimed by more than one (1) person for bodily injury or otherwise, plus one hundred thousand dollars ($100,000.00) damages to property. The original or duplicate of the policy shall be attached to the application for a special entertainment permit, together with adequate evidence that the premiums are paid.

(11) The actual admission ticket to be used at said musical or entertainment festival. The ticket shall contain thereon a provision that the holder will consent to the search of his vehicle or any package for illicit drugs, and that if he fails to do so, he will be denied admission and his money will be refunded.

(c) The board of county commissioners may establish by resolution such additional conditions, criteria or detailed specifications for the special entertainment permit as they may deem necessary to carry out the intent of this law, for the protection of the public health, morals, safety and general welfare.

(d) The application for a special entertainment permit shall be submitted to the board of county commissioners at least thirty (30) days in advance of the commencement of the festival for which the permit application is filed, to permit the board to evaluate the application in an orderly and expeditious manner.

(e) If there shall be any deviation or violation of or from the conditions and plans submitted under this section or violation of other provisions of this article, or any material misrepresentation in the application for the permit, the board of county commissioners may revoke the special entertainment permit granted. Such violation or misrepresentation shall be prosecuted as provided by law. Each violation shall constitute a separate offense.
(Ord. No. 1971-5, §§ 4, 7(c), 10-22-71)

Sec. 13-149. Same--Fee.

The board of county commissioners shall assess a minimum daily nonrefundable fee of five hundred dollars ($500.00) for the issuance of the permit provided in this article for a festival planned for up to five thousand (5,000) patrons. The fee shall be paid at the time the application is filed. An additional nonrefundable daily fee of one hundred dollars ($100.00) for each one thousand (1,000) patrons or fraction thereof shall be assessed and paid when the application is approved, based upon the anticipated attendance accommodated in the plan provided in section 13-148. Any excess of actual attendance over that anticipated with nonrefundable fee paid in advance, shall be assessed a daily fee of two hundred dollars ($200.00) for each one thousand (1,000) patrons or fraction thereof. An accurate accounting of the number in attendance shall be kept by the person who stages, promotes or conducts the festival. Any fees payable to the board of county commissioners shall be paid in full upon conclusion of the festival. In no case, however, shall actual attendance be permitted to exceed the minimum standard conditions, criteria and specifications set forth in section 13-148. The fees assessed by this section are for the purpose of compensating the board of county commissioners for the services required in investigation of the application plan and of providing the necessary public health, welfare and law enforcement services required by such a musical or entertainment festival, for the protection of the public.
(Ord. No. 1971-5, § 6, 10-22-71)

Sec. 13-150. Minimum age of patrons.

The board of county commissioners does hereby expressly declare that it is its intent and policy that admittance of persons under the age of eighteen (18) years to any music or entertainment festival is injurious to the health, safety, morals and well being of such persons the same as would be the patronage, visiting or loitering of such persons at any dance hall operated in connection with any place of business which sells any intoxicating liquor, or any essence, extract, bitters, preparation, compound or composition which produces intoxication.
(Ord.. No. 1971-5, § 5, 10-22-71)

Secs. 13-151--13-159. Reserved.

ARTICLE VI.

RESERVED*

* **Editors Note:** Ord. No. 1993-7, § 1, adopted April 27, 1993, repealed Art. VI, §§ 13-160--13-162, which pertained to late-night businesses, stores or operations. See the Code Comparative Table.

Secs. 13-160--13-170. Reserved.

ARTICLE VII.

RESERVED*

* **Editors Note:** Ord. No. 1999-107, § 1, adopted Nov. 2, 1999, repealed Art. VII, §§ 13-171--13-215, which pertained to cable television franchises. See the Code Comparative Table.

Secs. 13-171--13-230. Reserved.

ARTICLE VIII.

BINGO REGULATIONS

Sec. 13-231. Applicability.

This article shall apply to the unincorporated areas of Lake County, and to the incorporated areas of Lake County to the extent permitted by Article VIII, Section 1(f) of the Constitution of the State of Florida.
(Ord. No. 1994-4, § 2, 3-15-94)

Sec. 13-232. Definitions.

In this article, the following terms, phrases, words and their derivations shall have the meaning given

herein, unless the context otherwise requires:

Bingo game. See F.S. § 849.0931(1)(a).

Person means an individual, partnership, general partner of a partnership, corporation, officer or director of a corporation, subchapter S corporation, officer or director of a subchapter S corporation, limited partnership, general partner of a limited partnership, organization, chief operating officer of an organization, trust, trustee of a trust, foundation, trustee of a foundation, group, chief operating officer of a group, association, chief operating officer of an association, society, chief operating officer of a society, or any combination thereof.

Structure. See F.S. § 380.031.
(Ord. No. 1994-4, § 3, 3-15-94)

Sec. 13-233. Legislative intent.

(a) It is the intent of the board of county commissioners at all phases of the regulation of bingo be closely controlled and the law pertaining thereto be rigidly enforced, and that the diversion of proceeds of bingo games from the purposes authorized F.S. § 849.0931, be eliminated.

(b) It is the intent of the board of county commissioners that this article is supplementary to F.S. § 849.0931, and any conflict will be resolved in favor of said statute. Violations of F.S. § 849.0931, will result in the sanction/penalties as stated in F.S. § 849.0931(13).
(Ord. No. 1994-4, § 4, 3-15-94)

Sec. 13-234. Limitation on bingo.

A structure shall only be used for the conduct of bingo games no more than two (2) days per week. This prohibition shall not extend to or affect the leasing, rental or use of a structure for any other purpose than the conduct of bingo games.
(Ord. No. 1994-4, § 5, 3-15-94)

Sec. 13-235. Enforcement.

Responsibility for enforcement of this article is vested in the Lake County Sheriff's Office.
(Ord. No. 1994-4, § 6, 3-15-94)

Sec. 13-236. Violations.

A person who leases, subleases, assigns, or rents a structure for the conduct of bingo games, or permits the conduct of bingo games in a structure, more than two (2) days per week shall, upon being found guilty, be subject to a fine of not more than five hundred ($500.00) dollars, and imprisonment in the county jail for a period not more than sixty (60) days. For violations that are of a continuing nature, each day that the violation continues, it shall be a separate offense.
(Ord. No. 1994-4, § 7, 3-15-94)

Sec. 13-237. Injunctive relief.

It is hereby found and declared that a violation of the provisions of this article constitutes an irreparable injury to the citizens of Lake County and the county may institute a civil action in a court of competent jurisdiction to seek injunctive relief to enforce compliance with this ordinance; to enjoin any violation of this article, and to seek injunctive relief to prevent injury to the health, safety and general welfare caused or threatened by any violation.

The remedy provided herein is an alternative and mutually exclusive remedy to those provided in section 13-235 of this article.
(Ord. No. 1994-4, § 8, 3-15-94)

Secs. 13-238--13-250. Reserved.

ARTICLE IX.

TELECOMMUNICATIONS SYSTEMS PERMIT REGULATIONS

Sec. 13-251. Short title.

This article shall be known and cited as the "Lake County Telecommunications Systems Permit Ordinance."
(Ord. No. 1994-16, § 1, 11-29-94)

Sec. 13-252. Purpose.

The Legislature of the State of Florida found and declared in the legislative intent expressed in F.S. § 365.171 the following:

(1) It is in the public interest to shorten the time required for a citizen to request and receive emergency aid.

(2) Provision of a single, primary three-digit emergency number through which emergency services can be quickly and efficiently obtained would provide a significant contribution to law enforcement and other public service efforts by making it easier to notify public safety personnel.

(3) Such a simplified means of procuring emergency services will result in the saving of life, a reduction in the destruction of property, and quicker apprehension of criminals. It is the intent of the legislature to establish and implement a cohesive statewide emergency telephone number "911" plan which will provide citizens with rapid direct access to public safety agencies by dialing the telephone number "911" with the objective of reducing the response time to situations requiring law enforcement, fire, medical, rescue, and other emergency services. Lake County finds that the implementation of the legislative intent is to maintain universal coverage of the county provided through universal access to the 911 system. The integrity of the 911 system is totally dependent upon universal access by the everyone within the jurisdictional limits of Lake

County, including but not limited to, fixed or mobile units. The level of service of 911 and telecommunications shall be maintained in a manner consistent with or exceeding the present quality levels.

(Ord. No. 1994-16, § 2, 11-29-94; Ord. No. 1997-3, § 1, 1-21-97)

Sec. 13-253. Definitions.

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meaning given herein.

Cable communications system means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community, but such term does not include:

(1) A facility that serves only to retransmit the television signals of one (1) or more television broadcast stations;

(2) A facility that serves only subscribers in one (1) or more multiple-unit dwellings under common ownership, control, or management, unless such facility or facilities uses any public right-of-way;

(3) A facility of a common carrier, except that such facility shall be considered a cable system to the extent such facility is used solely in the transmission of video programming directly to subscribers; or

(4) Any facilities of any electric utility used solely for operating its electric utility systems.

Communications system shall include any system which has the capability to connect to 911 system including but not limited to, cable communications systems, cellular telephone systems, wireless telephone services, and local telephone services.

County means all territory within Lake County's present and future boundaries and including any area over which exercises jurisdiction.

FCC means the Federal Communications Commission or its legally appointed successor.

Franchise means an initial authorization or renewal thereof issued by commission, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement, or otherwise, which authorizes the construction or operation of a cable communications system or telephone system.

Lake County Public Services Department means the Engineering Department of Lake County.

Local access transport area (LATA) means that geographic area and communications system in which of Lake County is located and in which any subsequent telephone company is authorized by the Florida Public

Service Commission to provide local exchange access telecommunications services.

Local telephone service means:

(1) The access to a local telephone system, and the privilege of telephonic quality communication with substantially all persons having telephone or wireless telephone stations constituting a part of such local telephone system; or

(2) Any facility or service provided in connection with a service described above or having the ability to access to the "911" system shall maintain a level of quality assurance equal or exceeding that provided by existing local providers.

Permittee means the person, organization, firm, non-profit, not for profit, corporation or its legal successor in interest who is issued a telecommunication permit or permits in accordance with the provisions of this article for the erection, construction, reconstruction, operation, dismantling, testing, use, maintenance, repairing, rebuilding or replacing of a private communications system.

Private communications system means any system of communications lines, cables, equipment or facilities, which are used to provide a telephone, video, data, telemetry, intercom or telecommunications service. Private communications system does not include any part of a state or municipally franchised local exchange telephone company unless said company meets federal or state requirements for competition, or part of a cable communications system or telephone system franchised by or any part of a federal, state or county authority.

Telecommunication permit means the privilege granted by the county which authorizes a person to erect, construct, reconstruct, operate, dismantle, test, use, maintain, repair, rebuild and replace a private communications system that occupies the streets, easements, public ways or public places within. Any telecommunication permit issued in accordance herewith shall be a non-exclusive permit.

Toll telephone service means:

(1) A telephonic quality communication for which there is a toll charge which varies in amount with the distance and elapsed transmission time of each individual communication; or

(2) A service which entitles the subscriber or user, upon the payment of a periodic charge which is determined as a flat amount, or upon the basis of total elapsed transmission time, to the privilege of an unlimited number of telephonic communications to or from all or a substantial portion of the persons having wired telephone or wireless telephone stations in a specified area which is outside the local telephone system area.

The term "toll telephone service" includes interstate and intrastate wide area telephone service charges.

Total gross revenues means all cash, credits, property of any kind or nature or other consideration derived directly or indirectly by a permittee, its affiliates, subsidiaries, parent corporation, and any other person or entity in which the permittee has a financial interest or which has a financial interest in the permittee, arising from or attributable to operation of the private communications system within, including revenue from all

charges for the installation, connection and reinstatement of equipment necessary for the utilization of the private communications system and any interconnection fees. This sum shall be the basis for computing the fee imposed pursuant to section 13-254. Such sum shall not include any bad debts, deposits, promotional or vendor discounts or credits nor sales, service, occupation or other excise tax to the extent that such taxes are charged separately from normal service charges and are remitted by the licensee directly to the taxing authority.

Universal access means any means having the ability to connect to 911 services.
(Ord. No. 1994-16, § 3, 11-29-94; Ord. No. 1997-3, § 2, 1-21-97)

Sec. 13-254. License requirement of communications access.

(a) No person or firm, whether public, private, non-profit or not for profit, shall construct, operate or continue to operate a private communications system which has the ability to connect to 911 services and which occupies the streets, easements, public ways and public places within Lake County without having been issued a telecommunications permit by the director of engineering, or a franchise for telephone, telecommunications service, video distribution system or cable communications system.

(b) Except as hereinafter provided, it shall be a term and condition of any telecommunications permit issued in accordance herewith that as a part of the consideration supporting the issuance of such telecommunications permit and county's permission thereby to occupy and use the streets of county, that the permittee shall pay to county compensation and license fees.

(c) Any private communications system desiring a permit to operate in Lake County shall provide access for voice delivery, automatic number identification (ANI), customer records for the continued integrity, maintenance and operation of the Lake County 911 System and map(s) of operating areas.

(1) Non-franchise private communications system that does not provide services to customers for compensation either directly or indirectly.

a. The fees associated with the permit and charge per access connection shall be established by the annual fee resolution as established by the board of county commissioners as established under the guidelines of F.S. 365.171 and/or other state and federal regulations.

b. In addition to the fees set out above, non-franchise entities shall pay quarterly, five (5) percent of the annual total gross revenues from such customers to be calculated on the basis of all revenues derived from transmissions that bypass the local exchange carrier.

c. Section a. above shall be paid monthly. The annual fees required by subsection b. above shall be paid quarterly not later than August 1, November 1, February 1, and May 1 for the preceding three-month period ending, respectively, June 30, September 30, December 31, and March 31. Not later than the date of each payment, each permittee shall file with manager, or a designee, a written statement signed under penalty of perjury by an officer of the permittee, which identifies in detail the sources and amounts of gross revenues received by a permittee during the quarter for which payment is made. No acceptance of

any payment shall be construed as an accord that the amount paid is, in fact, the correct amount, nor shall such acceptance of payment be construed as a release of any claim which may have for further or additional sums payable under the provisions of this section. Any fees which remain unpaid after the dates specified in this section above shall be delinquent and shall thereafter accrue interest at the maximum legal rate until paid. Not less than annually, the permittee shall provide the commission with a certification by an independent certified public accountant or an officer of the permittee certifying the accuracy of the quarterly fee payments paid within the preceding twelve (12) months pursuant to this section. Said certification shall be prepared in accordance with generally accepted accounting standards as established by the financial accounting standards commission.

(2) Holders of private communications systems franchise. The holders of a private telecommunications system franchise shall pay the fees as set forth in that franchise.

(d) Nothing in this section shall be construed to limit the liability of the permittee for applicable federal, state and local taxes. Lines, cables, fiber optics or any other means of operations of a private communication system which is not exempt by law or statute from the provisions of this section shall require a telecommunication permit, unless the franchise, or other authorization by which the exempt entity has the right to operate and gain universal access to 911 within the county, prohibits the application of the permit and fee requirements contained in this section. Lines, cables, fiber optics or any other means of operations of a private communications system shall require a separate telecommunication application and permit, subject to the same requirements and fees as other installations.

(e) Lake County may, at its option, adjust this permit fee each year to the extent allowed by law.

(f) The permittee shall keep accurate, complete and current maps and records of its system and facilities which occupy the streets, public ways and public places within and shall furnish as soon as they are available two (2) complete copies of such maps and records, including as-built drawings, to the engineering department.

(g) The permittee shall comply with all rules and regulations issued by the engineering department governing the construction and installation of private communications systems.
(Ord. No. 1994-16, § 4, 11-29-94; Ord. No. 1997-3, § 3, 1-21-97)

Sec. 13-255. Violation penalty.

Any person who shall carry on or conduct any business or occupation or profession for which a permit is required by this section without first obtaining a permit, shall be considered to be in violation of this section and shall be subject to fines and punishment as provided in code for code violations.
(Ord. No. 1994-16, § 5, 11-29-94)

Sec. 13-256. Transfer assignments.

A telecommunications permit shall not be sold, assigned or transferred, either in whole or in part, or

leased, sublet, or mortgaged in any manner, nor shall title thereto, either legal or equitable or any right, interest or property therein, pass to or vest in any person without the prior written consent of commission.

No such consent shall be required for a transfer in trust, mortgage, or other hypothecation as a whole or in part to secure an indebtedness, except when such hypothecation shall exceed fifty (50) percent of the market value of the property used by the permittee in conducting the business of the permittee. The permittee shall promptly notify manager, or a designee, of any proposed change in, or transfer of, or control of the permittee. The word "control" as used herein is not limited to major stockholders but includes actual working control in whatever manner exercised. Every change, transfer, or acquisition of control of the permittee shall make the permit subject to cancellation unless and until the commission shall have consented thereto. An applicant for a permit transfer shall submit a written application to manager or designee on application forms provided by manager accompanied by required exhibits and a transfer fee established by resolution by the commission. A rebuttable presumption that a transfer of control has occurred shall arise upon the acquisition or accumulation by any person or group of persons of ten (10) percent or more of the voting interest of the permittee. The consent or approval of the commission to any transfer of the permit shall not constitute a waiver or release of the rights of in and to city streets, and any transfer shall by its terms, be expressly subordinate to the terms and conditions of the permit and this article.
(Ord. No. 1994-16, § 6, 11-29-94)

Secs. 13-257--13-260. Reserved.

ARTICLE X.

MOTION PHOTOGRAPHY PRODUCTION PERMITTING

Sec. 13-261. Title.

This article shall be known as the "county motion photography production permitting ordinance.
(Ord. No. 1997-36, § 1, 5-6-97)

Sec. 13-262. Authority.

This article is enacted under the home rules powers of Lake County, Florida.
(Ord. No. 1997-36, § 1, 5-6-97)

Sec. 13-263. Definitions.

The following terms, when used in this article, shall have the meanings respectively assigned to them in this section.

County equipment is any tangible property, other than real property, purchased by public funds and utilized in the normal course and scope of providing governmental service by Lake County.

County facility is any public street, sidewalk, place or building owned or controlled by or under the jurisdiction of Lake County.

County manager means the County Manager of Lake County; and other employees of Lake County who are so designated by the county manager to execute his/her authority as granted herein.

Motion photography is the commercial taking or making of a motion picture, television, videotape, or film production utilizing county equipment or utilizing county facilities, including any site alteration necessary for such production.

This term shall include, and a production permit shall be required for, such productions on private property not at a studio:

(1) Involving the erection of tents or other temporary structures;

(2) Involving the uses of pyrotechnics, explosives, or other incendiary devises;

(3) Emitting noise sufficient to violate the noise ordinance of Lake County.

This term shall not include the shooting of such film at studios constructed for such purpose where no Lake County equipment or county facilities are involved and shall not include any news, news feature, or documentary production.

Motion photography production permit (also referred to herein as "production permit" or "permit') is the permit required herein.
(Ord. No. 1997-36, § 1, 5-6-97)

Sec. 13-264. Permit required.

All persons engaging in motion photography shall obtain a production permit from the county manager prior to beginning any motion photography within Lake County.
(Ord. No. 1997-36, § 1, 5-6-97)

Sec. 13-265. Application for permit.

(a) Any person seeking the issuance of a production permit shall file an application with, and on forms provided by, the county. Said application shall be filed not more than one hundred eighty (180) days before, and not less than ten (10) working days before the commencement of production. The application shall be signed by an authorized representative of the applicant.

(b) The application shall contain the following information:

(1) Location(s) of the production.

(2) Duration, hours and type of the production.

(3) Proof of general liability insurance coverage in the amount of at least one million dollars

($1,000,000.00) with the county named as an additional insured.

(4) Special efforts to be utilized, including but not limited to, incendiary or explosive devices, with proof of five million dollars ($5,000,000.00) liability insurance therefor. In addition, the application shall list the person in charge (pyrotechnician or other person) of such special effects together with his/her qualification and licensing by the applicable federal and/or state agencies.

(5) Proposed utilization of county equipment.

(6) Necessity for closures or interruption of public streets, sidewalks or other county facilities and for what duration.

(7) A written summary or explanation of the production.

(8) Number and type of vehicles and/or equipment and number of personnel to be on location with the production.

(9) An agreement to pay for extraordinary services provided by the county.

(10) Certificate to the county manager that all affected private property owners and tenants have been notified of the filming and that arrangements have been made to cause the least disruption for the property owners and tenants as possible.

(11) Written consent of any private property owners of any property where equipment, cast or crew will enter on said private property.

(Ord. No. 1997-36, § 1, 5-6-97)

Sec. 13-266. Standards for issuance of permits; rules and procedures.

The county manager shall issue a permit for motion photography production as provided herein if, from a consideration of the application and from other information as may otherwise be obtained, it appears that:

(1) The production activity to be permitted will not unduly interrupt the safe and orderly movements of pedestrian or vehicular traffic in or contiguous to the location of the production activity.

(2) The conduct of the production activity will not require the diversion of so great a number of deputies of the sheriff or personnel of the department of fire and emergency services in order to properly police the production activity area and the areas contiguous thereto as to prevent normal police and fire protection from being furnished to other parts of the county.

(3) The concentration of persons, animals and/or vehicles and/or the intrinsic nature of the production activity will not interfere unduly with the fire, police, and other emergency services and protection to areas contiguous to the production activity area and other areas of the county.

(4) The conduct of the production activity is not reasonably likely to cause injury to persons or

property or to provoke disorderly conduct as defined in F.S. § 877.03.

(5) Adequate sanitary and other required health facilities are or will be made available, in or adjacent to, the production activity area.

(6) The conduct of the production activity will not result in noise of a level inappropriate for the areas surrounding the assembly.

(7) Neither the conduct of the production activity or the inherent nature of the production activity present a threat or an undue hampering to the public health, welfare and safety of Lake County or the property and/or personnel of Lake County. In issuing the permit, the county manager may attach conditions regarding the location, type, duration and hours of the production.

(Ord. No. 1997-36, § 1, 5-6-97)

Sec. 13-267. Costs of extraordinary services.

The county shall recover reasonably estimated expenses for extraordinary services rendered in connection with a production. Such costs shall include, but not be limited to, charged for personnel and/or equipment committed in support of the production which are outside the normal scope of governmental services. Based on the information contained in the permit application and such consultations as may be required between the applicant and appropriate county officials, an estimate of these costs will be provided to the applicant and submitted by the applicant with his/her application for the permit when such is filed with the county manager. The county manager may require pre-payment of all or a portion of these estimated costs prior to issuance of the permit. At the conclusion of the production, expenses below or in excess of the estimates will be refunded by the county or paid by the applicant, respectively.

(Ord. No. 1997-36, § 1, 5-6-97)

Sec. 13-268. Exemptions from other county ordinances or zoning resolution requirements.

Once a production permit has been issued, and not withstanding any other provisions of the Lake County Code, the planning and zoning resolution of Lake County or other regulatory resolutions of Lake County to the contrary, no other county permits shall be required for any of the activities forming a part of the permitted motion photography production. However, the production must obtain any necessary state or federal permits and must adhere to the terms and conditions contained in the production permit.

Provision of the rules and regulations of the county parks and recreation department, or provisions of the rules and regulations of any other division or department of the Lake County government, insofar as certain acts are required or prohibited, may be suspended by the county manager, or his/her designee, in connection with the conduct of a permitted motion photography production activity pursuant to this section.

(Ord. No. 1997-36, § 1, 5-6-97)

Sec. 13-269. Penalties.

(a) Violation of this article shall be punishable pursuant to general law.

(b) Failure to comply with the terms and conditions of the production permit once issued shall be grounds for immediate suspension of the production by the county manager until such time as the non-compliance is remedied. The suspension shall be initially communicated orally, followed by a written suspension order. Continued failure to comply with the terms and conditions of the production permit may result in revocation of the permit. Continuation of the production in violation of the suspension and/or revocation shall be punishable pursuant to general law.

(c) It shall be unlawful for any person in charge of, or responsible for, any motion photography production for which a permit is required to knowingly fail to comply with any condition of the permit and such failure to comply shall be punishable pursuant to general law.

(d) In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this article shall be deemed a public nuisances and may be abated by the county as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.
(Ord. No. 1997-36, § 1, 5-6-97)

ARTICLE XI.

MERCHANDISING OF TOBACCO PRODUCTS

Sec. 13-270. Intent.

This article is intended to prevent the sale to and possession of tobacco products by persons under the age of eighteen (18) by regulating the commercial marketing and placement of such products. This article shall not be interpreted or construed to prohibit the sale or delivery of tobacco products which are otherwise lawful or regulated pursuant to Chapter 569, Florida Statutes.
(Ord. No. 1999-60, § 2, 5-18-99)

Sec. 13-271. Definitions.

For the purpose of this article the following terms shall mean:

Business means any sole proprietorship, joint venture, corporation or other business formed for profit making or non profit purposes, including retail establishments where goods or services are sold.

Person means any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee or other legal entity.

Self-service merchandising means the open display of tobacco products to which the public has access without the intervention of the vendor, store owner or other store employee.

Tobacco products includes loose tobacco leaves, and products made from tobacco leaves, in whole or in part, and cigarette wrappers, which can be used for smoking, sniffing or chewing.

Tobacco retailer means any person or business that operates a store, stand, booth, concession or other place at which sales of tobacco products are made to purchasers for consumption of use.

Vendor assisted means the customer has no access to tobacco products without the assistance of the vendor, store owner or other store employee.
(Ord. No. 1999-60, § 2, 5-18-99)

Sec. 13-272. Self-service merchandising prohibited.

No person, business, tobacco retailer or other establishment subject to this article shall sell, permit to be sold, offer for sale or display for sale any tobacco products by means of self-service merchandising or any other means other than vendor assisted sales, unless access to the premises by persons under the age of eighteen (18) is prohibited by the person, business, tobacco retailer or other establishment or prohibited by law.
(Ord. No. 1999-60, § 2, 5-18-99)

Sec. 13-273. Reserved.

Editors Note: Ord. No. 2004-15, § 6, adopted March 16, 2004, repealed § 13-273, which pertained to enforcement. See also the Code Comparative Table.

ARTICLE XII.

MOTOR VEHICLE TITLE LOANS

Sec. 13-274. Definitions.

The following words, terms and phrases, when used in this article shall have the following meanings:

Title loan agreement means a written agreement whereby the title loan lender agrees to make a loan of a specific sum of money to a borrower and the borrower agrees to give the title loan lender a security interest in an unencumbered motor vehicle certificate of title owned by the borrower.

Title loan means a loan of money secured by a bailment of a certificate of title to a motor vehicle.

Title loan lender means any person who is engaged in the business of making title loans or engaging in title loan agreements with borrowers, and includes but is not limited to, second-hand dealers as defined in Chapter 538, Florida Statutes.

Motor vehicle means an automobile, motorcycle, truck, trailer, semi-trailer, truck tractor and semi-trailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, such vehicles as run only upon a track, bicycles, or mopeds.
(Ord. No. 1999-81, § 2, 8-24-99)

Sec. 13-275. Conditions for engaging in motor vehicle title loan transactions.

A title loan lender may engage in a title loan transaction if the following conditions are met:

(1) The title loan lender maintains physical possession of the motor vehicle certificate of title;

(2) The borrower maintains possession of, or control over, the motor vehicle throughout the term of the loan;

(3) The borrower is not required to pay rent or any other charge for the use of the motor vehicle;

(4) The title loan lender delivers to the borrower, at the time the loan is made, a written title loan agreement that contains the following information:

a. The make, model, and year of the motor vehicle to which the loan relates;

b. The vehicle identification number, or other comparable identification number, along with the license plate number, if applicable, of the motor vehicle to which the loan relates;

c. The name, address, date of birth, physical description, and social security number of the borrower;

d. The date of the transaction;

e. The identification number and the type of identification, including the issuing agency, accepted from the borrower;

f. The amount of money advanced, designated as the "amount financed";

g. The maturity date of the title loan agreement which shall be thirty (30) days after the date the title loan agreement is executed by the title loan lender and the borrower;

h. The total title loan charge payable on the maturity date, designated as the "finance charge";

i. The total amount, amount financed plus finance charge, which must be paid to redeem the loan property on the maturity date, designated as the "total amount of all payments";

j. The annual percentage rate, computed in accordance with the regulations adopted by the Federal Reserve Board pursuant to the Federal Truth In Lending Act;

k. The name and address of the title loan office;

l. A statement printed in not less than fourteen (14) point, bold type that states:

i. Your vehicle has been pledged as security for this loan and if you do not repay this loan in full by (insert due date), including the interest accrued (finance charge), then YOU WILL LOSE YOUR VEHICLE.

ii. You are encouraged to repay this loan at the end of the thirty-day period. The lender is not required to extend or renew your loan and may then repossess your vehicle if you do not repay the loan and the accrued interest. It is important that you plan your finances so that you can repay this loan as soon as possible.

iii. THIS LOAN HAS A VERY HIGH INTEREST RATE. DO NOT COMPLETE THIS LOAN TRANSACTION IF YOU HAVE THE ABILITY TO BORROW FROM ANOTHER SOURCE AT A RATE LOWER THAN TWO AND ONE-HALF PERCENT (2 1/2%) PER MONTH OR AN ANNUAL PERCENTAGE RATE OF LOWER THAN THIRTY PERCENT (30%).

m. A statement that "The borrower represents and warrants that the motor vehicle and the certificate of title is not stolen, it has no liens or encumbrances against it, the borrower has the right to enter into this transaction, and the borrower will not attempt to sell the motor vehicle or apply for a duplicate certificate of title while the title loan agreement is in effect;

n. Immediately above the signature of the borrower, a statement that "I, the borrower, declare the information I have provided is true and correct and I have read and understood the foregoing document";

o. A blank line for the signature of the borrower.

(5) A title loan agreement that becomes payable on a day that the title loan lender's location or office is closed shall be deemed, under the terms of the agreement, as becoming payable on the next business day.

(6) The title loan lender displays in a prominent place in the title loan premises, a sign no smaller than three (3) feet by five (5) feet with the following message, written in letters no less than three (3) inches high:

"IF YOU RECEIVE A TITLE LOAN, YOUR VEHICLE WILL BE PLEDGED AS SECURITY FOR THE LOAN. IF YOU DO NOT REPAY THIS LOAN IN FULL, INCLUDING ALL FINANCE CHARGES, YOU WILL LOSE YOUR VEHICLE.

THIS LOAN HAS A VERY HIGH INTEREST RATE. DO NOT COMPLETE A TITLE LOAN TRANSACTION IF YOU HAVE THE ABILITY TO BORROW MONEY FROM ANOTHER SOURCE AT AN INTEREST RATE LOWER THAN .08219 PERCENT PER DAY, 2 1/2 PERCENT PER MONTH, OR AN ANNUAL PERCENTAGE RATE OF 30 PERCENT."

(7) Nothing herein shall be deemed to limit or reduce any other applicable provision of the Florida Statutes.

(Ord. No. 1999-81, § 2, 8-24-99)

Sec. 13-276. Maximum interest rate, prepayment, amount of loan.

(a) A title loan lender may not charge an interest rate in excess of .08219 percent a day, or two and one-half (2 1/2) percent per thirty-day period that the title loan agreement remains outstanding and unsatisfied. In determining compliance with the minimum interest and finance charges, the computation must be simple interest and not add-on interest or any other interest computation.

(b) If the title loan agreement has not been satisfied within three hundred sixty (360) days, a title loan lender may not charge an interest rate in excess of eighteen (18) percent per annum for the time the title loan agreement remains outstanding and unsatisfied beyond three hundred sixty (360) days regardless of whether the loan is in default.

(c) The annual percentage rate that may be charged in a motor vehicle title loan may equal, but not exceed, the annual percentage rate that must be computed and disclosed as required by the federal Truth In Lending Act and Regulation Z of the Board of Governors of the Federal Reserve System. When the period for which the charge is computed is more or less than one (1) month, the minimum rate for the period must be computed on a basis of one-thirtieth (1/30) the applicable monthly interest rate, multiplied by the number of days of the period.

(d) Any transaction involving a borrower's delivery of a motor vehicle certificate of title in exchange for the advancement of funds on the condition that the borrower shall or may redeem or repurchase the certificate of title upon the payment of a sum of money, whether the transaction be characterized as a "buy-sell agreement," "sale-lease back agreement," or otherwise, shall be deemed a violation of this article if such sum exceeds the amount that a title loan lender may collect in a title loan agreement under this article, or if the terms of the transaction otherwise conflict with the permitted terms and conditions of a title loan agreement under this article.

(e) No charges, including interest, in excess of the combined total of all charges permitted by this article shall be allowed.

(f) Prepayment or advance payment (partial or total) of principal shall be allowed without penalty after all accrued finance charges have been paid.

(g) The maximum amount of any motor vehicle title loan secured by a single certificate of title may not exceed one-third (1/3) the wholesale value of the pledged automobile as determined by the most current edition of the *National Automobile Dealer's Association (N.A.D.A.) Official Used Car Guide.*
(Ord. No. 1999-81, § 2, 8-24-99)

Sec. 13-277. Transaction satisfaction and default.

(a) When the title loan has been paid in full, the title loan lender must deliver to the borrower a certificate of title clear of all encumbrances placed upon the title by the title loan lender within thirty (30) days of such payment in full.

(b) A title loan lender who engages in title loan transactions has the right to repossess the motor

vehicle upon failure of the owner to redeem the title. Unless the borrower voluntarily surrenders the motor vehicle, the title loan lender may only take possession of a motor vehicle through an agent licensed by the State of Florida to repossess motor vehicles. The title loan lender may dispose of the motor vehicle as provided in section 538.16, Florida Statutes. However, any sale or disposal of the motor vehicle shall be made through a motor vehicle dealer licensed under 320.27, Florida Statutes.

(c) A title loan lender who takes possession of a motor vehicle pursuant to this section shall comply with the applicable requirements of Chapter 679, Part V, Florida Statutes.

(d) Disposition of the motor vehicle may be by public or private proceedings and may be made by way of one (1) or more contracts. Sale or other disposition may be as a unit or in parts and at any time and on any terms, but every aspect of the disposition including the method, manner, time, place and terms including surplus of the debt must be commercially reasonable and conducted in compliance with Chapter 679, Part V, Florida Statutes, which includes, among other requirements, borrower notification requirements as to manner and method of sale as well as an accounting to the borrower of any surplus from the sale.

(e) Following repossession but prior to disposition of the motor vehicle by sale, the borrower shall have the right to redeem the motor vehicle by payment of the full amount due as of the date of tender of the redemption offer plus the reasonable costs of repossession. The title loan lender shall return the motor vehicle immediately and release the certificate of title with all of the title lender's liens on the property released within thirty (30) days of the payment of the full amount due.

(f) Every title loan lender shall maintain, at the location at which the title loan was made, all books, accounts, records, receipts for expenses, each contract signed by a borrower, all other documents associated with each title loans transaction and any other documents necessary to determine the title loan lender's compliance with this article for a period of five (5) years from the date the loan was satisfied. All books, accounts, records, receipts for expenses, contracts and other documents associated with the title loan transaction shall be made available for inspection during regular business hours for the purpose of determining compliance with the requirement of the section and any other provision of law.

(g) Each title loan lender shall designate and maintain an agent in this state for service of process.

(h) No part of this article may be construed to impair or affect the obligation of any title loan agreement, which was lawfully entered into prior to the effective date of this article.
(Ord. No. 1999-81, § 2, 8-24-99)

Sec. 13-278. Violations.

The following acts are violations of this article:

(1) Failing to comply with any provisions of this article;

(2) Failing to comply with any applicable provision of Chapter 538, Florida Statutes, to the extent not pre-empted by a provision of this article, or Chapter 679, Part V, Florida Statutes.

(3) Committing any act of fraud, misrepresentation, deceit or gross negligence regardless of reliance by or to a borrower, or any illegal activity in connection with a title loan;

(4) Fraudulently misrepresenting, circumventing, or concealing any matter required to be stated or furnished to a borrower pursuant to this article;

(5) Willful imposition of illegal charges on any title loan transaction;

(6) Engaging in false, deceptive, or misleading advertising;

(7) Failure to maintain, preserve and keep available for examination all books, accounts, or other documents required by this article, state or federal law or refusing to permit inspection of such books, accounts or other documents;

(8) Aiding, abetting, or conspiring with an individual to circumvent or violate any of the requirements of this article or state or federal law regulating title loan lenders;

(9) Engaging in criminal conduct in the course of a business as a title loan lender;

(10) Knowingly entering into a title loan agreement with a person under the age of eighteen (18) years;

(11) Making any agreement requiring or allowing for the personal liability of a pledgor or the waiver of any of the provisions of this Article or Chapter 679, Part V, Florida Statutes;

(12) Knowingly entering into a title loan agreement with any person who is under the influence of drugs or alcohol when such condition is visible or apparent, or with any person using a name other that his own name or the registered name of his business;

(13) Entering into a title loan agreement in which the amount of money advanced in consideration for the loan secured by any single certificate of title exceeds one-third (1/3) of the wholesale value of the motor vehicle. The wholesale value of any motor vehicle shall be determined by reference to the most current edition available of the *National Automobile Dealer's Association Official Used Car Guide;*

(14) Failing to exercise reasonable care in the safekeeping of the certificate of title;

(15) Failing to return the certificate of title or motor vehicle taken into possession but prior to its disposal under Chapter 679, Part V, Florida Statutes, to a borrower, with any and all of the title lender's liens on the property released within 30 days of the payment of the full amount due, unless the property has been seized or impounded by an authorized law enforcement agency, taken into custody by a court, or otherwise disposed of by court order;

(16) Charging or receiving any finance charge, interest, cost, or fee which is not permitted by this article;

(17) Refusing to accept partial repayment of the principal amount financed when all accrued finance charges have been paid;

(18) Charging a prepayment penalty;

(19) Capitalizing any unpaid finance charge as part of the amount financed in the renewal of a title loan agreement which would cause the new principal amount to exceed one-third (1/3) of the value of the automobile;

(20) Assigning or transferring a motor vehicle title loan agreement to another person or entity.
(Ord. No. 1999-81, § 2, 8-24-99)

Sec. 13-279. Enforcement and penalties.

(a) Any violation of this article may be punished as provided in Chapter 8 of the Lake County Code. In addition, Lake County may bring a civil action in any court of competent jurisdiction to enforce or administer this article including seeking a temporary or permanent injunction or appointment of a receiver when it has reasonable cause to believe that a title loan lender is operating in violation of this article. Lake County shall be entitled to an award of costs and reasonable attorney's fee, including appellate fees and costs, in an action successfully enforcing the terms of this article.

(b) In addition to any civil remedy available to Lake County under this article, the violation of any part of this article shall be a punishable in accordance with section 125.69, Florida Statutes.

(c) A recipient/borrower of a title loan transaction may bring a civil action against a title loan lender violating the provisions of this article in a court of competent jurisdiction of Lake County. Upon adverse adjudication, the defendant shall forfeit the entire interest so charged or contracted to be charged and shall be liable to the borrower for two (2) times the original loan amount, together with court cost and attorney's fees incurred by the borrower. If the court finds that the suit fails to raise a justiciable issue of law or fact, the defendant shall be entitled to an award of court costs and reasonable attorney's fees incurred by the defendant.
(Ord. No. 1999-81, § 2, 8-24-99)

Sec. 13-280. Transition period.

Each title loan lender operating on the effective date of this article shall have sixty (60) days from the effective date to comply with the regulations, restrictions and provisions of this article. Within ten (10) days of the effective date of this article, all title loan lenders shall provide written notice to all the borrowers with whom they have outstanding loan agreements if they intend to renew the title loan agreement under the terms of this article.
(Ord. No. 1999-81, § 2, 8-24-99)

Sec. 13-281. Applicability.

The provisions of this article shall apply to both the unincorporated and incorporated areas of the county,

provided that any provision of this article in conflict with a municipal ordinance shall not be effective within the municipality to the extent of the conflict.
(Ord. No. 1999-81, § 2, 8-24-99)

Secs. 13-282--13-289. Reserved.

ARTICLE XIII.

ADDITIONAL HOMESTEAD EXEMPTION*

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* **Editors Note:** Ord. No. 1999-109, § 1, adopted Nov. 23, 1999, amended the Code by adding provisions designated as Art. XI, §§ 13-270--13-274. Inasmuch as there already exists provisions so designated, the provisions of said Ord. No. 1999-109 have been included herein as Art. XIII, §§ 13-290--13-294 at the discretion of the editor. See the Code Comparative Table.

Sec. 13-290. Generally.

In accordance with Section 6(f), Article VII of the Florida Constitution and Section 196.075 of the Florida Statutes, any person sixty-five (65) years or over who has legal or equitable title to real estate located within Lake County and maintain thereon his/her permanent residence which residence qualifies for and receives homestead exemption pursuant to Section 6(a), Article VII of the Florida Constitution, and whose household income does not exceed twenty thousand dollars ($20,000.00), shall be entitled to make application for an additional homestead exemption of fifty thousand dollars ($50,000.00). Upon filing a completed application, and meeting all income requirements set forth by law, the additional exemption shall be granted, but shall only be applicable to ad valorem tax millage rates levied by the county. The terms "household" and "household income" shall have the same meaning as set forth in Section 196.075, Florida Statutes.
(Ord. No. 1999-109, § 1, 11-23-99; Ord. No. 2007-22, § 2, 5-22-07)

Sec. 13-291. Application.

Every person claiming the additional homestead exemption pursuant to this article must file an application therefore with the Lake County Property Appraiser not later than March 1 of each year for which such exemption is claimed. Such application shall include a sworn statement of household income for all members of the household and shall be filed on a form prescribed by the Florida Department of Revenue. On or before June 1 of each year every applicant must file supporting documentation with the property appraiser. Said documentation shall include copies of all federal income tax returns for the prior year, wages and earning statements (W-2 forms) and other documentation as required by the property appraiser, including documentation necessary to verify the income received by all of the members of the household for the prior year.
(Ord. No. 1999-109, § 1, 11-23-99)

Sec. 13-292. Waiver of additional exemption.

Failure to file the application and sworn statement by March 1st or failure to file the required supporting documentation by June 1st of any given year shall constitute a waiver of the additional exemption privilege for that year.
(Ord. No. 1999-109, § 1, 11-23-99)

Sec. 13-293. Availability of exemption.

This additional exemption shall be available commencing with the year 2000 tax roll, and the property appraiser may begin accepting applications and sworn statements for the year 2000 tax roll as soon as the appropriate forms are available from the department of revenue.
(Ord. No. 1999-109, § 1, 11-23-99)

Sec. 13-294. Annual adjustment of additional exemption.

Commencing January 1, 2001, the twenty thousand dollars ($20,000.00) annual income limitation in this article shall be adjusted annually, on January 1 by the percentage change in the average cost-of-living index in the period January 1 through December 31 of the immediate prior year compared with the same period for the year prior to that. As used herein "index" shall be the average of the monthly consumer-price index figure for the stated twelve-month period, relative to the United States as a whole, issued by the United States Department of Labor.
(Ord. No. 1999-109, § 1, 11-23-99)

Secs. 13-295--13-299. Reserved.

ARTICLE XIV.

HIGH WATER RECHARGE PROTECTION TAX ASSESSMENT PROGRAM

Sec. 13-300. Title.

This article shall be known and may be cited as the "Lake County High Water Recharge Protection Ordinance."
(Ord. No. 2002-56, § 2, 7-9-02)

Sec. 13-301. Intent, scope and purpose.

(a) In 1996, the Florida Legislature made a finding that Florida's groundwater is among the state's most precious and basic natural resources and that it is in the interest of the state to protect the groundwater from pollution, over-utilization, and other degradation. As a result, the Henry Swanson-Bruce McEwan Bluebelt Act of 1996, which created section 193.625, Florida Statutes, was passed which allows counties to adopt by ordinance a formula for determining the assessment of properties classified as high water recharge, and to contract with property owners who desire to be involved in the program.

(b) Lake County is desirous of adopting this article by ordinance for those purposes set forth by the legislature.

(c) This article shall be applicable to the unincorporated portions of Lake County.
(Ord. No. 2002-56, § 2, 7-9-02)

Sec. 13-302. High-water recharge assessment formula.

The high-water recharge assessment formula is hereby established. Property owners who have entered into a high water recharge use contract with the county and who have had their property classified by the property appraiser as high-water recharge properties shall have their taxable value determined as would normally be determined by the property appraiser's office, but after such determination is made, the assessed value for tax purposes shall be reduced by thirty (30) percent.
(Ord. No. 2002-56, § 2, 7-9-02)

Sec. 13-303. High-water recharge use contract.

(a) Prior to submitting an application to the property appraiser's office for participation in the high water recharge protection tax assessment program, the property owner shall enter into a high water recharge use contract with the county. The contract shall be available through the county manager or designee, shall be executed by the property owner and approved by the board of county commissioners. Once fully executed, the property owner shall be given a certified copy of the original contract to submit with the application to the property appraiser.

(b) The high water recharge use contract shall, at a minimum, include a certification by the property owner of the following:

(1) The land use of the property has been continuous for a period of at least one (1) year prior to the effective date of the contract.

(2) The land use of the property is either vacant residential, vacant commercial, vacant industrial, vacant institutional, nonagricultural or single-family residential, and is located in the unincorporated area.

(3) All of the property covered by the contract is contiguous and is located within a significant groundwater recharge area as established by section 13-304, below. Any lands owned by the applicant which are contiguous to the property but are not located within a significant groundwater recharge area shall not be included in the contract and shall not be eligible for participation in the high-water recharge protection tax assessment program under this article.

(4) The property is not and will not be receiving any other special tax classification.

(5) The property is not in the vicinity of any activity that has the potential to contaminate the ground water, including, but not limited to, the presence of toxic or hazardous substances; free-flowing saline artesian wells; drainage wells; underground storage tanks; or any potential pollution source existing on another parcel of property that drains to the subject property. A phase I environmental audit shall be attached to the contract.

(6) The property is at least ten (10) acres in size.

(7) The property owner shall agree that the property will be used only for bona fide high water

recharge purposes for a period of at least five (5) years from the January 1st of the year in which the assessment is first made.

(c) The high water recharge contract shall require the county to certify that the property subject to the contract is within one of those areas described as providing significant groundwater recharge.

(d) The property owner shall give notice to the county manager or designee and the property appraiser of either the sale or annexation of any portion or all of the property. The sale, devise, transfer or assignment of less than the entire parcel subject to the contract shall require the parent parcel and each newly created parcel to enter into new contracts with the county. Any parcel which does not enter into a new contract shall be considered in breach of contract.

(e) The high water recharge use contract shall be for the term of time established as follows:

(1) Upon the property appraiser granting the high-water recharge classification assessment to the property subject to the contract, the initial term of the contract shall be for five (5) years from the January 1st of the year in which the assessment is made.

(2) After the initial five-year term, the term of the contract shall be for successive one (1) year terms, which are automatically renewed for so long as this article remains in effect and the property subject to the contract continues to comply with the conditions set forth in herein.

(3) In the event of a sale, devise, transfer, or assignment of the property subject to the contract, the initial five-year term shall continue to be measured from the January 1st of the year in which the original assessment by the property appraiser applicable to the property was made.

(4) In the event the property appraiser does not classify the property subject to the contract as high-water recharge, upon the expiration of all appeals or appeal periods, as applicable, the contract shall terminate.

(f) The high water recharge use contract shall be binding upon and inure to the benefit of the parties and their successors and assigns. Additionally, the terms of the contract shall run with the land.

(g) Termination. The high-water recharge use contract may be terminated as follows:

(1) The contract may be terminated by the county without penalty, by giving notice to the property owner and property appraiser that the property will no longer be classified as high water recharge starting as of January 1st of the next year provided the initial term of five (5) years is completed. The property owner may also terminate the contract without penalty after the initial five (5) year term after giving the county and the property appraiser notice that that the property will not be used for high water recharge starting the January 1st of the next year.

(2) The contract may be terminated at any time by the county upon the discovery of a breach of any of the terms and conditions of the contract. The county manager or designee shall give notice to the property appraiser and the property owner of the breach and termination of the contract.

(3) The voluntary annexation of any portion of the property subject to the contract shall cause the contract to terminate.

(4) The contract shall be terminated upon the repealing of this article.
(Ord. No. 2002-56, § 2, 7-9-02)

Sec. 13-304. Significant groundwater recharge areas.

The significant groundwater recharge areas in the county are hereby established as those areas so indicated on the "Lake County Significant Groundwater Recharge Areas Map" which is hereby incorporated by this reference. Copies of the "Lake County Significant Groundwater Recharge Areas Map" have been prepared by the St. Johns River Water Management District and are on file with and available for review through the county manager or designee.
(Ord. No. 2002-56, § 2, 7-9-02)

Sec. 13-305. Property appraiser determination

The property appraiser, upon receiving a completed application for participation in the high-water recharge protection tax assessment program, including the certified copy of the contract, shall render a determination on whether to classify the property as high-water recharge property.
(Ord. No. 2002-56, § 2, 7-9-02)

Sec. 13-306. Penalties.

(a) Violation of this article or the contract during the initial five-year term shall result in the property owner being subject to and automatically assessed for the payment of the difference between the total amount of taxes actually paid on the property and the amount of taxes which would have been paid in each previous year the contract was in effect if the high-water recharge assessment had not been used, plus interest at the legal rate at the time of default based on the amount of taxes which would have been paid in each year.

(b) Violation of this article during any successive term after the initial five-year term shall result in the property owner being subject to and automatically assessed for the payment of the difference between the total amount of taxes actually paid on the property for each year of successive terms during which the violation occurred and the amount of taxes which would have been paid in each of those previous successive term years if the high-water recharge assessment had not been used, plus interest at the legal rate at the time of default based on the amount of taxes which would have been paid in each year.

(c) The provisions of this article as applicable to the property shall survive termination of the contract.

(d) The full amount of the applicable automatic assessment upon violation of this article shall be placed on the next available tax bill after the breach of the contract is discovered. The provisions of this article shall survive termination of the contract.
(Ord. No. 2002-56, § 2, 7-9-02)

ARTICLE XV.

NON-EMERGENCY STRETCHER AND WHEELCHAIR TRANSPORT REGULATIONS

Sec. 13-307. Purpose.

The purpose of this article to provide for regulations governing the minimum standards of care and safety that non-emergency stretcher and wheelchair transport services must comply with.
(Ord. No. 2007-8, § 2, 2-6-07)

Sec. 13-308. Definitions.

The following words, terms and phrases when used in this article shall have the following meanings:

Non-emergency medical transportation service means a vehicle designed, constructed, reconstructed, or operated for the transportation of person with non-emergency medical conditions where no medical assistance by the driver is needed or anticipated during transportation; or for person who cannot enter, occupy or exit a vehicle without considerable assistance; or where specialized equipment is used for wheelchair or stretcher service; and where the driver serves as both a driver and an attendant to assist in door to door or bed to bed service.

Stretcher vehicles means any privately or publicly owned land, air or water vehicle which is designed, constructed, reconstructed, maintained, equipped, or operated, and is used for or intended to be used for transportation of a person who is non-ambulatory, and whose condition is such that the person does not need and is not likely to need medical attention during transport.

Stretcher vehicle service means the transport of non-ambulatory persons in a vehicle equipped to carry stretchers when such persons are not in need of medical care and are not likely to need medical care; provided, however, said service shall not include the Lake-Sumter EMS.

Wheelchair vehicles means any privately or publicly owned land, air or water vehicle which is designed, constructed, reconstructed, maintained, equipped, or operated, and is used for or intended to be used for transportation of a person who is sitting in a wheelchair, and whose condition is such that the person does not need and is not likely to need medical attention during the transport.

Wheelchair vehicle service means the transport of persons in a wheelchair vehicle when such persons are not in need of medical care and are not likely to need medical care; provided, however, said service shall not include the Lake-Sumter EMS.
(Ord. No. 2007-8, § 2, 2-6-07)

Sec. 13-309. Stretcher vehicle requirements.

(a) Each vehicle shall have the name of the provider clearly marked on the outside of the vehicle.

(b) Each vehicle shall be staffed with a driver and an assistant, and shall only be used to transport an individual who needs routine transportation to or from a non-emergency medical appointment or service, is convalescent or otherwise non-ambulatory and cannot use a wheelchair, and who does not require medical monitoring, medical aid, medical care or medical treatment during transport. Oxygen shall not be administer by vehicle staff unless they are duly licensed by the State of Florida. Self-administered oxygen shall be permitted as set forth elsewhere in this section. The assistant shall be seated in the passenger compartment while the vehicle is in motion, and shall notify the driver of any sudden change in the passenger's condition.

(c) Each vehicle shall be equipped with a fully charged certified and non-expired fire extinguisher and a first aid kit; shall have functioning interior lights, a functioning horn, and all standard safety equipment such as hazard flashers, and safety belts for all passengers and shall be maintained in an operable condition; and shall have functioning locking mechanisms which ensure that all access doors are capable of being opened from the inside, and remain closed and secure during travel. Additionally, each vehicle shall be weather tight and free of leaks. In no event shall any stretcher vehicle be equipped with any emergency lights or sirens.

(d) Each vehicle shall comply with the Americans with Disabilities Act (ADA) and shall meet the requirements of Rule14-90, Florida Administrative Code.

(e) The interior of each vehicle, including all storage areas, equipment and supplies, shall be kept clean and sanitary. Waterless antiseptic hand wash shall be available on each vehicle. Following transport and before being occupied by another passenger, all contaminated surfaces shall be cleaned and disinfected using a method recommended by the Centers for Disease Control, and cleaning and disinfecting supplies must be carried on each vehicle. All soiled supplies and used disposable items shall be stored or disposed of in a plastic bag, covered containers or compartments provided for this purpose. Red or orange bags must be used for regulated waste. Clean stretcher linen or disposable sheets and pillowcases shall be stored in each vehicle and changed after each use.

(f) Stretchers shall be either an elevating wheeled style with a minimum length of 191/75 (cm/in), a minimum width of 56/22, and a maximum bed height when collapsed of 38/15 measured to the top of a positioned 8/3 thick mattress; or shall be an elevating wheeled style with additional front roll in wheels with a minimum length of 200/79 (cm/in), a minimum width of 56/22, a maximum bed height when collapsed of 13/33 measured to the top of a positioned 8/3 thick mattress. Length and width measurements shall be taken at the metal framing, excluding joint fittings. Stretchers shall have a polyester foam mattress or an equivalent mattress covered with vinyl coated, nylon fabric or other non-porous fabric conforming to FMVSS 302, or equivalent, and restraint straps. At least three (3) strap type restraining devices (chest, hip and knee) shall be provided per stretcher to prevent longitudinal or transverse dislodgment of the patient during transit. Additionally, the head of the stretcher shall be furnished with upper torso (over the shoulder) restraints that mitigate forward motion of the patient during severe braking or frontal impact accident. Restraining straps shall incorporated metal-to-metal quick release buckles, be not less than fifty-one (51) mm (two (2) inches) wide, and fabricated from nylon or other materials easily cleaned and disinfected.

(g) Stretcher fasteners and anchorages shall be a crash-stable side or center mounting stretcher fastener assembly with a quick release latch. It shall secure the stretchers to the van body. The installed stretcher fastener device for wheeled stretchers shall be tested to comply with a two hundred twenty-pound pull test in accordance with AMD Standard 004, Litter Retention System. Additional stretcher related hardware is

permitted, provided the patient compartment exit/entry is not encumbered with the stretcher in place. The furnished devices shall have a bright colored finish if the device presents a tripping hazard in the entry/exit area when the stretcher is removed.

(h) Passengers shall not be left unattended, and shall at all times be secured with restraints. In no event shall the stretcher be modified, nor shall the auxiliary lock be tampered with. If the auxiliary lock malfunctions, the stretcher shall be removed from service until repaired. The stretcher incline position shall only be used to load or fold the stretcher, not to transport the passenger. All stretchers shall be inspected regularly for missing or damaged parts. The driver and assistant shall confirm that restraining straps are fastened properly and that the stretcher, stretcher fasteners and anchorages are properly secured.
(Ord. No. 2007-8, § 2, 2-6-07)

Sec. 13-310. Wheelchair vehicle requirements.

(a) Each vehicle shall have the name of the provider clearly marked on the outside of the vehicle.

(b) Wheelchair lifts/ramps.

(1) Each vehicle shall have a lift, operated electronically and/or hydraulically, with sufficient capacity to safely and smoothly facilitate the entrance of passengers into the vehicle and exit from the vehicle or be so constructed to safely and smoothly facilitate the entrance of passengers into the vehicle and exit from the vehicle.

(2) The lift should be mounted so as to not impair the structural integrity of the vehicle. Installation of a wheelchair lift or ramp shall not cause the manufacturer's gross axle weight rating (GAWR), gross vehicle weight rating (GVWR), or tire rating to be exceeded.

(3) Each wheelchair lift or ramp assembly shall be legibly and permanently marked by the manufacturer or installer with the following minimum information: (i) manufacturer's name and address, (ii) month and year of manufacturer, and (iii) certificate that the wheelchair lift or ramp securement devices, and their installation, conform to the State of Florida requirements applicable to accessible vehicles.

(4) Instructions for normal and emergency operation of the lift or ramp shall be carried and displayed in every vehicle.

(5) Each vehicle that utilized a wheelchair lift must have an engine-wheelchair lift interlock system that requires the vehicle's transmission be placed in park and emergency brake engaged to prevent movement when the lift is deployed. The lift shall be additionally powered from the vehicle's electrical system. In the event of a power failure, the driver or lift attendant shall have the ability to lower or raise the lift manually with passengers, and shall provide a method to slow free-fall in the event of a power or component failure.

(6) The lift shall be capable of elevating and lowering a six hundred-pound load and shall not cause the outer edge of the lift to sag, or tilt downwards more than one (1) inch, nor shall the platform

deflection be more than three (3) degrees under a six hundred-pound load;

(7) The lift platform shall be least thirty (30) inches wide and forty-eight (48) inches long and shall not have a gap between the platform surface and the roll-off barrier greater than five-eighths (5/8) of an inch. When raised, the gap between the platform and the vehicle floor shall not exceed one-half (1/2) inch horizontally and five-eighths (5/8) inch vertically;

(8) The lift controls shall be operable and accessible from inside and outside the vehicle, and shall be secure from accidental or unauthorized operation. The controls shall additionally be at a location where the driver or lift attendant has a full view, unobstructed by passengers, of the lift platform, its entrance and exit, and the wheelchair passenger, either directly or with partial assistance of mirrors. Lifts located entirely to the rear of the driver's seat shall not be operable from the driver's seat, but shall have an override control at the driver's position that can be activated to prevent the lift from being operated by the main control station;

(9) The lift operation shall be smooth without any jerking motion and movement shall be less than or equal to six (6) inches per second during lift cycle and less than or equal to twelve (12) inches per second during stowage cycle;

(10) When in stow in the passenger compartment, the lift platform shall not be capable of falling out of or into the vehicle, including during a power failure event;

(11) All sharp edges on the lift structure shall be padded or ground smooth.

(12) The lift platform shall have a properly functioning, automatically engaged, anti-roll off barrier, with a minimum of one (1) inch on the outbound end to prevent ride over;

(13) The platform, when in a stored position shall not intrude into the body of the vehicle more than twelve (12) inches and shall be equipped with permanent vertical side plates to a height of at least two (2) inches above the platform surface;

(14) No part of the assembly, when installed and stowed, shall extend laterally beyond the normal side contour of the vehicle or vertically beyond the lowest part of the rim of the wheel closest to the lift; and

(15) The lift platform on vehicles shall be equipped with a handrail on both sides of the lift platform for the purpose of loading or unloading ambulatory passengers. The handrail shall meet the following requirements: (i) maximum height range thirty (30) to thirty-eight (38) inches; (ii) knuckle clearance hand hold of one and one-half (1.5) inch minimum; (iii) be able to withstand force of one hundred (100) pounds; and (iv) the handrail shall not reduce the lift platform width of at least thirty (30) inches;

(c) Each vehicle shall have, for each passenger transported, two (2) positive means of securely latching or locking to the vehicle the wheelchair in which a passenger will ride. The latching device shall be designated to prevent any lateral, longitudinal or vertical motion of the passenger conveyance within the vehicle.

At a minimum, the wheelchair securement device shall include:

(1) Placement as near to the accessible entrance as practical, providing clear floor area of thirty (30) inches by forty-eight (48) inches. Up to six (6) inches may be under another seat if there is nine (9) inches height clearance from the floor. All wheelchairs shall be forward facing;

(2) The device shall be tested to meet a thirty (30) mph standard;

(3) The device shall securely restrain the wheelchair during transport from moving forward, backward, lateral and overturning movements in excess of two (2) inches;

(4) The device shall be adjustable to accommodate all wheel bases, tires (including pneumatic) and motorized wheelchairs;

(5) The device shall be a lock system, belt system or both. If a belt system is used, the cargo strap shall be retractable or stored on a mounted clasp or in a storage box when not in use. A tract mounting lock system on the floor for wheelchair securement shall be flush with the floor so as not to be an obstruction or become a tripping hazard. In all cases, the straps shall be stored properly when not in use; and

(6) The device shall provide seat belts or harnesses that are attached to the floor or to the side wall of the vehicle, which shall be capable of securing both the passenger and the wheelchair.

(d) Vehicle entry and exit doors shall be equipped with latching devices sufficient to restrain individual passenger conveyance within the passenger compartment of the vehicle. At a minimum, the entrance door shall contain a vertical clearance of fifty-six (56) inches and a minimum clear door opening of thirty (30) inches, have no lip or protrusion at the door threshold of more than one-half (1/2) inch and be equipped with straps or locking devices to hold the door open when the lift is in use.

(e) Each vehicle shall have, in addition to the side vision mirrors, an inside rear-vision mirror which will enable the driver to view the passenger compartment at the level at which the passengers ride. In no event shall any wheelchair vehicle be equipped with any emergency lights or sirens.

(f) Each vehicle shall have a communications capability which may be mobile two-way radio, excluding C.B. radios, with all normal accessories, and shall meet all standards and requirements as specified by the F.C.C., or an answering service operating twenty-four (24) hours coupled with a pager system, or an operating cellular phone.

(g) Each vehicle must have a minimum of fifty-six (56) inches headroom from the finished floor to the finished ceiling in the passenger compartment and a door opening of not less than forty-eight (48) inches.

(h) The floor covering shall be seamless, one (1) piece, permanently applied material, which can be maintained in a safe, sanitary and odor free manner, and shall extend the full length and width of the passenger compartment. Where side panels and covering meets at the joints and side walls, they shall be sealed and bordered with rustproof, corrosion-resistant cove moldings.

(i) Notwithstanding the foregoing, the Americans with Disabilities Act standards shall apply where appropriate.
(Ord. No. 2007-8, § 2, 2-6-07)

Sec. 13-311. Transport of passengers requiring medical oxygen.

Wheelchair and stretcher vehicle services shall take the following precautions when transporting wheelchair or non-ambulatory passengers who require the administration of medical oxygen:

(1) Oxygen shall be transported on a wheelchair or stretcher vehicle only when medically necessary.

(2) Oxygen shall be transported in a cylinder maintained in accordance with the manufacturer's instructions attached to the cylinder.

(3) Prior to boarding the vehicle, the driver shall inspect each cylinder to assure that it is free of cracks or leaks, including around the valve area and pressure relief device, and visually inspect the cylinders for dents, gouges, or pits. Leaking, dented, gouged, or pitted cylinders shall not be loaded on the vehicle.

(4) To the extent possible, the number of cylinders transported on board the vehicle shall be limited to one (1) per passenger.

(5) Drivers shall load and unload the cylinders with reasonable care, and shall not roll or drag a cylinder. Drivers shall additionally not carry a cylinder by the valve or regulator. Drivers shall not use gloves contaminated with oil or grease to handle the cylinders

(6) Each cylinder should be secured to prevent movement and leakage. Each cylinder shall be loaded and secured in an upright position. Each cylinder shall be secured away from sources of heat or potential sparks. Smoking shall not be permitted in the passenger compartments.

(7) Oxygen cylinders or other medical support equipment shall never be stored or secured in the aisle of the vehicle, and the seating of passengers requiring oxygen shall not restrict access to exits or use of the aisles.

(8) Cylinders shall be immediately removed from the vehicles upon reaching the passenger destination.

(9) The total volume for oxygen cylinders permitted in a bus cargo compartment is two (2) liters.
(Ord. No. 2007-8, § 2, 2-6-07)

Sec. 13-312. Inspection of vehicles.

All stretcher transport vehicles and wheelchair transport vehicles shall be inspected annually by the county manager or designee. An annual inspection fee shall be charged in the amount set by the board of county

commissioners. Any vehicle failing the annual inspection shall be removed from service until such time as all deficiencies are corrected, and the vehicle passes re-inspection. Inspections shall include, but not be limited to, whether the vehicle has a current registration, valid tag, meet minimum safety standards, and such other requirements as set forth in this article. Interim inspections shall be permitted upon good cause to believe the vehicles do not satisfy the minimum standards set forth herein.
(Ord. No. 2007-8, § 2, 2-6-07)

Sec. 13-313. Penalties.

A violation of any provision of this article shall be deemed a misdemeanor and, upon conviction, the violator shall be subject to a fine not to exceed five hundred dollars ($500.00) and/or imprisonment in the county jail for not more than sixty (60) days, or both such fine and imprisonment.
(Ord. No. 2007-8, § 2, 2-6-07)