

ORDINANCE: 1893

**AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA,
AMENDING CHAPTER 18 – BUSINESSES - OF THE CITY OF
CRESTVIEW CODE OF ORDINANCES; PROVIDING FOR
AUTHORITY; PROVIDING FOR FILING OF THIS
ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT
OF OKALOOSA COUNTY; PROVIDING FOR
SEVERABILITY; PROVIDING FOR SCRIVENER’S ERRORS;
PROVIDING FOR LIBERAL INTERPRETATION;
PROVIDING FOR REPEAL OF CONFLICTING CODES AND
ORDINANCES; AND PROVIDING FOR AN EFFECTIVE
DATE**

WHEREAS, the City is authorized and empowered to adopt and enforce ordinances and codes, not inconsistent with state law that are necessary to regulate businesses and collect business taxes; and

WHEREAS, the City has been determined that the current Chapter 18 – Businesses, should be improved to provide for the levying of business taxes in a way that is more concise, more consistent with current and best practices; and

WHEREAS, the City has also been determined that it is beneficial to the general public to provide for various supplemental standards for specific types of businesses;

**BE IT ORDAINED BY THE CITY COUNCIL OF CRESTVIEW, FLORIDA, AS
FOLLOWS:**

CHAPTER 18 – BUSINESSES is hereby amended as attached to this ordinance (Attachment 1).

SECTION 1 – AUTHORITY. The authority for enactment of this ordinance is Section 166.041, Florida Statutes and The City of Crestview Land Development Code.

SECTION 2 – FILING. Upon passage, the City Clerk is directed to file a copy of this ordinance with the Clerk of Circuit Court of Okaloosa County and with the Florida Department of the State.

SECTION 3 – SEVERABILITY. If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 4 – SCRIVENER’S ERRORS. The correction of typographical errors which do not affect the intent of this Ordinance may be authorized by the City Manager or the City Manager’s designee, without public hearing, by filing a corrected or re-codified copy with the City Clerk.

SECTION 5 – ORDINANCE TO BE LIBERALLY CONSTRUED. This Ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

SECTION 6 – REPEAL OF CONFLICTING CODES, ORDINANCES, AND RESOLUTIONS. All Charter provisions, codes, ordinances and resolutions or parts of charter provisions, codes, ordinances and resolutions or portions thereof of the City of Crestview, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 7 – EFFECTIVE DATE. This ordinance shall take effect immediately upon its adoption.

Passed and adopted on second reading by the City Council of Crestview, Florida on the 22nd day of August 2022.

Approved by me this 22nd day of August 2022.

J. B. Whitten
Mayor

ATTEST:

Maryanne Schrader
City Clerk

Chapter 18 - BUSINESSES

ARTICLE I. IN GENERAL

~~Secs. 18-1 – 18-25. – Reserved.~~

ARTICLE II. OCCUPATIONAL LICENSES I. - BUSINESS TAX RECEIPTS

Sec. 18-~~126.~~ - ~~Required Generally.~~

The ~~license-business~~ taxes as set forth in this article ~~and categorized in the comprehensive fee schedule~~ are hereby declared to be and are adopted as the schedule of licenses for the privilege of engaging in or managing any business, profession or occupation within the city. Such occupational license tax is levied on: ~~those persons referenced in F.S. Ch. 205, with those persons as well as any other applicable person being subject to the terms, conditions and provisions of this article. (1) Any person who maintains a permanent business location or branch office within the city for the privilege of engaging in or managing any business within its jurisdiction.~~

~~(2) Any person who maintains a permanent business location or branch office within the city for the privilege of engaging in or managing any profession or occupation within its jurisdiction.~~

~~(3) Any person who does not qualify under the provisions of subsection (1) or subsection (2) and who transacts any business or engages in any occupation or profession in interstate commerce, if such license tax is not prohibited by section 8 of article I of the United States Constitution.~~

~~18-27. Term; transfer.~~

All licenses issued under this article shall expire on September 30 of each year. No license shall be issued for more than one year. For each license obtained between October 1 and April 1, the full tax for one year shall be paid, except as otherwise provided in this article; and for each license obtained from April 1 to September 30, one-half the full tax for one year shall be paid, except as otherwise provided in this article.

Sec. 18-2. - Dates due and delinquent; penalties.

Regulations regarding the issuance of business tax receipts, due dates, delinquencies, and applicable penalties shall be the same as F.S. Ch. 205.

~~Sec. 18-28. Sworn statement.~~

~~(a) — In all cases where the amount required to be paid for a license depends upon the amount of capital invested, or prior year's production, or value of goods or stocks, or property used in the business, it shall be the duty of the person applying for such license to render to the city clerk a sworn statement of the amount of such capital, or value of such stock, goods or other property, and such other proof, including insurance carried. As a condition for the issuance of any such license, the applicant shall be bound to submit for inspection and estimation by the city clerk, either before or after the license is issued, inventories last taken, or stock books, to show the amount of capital invested, or the value of the stock of goods, wares or merchandise or other property carried or used in such business.~~

~~(b) — The city clerk may refuse to issue the license until such time as such statement is filed and such inspection and examination is permitted.~~

~~(c) — It shall be unlawful for any licensee to refuse to allow such inspection and examination by the city clerk.~~

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Sec. 18-~~329~~. – Location.

Any person desiring to engage in any exhibition, trade, business, vocation, occupation, or profession for which a ~~license-business tax receipt~~ is required shall designate in the application for ~~license-such business tax receipt~~ the place where the exhibition, trade, business, vocation, occupation, calling or profession ~~is~~will be located. A separate ~~license-business tax receipt~~ shall be required for each place at which any exhibition, trade, business, vocation, occupation, ~~calling~~calling, or profession is carried on.

~~Sec. 18-30. Separate licenses for each classification.~~

~~Any person dealing in more than one of the items or carrying on or engaging in more than one of the exhibitions, trades, businesses, vocations, occupations, callings or professions enumerated in this article and for each of which a license is required, shall be required to take out and pay for a separate license for each such exhibition, trade, business, vocation, occupation, calling or profession engaged in or carried on by such person.~~

Sec. 18-~~431~~. – Posting.

~~It is hereby made the duty of a~~Any person exercising the privilege or conducting a business, exhibition, trade, vocation, occupation, calling, or profession for which a ~~license-business tax receipt~~ is hereby required, ~~to~~shall post ~~his~~the ~~license-receipt~~ in a conspicuous place in or about ~~his~~the place of business where it may be seen upon inspection by any official of the city.

~~Sec. 18-32. Separate licenses required for each business; duration of license.~~

- ~~(a) Whenever an occupational license is levied against any profession, trade, shop or business classified in this article, such occupational tax shall be required to be paid to carry on such business, whether it be connected or operated in conjunction with any other business or not, unless the contrary intention appears.~~
- ~~(b) The occupational licenses levied against any trade, shop or business described in this article shall be paid by each person engaged in such trade, running or operating such shop or business, unless the contrary shall appear.~~
- ~~(c) The occupational licenses levied against the various professions, exhibitions, trades, businesses, vocations, callings or occupations described in this article shall be for a yearly privilege unless the contrary shall appear.~~

~~Sec. 18-33. Merchants.~~

~~Any person engaged in selling goods, wares and merchandise which is specially classified shall pay the specially classified occupational license tax and not the merchants occupational license tax; but any business not specially licensed and engaged in such business shall pay the merchant occupational license tax.~~

Sec. 18-~~534~~. - Public utilities.

The tax imposed by this article on express companies, railroad companies, telephone companies, telegraph companies and other companies engaged in interstate commerce is imposed upon the business actually done by such companies within the city and to and from points within the state and is not imposed upon any business done for the United States government or upon interstate business.

~~Sec. 18-35. Penalty for delinquent payment.~~

- ~~(a) Those licenses not renewed by October 1 shall be considered delinquent and subject to a delinquency penalty of ten percent for the month of October, plus an additional five percent penalty for each month of delinquency thereafter until paid. However, the total delinquency penalty shall not exceed 25 percent of the occupational license fee for the delinquent establishment.~~

- (b) ~~Any person engaging in or managing any business, occupation or profession without first obtaining a local occupational license, if required under this article, shall be subject to a penalty of 25 percent of the license determined to be due, in addition to any other penalty provided by law or ordinance.~~
- (c) ~~Any person who engages in any business, occupation, or profession covered by this chapter of the code, who does not pay the occupational license tax within 150 days after the initial notice of tax due, and who does not obtain the required occupational license is subject to criminal 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 the amount set in the comprehensive fee schedule.~~
- (d) ~~The penalties imposed by this section shall be collected in addition to the amount of the license tax, and the payment of such penalty shall not be pleaded in bar in any proceedings charging the offense of doing business without a license under this article.~~

Sec. 18-~~636~~. - Rebate of fees.

No portion of any occupational license business tax assessed in this article shall be rebated unless it clearly appears that such license tax was collected by mistake or error. Before making such rebate ~~to a licensee~~, all accounts payable under a proper license business shall be paid by such licensee business.

Sec. 18-~~737~~. - Disposition of funds.

All revenue derived from license business taxes imposed by this article shall be paid into the general fund of the city.

~~Sec. 18-38. Exemption allowed disabled persons, the aged, and widows with minor dependents.~~

- (a) ~~All disabled persons physically incapable of manual labor, widows with minor dependents, and persons 65 years of age or older, with not more than one employee or helper, and who use their own capital only, not in excess of \$1,000.00, shall be allowed to engage in any business or occupation in counties in which they live without being required to pay for a license.~~
- (b) ~~The exemption provided by this section shall be allowed only upon the certificate of the county physician, or other reputable physician, that the applicant claiming the exemption is disabled, the nature and extent of the disability being specified therein, and in case the exemption is claimed by a widow with minor dependents, or a person over 65 years of age, proof of the right to the exemption shall be made. Any person entitled to the exemption provided by this section shall, upon application and furnishing of the necessary proof as aforesaid, be issued a license which shall have plainly stamped or written across the face thereof the fact that it is issued under this section, and the reason for the exemption shall be written thereon.~~
- (c) ~~In no event under this or any other law shall any person, veteran or otherwise, be allowed any exemption whatsoever from the payment of any amount required by law for the issuance of a license to sell intoxicating liquors, malt and vinous beverages.~~

Sec. 18-8. - Exemptions.

All persons, organizations, or entities specified as exempt in F.S. Ch. 205, are hereby exempt from the provisions of this chapter to the extent provided in F.S. Ch. 205.

Sec. 18-39. Appointment of license inspector; duties.

- (a) ~~It is hereby made the duty of the city clerk to appoint a license inspector of the city.~~
- (b) ~~The license inspector shall have the authority to investigate all businesses, occupations and professions in the city, and to make such inquiry as shall be necessary to determine whether or not a license has been~~

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procured for such business, occupation or profession, and shall report to the city clerk the names of all persons engaged in business without a license.

~~Sec. 18-40. Circuses, carnivals and outdoor shows—Information to be filed prior to issuance of license.~~

Any applicant applying for an occupational license for the holding of a circus, carnival, show or outdoor exhibition in the city shall at the time of securing such license be required to file with the city license inspector or the city clerk the following:

- ~~(1) An affidavit that permission has been secured from the owner of the land upon which the circus, carnival or show is intended to be held.~~
- ~~(2) A bond, collateral agreement or other security conditioned to clean the premises of all rubbish and debris after use by such applicant.~~
- ~~(3) A written statement from the building inspector that the site upon which the circus, carnival, outdoor show or other public gathering or exhibition is intended to be held is not within an area prohibited for such use.~~
- ~~(4) A written statement of the fire department that the tents or temporary buildings or structures under which the operations are to be held are of fireproof material and will not constitute a fire hazard.~~

~~Sec. 18-41. Same—Payment of tax prior to erection of tents.~~

- ~~(a) No circus, carnival, show or public exhibition shall be permitted to begin erecting its tents, booths or other installations in a permitted area in the city without the payment of the full amount of the occupational license tax as prescribed in this article unless authorization for such circus, carnival, show or exhibition is specifically given by the council.~~
- ~~(b) The occupational license tax as required shall be paid in full before any equipment is brought upon the location where such circus, carnival, show, etc., intends to operate.~~

~~Sec. 18-42. Same—Parades.~~

A parade through the streets of the city in connection with any circus, carnival, show or other outdoor amusement shall not be permitted unless permission is secured from the mayor in writing prior to the beginning of such parade and until the occupational license tax for staging the parade as provided in this article has been paid.

~~Sec. 18-43. Private detectives—Prerequisites for issuing license.~~

Before any occupational license for a private detective may be issued, the applicant must first present to the city clerk a certificate from the police department of the city showing that the applicant has been fingerprinted and that he has no past record of a felony conviction.

~~Sec. 18-45. Clairvoyance, fortunetelling, etc.~~

Any person applying for a license to practice clairvoyance, fortunetelling, mind reading, faith healing, divine healing, astrology or phrenology, and mediums, must present to the city clerk a sworn application which will include the type of license applied for, fee as prescribed in this article for such license, term of residency in the city, prior residency, certification as to character of applicant, and fees to be charged by applicant.

~~Sec. 18-46. Investigation of applications.~~

- ~~(a) All applications for occupational licenses within the meaning of sections 18-43, 18-44 and 18-45 shall be submitted to the police department for investigation for a report as to the truth of the statements contained in the application.~~

(b) —The police department shall institute an investigation as to the statements contained in the application and report to the city clerk the result thereof along with the recommendations of the chief of police as to the granting or refusal of the license applied for.

~~Sec. 18-47. Reserved.~~

Editor's note(s) — Ord. No. 1781, § 2, adopted August 10, 2020, repealed § 18-47, which pertained to trade, gift or merchandise stamps and derived from the Code of 1983, § 10-21.

~~Sec. 18-48. General contractor held responsible for subcontractor license.~~

A general contractor who operates as prime contractor on any project within the city shall be held responsible to assure that any subcontractor who performs a subcontract under his general contract has in his possession a valid occupational license issued by the city for the performance of such subcontracting.

~~Sec. 18-49. Trucks and vehicles — Selling merchandise; license and registration required.~~

- (a) — Operators of trucks or moving vehicles from which vegetables and farm and grove products, not raised and produced by the owner of the truck, are offered for sale at wholesale in the city shall be required to pay an occupational license tax as set in the comprehensive fee schedule, unless otherwise specified, and to register each truck with the police department before receiving free of charge an identification sticker to be attached to such truck or moving vehicle.
- (b) — Operators of trucks or moving vehicles from which goods, wares and merchandise (except vegetables or farm and grove products) are offered for sale at wholesale in the city shall be required to pay an occupational license tax as set forth in this article and to register each truck with the police department before receiving free of charge an identifying sticker to be attached to such truck or moving vehicle.
- (c) — Operators of trucks or moving vehicles rendering services for which a charge is made, such as sharpening knives, repairing, towel or linen service, etc., in the city, shall be required to pay an occupational license tax as set forth in this article and to register with the police department before receiving free of charge an identifying sticker to be attached to such truck or moving vehicle.

~~Sec. 18-50. Same — Certain trucks to have growers' certificate.~~

Operators of trucks and moving vehicles from which vegetables and farm and grove products, raised and produced by the owner of the truck, are offered for sale at wholesale or retail in the city shall be required to produce a growers' certificate of the state in which the farm or grove is located and register the description of the vehicle and the name and address of the owner with the police department, and upon doing so shall be entitled to secure free of charge an identifying sticker to be attached to such truck or moving vehicle.

~~Sec. 18-51. Same — Certain trucks or vehicles to secure sanitation department approval.~~

All trucks or moving vehicles selling dairy products, bakery products, meat products, farm or grove products, or any other items intended for human consumption shall be inspected and approved by the city sanitation officer prior to issuance of an identifying sticker by the police department. Such inspection by the sanitation officer shall be made thereafter as often as is required to protect the health and welfare of the residents of the city.

~~Sec. 18-52. — Licenses subject to this article.~~

No license shall be issued or granted to any applicant to engage in the business of selling or disposing of merchandise of any kind, at retail or wholesale, or the practice or pursuit of any profession or occupation in the city, except upon the terms and conditions and subject to the provisions of this article.

~~Sec. 18-53. Unclassified occupations.~~

~~Every business, occupation, profession or exhibition, substantial, fixed or temporary, engaged in by any person, whether in a building, tent, or upon the street, vacant lot or anywhere in the open air, within the city and not specifically designated in this article, shall pay a license fee as set in the comprehensive fee schedule.~~

~~Sec. 18-54. - Penalty for violation of article.~~

- (a) ~~Any person or the members of any~~ firm or corporation who ~~shall carry on or conduct~~ or manage any business or profession, ~~or who shall keep and use upon the streets of the city any vehicle~~ for which a license business tax receipt is required, without first having obtained a license business tax receipt, or otherwise violate this article (except as provided in this article), shall be subject, upon conviction, to the penalties provided by section 1-11; and each day's violation shall be considered a separate offense. Subject to administrative fines, penalties, and applicable procedures provided by Chapter 2, Article III., Division 5 of this Code of Ordinances.
- (b) ~~The conviction and punishment penalty imposed on~~ any person for transacting any business without a license valid business tax receipt shall not excuse or exempt such person from the payment of any license business tax due or unpaid at the time ~~of such conviction, penalty is imposed.~~

~~Sec. 18-55. Enforcement.~~

~~This article shall be enforced as is provided for in this article. The administration of this article shall be the responsibility of the city clerk.~~

~~Sec. 18-56. License tax schedule.~~

~~Each person, firm, company, association, partnership, agency or corporation wherever located, engaging in or carrying on or doing any act or thing specified in this article, in or from the city shall pay to the city, unless otherwise specified, an annual license therefor which schedule is adopted by reference shall be kept on file in the office of the city clerk.~~

ARTICLE II. – SUPPLEMENTAL REQUIREMENTS FOR SPECIFIC BUSINESSES

Sec. 18-10. - Trucks and vehicles—Selling merchandise; license and registration required.

- (a) Operators of trucks or moving vehicles from which vegetables and farm and grove products, not raised and produced by the owner of the truck, are offered for sale at wholesale in the city shall be required to pay a business tax as set in the comprehensive fee schedule, unless otherwise specified, and to register each truck with the police department before receiving free of charge an identification sticker to be attached to such truck or moving vehicle.
- (b) Operators of trucks or moving vehicles from which goods, wares and merchandise (except vegetables or farm and grove products) are offered for sale at wholesale in the city shall be required to pay a business tax as set forth in this article and to register each truck with the police department before receiving free of charge an identifying sticker to be attached to such truck or moving vehicle.
- (c) Operators of trucks or moving vehicles rendering services for which a charge is made, such as sharpening knives, repairing, towel or linen service, etc., in the city, shall be required to pay a business tax as set forth in this article and to register with the police department before receiving free of charge an identifying sticker to be attached to such truck or moving vehicle.

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Sec. 18-~~1157~~. - Conduct of ~~b~~Bingo games.

- (a) *Definitions.* For purposes of this section, words shall be defined as provided in F.S. 849.093(1) et seq., as from time to time amended.
- (b) *Permit required.* It shall be unlawful for any charitable, nonprofit or veterans' organization to conduct any bingo game without first obtaining a permit therefore in accordance with this section. No charitable, nonprofit or veterans' organization shall conduct any bingo game at any location other than the premises described in the permit. No permit shall be required for a condominium association, mobile home owners' association, or group of residents of a mobile home park, as defined in F.S. ch. 723, to conduct bingo games pursuant to the provisions of F.S. § 849.093(1), provided that no rent is paid for the premises where the game is played.
- (c) *Application fee, accompanying documents and information.* Application for permit required by this section shall be made to the office of city clerk along with the fee as established by ordinance or resolution and shall include the following information and documentation:
 - (1) The name, address and employer identification number of the organization(s);
 - (2) A current list of the officers and directors of the organization(s) and their addresses;
 - (3) A copy of the exemption letter issued under the provisions of Section 501(c) of the Internal Revenue Code of 1954 or Section 528 of the Internal Revenue Code of 1986 as amended;
 - (4) A certification of the period or periods during which the organization(s) has been in existence and active, commencing three calendar years prior to the application filing date;
 - (5) The names, addresses, and dates of membership of all members of the organization who will be involved in the conduct of any bingo game and a certification that each of them is a bona fide member who is a resident of the community where the organization is located;
 - (6) The street address and property description of the premises where any bingo game will be conducted by the organization(s);
 - (7) Copies of all leases and subleases in effect relating to the property where the organization(s) will conduct any bingo game;
 - (8) The certification of the owner of the property and every lessee and sub-lessee that there are not leases in effect other than those submitted with the application and that the rental rate charged for the premises does not exceed the rental rates charged for similar premises in the same locale; and
 - (9) Certification by the organization(s) that it will comply with all provisions of F.S. § 849.093(1) et seq., this section, and the permit issued pursuant to this section.
- (d) *Issuance of permit.* Within seven days of submission of a completed application providing all information and documents and the fee required by this section have been met, the city shall issue the permit allowing the charitable, nonprofit or veterans' organization to conduct bingo games at the premises listed in the permit subject to the provisions of federal, state and local laws, ordinances and regulations. Each permit issued shall expire on September 30 following the month of purchase.
- (e) *Revocation of permit.* Violation of any of the provisions of F.S. § 849.093(1) et seq., the City Code, or the permit issued pursuant to this section shall constitute grounds for revocation of that permit.
- (f) *Right of entry.* Representatives of the law enforcement, code and fire inspector and any other official having official business pertaining to the enforcement of this section shall, upon identification of this person, be admitted to the premises without charge to conduct inspections.

Sec. 18-58. C and D landfills

~~Any person who obtains a state department of environmental protection construction and demolition (C and D) landfill permit to operate and assess fees for authorized disposal within the city shall obtain an occupational license annually from the office of the city clerk. The type of license shall be an unclassified license (see section 18-53) and as a precedent to issuance of the license must provide the city clerk, or designee, a copy of the Florida DEP C and D landfill permit, the board of adjustment order confirming approval of a special exception allowing the land to be used for a C and D landfill and a copy of the C and D permit issued by the administrative services department of the city. License renewals require authorization of the same administrative steps enumerated in this section.~~

Sec. 18-12. – Unlicensed Investigators.

All private detectives or criminal investigators not licensed by the city are required to register with the police department before conducting any operation within the corporate limits of the city.;

Sec. 18-13. – Mobile Food Dispensing Vehicles.

- (a) For the purposes of this section, a mobile food dispensing vehicle (MFDV) is defined as any vehicle that is a public food service establishment and that is self-propelled or otherwise movable from place to place and includes self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal.
- (b) The owner or operator of an MFDV shall obtain any applicable State or County licenses, permits, or registrations, with such licenses, permits or registrations being provided with application for business tax receipt, and displayed in plain view on or in the vehicle.
- (c) The owner or operator of an MFDV shall obtain a city business tax receipt, with such receipt being displayed in plain view on or in the vehicle.
- (d) The owner or operator of an MFDV shall obtain written permission from any property owner where operation occurs. Such written permission must be kept in the vehicle for inspection, if necessary.
- (e) In any case, MFDVs shall not:
 - (1) Operate on any public property, unless in accordance with a permitted special event.
 - (2) Operate on any private property that is not zoned for commercial use.
 - (3) Operate on any private property that is vacant, unimproved, or undeveloped.
 - (4) Operate on any property where code uncorrected violations exist.
 - (5) Connect to any external utilities.
 - (6) Operate between 10 p.m. and 7 a.m. unless in accordance with a permitted special event.
 - (7) Dispense alcohol, unless in accordance with a permitted special event.
 - (8) Dispense food to customers in a moving vehicle or engage in drive-up sales.
 - (9) Create or cause nuisance factors, including, but not limited to:
 - (i) flashing or animated lights or visual glare
 - (ii) amplified music or sound, or other loud noises
 - (iii) excessive fumes, smoke, or other environmental hazards
 - (iv) vehicular or pedestrian hazards
 - (10) Discharge or unload from the vehicle any waste substances such as fat, oil, or grease. All such substances shall be taken from the vehicle when it leaves the subject property.

- (11) Violate any ordinances pertaining to solid waste disposal.
- (12) Park within any vehicular or pedestrian travel way.
- (13) Encumber parking spaces on a site required for the principal use.
- (14) Obstruct any fire lanes, fire hydrants, drainage systems or landscape buffers.
- (15) Obstruct visibility from any adjacent driveways or street intersections.
- (16) Include external dining areas unless in accordance with a permitted special event.
- (17) Be allowed any signage except that which is permanently affixed to the vehicle.

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Sec. 18-14. – Stationary Food Dispensing Vehicles.

- (a) For the purposes of this section, a stationary food dispensing vehicle (SFDV) is defined as any vehicle that is a public food service establishment that may be self-propelled or otherwise movable from place to place and that connects to external utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal.
- (b) The owner or operator of an SFDV shall obtain any applicable State or County licenses, permits, or registrations, with such licenses, permits or registrations being provided with application for business tax receipt, and displayed in plain view on or in the vehicle.
- (c) The owner or operator of an SFDV shall obtain a city business tax receipt, with such receipt being displayed in plain view on or in the vehicle.
- (d) The owner or operator of an SFDV shall obtain written permission from the property owner where operation will occur, such written permission being provided with application for business tax receipt.
- (e) The owner or operator of an SFDV shall provide a site plan along with application for business tax receipt. Site plan will be reviewed for compliance with the City of Crestview Land Development Code, City of Crestview Engineering Standards Manual, Florida Building Code and any life-safety codes, as applicable. Site plan must include, at a minimum, the following information:
 - (1) The location of all existing and proposed structures on site.
 - (2) Dimensions from proposed SFDV to adjacent property lines.
 - (3) Locations of any included accessory structures or facilities, including, but not limited to, portable toilets, tables, tents, temporary power poles, etc.
 - (4) Proposed utility connections.
 - (5) Means of ingress, egress, and traffic flow for vehicular and pedestrian traffic.
 - (6) Any additional information necessary to portray the property and proposed use.
- (f) In any case, SFDVs shall not:
 - (1) Operate on any public property, unless in accordance with a permitted special event.
 - (2) Operate on any private property that is not zoned for commercial use.
 - (3) Operate on any private property that is vacant, unimproved, or undeveloped.
 - (4) Operate on any property where uncorrected code violations exist.
 - (5) Operate between 10 p.m. and 7 a.m. unless in accordance with a permitted special event.
 - (6) Dispense alcohol, unless in accordance with a permitted special event.
 - (7) Create or cause nuisance factors, including, but not limited to:
 - (i) flashing or animated lights or visual glare

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- (ii) amplified music or sound, or other loud noises
- (iii) excessive fumes, smoke, or other environmental hazards
- (iv) vehicular or pedestrian hazards
- (8) Discharge or unload from the vehicle any waste substances such as fat, oil, or grease. All such substances shall be taken from the vehicle when it leaves the subject property.
- (9) Violate any ordinances regarding solid waste disposal.
- (10) Park within any vehicular or pedestrian travel way.
- (11) Encumber parking spaces on a site required for the principal use.
- (12) Obstruct any fire lanes, fire hydrants, drainage systems or landscape buffers.
- (13) Obstruct visibility from any adjacent driveways or street intersections.
- (14) Include external dining areas unless in accordance with a permitted special event.
- (15) Be allowed any signage except that which is permanently affixed to the vehicle.

Sec. 18-15. – Temporary Vendors.

- (a) For the purposes of this section, a temporary vendor is defined as any person, business or other entity that conducts temporary retail sales or displays and that are not a MFDV or SFDV and are not otherwise exempt by Florida Statutes.
- (b) Only temporary vendors who maintain a local branch or office within the City of Crestview are required to obtain a city business tax receipt.
- (c) Temporary vendors shall be held to the applicable rules, regulations, and permitting requirements within the City of Crestview Land Development Code, City of Crestview Engineering Standards Manual, Florida Building Code, and any life-safety codes, as applicable.

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Sec. 18-16. – Solicitors.

- (a) For the purposes of this section, a solicitor is defined as any person who “asks for” or “tries to obtain” money, information or help by approaching someone or someone’s home, place of business, or the like, for monetary gain, sales, or donation.
- (b) Any solicitors operating within the City of Crestview must obtain any applicable State or County licenses, permits, or registrations.
- (c) Solicitors who maintain a local branch or office within the City of Crestview shall obtain a city business tax receipt.
- (d) Restrictions on solicitors and solicitation:
 - (1) Solicitors shall only operate on weekdays between 9:00 a.m. and official sunset as established by the US Naval Observatory, or 7:00 p.m., whichever is earlier.
 - (2) Soliciting shall be prohibited on Saturdays and Sundays, New Year’s Day, Washington’s Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans’ Day, Thanksgiving Day, Christmas Eve, and Christmas Day.
 - (3) When soliciting in residential areas, solicitors shall use only the front door to the dwelling and shall not solicit at any other location.
 - (4) Soliciting shall be prohibited on public property and the private property of any private lot, individual apartment unit or commercial establishment that displays a “no soliciting” sign anywhere on the private property.

- (5) "No soliciting" signs placed at the entrance to a platted subdivision or apartment complex by the property owner or respective Homeowner's Association shall prohibit solicitation within the platted subdivision or apartment complex.

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Sec. 18-178. – Garage Sales.

- (a) For the purposes of this section, garage sales shall be defined as any public display or offer for sale or free to the public, one or more items of personal property by persons residing on the premises upon which the sale is being conducted. The term "garage sales" includes sales commonly referred to as patio sales, driveway sales, yard sales, porch sales, and other such sales.
- (b) Conduct of garage sales, as defined in this section, does not require a business tax receipt.
- (b) Restrictions on garage sales:
- (1) Garage sales shall take place on a temporary basis of no more than three consecutive days per sale, except that garage sales may take place for four consecutive days if one of the four days is a federal holiday.
- (2) Garage sales shall only operate between official sunrise and sunset as established by the US Naval Observatory.

Secs. 18-59—18-75. Reserved.

ARTICLE III. CANNABIS-RELATED ACTIVITIES¹

Sec. 18-76. Definitions.

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

Derivative product means any form of cannabis suitable for administration to or consumption or use by a qualified patient, eligible patient, or any other similarly situated individual.

Dispensing facility means any facility, whether in a fixed location or mobile, where derivative product, low-THC cannabis or medical cannabis is dispensed.

Low-THC cannabis means a plant of the genus cannabis, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than ten percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seed or resin.

Medical cannabis means all parts of any plant of the genus cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin.

Medical cannabis activities means, without limitation, the growing, cultivation, processing, manufacturing, dispensing, distribution, and wholesale and retail sale of medical cannabis, low-THC cannabis, and derivative products, or any subset of such activities, or any related activities.

~~Sec. 18-77. Medical marijuana treatment center dispensing facilities.~~

~~Excerpt: (F.S. § 381.986(11)(b)1, a county or municipality may, by ordinance, ban medical marijuana treatment center dispensing facilities from being located within the boundaries of that county or municipality. A county or municipality that does not ban dispensing facilities under this subparagraph may not place specific limits, by ordinance, on the number of dispensing facilities that may locate within that county or municipality.)~~

~~The city hereby imposes a ban prohibiting the operation of a medical marijuana treatment center dispensing facility within the corporate limits of the City of Crestview, as allowed in F.S. § 381.986(11)(b)1, Florida Statutes (2017). Effective date: December 1, 2017.~~

~~Sec. 18-78. Study and recommendations.~~

~~During the ban described in section 18-77, city staff is hereby directed to monitor the Florida Legislature's statutory regulations concerning medical marijuana treatment center dispensing facilities and formulate periodic reports to the city council. Staff shall review updates in medical cannabis regulations and clinical developments and their impact on the health, safety, and welfare of residents and businesses located within the city. Staff shall compile any other relevant regulations and recommendations and include in the periodic reports to the city council.~~

~~Sec. 18-79. Penalties.~~

~~Any person or entity who violates any provision of this article, or who fails to comply therewith, shall be subject to the penalties as prescribed in chapter 1, section 1-11 of the City's Code of Ordinances, and shall be subject to criminal penalties for violating F.S. ch. 893.~~

~~Secs. 18-80—18-99. Reserved.~~

~~ARTICLE IV. REMOTE MOTOR VEHICLE SALES~~

~~Sec. 18-100. Short title.~~

~~This article shall be known and may be cited as the "Remote Motor Vehicle Sale Regulatory Ordinance of the City of Crestview, Florida" and shall be applicable within the incorporated area of the City of Crestview.~~

~~Sec. 18-101. Scope.~~

~~This article is not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances, or codes. Where this article imposes restriction upon any persons, premises or personal property greater than that imposed or required by other laws or ordinances, the provisions of this article shall control.~~

~~Sec. 18-102. Definitions.~~

~~For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory:~~

~~*Licensed dealership* means a premise which the primary endeavor is the sale of new or used motor vehicles.~~

~~*Motor vehicle* means a new or used automobile or truck.~~

~~*Permanent motor vehicle sales business* means a business which operates out of a structure and has paid the local business tax authorized under Florida Statutes, for that location.~~

~~*Person* means and includes natural persons, partnerships, joint ventures, trusts or corporations, or any officers, agents, employees of any kind or personal representatives of any thereof, in any capacity, acting either for himself, or for any other person.~~

~~*Premises* means and includes all lands, structures, places, and also any equipment and appurtenances connected to or used therewith in any business, or as is otherwise used in connection with any business conducted on such premises.~~

~~Sec. 18-103. Prohibited actions.~~

~~It shall be unlawful for any person, either directly or indirectly, to conduct a sale of a motor vehicle, regardless of whether it is new or used, at a site which is not the location of the permanent motor vehicle sale business, unless it is conducted by a licensed dealership with a permanent sales location within the jurisdictional boundaries of the City of Crestview.~~

~~This prohibition shall not apply to the sale of a motor vehicle by a person at a location other than the individual's residence for which the motor vehicle is individually titled to that person (not including titled as part of a dealership or commercial business) provided no person shall sell more than three such motor vehicles per year.~~

~~Sec. 18-104. Penalties for violations.~~

~~A violation of the provisions this article may be enforced by the code compliance division of the City of Crestview.~~