

TAB 2



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**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

CITY OF PALMETTO CODE ENFORCEMENT BOARD

CITY OF PALMETTO
A political subdivision of the
State of Florida
Petitioner,

vs.

Case No. CEB 12-03

Palmetto Automotive Sales and Service
Thomas B. Brown, Jr.
405 8th Avenue West
Palmetto, FL 34221
Respondent.

NOTICE OF HEARING

Address of Violation:
405 8th Avenue West
Palmetto, Florida 34221

Pursuant to Chapter 162, Florida Statutes, and City of Palmetto Code of Ordinances, Chapter 2, you are hereby called upon to take notice that a Public Hearing will be conducted before the City of Palmetto Code Enforcement Board (CEB) on the 27th day of March, 2012 at 6:00 P.M. in the Commission Chambers at City Hall, which is located at 516 8th Avenue West, Palmetto, Florida. The purpose of the hearing is to determine whether the City of Palmetto Code of Ordinances is being violated as set forth in the Notice of Violation dated December 29, 2011 and previously provided to you by Certified Mail/Return Receipt Requested on December 29, 2011. A copy of the Notice of Violation is attached to this Notice of Hearing as Exhibit A. The CEB will receive testimony and evidence at said Public Hearing and shall make such findings of fact and conclusions of law as are supported by the testimony and evidence pertaining to the matters alleged in the attached Notice of Violation. **If you are found to be in violation, a fine may be assessed against you,**

as provided by law. The purpose of the hearing shall be to conduct proceedings regarding the attached Notice of Violation attached hereto as Exhibit "A".

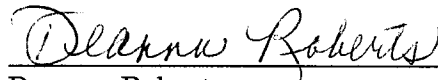
If you desire to appeal any decision of the Code Enforcement Board (CEB) with respect to any matter considered at this Public Hearing, you will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (FS §286.0105). The hearing may be continued from time to time as deemed warranted and appropriate by the CEB. This case may be presented to the CEB even if the violation or repeat violation has been corrected prior to the hearing.

The City of Palmetto does not discriminate on the basis of race, color, national origin, sex, religion, age, marital status or handicapped status in employment or in the provision of services. Handicapped individuals may receive special accommodation in services on forty-eight hours notice (FS §286.26). Anyone requiring reasonable accommodation for this meeting as provided for in the Americans with Disabilities Act should contact the Clerk of the Code Enforcement Board by telephone at 941-723-4570, fax 941-723-4576, or email droberts@palmettofl.org.

PLEASE GOVERN YOURSELF ACCORDINGLY.

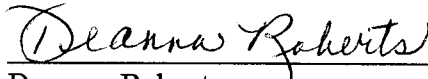
DATED: March 16, 2012

**CODE ENFORCEMENT BOARD OF THE
CITY OF PALMETTO, FLORIDA**



Deanna Roberts
Clerk of the Board

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Hearing has been furnished by Regular Mail and Certified Mail/Return Receipt Requested to the Respondent this 16th day of March, 2012.



Deanna Roberts
Clerk of the Board

cc: Mark Barnebey, City Attorney
David P. Persson, Code Enforcement Board Attorney

Chapter 19

LICENSES AND BUSINESS REGULATIONS*

- Art. I. In General, §§ 19-1—19-25
- Art. II. Local Business Tax, §§ 19-26—19-65
- Art. III. Private Detectives, §§ 19-66—19-120
 - Div. 1. Generally, §§ 19-66—19-85
 - Div. 2. License, §§ 19-86—19-120
- Art. IV. Solicitation, §§ 19-121—19-160
- Art. V. Secondhand Goods, §§ 19-161—19-170
- Art. VI. Special Function Permits, §§ 19-171—19-180

ARTICLE I. IN GENERAL

Sec. 19-1. Ice cream truck; applicability and enforcement of county ordinance.

The City of Palmetto hereby incorporates by reference Manatee County Ordinance 07-74, as amended from time to time, as if fully rewritten herein. The City of Palmetto shall have the authority to enforce the provisions of said county ordinance within the City of Palmetto by citation, code enforcement board proceedings, or in any other manner provided for in this Code of Ordinances.

(Ord. No. 08-975, § 2, 9-22-08)

Secs. 19-2—19-25. Reserved.

ARTICLE II. LOCAL BUSINESS TAX†

→ Sec. 19-26. Payment of tax required.

→ (a) A business tax is hereby levied on:

- (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 the city.

*Cross references—Administration, Ch. 2; finance, § 2-46 et seq.; code enforcement, § 2-81 et seq.; advertising and signs, Ch. 3; alcoholic beverages, Ch. 4; amusements, Ch. 5; buildings and building regulations, Ch. 7; advertising of contractors, § 7-201 et seq.; cable television regulations, Ch. 8; procedure for abatement of nuisances involving excessive growth of weeds or other noxious plants, accumulations of trash, fill and other matter excavations or depressions in which pools of water are located § 16-26 et seq.; junked, wrecked, abandoned property, Ch. 18; sales, Ch. 24; license required for conducting certain sales in the city, § 24-46; taxation, Ch. 27; vehicles for hire, Ch. 30.

State law references—Regulatory fees, F.S. § 166.221; local occupational license taxes, F.S. Ch. 205.

†Editor's note—Ord. No. 08-960, § 3, adopted March 3, 2008, repealed the former Art. II, §§ 19-26—19-46, and enacted a new Art. II as set out herein. The former Art. II pertained to similar subject matter and derived from Ord. No. 308, adopted March 16, 1987.

(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 the city.

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

(b) The obligation of securing a business tax receipt rests with the owner or owners of a business, but in the event of noncompliance, the owner's principal, agent or employee shall be subject to the same enforcement policies, in addition to the owner or owners.

(c) Professional practitioners are recognized professions regulated by state boards requiring examination and certification. Each person engaged in the practice of their profession whether alone, in a partnership or as an employee of another person, partnership, corporation or professional association shall pay a business tax.

(Ord. No. 08-960, § 4, 3-3-08)

Sec. 19-27. Application.

Prior to the issuance of any business tax receipt a written application therefor signed by an officer, partner or owner of the proposed business, occupation or profession, shall be filed with the city clerk. In such application, the applicant shall set forth the following:

- (1) Name of the owner (if firm, the names of all members of the firm; if a corporation, the names of all officers of the corporation);
- (2) Federal employer ID number (if sole proprietorship Social Security Number);
- (3) If state licensed individual, state license number;
- (4) Location of the business;
- (5) Full nature of the business;
- (6) Where the business tax is based thereon, the value of the stock carried or the number of seats, machines, employees, gasoline pumps, rooms, or vehicles, etc., used, as the case may be; and
- (7) Such other pertinent information as may be prescribed by the city clerk.

All business tax applications shall be applied for and issued in the real name of the applicant. In cases where the applicant does or will do business under a fictitious, trade or firm name, the application, and the business tax receipt if issued, shall show the real name as well as the fictitious, trade or firm name of the applicant. The city clerk may waive the requirement of a written application in all cases of renewals of existing business taxes, but shall require, before issuing any renewal business tax receipt, the furnishing of all necessary information pertinent to the establishment of the proper business tax or fee for such business tax.

(Ord. No. 08-960, § 4, 3-3-08)

Sec. 19-41. Authority of city clerk to make regulations.

The city clerk may make such rules and regulations, not inconsistent with this article, as may be necessary or proper for the enforcement of the provisions hereof.
(Ord. No. 08-960, § 4, 3-3-08)

Sec. 19-42. Commercial activity on city property.

(a) *Business and services.* It shall be unlawful for any person to engage in any private business, commercial activity, or to undertake to provide any service for compensation, or to advertise or display merchandise, or to transact any business for profit, or to solicit business, on any property or facilities owned or operated by the city, its agents, departments, representatives, or instrumentalities, without first obtaining a permit, concession, lease, or other authorization in writing approved by the city commission or signed by the mayor. A city business tax receipt, alone, shall not authorize any person to engage in any of the prohibited activities on city property or facilities.

(b) *Advertising prohibited on city property or facilities.* It shall be unlawful for any person to post, display or distribute any signs, advertisements, circulars, handbills, printed or written matter relating to any business or commercial activities, on any property or facilities owned or operated by or for the city without first obtaining a permit, concession, lease, or other authorization in writing approved by the city.
(Ord. No. 08-960, § 4, 3-3-08)

Sec. 19-43. Property not exempt from other taxes.

The business tax imposed and collected under this article shall not be construed to exempt from other forms of taxation the property used in the taxed business or profession.
(Ord. No. 08-960, § 4, 3-3-08)

Sec. 19-44. Business tax fee a debt.

The amount of any business tax and penalty imposed by the provisions of this article is hereby declared to be a debt to the city, and any person carrying on any business without first having procured a business tax receipt from the city, shall be liable to the city for the amount of such business tax recoverable in any court of competent jurisdiction.
(Ord. No. 08-960, § 4, 3-3-08)

Sec. 19-45. Enforcement and penalties.

The code enforcement board shall be responsible for enforcing this article pursuant to the rules and procedures established in chapter 2, article IV of this Code. In addition to any fines or penalties provided under chapter 2, Article IV, the following shall apply:

- (1) Receipts that are not renewed when due and payable are 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 subsequent month of delinquency until paid. However, the total delinquency penalty may not exceed twenty-five (25) percent of the business tax for the delinquent establishment.

- (2) Any person who engages in or manages any business, occupation, or profession without first obtaining a local business tax receipt, if required, is subject to a penalty of twenty-five (25) percent of the tax due, in addition to any other penalty provided by law or chapter 2, article IV of this Code.
- (3) Any person who engages in any business, occupation, or profession covered by this chapter, 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 receipt is subject to civil actions and penalties, including court costs, reasonable attorneys' fees, additional administrative costs incurred as a result of collection efforts, and a penalty of up to two hundred fifty dollars (\$250.00).
- (4) The full amount of any delinquent tax and related penalties shall be paid in cash or in the form of a money order or cashier's check.

(Ord. No. 08-960, § 4, 3-3-08)

Sec. 19-46. Business tax inspection regulatory fee.

The city building department shall collect an additional inspection fee in the amount established by the building department for each application submitted for the issuance of a business tax receipt. This fee as set forth will defray the cost of inspection for occupancy of the premises by the building and zoning department which includes air conditioning, electrical, plumbing and fire inspections. This inspection fee is not refundable.

(Ord. No. 08-960, § 4, 3-3-08)

Sec. 19-47. Appeal.

Any decision of the city clerk or the code enforcement board may be appealed by the applicant to the city commission, whose decision shall be final. The applicant shall file a written notice to appeal setting forth the reasons for the appeal within ten (10) days from the decision appealed. The city commission shall hear the appeal and render its decision within thirty (30) days of the filing of the notice of appeal, unless extended by the city commission for good cause.

(Ord. No. 08-960, § 4, 3-3-08)

Sec. 19-48. Schedule of business taxes.

The various businesses, occupations and professions within the city are hereby classified for the purpose of this article, and the following business taxes shall be assessed and collected:

A

Abstract companies	\$156.00
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LICENSES AND BUSINESS REGULATIONS

§ 19-48

j. Real estate: (see Real estate)

Agricultural tool and implement:

- a. Sales and service 78.00
- b. Separate license required for equipment rental: (see Equipment rental)
- c. Agricultural or farming 47.00

Air conditioning: (see Contractor)

Alarm system, fire, burglary sales and service 39.00

Alleys, bowling, tenpins, skeeball, etc.: (see Bowling)

Ambulance service, not connected with funeral home..... 39.00

Amusement machine: (see Coin-operated devices)

Amusement park..... 375.00

Amusement parlor, shooting gallery, etc. 156.00

Amusement rides, not in city-licensed amusement park, each, per day 15.00

Animal grooming..... 31.00

Animal hospital..... 39.00

Answering service, telephone..... 39.00

Antique dealer, including merchandise 78.00

Apartments: (see Rental unit)

Appliance, electronic: (see Merchant)

Appraiser..... 47.00

Archery range. 39.00

Architect: (see Profession)

Armored car service 78.00

Artist: (see Profession)

Attorney: (see Profession)

Auctioneers and auction sales:

- a. Per day 39.00
- b. Per year 262.50

→ Automotive:

- a. Business carried on at different locations shall be licensed counting each location as a separate entity.

b. Each business engaging at a single location in more than one (1) of the five (5) classes of activities listed below may secure a combination license.

c. The tax shall equal the highest for any single activity engaged in plus one-half of the single or graduated fee specified for each of the other classes of business undertaken.

d. Classes:

1. Agency; sale and servicing of new and used cars and trucks, includes classes 2. and 3.	156.00
2. Dealer; sale of only used cars and trucks, includes class 3.	78.00
3. Garage; general repairs, repairs and replacements, general or specialized	55.00
4. Services:	
i. Rental:	
Cars only	78.00
Trucks only	78.00
Combination rental; cars and trucks and trailers	117.00
ii. Parking lot: (see Parking lot)	
iii. Storage capacity:	
1 to 10 cars	23.00
11 to 20 cars	39.00
21 to 50 cars	55.00
Over 50 cars	78.00
iv. Washing and polishing; unless licensed in class 1., 2., 3. or 5.	39.00
v. Wrecker or towing service; unless licensed in class 1., 2., or 3.	31.00
5. Service station; including stock of inventory such as gas, oil, tires, batteries	47.00

B

Bait dealer, unless included in total merchandise	23.00
Baked goods delivery and/or sales	78.00
This license applicable to baked goods distributors, not city-licensed, delivery and/or selling either wholesale or retail within city limits.	
Bakery: (see Manufacturing)	
Bakery goods, retail store	39.00