

An ordinance of the City of Gainesville, Florida, amending Sections 2-377, 2-379, 2-621, 6-176, 6-182, 6-193, 10-38, 10-40, 14.5-67, 14.5-96, 14.5-121, 16-98, 19-2, 19-3, 19-19, 19-54, 21-58, 21-60, 22-17, 23-57, 23-97, 25-41, 25-42, 25-43, 25-44, 25-45, 25-46, 25-47, 25-48, 25-49, 25-50, 25-50.1, 25-51, 26-116, 28-1, 28-2, 28-4, 28-5, 28-14, 30-336, 30-346, 30-357, relating to the Occupational License Tax; by replacing the term “Occupational License Tax Act” with the term “Local Business Tax Act (LBTA)””; by changing the term “Occupational License” to “Business Tax Receipt” and defining the term “Receipt” as it relates to Business Taxes; amending Appendix A Schedule of Fees Rates and Charges; correcting scrivener’s errors; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, on January 1, 2007 the Local Business Tax Act (LBTA) became effective and replaced the Local Occupational License Tax Act; and

WHEREAS, the only change to the Local Occupational Tax Act was to replace the term “occupational license” with “business tax receipt”; and

WHEREAS, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the Auditorium of City Hall in the City of Gainesville; and

WHEREAS, a Public Hearing was held pursuant to the published notice described at which hearing the parties in interest and all others had an opportunity to be and were, in fact, heard;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

1 **Section 1.** Sections 2-377, 2-379 and 2-621, of Article V, Division 8 entitled “Code
2 Enforcement Board”, Code of Ordinances of the City of Gainesville, are hereby amended to read
3 as follows:

4 **Sec. 2-377. Applicability; jurisdiction.**

5 (a) The Gainesville Code Enforcement Board shall have jurisdiction to hear and decide
6 cases in which violations are alleged of any provisions of the following provisions of this Code
7 of Ordinances as they may exist or may hereafter be amended by ordinance:

8 (1) Chapter 6, Article II, "Building Code";

9 (2) Chapter 6, Article III, "Electrical Code";

10 (3) Chapter 6, Article IV, "Plumbing Code";

11 (4) Chapter 6, Article V, "Gas Code";

12 (5) Chapter 6, Article VI, "Mechanical Code";

13 (6) Chapter 6, Article VII, "Swimming Pools";

14 (7) Chapter 6, Article IX, "Downtown Minimum Property Standards";

15 (8) Chapter 10, "Fire Prevention and Protection";

16 (9) Chapter 13, "Housing and Commercial Building Codes";

17 (10) Chapter 16, Article II, "Dangerous Building and Hazardous Land Code";

18 (11) Chapter 16, Article III, "Perilous Land Code";

19 (12) Chapter 16, Article IV, "Mosquito Breeding Grounds";

20 (13) Chapter 23, "Streets, Sidewalks and Other Public Places";

21 (14) Chapter 25, Article III, "Business ~~Occupational License~~ Tax";

22 (15) Chapter 26, Article III, Division 5, "Abandoned, Wrecked, Nonoperating
23 Vehicles";

- 1 (16) Chapter 27, Article III, "Solid Waste Disposal";
2 (17) Chapter 27, Article IV, Sections 27-180 through 27-182.2, "Sewerage";
3 (18) Chapter 30, "Land Development Code";
4 (19) Chapter 14.5, Article II, "Merchandising of Tobacco Products".

5 (b) Any alleged violation of the aforesaid provisions may also be enforced in any court
6 of competent jurisdiction.

7 **Sec. 2-379. Composition.**

8 (a) The board shall be composed of seven members and shall be appointed by the
9 commission. The commission may appoint up to two alternate members for each board member
10 to serve on the board in the absence of board members. The membership of each enforcement
11 board shall, whenever possible, include:

- 12 (1) An architect;
13 (2) A business person;
14 (3) An engineer;
15 (4) A general contractor;
16 (5) A realtor;
17 (6) A subcontractor.

18 (b) Qualifications. Each member appointed to the board shall possess, in addition to
19 experience or interest in the fields of zoning and building control, the following minimum
20 qualifications at time of appointment:

21 (1) Any architect and any engineer so appointed shall be registered under the laws of the
22 state regulating the practice of architecture and engineering, respectively, or shall possess similar

1 qualifications under the laws of other states or shall have actual experience deemed by the
2 commission to be equivalent to such registration.

3 (2) Any general contractor or subcontractor so appointed shall possess a valid certificate
4 of competency and business tax receipt ~~occupational license~~, recognized and accepted under the
5 laws of the state and the ordinances of the city regulating the business of contracting or
6 subcontracting and where required, state registration as a contractor or subcontractor, or shall
7 possess similar qualifications under the laws of other states, or shall have actual experience
8 deemed by the commission to be equivalent to such certification.

9 (3) Any realtor shall be licensed under the laws of the state which license a real estate
10 broker as either a broker or a salesperson or shall possess similar qualifications under the laws of
11 other states or shall have actual experience deemed by the commission to be equivalent to the
12 licensing, and shall hold a current and valid business tax receipt ~~occupational license~~ issued by
13 the city.

14 (4) Any businessperson shall be actively engaged in any lawful business within the city,
15 and shall hold a current and valid business tax receipt ~~occupational license~~ issued by the city, or
16 shall be an officer or employee of a business entity holding a current and valid business tax
17 receipt ~~occupational license~~ issued by the city.

18 (5) Each member of the board shall be a resident of the city.

19 (6) No person shall be eligible for appointment to the board should the person have
20 pending, either before the board or in any county, circuit or appellate court of the state, a case
21 concerning cited or proven violation of any of the codes or ordinances enumerated in section 2-
22 377. The members shall serve in accordance with ordinances of the city and may be suspended
23 and removed for cause as provided in such ordinances for removal of members of boards.

1 (c) All appointments after the initial appointments shall be made by the commission for
2 a term of three years.

3 (d) Appointments to fill any vacancy to the board shall be for the remainder of the
4 unexpired term of office.

5 (e) If any member fails to attend two of three successive meetings without cause and
6 without prior approval of the chair, the board shall declare the member's office vacant, and the
7 local governing body shall promptly fill such vacancy. Any member, who becomes a candidate
8 for public elective office or becomes an employee of the city, shall automatically forfeit his/her
9 membership. Should a member of the board be adjudicated guilty of a violation of any of the
10 codes or ordinances enumerated in Division 6, Civil Citations or Division 8, Code Enforcement
11 Board, the matter shall be placed on the next agenda of the city commission for a determination
12 as to whether the member should be allowed to continue, be temporarily suspended, or be
13 removed from the board. In making this determination, the city commission shall consider,
14 among other things, the nature of the code or ordinance cited, the severity and extent of the cited
15 violation and the past history of the member concerning previous violations of the subject codes
16 or ordinances.

17 **Sec. 2-621. Definition.**

18 "Local business" means the vendor has a valid business tax receipt ~~occupational license~~,
19 issued by the City of Gainesville at least six months prior to bid or proposal opening date, to do
20 business in said locality that authorizes the business to provide the goods, services, or
21 construction to be purchased, and a physical business address located within the limits of said
22 locality, in an area zoned for the conduct of such business, from which the vendor operates or
23 performs business on a day-to-day basis. Post office boxes are not verifiable and shall not be

1 used for the purpose of establishing said physical address. In order to be eligible for local
2 preference, the vendor must provide a copy of the business tax receipt ~~occupational license~~.

3 **Section 2.** Sections 6-176, 6-182, and 6-193, of Article VII, Division 1, entitled
4 “Generally”, Code of Ordinances of the City of Gainesville, are hereby amended to read as
5 follows:

6 **Sec. 6-176. Definitions.**

7 Generally, terms in this article have their ordinary, accepted meanings in the construction
8 industry. The following specific definitions apply:

9 Apprentice or helper means a person employed in a trade or craft specified in section 6-
10 185 for the purpose of learning that trade or craft through practical experience under the
11 direction and supervision of certified master or journeyman craftsmen.

12 Contractor means a person who engages in business, under express or implied contract,
13 in the performance of those construction trades specifically included in section 6-185, or who
14 undertakes or offers to undertake or purports to have the capacity to undertake, or submits a bid
15 to, or does himself/herself, or by or through others, engage in the business of doing such a
16 construction trade. Neither a person who only furnishes material, supplies or equipment without
17 consuming them in the performance of the work of a contractor, nor a person who engages in the
18 activities herein regulated as an employee with wages as his/her sole compensation, is a
19 contractor.

20 Contractor certificate means a certificate of competency issued by the city prior to
21 August 1, 1995, which certifies that its holder has met this article's requirements to engage in
22 business as a contractor in the category indicated on the certificate. A contractor certificate is not
23 an business tax receipt ~~occupational license~~.

1 Craftsman certificate means a certificate of competency issued by the city which certifies
2 that its holder has met this article's requirements and is competent to perform the trade or craft
3 indicated on the certificate. A craftsman certificate does not qualify the holder to engage in
4 business as a contractor.

5 Journeyman craftsman means a person who has been examined by the city and found to
6 have the required skill, knowledge and experience to do the work in the performance of a
7 particular trade or craft and holds a current valid journeyman craftsman certificate issued by the
8 city.

9 Master craftsman means a person who has been examined by the city and found to have
10 the required skill, knowledge and experience to plan, layout, supervise and do the work of a
11 particular trade or craft and who holds a current valid master craftsman certificate issued by the
12 city.

13 Qualifying agent means a person who holds a current master craftsman certificate issued
14 by the city and who is employed and designated by a contractor, in writing, to serve as qualifying
15 agent, and who has agreed, in writing, to serve as qualifying agent for that contractor and no
16 other.

17 Trade and craft mean occupations in the construction field which require skill,
18 knowledge, manual ability and experience to perform, and include only those specific
19 occupations provided in section 6-185.

20 **Sec. 6-182. Qualifications for obtaining permits.**

21 Except as otherwise provided by law, application for a permit to perform work within the
22 scope of this article will be accepted only from a contractor holding a current contractor
23 certificate and business tax receipt ~~occupational licenses~~ required by law and ordinance, against

1 whom no revocation or suspension of any of the required certificates or licenses is pending. An
2 application for a permit shall be signed by the qualifying agent of the contractor where required.

3 **Sec. 6-193. Certificates nontransferable; renewal.**

4 (a) Contractor certificates and craftsman certificates are nontransferable and expire on
5 the last day of September of either even or odd numbered years depending on last name, as set
6 out in Appendix A. The building official shall renew certificates upon request and payment of
7 the applicable renewal fee in accordance with the schedule set out in Appendix A.

8 (b) The payment of a certificate renewal fee is required in addition to and is wholly
9 unrelated to any business tax receipt ~~occupational license~~ fee required by another ordinance of
10 the city.

11 **Section 3.** Section 10-38 and 10-40, of Article IV, entitled “False Alarms”, Code of
12 Ordinances of the City of Gainesville, are hereby amended to read as follows:

13 **Sec. 10-38. Fire alarm monitoring companies.**

14 (a) All fire alarm monitoring companies shall register annually with the fire alarm
15 administrator. Each fire alarm monitoring company shall pay a fee in accordance with the fee
16 schedule established at Appendix A unless it is regulated by the department of business and
17 professional regulation and has paid an local business ~~occupational license~~ tax for the current
18 year to the county or municipality in the state where its permanent business location or branch
19 office is maintained. Each registration shall be valid for 12 months. Failure to register, or pay a
20 fee, if applicable, shall result in a fine levied in accordance with the fee schedule established at
21 Appendix A.

22 (b) The fire alarm monitoring company shall provide the following information:

23 (1) Name, street address and telephone number of the fire alarm monitoring company;

1 (2) The names, street addresses and telephone numbers of all fire alarm operators
2 contracted with within the territorial jurisdiction of this article;

3 (3) The procedure used to verify the legitimacy of a fire alarm prior to notification to the
4 fire department;

5 (4) The name, street address and telephone number of the qualifying agent.

6 (c) Upon registration, the fire alarm monitoring company shall be provided with a
7 telephone number for use when reporting a fire alarm.

8 (d) Fire alarm monitoring companies shall maintain records relating to fire alarm
9 notification for a period of at least two years, and shall provide such records to the fire alarm
10 administrator upon request.

11 (e) Fire alarm monitoring companies shall monitor in accordance with the Florida Fire
12 Prevention Code.

13 (f) Failure to comply with subsection (a), (b), (d) or (e) of this section shall result in a
14 fine being levied in accordance with the schedule established at Appendix A.

15 **Sec. 10-40. Fire alarm system contractors.**

16 (a) All fire alarm system contractors shall register annually with the fire alarm
17 administrator. Each fire alarm system contractor shall pay a fee in accordance with the fee
18 schedule established at Appendix A unless it is regulated by the department of business and
19 professional regulation and has paid an local business ~~occupational license~~ tax for the current
20 year to the county or municipality in the state where it's permanent business location or branch
21 office is maintained. Each registration shall be valid for 12 months. Failure to register, or pay a
22 fee if applicable, shall result in a fine levied in accordance with the fee schedule established at
23 Appendix A.

1 (b) No person shall install, maintain, repair, alter, service or monitor fire alarm systems
2 for compensation without being a fire alarm system contractor, or a fine shall be levied as
3 established at Appendix A.

4 (c) All fire alarm system contractors shall furnish each of its agents with identification
5 cards in accordance with F.S. § 489, or a fine shall be levied for each violation in accordance
6 with the fee schedule established at Appendix A.

7 (d) Fire alarm system contractors shall install systems or equipment and use methods of
8 installation that meet or exceed minimum Underwriters Laboratories or National Fire Protection
9 Association 72 requirements for the appropriate installation and use control panels tested for
10 conformance to the Security Industry Association's Control Panel Standard, or a fine shall be
11 levied for each violation, in accordance with the fee schedule established at Appendix A.

12 (e) Fire alarm system contractors shall not activate or service an alarm system unless it
13 is permitted, or a fine shall be levied in accordance with the fee schedule established at Appendix
14 A.

15 (f) Fire alarm contractors shall not cause a false alarm during the servicing, repairing,
16 testing or inspection of an alarm system. The fire alarm operator shall not be charged with such
17 false alarms.

18 (g) Fire alarm contractors shall provide all fire alarm operators with an alarm permit
19 application, whenever installing, maintaining, repairing, altering or servicing a fire alarm system,
20 unless the fire alarm contractor reasonably believes that the fire alarm operator already holds a
21 valid permit.

22 **Section 4.** Sections 14.5-67, of Article IV, Division 2, entitled "Licensing Provisions"
23 and 14.5-96, of Division 5 entitled "Escort License Provisions" and 14.5-121 of Article VI,

1 Division 1, entitled "Cable Television", Code of Ordinances of the City of Gainesville, are
2 hereby amended to read as follows:

3 **Sec. 14.5-67. Annual license fee.**

4 (a) Levy. There is hereby levied for an adult performance establishment license and for
5 an escort service license the annual license fee as provided in Appendix A.

6 (b) Fees regulatory. The annual license fees collected pursuant to this article are
7 declared to be regulatory fees which are collected for the purpose of examination and inspection
8 of adult performance establishments and escort services under this article and the administration
9 thereof. These regulatory fees are in addition to and not in lieu of the business ~~occupational~~
10 ~~license~~ taxes imposed by other ordinances.

11 **Sec. 14.5-96. Annual license fee.**

12 (a) Levy. As provided in Appendix A.

13 (b) Fees regulatory. The annual license fee is declared to be a regulatory fee collected
14 for the purpose of administration of this division. The fee is in addition to and not in lieu of the
15 business ~~occupational~~ license tax imposed by other ordinances.

16 **Sec. 14.5-121. Definitions.**

17 For the purpose of this article the following terms, phrases, words and their derivations
18 shall have the meanings given herein. When not inconsistent with the context, words used in the
19 present tense include the future; words in the plural number include the singular number. The
20 word "shall" is mandatory and "may" is permissive. Words not defined shall be given their
21 common and ordinary meaning.

22 Access channels means channels set aside for non-commercial access programming as
23 authorized by federal law, with specific programming uses and purposes as determined by the
24 city commission consistent with federal law.

1 Affiliate, when used in relation to any person, means another person who owns or
2 controls, is owned or controlled by, or is under common ownership or control with, such person.

3 Applicable law means all federal, state, and local laws, statutes, ordinances, rules and
4 regulations, now in force or hereafter enacted, and all amendments thereto applicable to
5 operation of a cable system or to any activities of a Grantee permitted by this article or by a
6 franchise.

7 Basic service tier means all signals of domestic television broadcast stations provided to
8 any subscriber (except a signal secondarily transmitted by satellite carrier beyond the local
9 service area of such station, regardless of how such signal is ultimately received by the cable
10 system), any public, educational and governmental programming required by the franchise to be
11 carried on the basic tier, and any additional video programming signals or service added to the
12 basic tier by the cable operator.

13 Cable act means the Cable Communications Policy Act of 1984, the Cable Television
14 Consumer Protection and Competition Act of 1992 and the Telecommunications Act of 1996, as
15 they may be amended, succeeded, supplemented or augmented by subsequent laws.

16 Cable communications system, also referred to as "cable television system" or "cable
17 system" or "system," means a facility, consisting of a set of closed transmission paths and
18 associated signal generation, reception and control equipment that is designed to provide cable
19 service, which includes video programming and which is provided to multiple subscribers within
20 a community; but such term does not include:

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

23 (2) A facility that serves subscribers without using any public right of way;

1 (3) A facility of a common carrier which is subject, in whole or in part, to the provision
2 of Title II of the Cable Act, except that such facility shall be considered a cable system to the
3 extent such facility is used in the transmission of video programming directly to subscribers; or

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

6 Cable service means the one-way transmission to subscribers of video programming, or
7 other programming service, and the subscriber interaction, if any, required for the selection or
8 use of such video programming or other programming service, or as otherwise provided by
9 applicable law.

10 Capacity means the capability of the cable communications system to carry signals. At
11 the time of the effective date of this article, capacity may be described in terms of portions of the
12 total radio frequency bandwidth by specifying a number of MHz, but this is subject to changes in
13 technology.

14 Channel means a portion of the electromagnetic frequency spectrum which is used in a
15 cable system and which is capable of delivering a television channel (as television channel is
16 defined by applicable law).

17 City means the City of Gainesville, Florida.

18 Commercial subscriber means a subscriber who receives a service in a place of business.

19 Commission means the city commission of the City of Gainesville.

20 Complaint shall mean any written communication by any person or any oral
21 communication by a subscriber or potential subscriber reduced to writing, including a computer
22 form, expressing dissatisfaction with any non-programming aspect of Grantee's business or
23 operation of the cable communications system.

1 Days means calendar days unless otherwise specified.

2 Drop means a connection from feeder cable to a demarcation point, as specified from
3 time to time by the FCC, outside a subscriber's or potential subscriber's residence, dwelling unit,
4 commercial establishment or other service location. A standard drop shall be a drop whose
5 length is not more than 150 feet.

6 Dwelling unit means any building or portion thereof that is lawfully occupied for
7 residential purposes. Each apartment or dwelling unit within a multiple dwelling unit shall be
8 counted as one residential subscriber for purposes related to this Ordinance and any franchise
9 agreement unless otherwise provided.

10 Easement dedicated for compatible use means an easement open for the use of a cable
11 operator pursuant to F.S., ch. 177.

12 External costs shall have the same meaning as found in federal rules and regulations.

13 Fair market value means the price that a willing buyer would pay to a willing seller for a
14 going concern based on the system valuation prevailing in the industry at the time.

15 FCC means the Federal Communications Commission, any of its agencies or bureaus,
16 and any legally appointed or elected successor.

17 Fiber means a transmission medium of optical fiber cable capable of carrying cable
18 services by means of light wave impulses, or any similar successor technology.

19 Fiber node means the local transition point between the fiber distribution portion and the
20 coaxial distribution portion of the cable television system.

21 Franchise means an initial authorization, or renewal thereof (including a renewal of an
22 authorization which has been granted subject to Section 626 of the Cable Act), issued by the
23 City, which authorizes the construction, operation or maintenance of a cable system along the

1 public rights-of-way within all or a specified area of the City. Any such authorization, in
2 whatever form granted, shall not mean or include any business tax receipt ~~license~~ or permit
3 required for the privilege of transacting and carrying on a business within the City as required by
4 applicable law.

5 Franchise agreement means the contract voluntarily entered into by the city and a grantee
6 embodying a franchise awarded in accordance with this article, containing the specific terms and
7 conditions under which the franchise shall be exercised. Any franchise granted pursuant to this
8 article grants the nonexclusive rights to construct, operate and maintain a cable communications
9 system along the public rights-of-way within specified areas of the city.

10 Franchise area means the area in which a Grantee is permitted to operate a cable
11 communications system.

12 Grantee means any person on which a franchise is conferred and shall include the lawful
13 successor, transferee or assignee of such person.

14 Gross revenues means all revenue received by the grantee or its agents for delivery of
15 cable service or from the operation of its cable system within the incorporated areas of the city,
16 with no deductions except for bad debts written off or other restriction of state or federal laws,
17 rules and regulations.

18 Headend means that part of a cable system used for the reception and dissemination of
19 signals on the cable television system.

20 Installation means the connection of the system from feeder cable or other facilities to
21 the subscribers' point of entry as designated from time to time by the FCC.

22 Interconnect or interconnection means the physical linking of the grantee's cable
23 television system with any other designated cable system or other separate communications

1 network so that cable services, as specified in the franchise agreement, of technically adequate
2 quality may be sent to and received from such other systems.

3 Line extensions means the activation of the cable system to areas of the city not served
4 by cable system.

5 Multiple dwelling unit or MDU means condominiums, apartments, and other multiple-
6 resident buildings having more than four dwelling units.

7 Non-commercial means use of the cable system by any tax-exempt organization or by
8 any other user for a purpose that is not intended to generate income for the user or any other
9 person and is not otherwise related to a profit-making activity.

10 Normal business hours means those hours during which most similar businesses in the
11 community are open to serve customers. In all cases, "normal business hours" must include some
12 evening hours at least one night per week or some weekend hours.

13 Normal operating conditions means those service conditions that are within the control
14 of grantee. Those conditions that are not within the control of grantee include but are not limited
15 to natural disasters, substantial regulatory changes, civil disturbances, power outages, telephone
16 network outages, and severe or unusual weather conditions. Those conditions which are within
17 the control of grantee include but are not limited to special promotions, pay-per-view events, rate
18 increases, regular, peak or seasonal demand periods, changes in the billing cycle, changes in
19 channel lineups that are within grantee's control, and repairs, rebuilds, maintenance or upgrade of
20 the cable system.

21 Open video system or OVS means any channel or a facility consisting of a set of
22 transmission paths and associated signal generation, reception, and control equipment that is
23 designed to provide cable television service, which includes video programming, to multiple

1 subscribers within a community, and which the Federal Communications Commission or its
2 successor has certified as compliant with 47 C.F.R. Part 76, as amended from time to time.

3 Overbuild means a cable system or portion thereof constructed to serve subscribers in an
4 area served by an existing cable system, including those parts of an existing system that will be
5 constructed and activated within six months pursuant to plans filed with the city.

6 Parent corporation means a corporation, other person, or other legal entity with greater
7 than 50% ownership of the Grantee or having control, in whatever manner exercised or if
8 voluntarily not exercised, over the grantee.

9 Person means an individual, partnership, association, joint venture, organization,
10 corporation, limited liability company or other entity, or any lawful successor or transferee of
11 said individual, partnership, association, organization, corporation, limited liability company or
12 other entity.

13 Public property shall mean any real property owned by the city other than the public
14 rights-of-way.

15 Public rights-of-way means any land owned or controlled by the city that is dedicated,
16 deeded, used, or to be used for a public street, highway or road.

17 Reasonable notice means written notice addressed to the grantee or the city at that party's
18 respective principal office within the city, as set forth in a franchise, or such other office as the
19 grantee or the city has designated as the address to which notice shall be transmitted to the
20 respective party sent by certified mail and postmarked not less than 14 days prior to that day in
21 which the party giving such notice shall commence any action which requires the giving of
22 notice. In computing said 14 days, holidays recognized by the city shall be excluded.

1 Rebuild means the replacement of a cable system's active electronic and passive devices
2 and replacing more than 50 percent of the coaxial cable or fiber optic plant with new plant over a
3 period of two years or less.

4 Resident means any person residing in the City except as otherwise defined by
5 applicable law.

6 Residential subscriber means a subscriber who receives a service in an individual
7 dwelling unit or a multiple dwelling unit of four or fewer units and the subscriber's use is for
8 non-commercial purposes.

9 Sale includes any sale, exchange or barter transaction.

10 School means any public K-12 school, excluding charter, non-public and "home"
11 schools.

12 Service call means the visit of a cable television representative to a service address.

13 Service interruption or Outage means the loss of picture or sound on one or more cable
14 channels.

15 Simplified tax law means the Communications Services Tax Simplification Law,
16 Chapter 202 of the Florida Statutes, as amended.

17 State means the State of Florida.

18 Subscriber means any person, firm, corporation or other entity who or which legally
19 subscribes to a cable service provided by a Grantee.

20 Transfer means any disposal by the grantee or any owner(s) thereof, directly or
21 indirectly, by gift, assignment, voluntary sale, merger, consolidation or otherwise, of five percent
22 or more at one time of the ownership or controlling interest in a system, grantee or franchise, or

1 20 percent cumulatively over the term of a franchise of such interests to a person or group of
2 persons.

3 Upgrade means improving the cable system, through the exchange of electronic and
4 passive devices, while utilizing a significant portion of the existing coaxial cable or fiber optic
5 plant.

6 User means a person utilizing channel or equipment and facilities for the purpose of
7 producing or transmitting programming, as contrasted with receipt thereof in a subscriber
8 capacity.

9 **Section 5.** Section 16-98, of Article V, entitled “Public Nuisance Abatement”, Code of
10 Ordinances of the City of Gainesville, is hereby amended to read as follows:

11 **Sec. 16-98. Orders.**

12 (a) At the conclusion of the hearing and after considering all evidence presented at such
13 hearing, the board is authorized to issue findings of fact based upon the evidence presented and
14 made part of the record that a public nuisance does not exist or that an unlawful public nuisance
15 does exist.

16 (b) Upon finding that an unlawful public nuisance does exist the board shall enter an
17 order requiring the owner of such place or premises to adopt such procedure as may be
18 appropriate under the circumstances to abate any such nuisance or it may enter an order
19 immediately prohibiting:

20 (1) The maintaining of the nuisance;

21 (2) The operating or maintaining of the place or premises, including the closure of the
22 place or premises, or any part thereof; or

1 (3) The conduct, operation, or maintenance of any business or activity which is
2 conducive to the maintenance of such nuisance. Any city business ~~occupational license~~ tax
3 receipt certificate issued or renewed pursuant to the provisions of Chapter 25 of this Code shall
4 not operate as authority to conduct business during any period in which the conduct of any
5 business or business activity is prohibited.

6 (4) The board may order any combination of subsections (b)(1), (2) or (3), but shall
7 endeavor to use the least restrictive method believed necessary to abate the nuisance.

8 (c) An order entered pursuant to section 16-98 shall expire after one year or at such
9 earlier time as stated in the order. The board may retain jurisdiction to modify the orders prior to
10 the expiration of the orders, where just cause is found to exist.

11 (d) Before the board can order the closure of a place or premises or any part thereof, the
12 board must make a factual finding that:

13 (1) The respondent did not abate the nuisance after being ordered by the nuisance
14 abatement board to do so;

15 (2) The respondent did not substantially comply with an appropriate order issued by the
16 nuisance abatement board;

17 (3) The respondent continued to maintain an ongoing nuisance; or

18 (4) Closure is the only effective option in eradicating the nuisance. Such finding is to be
19 supported by a written order setting forth the factual bases for this determination.

20 (e) A nuisance shall be deemed to be or have been abated when the board finds by a
21 preponderance of the evidence that the causes of the nuisance have been eliminated or
22 suppressed to such a degree that an additional predicate violation as set forth in section 16-94 is
23 not likely to reoccur.

1 **Section 6.** Sections 19-2 and 19-3, of Article I, entitled “In General” and Section 19-19,
2 of Article II, Division 1, entitled “Occupational license requirement” and Section 19-54, of
3 Article III, Division 1, entitled “Restrictions and requirements”, Code of Ordinances of the City
4 of Gainesville, are hereby amended to read as follows:

5 **Chapter 19 PEDDLERS, SOLICITORS AND CANVASSERS***

6 **Sec. 19-2. Downtown Plaza.**

7 (a) Applicable area. The designated area for the purposes of this section is described as
8 follows:

9 (1) Bounded on the north by East University Avenue;

10 (2) Bounded on the east by the Judicial Building;

11 (3) Bounded on the south by Southeast First Avenue; and

12 (4) Bounded on the west by the Alachua County administration building.

13 (b) Conditions for sales. Vendors, peddlers, exhibitors of jewelry, pottery, mirrors,
14 beads, trinkets, baskets, articles of clothing such as T-shirts, sweatshirts, caps and visors, arts and
15 crafts, paintings, drawings, sculptures, photographs, artwork or the like shall be permitted within
16 the area specified in this section generally referred to as the Downtown Plaza under the
17 conditions stated in this section:

18 (1) Persons indicated in this section must obtain and have displayed an business tax
19 receipt ~~occupational license~~ issued by the city.

20 (2) Space used by persons indicated in this section shall not exceed fifty (50) square feet
21 in area.

22 (3) No permanent display stand shall be permitted and display stands shall be erected
23 and dismantled at the beginning and end of each day of operation.

1 (4) When a location has been selected on the Downtown Plaza by a person indicated in
2 this section, the person shall remain in that same location during the remainder of that day.
3 Locations selected shall meet the spacing requirements of section 23-41 of this Code of
4 Ordinances.

5 (5) Sales of food and beverages shall be subject to compliance with all applicable city,
6 county and state requirements.

7 (6) Sales of any type shall not be conducted during times when other events are
8 scheduled for the Downtown Plaza without permission of the city manager.

9 **Sec. 19-3. Annual Artwalk.**

10 (a) Applicable area. The Annual Artwalk event is recognized as an annual two-day
11 event which will be sponsored by a locally recognized organization and which is permitted to
12 operate within the boundaries of the following described area:

13 Beginning at the intersection of N.E. 6th Avenue and N.E. 1st Street proceed south on
14 N.E. 1st Street to N.E. 2nd Avenue, thence east on N.E. 2nd Avenue to N.E. Boulevard, thence
15 south along the Boulevard and Sweetwater Branch to S.E. 4th Place, thence west on S.E. 4th
16 Place to S.E. 2nd Street, thence south on S.E. 2nd Street to S.E. 5th Avenue, thence west on S.E.
17 5th Avenue to South Main Street, thence north on South Main Street to S.W. 4th Avenue, thence
18 west on S.W. 4th Avenue to S.W. 5th Street, thence north on S.W. 5th Street to S.W. 2nd
19 Avenue, thence west on S.W. 2nd Avenue to S.W. 5th Terrace, thence north on S.W. 5th Terrace
20 to West University Avenue, thence west on West University Avenue to N.W. 6th Street, thence
21 north on N.W. 6th Street to N.W. 2nd Avenue, thence east on N.W. 2nd Avenue to N.W. 3rd
22 Street, thence north on N.W. 3rd Street to N.W. 3rd Avenue, thence east on N.W. 3rd Avenue to

1 N.W. 2nd Street, thence north on N.W. 2nd Street to N.W. 6th Avenue, thence east on N.W. and
2 N.E. 6th Avenue to the point of beginning.

3 Except for the following parcels:

4 (1) Lot No. 9 and the west 170 feet of Lot No. 4 Brush Addition, DB O-218, Replat of
5 Block 28, PB A-71, Public Records of Alachua County, Florida, also known as tax parcel Nos.
6 14536 and 14544 and the south 104 feet of 14537.

7 (2) Commence 138 feet east and 43 feet south of the N.W. corner of the S.E. quarter of
8 Sec. 5, T10S, R20E, for the point of beginning and run south along the East line of S.W. 5th
9 Terrace 581 feet more or less to its intersection with the North line of S.W. 2nd Avenue, thence
10 run east along the North line of S.W. 2nd Avenue, 160.95 feet, thence run north 285.5 feet,
11 thence run west 25.9 feet, thence run north 296 feet more or less to the South line of West
12 University Avenue, thence run west 118.9 feet along the South line to the point of beginning.
13 Lying and being in the N.W. quarter of the S.E. quarter of Sec. 5, T10S, R20E, Alachua County,
14 Florida, also known as tax parcel Nos. 12939, 12940, 12942 and 12942-1.

15 (3) Lots 5 and 8, Block 2 (or 560/366); Lots 1 and 4, Block 2 less right-of-way; Lot 5
16 and South one-half (S 1/2) of Lot 6, Block 1, all in the Parrish and Parrish Addition to
17 Gainesville, PB A-107, as recorded in the Public Records of Alachua County, Florida. Lying and
18 being in the S.W. quarter of Sec. 4, T10S, R20E, Alachua County, Florida.

19 (b) Exemption from permit and business tax receipt ~~occupational license~~ requirements.
20 Vendors, peddlers and exhibitors who participate in the Annual Artwalk event are exempt from
21 the permit and business tax receipt ~~occupational license~~ requirements provided in articles I, II
22 and III of this chapter and article III of chapter 25 during the two-day event.

1 (c) Sales of food and beverages. Sale of food and beverages shall comply with all
2 applicable city, county and state laws and regulations, except as expressly exempted in
3 subsection (b) above.

4 **Sec. 19-19. Business tax receipt ~~Occupational license~~ requirement.**

5 Peddlers must meet the business tax receipt ~~occupational license~~ requirements provided
6 in article III of chapter 25.

7 **Sec. 19-54. Restrictions and requirements.**

8 (a) When engaged in soliciting, solicitors are required to identify themselves, and state
9 whom they represent.

10 (b) Solicitors will terminate their activities in residential areas by 7:00 p.m. each day
11 and will not resume their activities in residential areas before 9:00 a.m. the next day.

12 (c) Solicitors are prohibited from soliciting on residential premises in residential areas
13 where a notice stating "No Solicitors" or "No Solicitation" is posted in plain view.

14 (d) No more than two solicitors shall contact and solicit any one member of the public at
15 any one time.

16 (e) Solicitors will not persist in soliciting after the solicitation has been declined, and
17 they will immediately and peaceably depart from the premises when requested to do so by the
18 occupant.

19 (f) Solicitors shall not harass persons by demanding, threatening or intimidating
20 conduct.

21 (g) Solicitors may solicit donations or contributions for religious or charitable
22 paraphernalia from the general public to be used in the furtherance of their religion or charity
23 provided that if a minimum donation is required the person solicited must be so informed.

1 (h) This article allows nonprofit institutions such as religious organizations, scouting,
2 schools and fraternal societies to sell or transfer goods such as cookies, flowers, etc., or services
3 such as carwashes, carnivals, etc., which may include the use of a building and/or its premises
4 for such sales or delivery or services, but not a vacant parcel of land. Such fundraising activities
5 must be clearly incidental to the primary function of such institutions, and all proceeds must be
6 returned to the nonprofit organization. If any proceeds are shared by a non-tax exempt
7 organization, an business tax receipt ~~occupational license~~ may be required.

8 (i) Solicitors are prohibited from soliciting in such a manner as to knowingly obstruct,
9 impede or interfere with the free flow of pedestrian or vehicular traffic.

10 (j) No solicitor shall raise funds, or seek financial assistance of any kind or nature, on
11 any street or right-of-way within the city without satisfying the requirements of article V of this
12 chapter.

13 (k) For purposes of this section, right-of-way shall not include sidewalks, but shall
14 include bike lanes and medians.

15 **Section 7.** Sections 21-58 and 21-60, of Article IV, entitled “False Burglary and
16 Robbery Alarms”, Code of Ordinances of the City of Gainesville, are hereby amended to read as
17 follows:

18 **Sec. 21-58. Alarm monitoring companies.**

19 (a) All alarm monitoring companies shall register annually with the alarm administrator.
20 Each alarm monitoring company shall pay a fee in accordance with the fee schedule established
21 at Appendix A unless it is regulated by the department of business and professional regulation
22 and has paid an local business ~~occupational license~~ tax for the current year to the county or
23 municipality in the state where it's permanent business location or branch office is maintained.

1 Each registration shall be valid for 12 months. The alarm monitoring company shall provide the
2 following information:

3 (1) Name, street address and telephone number of the monitoring company;

4 (2) The names, street addresses, and telephone numbers of all alarm operators
5 contracted with within the territorial jurisdiction of this article;

6 (3) The procedure used to verify the legitimacy of an alarm prior to notification to the
7 city police department;

8 (4) The name, street address and telephone number of the qualifying agent.

9 (b) Upon registration, the alarm monitoring company shall be provided with a telephone
10 number for use when reporting an alarm.

11 (c) Alarm monitoring companies shall maintain records relating to alarm notification for
12 a period of at least one year, and shall provide such records to the alarm administrator upon
13 request or a fine, in accordance with the fee schedule established at Appendix A shall be levied.

14 **Sec. 21-60. Alarm system contractors.**

15 (a) All alarm system contractors shall register annually with the alarm administrator.

16 Each alarm system contractor shall pay a fee in accordance with the fee schedule established at
17 Appendix A unless it is regulated by the department of business and professional regulation and
18 has paid an local business ~~occupational~~-license tax for the current year to the county or

19 municipality in the state where it's permanent business location or branch office is maintained. A
20 fine shall be levied in accordance with the fee schedule established at Appendix A for failure to
21 register. Each registration shall be valid for 12 months.

1 (b) No person shall install, maintain, repair, alter, service or monitor alarm systems for
2 compensation without being an alarm system contractor, or a fine shall be levied as established
3 in Appendix A.

4 (c) All alarm system contractors shall furnish each of its agents with identification cards
5 in accordance with F.S. § 489.518, or a fine shall be levied for each violation, in accordance with
6 the fee schedule established at Appendix A.

7 (d) Alarm system contractors shall not install systems or equipment or use methods of
8 installation that do not meet or exceed minimum Underwriters Laboratories or American
9 National Standards Institute requirements for the appropriate installation or that do not use
10 control panels tested for conformance to the Security Industry Association's Control Panel
11 Standard, or a fine shall be levied for each violation, in accordance with the fee schedule
12 established at Appendix A.

13 (e) Alarm system contractors shall not activate or service an alarm system unless it is
14 permitted, or a fine shall be levied, in accordance with the fee schedule established at Appendix
15 A.

16 (f) Alarm system contractors shall not cause a false alarm during the servicing,
17 repairing, testing or inspection of an alarm system, or a fine shall be levied in accordance with
18 the fee schedule established at Appendix A. The alarm operator shall not be charged for such
19 false alarms.

20 (g) Alarm system contractors shall provide all alarm operators with a blank alarm permit
21 application, whenever installing, maintaining, repairing, altering or servicing an alarm system,
22 unless the alarm system contractor reasonably believes that the system is permitted, or a fine
23 shall be levied in accordance with the fee schedule established at Appendix A.

1 **Section 8.** Section 22-17 of Article II, entitled “Secondhand Dealers”, Code of
2 Ordinances of the City of Gainesville, is hereby amended to read as follows:

3 **Sec. 22-17. Requirements are in addition to other Code requirements.**

4 The requirements of this article are in addition to any other requirements of the
5 Gainesville Code of Ordinances, such as but not limited to zoning and business tax receipt
6 ~~occupational license~~ requirements.

7 **Section 9.** Sections 23-57 of Article IV, entitled “Construction of Sidewalks, Curbs and
8 Gutters”, and Section 23-97 of Article V, entitled “Construction and Removal of Driveways”,
9 Code of Ordinances of the City of Gainesville, are hereby amended to read as follows:

10 **Sec. 23-57. Bonding of contractors.**

11 Each contractor engaged in the laying of sidewalks, curb or gutter or valley gutter
12 provided for in this article, shall be required to enter into a bond payable to the city in the sum of
13 \$500.00 to be approved by the city manager and filed with him/her. The bond shall be furnished
14 by the contractor prior to obtaining his/her business tax receipt ~~occupational license~~ each year.

15 The conditions of the bond shall be that all sidewalks, curb and gutter or valley gutter,
16 constructed by the contractor upon any of the streets of the city shall comply with the
17 requirements of this article and conform to the lines and grades furnished by the city engineer
18 and that the contractor will, upon written notice from the city engineer remove and replace
19 within 30 days after the date of the notice, at the expense of the contractor, all sidewalks, curb
20 and gutter or valley gutter not constructed in accordance therewith or which for any reason is
21 found by the city engineer to be defective. The contractor will guarantee his/her work free from
22 defects for a period of one year after the completion thereof. The bond shall be for the benefit of