

ORDINANCE NO. 050120
0-05-88

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Land Code of Ordinances, relating to fees; removing fees to Appendix A from section 6-187, certificates for journeymen; section 14.5-63, application for license; application fee, consent by applicant (adult performance and escort services); section 14.5-67, annual license fee for adult performance; section 14.5-69, name change for an adult performance or escort service business; section 14.5-93, application fee and application for escort license fee; section 14.5-96, annual license fee; section 23-105, registration required for communications facilities or other wire line occupants of public rights-of-way; section 27-80, franchise fees; and section 28-5, duration of franchise, annual reports, fees; amending Appendix A to include fees stated in the above-referenced sections of Code and to increase fees in Appendix A by approximately 5% (rounded to the next quarter) except fees related to the category of utilities, home occupational permit, and fire rescue and the subcategories of special building inspection and trespass towing fees; amending section 23-105, repealing obsolete sections of Code relating to fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, on June 27, 2005 the City Commission authorized an ordinance removing fees from the body of the City of Gainesville Code so that they may be placed in Appendix A; and

WHEREAS, on July 13, 2005 and August 15, 2005, the City Commission held budget workshops wherein they approved an increase in fees by 5% to defray the cost of providing such services; 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 to be held in the City Commission Auditorium, City Hall, City of Gainesville; and

1 **WHEREAS**, the Public Hearings were held pursuant to the published notice
2 described at which hearings the parties in interest and all others had an opportunity to be
3 and were, in fact, heard.

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

6 **Section 1.** Subsection (4) and subsection (6) of section 6-187, City of Gainesville
7 Code of Ordinances, is amended to read as follows:

8 **Sec. 6-187. Certificates for journeymen.**

9 A certificate for a journeyman, may be obtained in the following manner:

10 (4) *Fee.* Each application for a certificate shall be accompanied by a receipt
11 evidencing payment of an application processing fee ~~of twenty five dollars (\$25.00)~~ for a
12 ~~journeyman's certificate~~ as provided in Appendix A. Fees are not refundable.

13 (6) *Reciprocation of certificate.*

14 a. The building official shall recognize certificates of competency for
15 journeymen issued by another county or municipality when the applicant:

16 1. Submits an application for reciprocation of the certificate and pays
17 the application fee ~~of one hundred dollars (\$100.00)~~ as provided in
18 Appendix A.

19 2. Meets the same requirements as an applicant for examination; and

20 3. Files a copy of the applicant's original application to the
21 government agent administering the examination.

1 b. The building official shall verify with the testing agency that the applicant
2 has been tested, graded and proctored by the professional testing and grading
3 firm.

4 c. The building official shall issue a certificate to all craftsmen that have
5 been issued a state certification.

6 **Section 2.** Subsection (c) of section 14.5-63, City of Gainesville Code of
7 Ordinances, is amended to read as follows:

8 **Sec. 14.5-63. Application for license; application fee; consent by applicant.**

9 (c) *Application fee.* Each application shall be accompanied by a nonrefundable fee of
10 ~~\$200.00~~, as provided in Appendix A. If the application for a license is approved and a
11 license is granted, the fee shall be applied as a credit towards the annual license fee
12 required for the first year pursuant to section 14.5-67 of this article.

13 **Section 3.** Section 14.5-67, City of Gainesville Code of Ordinances, is amended
14 to read as follows:

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

16 (a) *Levy.* There is hereby levied for an adult performance establishment license an
17 ~~annual license fee of \$500.00~~ and for an escort service license an ~~annual license fee of~~
18 ~~\$200.00~~ the annual license fee as provided in Appendix A.

19 (b) *Fees regulatory.* The annual license fees collected ~~under~~ pursuant to this article
20 are declared to be regulatory fees which are collected for the purpose of examination and
21 inspection of adult performance establishments and escort services under this article and
22 the administration thereof. These regulatory fees are in addition to and not in lieu of the
23 occupational license taxes imposed by other ordinances.

1 **Section 4.** Section 14.5-69, City of Gainesville Code of Ordinances, is amended
2 to read as follows:

3 **Sec. 14.5-69. Changing name of business.**

4 No licensee may change the name of an adult performance establishment or escort
5 service unless and until the licensee satisfies each of the following requirements:

6 (a) Gives the city manager 30-days notice in writing of the proposed name change,
7 accompanied by an affidavit stating there has been no change of ownership of the
8 business since the last reporting to the city;

9 (b) Pays the city manager ~~a \$3.00~~ or designee the change-of-name fee as provided in
10 Appendix A; and

11 (c) Complies with F.S. § 865.09, if applicable.

12 **Section 5.** Subsection (c) of section 14.5-93, City of Gainesville Code of
13 Ordinances, is amended to read as follows:

14 **Sec. 14.5-93. Application for license; application fee; consent by applicant.**

15 (c) *Application fee.* Each application shall be accompanied by a non-refundable fee of
16 ~~\$50.00~~ as provided in Appendix A. If the application for license is approved, and the
17 license is granted, the fee shall be applied as a credit towards the annual license fee
18 required for the first year pursuant to section 14.5-95.

19 **Section 6.** Subsection (a) of section 14.5-96, City of Gainesville Code of Ordinances,
20 is amended to read as follows:

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

22 (a) *Levy.* There is hereby levied for an escort license an annual license fee of
23 ~~\$100.00~~ as stated in Appendix A.

1 **Section 7.** Subsection (b), subsection (d), and subsection (e) of section 23-105,
2 City of Gainesville Code of Ordinances, is amended to read as follows:

3 **Sec. 23-105. Registration required for communications facilities or other wire line**
4 **occupants of public rights-of-way.**

5 (b) ~~All~~ Wireline users of the rights-of-way shall pay for use of the rights-of-way
6 according to the following schedule:

7 (1) ~~For cable service providers, payments shall be made in accordance with~~
8 ~~existing franchise agreements until October 1, 2001 or, if no franchise agreement~~
9 ~~exists but a cable provider has customers inside the corporate limits, payment~~
10 ~~shall be based on five percent of gross revenues derived inside the corporate~~
11 ~~limits of the City of Gainesville. Such payments must be received by the last day~~
12 ~~of the month for amounts billed the previous month. This section is repealed~~
13 ~~October 1, 2001.~~

14 (2) ~~Communications services providers other than cable providers shall pay,~~
15 ~~between January 1, 2001 and October 1, 2001, in accordance with the following:~~

16 a. ~~Local exchange communications and telecommunications service~~
17 ~~providers, as used in F.S. § 337.401, shall pay one percent of local~~
18 ~~recurring revenues for the use of the rights of way, if such service~~
19 ~~provider is actually providing service inside the corporate limits of the~~
20 ~~City. Such amounts shall be levied on services provided inside the~~
21 ~~corporate limits of the City of Gainesville, and shall conform in all~~
22 ~~respects to the requirements of F.S. § 337.401. Such payments shall be~~
23 ~~made monthly by the close of business on the last day of each month for~~

1 ~~amounts billed the preceding month. This section shall be repealed~~
2 ~~October 1, 2001.~~

3 ~~b. Any communications services provider other than cable providers~~
4 ~~and other than local exchange service providers as defined in (2)a. above,~~
5 ~~which is providing service inside the corporate limits of the city and~~
6 ~~having customers inside the corporate limits of the City of Gainesville~~
7 ~~shall pay \$500.00 annually per linear mile or portion thereof for the use of~~
8 ~~the rights of way. This section shall be repealed October 1, 2001.~~

9 (3) All wireline users of rights-of-way other than communications service
10 providers shall pay ~~\$500.00~~ the fee established at Appendix A annually per linear
11 mile or portion thereof for the use of the rights-of-way. Such payments will be
12 made annually in advance and will be prorated for any partial year occupancy. So
13 long as ownership of cable and/or conduit remains vested in an entity other than a
14 communications services provider or wirelines are not used for purposes of
15 providing communications services as defined in Chapter 202, fees under this
16 section will be due for occupancy of the rights-of-way.

17 ~~(4) (2)~~ A government-owned wireline occupant of the rights-of-way shall make
18 payments in the same way as any other wireline occupant of the rights-of-way.
19 ~~Payments will be computed as of January 1, 2001.~~

20 (d) The registrant has the sole responsibility for identifying and obtaining any and all
21 other necessary approvals, permits or agreements; and the registration hereunder does
22 not, in any way, eliminate the registrant's obligation to obtain such approvals, permits or
23 agreements from the city. No construction can be conducted without obtaining proper

1 construction permits and approvals from the city manager or designee. All such
2 construction will be subject to a fee of ~~\$100.00~~ for each permit as provided in Appendix
3 A. Such permit fees shall be waived for all communications services providers in
4 accordance with F.S. Ch. 202.

5 ~~(e) Aerial communications facilities attached to poles on existing permitted attachment~~
6 ~~points owned by another registrant shall be required to register and pay the annual fee~~
7 ~~required in subsection (b)(2).~~ Whenever aerial facilities are erected
8 and the process obstructs one or more sidewalks or city streets for a total of more than
9 four hours, the attachment must be permitted in accordance with the process outlined in
10 subsection (d) above.

11 **Section 8.** Subsection (a) of section 27-80, City of Gainesville Code of
12 Ordinances, is amended to read as follows:

13 **Sec. 27-80. Franchise fees.**

14 (a) *Amount of fee.*

15 (1) The commercial franchisee providing commercial service shall pay as
16 compensation to the city, for the rights and benefits granted hereunder, a fee equal
17 ~~to ten percent of gross revenues from the providing of containers and the~~
18 ~~collection of garbage and trash from commercial properties under the franchise as~~
19 described in Appendix A. For purposes of ~~this~~ the calculation stated at Appendix
20 A, gross revenues shall consist of all revenues from the sale or lease of containers,
21 all revenues from garbage and trash collection services, all disposal billed, late
22 fees, bad debt recoveries and other fees collected from customers, with no
23 deductions except for bad debts actually written off.

1 (2) The commercial franchisee providing construction and demolition debris
2 collection service shall pay as compensation to the city, for the rights and benefits
3 granted hereunder, an annual fee calculated based on all vehicles owned, leased,
4 or otherwise used in construction and demolition debris collection service as
5 follows: described in Appendix A.

6 a. ~~—\$1,500.00 for each vehicle having ten or more wheels;~~

7 b. ~~—\$1,000.00 for each vehicle having more than five and fewer than ten~~
8 ~~wheels; and~~

9 e. ~~—\$500.00 for each vehicle having four or five wheels.~~

10 (3) Commercial franchisees providing both commercial service and
11 construction and demolition debris collection service shall pay both fees listed
12 described in subsections (1) and (2) above, but shall not be required to pay the
13 fees in Appendix A deriving from subsection (2) above for vehicles which are not
14 intended and shall never be used to haul construction and demolition debris.

15 **Section 9.** Subsection (b) of section 28-5, City of Gainesville Code of

16 Ordinances, is amended to read as follows:

17 **Sec. 28-5. Duration of franchise; annual reports; fees.**

18 (b) All franchises granted by the city for a five-year term will pay ~~two hundred fifty~~
19 ~~dollars (\$250.00) per year~~ the yearly fee established in Appendix A for each year of the
20 franchise. A ~~fifty-dollar~~ penalty, as established in Appendix A, will be paid for every
21 month or part thereof that the annual report or payment is not timely filed, or is
22 incomplete, or is incorrect.

1 **Section 10.** Appendix A, relating only to Alcoholic Beverage; Buildings and
2 Building Regulations; Cable Franchise; Cemeteries; Controlled Vehicular Parking Area
3 Decals/Permits; Fire Rescue; Home Occupation permit; Land Development Code;
4 Peddlers, Solicitors and Canvassers; Police; Secondhand Goods; Streets, Sidewalks and
5 Other Public Places; Taxation; Traffic and Motor Vehicles; and Vending are hereby
6 amended to increase most fees by approximately 5% (rounded to the nearest quarter) and
7 to create and add two new categories called “Adult Performance Establishment, Escort
8 Services and Escort Licenses” and “Vehicles for Hire,” to Appendix A reflecting an
9 increase of 5% to these fees. All amendments to Appendix A are provided in Exhibit A,
10 which is attached hereto and incorporated herein as if set forth in full.

11 **Section 11.** A new sub-subparagraph i. and a new sub-subparagraph ii. is created
12 and added to subparagraph 3. of paragraph b. of subsection (2) in Utilities, Appendix A,
13 City of Gainesville Code of Ordinances, to read as follows:

14 3. i. commercial franchisee providing commercial service -- ten percent of gross revenues
15 from the providing of containers and the collection of garbage and trash from commercial
16 properties under the franchise.

17 ii. commercial franchisee providing construction and demolition debris collection service
18 shall pay as compensation to the city an annual fee calculated based on all vehicles
19 owned, leased, or otherwise used in construction and demolition debris collection service

20 as follows:

- 21 a. \$1,500.00 for each vehicle having ten or more wheels;
- 22 b. \$1,000.00 for each vehicle having more than five and fewer than ten
23 wheels; and

1 c. \$500.00 for each vehicle having four or five wheels.

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Section 12. It is the intention of the City Commission that the provisions of Sections 1 through 11 of this ordinance shall become and be made a part of the Code of Ordinances of the City of Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be renumbered or relettered in order to accomplish such intentions.


7 **Section 13.** If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

10 **Section 14.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.


12 **Section 15.** This ordinance shall become effective October 1, 2005.

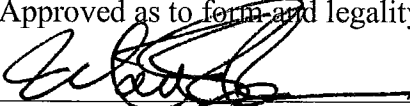
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14 **PASSED AND ADOPTED** this 26th day of September, 2005.

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CHARLES S. CHESTNUT, IV
MAYOR-COMMISSIONER PRO TEMPORE

20 ATTEST:
21 
22 _____
23 KURT M. LANNON
24 CLERK OF THE COMMISSION

Approved as to form and legality


MARION J. RABSON
CITY ATTORNEY

SEP 27 2005

25 This Ordinance passed on first reading this 12th day of September, 2005.

26 This Ordinance passed on second reading this 26th day of September, 2005.