The Town of Surfside would like to facilitate the process of the Annual Renewal for the Certificate of Use, Local Business Tax Receipt, Resort Tax Applications, Home Based Business, and Short -Term Rentals, please submit the following documentation. ALL applications must be received by **September 30th 2019**. Please bring in all of the required documentation to avoid delays. Penalties will be added if application is received after September 30, 2019.

- Certificate of Use Application
  New Certificate fee of $90.00 Renewal fee of $45.00
- Local Business Tax Receipt Application
  Application Registration Fee $25.00
- Resort Tax Registration (If Applicable) $100.00
- Copy of State of Florida Professional Business License
  www.myflorida.com/dbpr
- Copy of Miami Dade County Local Business Tax Receipt
  www.miamidade.gov/taxcollector
- Copy Corporation/Limited Liability Company/ Partnership Documents
  www.sunbiz.org
- Copy of Fictitious Name Registration
  1-850-245-6058
- **Copy of Miami-Dade Fire Rescue Dept. Annual Operating Permit**
  786-331-4800
- Copy of Grease Discharge annual Operating Permit
  www.miamidade.gov/derm
- Copy of State of Florida Alcoholic Beverages & Tobacco License
  www.myfloridalicense.com
- Copy of State of Florida Hotel & Restaurant License
  www.myfloridalicense.com
- Copy of Annual Food permit
  1-850-245-5520
- Plan of the property with Square Footage and Dimensions

ALL Business' located in the Town of Surfside require a Certificate of Use and Local Business Tax Receipt.

Please submit all applications along with the above required documents that are applicable to your Business.

Please be advised that all documents need to be submitted annually with renewal applications.

Applications will not be accepted if **INCOMPLETE** or any of the above requirements are not turned in.

Payments will be accepted in the form of CASH, CHECK OR CREDIT CARD.

Failure to comply with Certificate of Use, Local Business Tax Receipts, Resort Tax, Short Term Rentals and Home Based Business Ordinances, will result in Fines, Penalties, and Revocation of Licenses.

FOR TOWN HALL OFFICIAL COMPLETION **INITIALS OF CLERK**

Payment type: _____ Cash _____ Check _____ Credit Card **Total Amount:** _____

Certificate of Use: New Registration $90.00 Renewal Registration $45.00 _____ LBTR Registration Fee: $25.00

_____ Resort Tax Application Registration $100.00 _____ Short Term Rental Registration $100.00

Current Renewal Local Business Tax Receipts Fees: $_____ Penalties (10% of licenses fees each month after October 1st): _____ Date Received at Town Hall _____

CERTIFICATE OF USE & LOCAL BUSINESS TAX RECEIPT APPLICATION

LICENSE YEAR OCTOBER 1, 2019 to SEPTEMBER 30, 2020

_____ NEW BUSINESS ____RENEWAL ___CHANGE OF USE _____ BUSINESS CHANGES

Applicant Name: _____ Position: _____

Applicant Address: _____

Name of Business: _____ Doing Business As: _____

Business Address: _____ City: _____ State: ___ Zip: _____

Business Phone Number: _____ Other Number: _____

Business E-Mail Address: _____

Business Owner Name: _____ Date of Business Commencement: ___/___/ ___

Business Owner Address: _____ City: _____ State: ____ Zip: _____

Federal Employer Identification Number: _____ State &/or Federal License Numbers: _____ & _____

Type of business: _____ Commercial ____ Residential _ ___

Name of Corporation/ Partnership: _____ State of Incorporation: _____

Emergency Contact Name: _____ Emergency Contact Phone Number: _____

Emergency Contact Address: _____ City: _____ State: _____ Zip: _____

Is this an Entity required to pay Resort Tax? (HOTEL/APARTMENT/RESTAURANT): Yes No ____ (Monthly filing & payment of Resort Tax is due by end of each month for prior month along with Sales & Use Tax report paid to State)

_____ Room/Board _____ Food & Beverage _____ Short Term Rentals _____

If Business is a Restaurant, will there be a request for SIDE WALK CAFE? Yes ___ No ____

# of seats on public sidewalk _____ Square Footage: _____

Hours of operation: _____ Number of employees: _____

Is this a HOME BASED BUSINESS? Yes _____ No _ .. (Affidavit to be completed)

Please check all that applies to your business.

AMUSEMENT MACHINES

___ # of machines

- o As primary business
- o Ancillary business

ANTIQUES SHOP

- o Retail/Merchant

APARTMENTS BUILDING (COMMERCIAL)

___# of rooms

- o Coin/car operating machine master laundry license ___ # of washers & dryers
- o Dispensing machines
  - ▪ ___ # machines inside building
  - ▪ ___ # machines outside building

APARTMENTS BUILDING (SHORT TERM)

___ # of rooms

- o Resort tax Annual Fee
- o Coin/car operating machine master laundry license ___ # of washers & dryers
- o Dispensing machines
  - ▪ ___ # machines inside building
  - ▪ ___ # machines outside building

APPAREL SHOP

- o Retail/Merchant

AUTO MECHANIC REPAIRS OR SERVICE SHOP

- o ___ # of Professional license*

BARBER SHOP

- o ___ # of Professional license*

BEAUTY SALON

- o ___ # of professional licenses*
- o Retail/Merchant

CONTRACTORS

- o General building
- o Sub general contractor
- o Sub building contractor

DISPENSING MACHINES

- o ___ # of machines inside building
- o ___ # of machines outside building

FINANCIAL INSTITUTIONS

- o Banks & trust companies
- o Saving & loan associations
- o Money lenders excepts banks
- o Mortgage loan company
- o Personal finance company
- o Coin/card operated machines ___ # of Automatic teller machines

HOTELS/MOTELS

___ Hotel/Motel License

___ # of rooms

- o Resort tax Annual Fee
- o Coin/card operated machine master laundry license ___ # of washer & dryers
- o Dispensing machines
  - ▪ ___ # machines inside building
  - ▪ ___ # machines outside building
- o ___ # of cabanas

INCOME TAX OFFICE

- o ___ # of prepares

INSURANCE COMPANY OR AGENCY OFFICE

- o ___ # of brokers
- o ___ # of insurance agents
- o ___ # of insurance adjusters

JELWELRY

- o ___ # of brokers
- o Jewelers inventory _____
- o Retail/Merchant

LAUNDROMAT

___ # of dryers & washers

LIQUOR STORE

- o Beer & wine (Consumption OFF premises)

MEDICAL PROFFESIONAL OFFICE

- o ___ # of dentists
- o ___ # of doctors, physicians
- o ___ # of professional licenses*

SERVICE AGENCY***

PHARMACY

- ___ # of professional licenses*
- Health products store
- Retail/Merchant

PROFFESIONAL OFFICES

(ASSOCIATION/CORP/ATTORNEY FIRM

REAL ESTATE BROKERAGE OFFICES

- ___ # of brokers
- ___ # of agents

RESTAURANT

- Resort tax Annual Fee
- ___ # of seats
- Bar (Liquor license)
- Beer & wine (Consumption ON premises)
- Catering service

RESTAURANT TAKE OUT ONLY

- Resort tax Annual Fee

_____ # of Employees

STOCKBROKERS &/OR SECURITY

COMPANY/ AGENCY

- Full service office
  - ___ # of brokers/sales person connected therewith
- Discount Office
  - ___ # of brokers/sales person connected therewith.

SUPERMARKET/ MINIMARKET/ MARKET

- Bakery goods
- Fish market
- Food sales retail inventory _____
- Fruits & vegetables
- Health product store
- Meat markets
- Retail/Merchant
- Beer & wine (Consumption OFF premises

€ **OTHER**_____

_____

***Professional license:** Acupuncturist, CNA, Chiropractic, Dental assistant, Licensed Marriage & family therapist, Licensed mental health counselor, LPN, Massage therapist, OT, OTA, Optician, Pharmacist, PT, PTA, Psychologist, RN, cosmetologist, manicurist, pedicurist, etc.

****Club:** Organization of persons associated together for a common purpose, including social clubs, incorporated of chartered by the state, which sell, dispense, or permit to be sold or dispensed any alcoholic beverage to members, guest or visitors.

*****Service Agency:** dry cleaning, interior decorators, alteration shop, fashion designer, etc.

THE UNDERSIGNED HAS CAREFULLY REVIEWED THIS APPLICATION AND ALL INFORMATION CONTAINED HEREIN HAS BEEN FREELY AND VOLUNTARILY PROVIDED. ALL FACTS, FIGURE, STATEMENTS CONTAINED IN THIS APPLICATION ARE TRUE CORRECT AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

_____ _____

Print Name & Title Date

_____

TOWN OF SURFSIDE

Important Renewal Notice

Dear Business Operator:

A Local Business Tax Receipt is required to conduct any business, profession or occupation within the Town of Surfside. Please see the enclosed Certificate of Use & Local Business Tax Receipt Application which must be filed before **September 30, 2019**. We would like to make you aware that if payment is not received before the above-mentioned deadline, the following penalty schedule will apply:

- Any payment received after **October 1, 2019** will be assessed a 10% penalty.
- Any payment received after the 1st day of each additional month or partial month thereafter, will be assessed a 5% penalty.
- Additional penalties and fees may be applied if payment is not received after 150 days from the date of this notice.

As a prerequisite to filing for a Local Business Tax Receipt and to avoid penalties for late application, please understand that you must first apply for and obtain a Certificate of Use from the Town of Surfside.

For additional information or assistance, please contact:
Front Office Customer Service Representatives at 305-861-4863, Monday thru Friday

Town Hall Hours
(9:00 am to 5:00 pm)

Thank you,

Customer Service Representative

August 8, 2019

Name of Business: _____ LBTR Certificate Number: _____
Address: _____ Business Address: _____
City, State, Zip Code: _____ Last Fiscal Year Fees: _____

We are approaching the renewal time for the Local Business Tax Receipt, Certificate of Use, and Resort Tax Registration that will be expiring on **September 30, 2019**. Commencing on **August 20, 2019,** we will be accepting the Renewal packages. All businesses, persons, firms, partnership or corporations engaged in business within the Town are required to obtain the Local Business Tax Receipt & Certificate of Use.
The outstanding amount must be paid in full by October 1, 2019, in order to avoid additional penalties and interest. Please find enclosed a renewal package to be completed for this year.

The above fee was based in accordance with last year's breakdown of uses for your establishment. Make any necessary modifications in order to update your receipt for this year, including any deletions and/or additions to uses which affect the fee structure.

We will only be accepting completed renewal packages. Please make sure you submit your payment along with all required licenses and/or permits as outlined on the instruction form. This must be received in Town Hall no later than **September 30, 2019** to avoid the below penalty schedule:

- **Payment received after October 1, 2019 (10% of the local business tax due will be charged for the first two months of delinquency).**
- **Payment received after November 30, 2019 will be charged an additional penalty of (5% of the local business tax for every month thereafter).**
- **Additional penalties and fees may be applied if payment is not received after 150 days from the date of this notice.**

All questions should be directed to Town Hall 305-861-4863, Monday through Friday from 9AM to 5PM.

(Return this portion with your payment)

Business Name: Total Due: _____

Business Location: Mail To: Town of Surfside
9293 Harding Avenue
Surfside, FL. 33154

To be completed by Town of Surfside

Date Received: _____ Approved by: _____

Annual Resort Tax Application

Ordinance # 11-1574

As a prerequisite to filing for a Resort Tax Certificate, you must first obtain a Certificate of Use and a Local Business Tax Receipt from the Town of Surfside.

All businesses required to pay resort tax shall first register and obtain the Resort Tax Registration Certificate to be renewed annually. Please complete this Resort Tax Application and submit along with the annual $100 registration fee made payable to the Town of Surfside. Once you have submitted this application, you will receive the Resort Tax Reports which are required to be filed monthly along with your State Revenue sales tax report as back up.

Certificate of Use Number: _____ **Local Business Tax Receipt Number:** _____

Type of Business _____

Existing Business
New Business Date of Commencement of Business: ___/___/___

Type of Resort Tax Collected (Check All that Apply)

Rooms _____ 4% Bed/Room Tax
Food and Beverage _____2% Food/Beverage Tax
Short Term Rental

Date of Application: ___/___/___ Resort Tax Certificate Number: _____

Business Name: _____ Doing Business As: _____

Business Address: _____ City: _____ State: ____ Zip:_____

Business Phone Number: _____ Other Number: _____

Business E-Mail Address: _____

Mailing Address: _____ City: _____ State: ____ Zip:_____

Owner/ Operator Name: _____ E-Mail:_____

Owner/ Operator Signature _____

SIDEWALK CAFÉ APPLICATION

LICENCE YEAR OCTOBER 1, _____ to SEPTEMBER 30, _____

Applicant Name: _____ Position: _____

Applicant Address: _____

Applicant Phone Number: _____ Applicant e-mail Address: _____

Name of Business: _____ D/B/A: _____

Business Address: _____ Suite: _____ Surfside, FL 33154

Business Phone Number: _____ Other Number: _____

Business E-Mail Address: _____

Business Owner Name: _____

Business Owner Address: _____ City: _____ State: ____ Zip: _____

# of tables requested on sidewalk (R-O-W): _____ # of chairs requested on sidewalk (R-O-W): _____

FOR OFFICE USE ONLY

Applicant has met the Public Works Department requirements.	Yes	No
Applicant has no outstanding fines, monies, fees, taxes (including Resort tax) and meet the Certificate of Insurance requirement or other charges.	Yes	No
Applicant has met the Planning Department requirements.	Yes	No
Applicant has no open Code violations and lien(s) on the property.	Yes	No
Applicant has no open Building permit(s).	Yes	No

Comments:

_____

_____

Building Official Signature: _____ Date: _____

Approved to Issue _____

SIDEWALK CAFÉ INSTRUCTIONS

******A PEDESTRIAN PATHWAY (ADA ACCESS) ON THE SIDEWALK MUST BE MAINTAINED AT ALL TIMES******

Step 1.

Set a meeting with the Town's Building Department to apply and obtain the necessary site plan:

The Town's Code of Ordinances*, Ord, No. 1587, § 2, 5-8-12, section 18-89,requires as a prerequisite to filing for a Sidewalk Café Permit, "a site plandrafted by the town building official or designee that shall accurately depict the layout and dimensions of the existing sidewalk area and adjacent private property; proposed location, size and number of tables, chairs, umbrellas, and any other sidewalk café furniture; and locations of doorways, steps, trees and/or landscaped areas, fountains, parking meters, fire hydrants, bus shelters, directory/kiosks, public benches, trash receptacles, and any other existing public fixtures, furnishings and/or other construction(s), within the proposed sidewalk café area."

Note: Any changes to the site plan will require the filing of a new site plan and there will be an additional associated fee.

*You can access the Ordinance at the following website:http://library.municode.com/index.aspx?clientID=10940&stateID=9&statename=Florida

or you can request a copy from one of the Town's Customer Service Representative.

Step 2.

The following are required to be on file with the Town or must be submitted with this application:

- ☐ Copy of last Certificate of Use and Local Business Tax Receipt
- ☐ Copies of current Certificates of Insurance (in the amounts and categories required by Section 18-93 of the Code of Ordinances)
- ☐ A notarized letter from the property owner authorizing a sidewalk café
- ☐ Photographs, drawings or manufacturer's brochures fully describing the appearance and dimensions of all proposed tables, chairs, umbrellas, and any other sidewalk café furniture related to the operation of the sidewalk café outside furniture is only permitted during hours of operation
- ☐ Town issued Sidewalk Café Site Plan (produced after receipt of application)

equipment shall be placed on the public right-of-way prior to the opening time of the business.

☐ Any sidewalk café equipment that remains on the public right-of-way during non-business hours will be subject to removal by the Town and any costs associated with the removal and storage of said equipment will be borne by the Permittee.

☐ No Use of Public Utilities and Property: Absolutely no use of publicly owned utilities (including electricity and water) or public property (including light poles, posts, benches, etc.) is permitted, except for the sidewalk area specifically provided herein.

REVIEWED AND APPROVED BY:

☐ Public Works Department: _____

☐ Fire Department: _____

☐ Office of Risk Management: _____

☐ Finance Department: _____

☐ Planning & Zoning Dept: _____

☐ Building Department: _____

☐ Town Manager: _____

NOTES:

No Outstanding Town Fees Certification: Finance director shall certify that there are no outstanding fines, monies, fees, taxes or other charges owed to the town by the applicant/permittee and/or the business establishment/restaurant. A sidewalk café permit will not be issued until all outstanding debts to the town are paid in full.

Non-Transferability of Permit: This Sidewalk Café Permit is Not Transferrable.

Americans with Disabilities Act Compliance: Sidewalk cafés shall comply with all applicable accessibility codes including, without limitation, the Americans with Disabilities Act (ADA), and state code provisions addressing accessibility for building construction, as same may be amended from time to time. Any café that would violate the terms of the lease agreement between the town and Florida Department of Transportation shall be deemed in violation of this division.

Site Plan: A copy of the approved sidewalk café site plan shall be maintained on the Permittee's premises and shall be available for inspection by town personnel at all times.

Violations and Renewals: A permittee who has been issued more than six violations pursuant to this division within a permit year, shall be prohibited from applying for and obtaining a sidewalk café permit for the following two consecutive permit years. Renewals shall be applied for and accompanied by the business tax receipt and certificates of use applications.

Operating without a Permit: Any continued operation of a sidewalk café without a valid and current permit is subject to having any and all sidewalk café furniture used in connection with the sidewalk café removed by the Town.

MINIMUM STANDARDS, CRITERIA, AND CONDITIONS FOR APPROVAL

(a) The permittee shall take any and all actions to assure that its use of the public right-of-way in no way interferes with patrons of other sidewalk cafés, or limits their free, unobstructed passage thereto, or the use of the public right-of way (including sidewalks) by the general public.

(b) Sidewalk cafés shall be located in such a manner that a distance of not less than five feet is maintained at all times as a clear and unobstructed five-foot pedestrian path around public amenities and areas such as, by way of example, fountains, landscaped areas (excluding town planters), and seating/shade structures. Notwithstanding the preceding, the town manager, in his reasonable judgment and discretion, and on a case-by-case basis, may approve and allow for a pedestrian path of less than five feet where an applicant/permittee's sidewalk café operation would be significantly impacted. In considering such cases, and in determining whether an applicant/permittee is "significantly impacted," the town manager may apply the criteria set forth in subsections 82-384(c)(1)—(4). A five-foot pedestrian path shall also be required and established where the town manager, in his reasonable judgment and discretion, determines that the operation of a sidewalk café inhibits pedestrian access to an adjacent business establishment or adversely affects the visibility of an adjacent storefront.

(c) No tables, chairs, umbrellas, or other sidewalk café furniture shall be permitted within ten feet of a bus bench and/or bus shelter. A distance of five feet shall be maintained from taxi stands, fire hydrants, bike racks, directory signage/kiosks, and/or other similar public street furniture and/or fixtures.

(d) No tables, chairs, umbrellas or other sidewalk café furniture shall be permitted within five feet of an alley, pedestrian crosswalk, or corner curb cut.

(e) No object shall be permitted around the perimeter of an area occupied by tables and chairs which would have the effect of forming a physical or visual barrier discouraging the free use of the tables and chairs by the public, or which would have the effect of obstructing the pedestrian path or public access.

(f) The area covered by a sidewalk café permit, and the sidewalk and street immediately adjacent to it, shall be maintained in a clean, neat and orderly appearance at all times by the permittee. The area of the sidewalk, curb and gutter immediately adjacent to the sidewalk café shall be cleared of all debris during hours of operation, and again at the close of each business day, or as may otherwise be determined by the town manager. The permittee shall be responsible for pressure cleaning the floor surface on which the sidewalk café is located at the close of each business day. The town shall pressure wash the right-of-way from time to time in accordance with such schedule as shall be established in the reasonable judgment and discretion of the town manager. In establishing said schedule, the town manager shall use reasonable efforts to assure that the town's pressure cleaning of the public right-of-way occurs at such times as will cause the least disruption to sidewalk café operations.

(g) Tables, chairs, umbrellas and any other sidewalk café furniture shall be maintained in a clean, attractive, and orderly appearance, and shall be maintained and kept in good repair at all times.

(h) All sidewalk café furniture shall be of high quality, design, materials, and workmanship and shall be maintained in such condition so as to ensure the safety and convenience of the public.

(i) Only the sidewalk café furniture specifically shown on the approved sidewalk café site plan shall be allowed in the permit area.

(j) All tables, chairs, umbrellas, and any other sidewalk café furniture shall be readily removable, and shall not be physically attached, chained, or in any other manner affixed to any public structure, street furniture, signage, and/or other public fixture, or to a curb and/or public right-of-way.

(k) The stacking or piling up of chairs shall be prohibited on the right-of-way. Any and all other sidewalk café furniture may only be maintained in the permit area during hours of operation provided however, that planters that cannot be readily removed may remain within the permit area subject to the provisions hereof. Notwithstanding anything contained in this subsection, the town manager may require a permittee to store its tables, chairs and/or umbrellas off of the right-of-way if, in his reasonable judgment and discretion, the town manager determines that the sidewalk café permit area and immediately adjacent public right-of-way are not being adequately maintained in accordance with this division.

(l) No storage of dishes, silverware or other similar sidewalk café equipment shall be allowed in the permit area, or in any other portion of the public right-of-way, or outside the structural confines of the building in which the restaurant is located.

(m) There shall be no live entertainment or speakers placed in the permit area unless expressly permitted as a special event. Conditions such as hours and days of operation and audio levels will be regulated by the town's special events office, and these may vary during the year.

(n) With the prior written approval of the town manager or his designee, one menu board and one specials board shall be permitted, per sidewalk café, for every 50 feet of frontage.

(o) No food preparation, food storage, refrigeration apparatus or equipment, or fire apparatus or equipment, shall be allowed on the right-of-way. The use of garbage receptacles is also prohibited.

(p) No food displays shall be permitted on the public right-of-way. No advertising signs or business identification signs shall be permitted on the public right-of-way except that the restaurant name and/or its logo may be permitted on umbrellas but such logos and/or lettering may not exceed six inches in height.

(q) Umbrellas shall be fire-retardant, pressure-treated or manufactured of fire-resistant material. No portion of an umbrella shall be less than six feet eight inches above the right-of-way. Two or more umbrellas may not be clipped, zipped or otherwise fastened together in order to form a tent like structure. Clear plastics or other materials may not be fastened, rolled or otherwise be attached to umbrella edges in order to create an enclosure. No additional signage shall be permitted on the umbrellas.

(r) Permittees may make written request to the town manager to use town electricity for powering floor fans during the summer months. Summer months are defined as the period beginning on May 1, and ending on September 30. The town manager will make electrical outlets operable upon payment of a flat fee, which fee shall be determined, and may be adjusted from time to time, in the reasonable judgment and discretion of the town manager, for each of the calendar days during the summer months. Town electrical outlets will be restricted to powering floor fans only. Using the electrical outlets for powering lights, menu board lighting, and any other electrical device is strictly prohibited. Any outside lighting must comply with existing building codes and is subject to approval. Permittees violating this restriction will have the electrical boxes deactivated and forfeit any monies paid for electrical use. Fans must be UL approved for outdoor use and fan blades must be fully encased for the safety of patrons and passersby. Extension cords are not allowed.

(s) No permit shall be granted in an area designated in the sidewalk café site map as restricted for special and cultural events; provided however, that the town manager may approve temporary use of such area(s), on a case by case basis, and only for a defined, limited time.

ARTICLE II. - LOCAL BUSINESS TAX RECEIPT [41]

Sec. 70-26. - Local business tax receipt required.
Sec. 70-27. - Application; ground for denial.
Sec. 70-28. - Issuance; duration; when, where payable.
Sec. 70-29. - Collection.
Sec. 70-30. - When tax to be paid for full or half year.
Sec. 70-31. - Transfer.
Sec. 70-32. - Delinquencies; additional penalties.
Sec. 70-33. - Suspension, revocation and denial of the local business tax receipt.
Sec. 70-34. - Standards; rule-making authority.
Sec. 70-35. - Notice of violation; emergency action.
Sec. 70-36. - Hearing when the receipt holder fails to comply with notice or when requested by aggrieved applicant/receipt holder.
Sec. 70-37. - Hearing procedures; enforcement of orders.
Sec. 70-38. - Penalties for false disclosures.
Sec. 70-39. - Property owner's responsibility.
Sec. 70-40. - Penalties, enforcement; collection of delinquent fees and taxes.
Sec. 70-41. - Local business tax schedule.
Sec. 70-42. - Business not named in schedule.
Secs. 70-43—70-55. - Reserved.

Sec. 70-26. - Local business tax receipt required.

It shall be unlawful for any person listed below to conduct or engage in any business, profession or occupation mentioned in this article within the town without first procuring a local business tax receipt and paying to the town the local business tax imposed and levied by this article:

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

(3) Any person who does not qualify under subsection (a) or subsection (b) of this section and who transacts any business or engages in any occupation or profession in interstate commerce, if the local business tax is not prohibited by U.S. Const. Art. I, § 8

(Ord. No. 1469, § 3, 2-13-07)

Sec. 70-27. - Application; ground for denial.

(a) *Procedures for issuance.* No receipt shall be issued or granted to any person to engage in any business, profession or occupation within the town unless an application is filed with the town manager, upon forms prescribed by him for that purpose, disclosing the following:

(1) The applicant's name and address; the name of the business, profession or occupation for which a receipt is sought; the name and address of the owner and operator of the business, profession or occupation and if a corporation, the names and addresses of each of its corporate officers and its resident or registered agent; the type or classification of the business, profession or occupation and the relationship of the applicant to said business; the location in the town where the business will be operated; the date of birth, and driver's license of the owner/operator; and any applicable federal employer identification numbers.

(2) The square feet area of the facility; the capacity, capital invested, merchandise or property contained within the business, the stock carried, number of persons or things employed or engaged; the quantity, property or retail stock value; or such other information as may be required by this article for purposes of determining the proper local business tax.

(3) If the applicant is a corporation or partnership, the full name of the corporation or partnership and the state of organization.

(4) If the business is to be conducted under a name other than its own, the business name and county of registration under F.S. § 865.09.

(5) Whether any of the individuals listed on the application has had his local business tax receipt, or the local business tax receipt of any business in which he had substantial control or ownership interests, revoked or suspended under this or other similar laws.

(6) The application shall contain a section designated "emergency locator." The applicant shall fill out as part of the local business tax receipt application the names, business and residence addresses and residence and business phone numbers of the owner or owners, and the manager or other persons to be notified in case of fire or other emergencies. Any changes in such information during the period for which the receipt is issued shall be made to the town manager, in writing.

(7) All applications and receipts shall be assigned a number, which may be a corporation's federal identification number, or such other uniform method of numbering selected by the town manager.

(8) The application form shall contain the following language: "The undersigned has carefully reviewed this application and all information contained herein has been freely and voluntarily provided, and all the facts, figures, statements contained in this application are true and correct."

(9) The applicant shall print and sign his name to the application immediately below the above-quoted statement. In the case of a corporation, an officer shall be required to sign the application in his individual capacity and not solely as a corporate agent.

(10) Those businesses required to obtain a certificate of use must do so prior to the issuance of a local business tax receipt.

(11) All apartment houses, and buildings, hotels, motels and any buildings with more than one efficiency, apartment, or room must submit a smoke detector report on

a form prescribed by the town manager prior to the issuance of the original receipt and annually thereafter at the time of renewal. A receipt will not be issued until the detector report form is properly completed and submitted. Failure to do so in a timely manner will result in enforcement procedures and penalties as provided herein.

(12) All businesses and professions regulated by the State of Florida must submit a copy of their current state license prior to the issuance of their original town receipts and thereafter each year at time of renewal. Only the state license itself, or in the case of the hotel and restaurant division the receipt issued by the state, shall constitute proof of current state license.

(13) All establishments which serve alcoholic beverages shall submit a completed form supplied by the town acknowledging that they are aware of the requirements of F.S. § 562.11, that prohibits the serving of alcoholic beverages to minors and that they agree to comply with these requirements as a condition of holding the town receipt applied for.

(14) All restaurants, hotel kitchens, bars, cafeterias, delis and any establishments where grease can be introduced into the drainage system are required to submit a copy of a valid grease interceptor permit issued for that establishment as required by the South Florida Building Code.

(15) All applicants for newsstands to be located in the public right-of-way must be approved as to public safety, and as an express condition of the acceptance by the applicant of the receipt provided for in this section, such applicant shall execute an agreement to indemnify and save harmless the town against all liability arising from the granting of the receipt or on account of any negligence of or act or thing done by the applicant pursuant to its activities as authorized by the receipt.

(16) The payment of a non-reimbursable application fee of $25.00. The application fee will be deducted from the local business tax if and when a receipt is issued.

It shall be the duty of the town manager or his designee before issuing a receipt requiring disclosure of such data to require the person applying for such receipt to file under oath a statement disclosing such data, which statement shall be kept permanently on file, and which statement shall promptly be amended by the receipt holder if the circumstances of the business change.

(b) *Grounds for denial.* Any person whose application for a receipt has been denied may seek a hearing under section 70-38. An application for a local business tax receipt under this article may be denied on the following grounds:

(1) That the applicant has failed to disclose or has misrepresented information required by this article in the application.

(2) That the applicant currently has a receipt under suspension or revocation. Whenever any local business tax receipt has been suspended or revoked by the town for any cause whatsoever, no subsequent receipt shall be issued during the period of suspension or revocation to the receipt holder or to any firm in which the receipt holder or any of its general partners, limited partners, officers or stockholders owning 20 percent or more of its stock or agents, employees or other persons who were actively involved in the business under suspension or revocation.

(3)

That the applicant intending to engage in the business as described in the application has selected a proposed site or type of business activity which does not comply with the town's zoning ordinance or other laws of the town.

(4) That the applicant fails to obtain a bond or other security with the limits required of his business.

(5) That the applicant fails to obtain insurance with the limits required of his business.

(6) That the applicant has failed to obtain a certificate of use as required by the town.

(7) That the certificate of use for the proposed business has been denied or revoked for any reason.

(8) That the applicant's proposed business activity or a portion thereof constitutes an actual or potential threat to the public health, welfare, safety or morals.

(9) That habitual conduct has occurred at the applicant's premises which violates town, county, state or federal laws.

(10) That the issuance of a receipt is based on the applicant's compliance with specific provisions of federal, state, county or town laws and the applicant has violated such specific provisions.

(11) That the applicant has violated any provision of this Code and has failed or refused to cease or correct the violation after notification thereof.

(12) That the applicant within the preceding five years in this state or any other state in the United States, has been adjudicated guilty of, or forfeited a bond when charged with, soliciting for prostitution, pandering, letting promises for prostitution, keeping a disorderly place or illegally dealing in controlled substances.

(13) That the premises have been condemned by any health authority for failure to meet sanitation standards or the premises have been condemned by any authority because the premises are unsafe or unfit for human occupancy.

(14) That the applicant's premises have been found to constitute a public nuisance by any town board or officer having such jurisdiction.

(Ord. No. 1469, § 3, 2-13-07)

Sec. 70-28. - Issuance; duration; when, where payable.

Receipts shall be issued beginning August 1 of each year, shall be issued by the town manager for a period of one year, and are due and payable at his office on or before September 30 of each year, and expire on September 30 of the succeeding year.

(Ord. No. 1469, § 3, 2-13-07)

Sec. 70-29. - Collection.

It shall be the duty of the town manager to collect all local business taxes levied or imposed by this article.

(Ord. No. 1469, § 3, 2-13-07)

Sec. 70-30. - When tax to be paid for full or half year.

For each receipt obtained between October 1 and April 30 of each year, the full tax for one year shall be paid, and for each receipt obtained between May 1 and September 30, one-half the full tax for one year shall be paid.

(Ord. No. 1469, § 3, 2-13-07)

Sec. 70-31. - Transfer.

(a) Any local business tax receipt may be transferred to a new owner, when there is a bona fide sale of the business, upon payment to the town of Surfside of a transfer fee of ten percent of the annual local business tax, but not less than $3.00 or more than $25.00, and presentation of the original receipt and evidence of the sale.

(b) Upon written request and presentation of the original receipt, any receipt may be transferred from one location to another appropriate location within the town, upon payment to the town of a transfer fee of ten percent of the annual local business tax, but not less than $3.00 or more than $25.00.

(Ord. No. 1469, § 3, 2-13-07)

Sec. 70-32. - Delinquencies; additional penalties.

(a) Those receipts not renewed by October 1 shall be considered delinquent and subject to a delinquency penalty of ten percent for the first whole or partial month of delinquency, plus an additional five percent penalty for each subsequent whole or partial month of delinquency, until fully paid. However, the total delinquency penalty shall not exceed 25 percent of the local business tax receipt for the delinquent receipt.

(b) Any person engaging in or managing any business, occupation or profession without first obtaining a town local business tax receipt, if required hereunder, shall be subject to a penalty of 25 percent of the receipt determined to be due, in addition to a $250.00 penalty if the local business tax receipt is not applied for within 60 days of notice.

(c) Any person who engages in any business, occupation, or profession covered hereby who does not pay the required local business tax receipt within 150 days after the initial notice of tax due, and who does not obtain the required local business tax receipt, is subject to civil actions and penalties including court costs, reasonable trial and appellate attorneys' fees, additional administrative costs incurred as a result of collection efforts and an additional penalty of up to $250.00.

(d) Any person who shall carry on or conduct any business, profession or occupation for which a receipt is required hereby without first obtaining such receipt; and any person who shall make a false statement, application or oath, in connection with any application for a receipt hereunder, shall, upon conviction, be punished as provided in section 1-8. Each day that a business, occupation or profession is conducted or allowed to be conducted without first having procured a receipt therefor, shall constitute a separate and individual offense.

(Ord. No. 1469, § 3, 2-13-07)

Sec. 70-33. - Suspension, revocation and denial of the local business tax receipt.

(a) The town manager shall either revoke or temporarily suspend the receipt of any person where it is determined by the town manager that:
(1)

The receipt holder has misrepresented or failed to disclose material information required hereby to be included in the receipt application form.

(2) The receipt holder, or a portion of the receipt holder's business activity within the town, is engaged in conduct which constitutes an actual or potential threat to the public health, welfare, safety or morals.

(3) The receipt holder is conducting business from premises which do not possess a valid and current certificate of occupancy and/or certificate of use as may be required by town and county laws.

(4) Habitual conduct has occurred at the receipt holder's premises which violates town, county, state or federal laws.

(5) The receipt issued by the town depended upon the receipt holder's compliance with specific provisions of federal, state, county or town laws, and the receipt holder has violated such specific provisions.

(6) The receipt holder has violated any provision of this Code and has failed or refused to cease or correct the violation after notification thereof.

(7) The receipt holder, as part of the receipt holder's business activity within the town, knowingly lets, leases, subleases or gives space for unlawful purposes at the receipt holder's premises.

(8) The receipt holder within the preceding five years in this state or any other state or in the United States has been adjudicated guilty of, or forfeited a bond when charged with, soliciting for prostitution, pandering, letting premises for prostitution, keeping a disorderly place or illegally dealing in controlled substances.

(9) The premises have been condemned by any health authority for failure to meet sanitation standards or the premises have been condemned by any authority because the premises are unsafe or unfit for human occupancy.

(10) The receipt holder's premises have been found to constitute a public nuisance by any town board or officer having such jurisdiction.

(b) The suspension or revocation shall be of the receipt in effect at the date of such suspension or revocation, even though such receipt may have been issued to a receipt holder other than the person who holds the receipt at the time the cause for such suspension or revocation arose.

(c) No receipt shall be suspended under this section for a period of more than 12 months. No new receipt shall be issued during the period of suspension or revocation to the receipt holder or to any other firm in which the receipt holder or any of its general partners, limited partners, officers or stockholders owning 20 percent or more of its stock or agents, employees or other persons who were actively involved in the business under suspension or revocation. At the end of such period of suspension or revocation the receipt holder and/or agents, general or limited partners, officers or stockholders may apply for a new receipt.

(d) The town manager shall deny a receipt to any person as provided by section 70-27 herein.

(e) The police department may perform an investigation of the background of any applicant for local business tax receipt. Such background investigation shall include a review of the applicant's possible past or present involvement in criminal activity, research of any pending problems with the Florida Department of Professional and Business Regulation, and/or with any other applicable agency of the state or federal governments. Should the findings indicate that the applicant has a past criminal history

or criminal charges pending which exhibit behavior which could present a threat to the public health, safety, welfare or morals, including but not limited to charges which are related to the business applied for, then such investigative findings shall be reported to the town manager and may include a recommendation that the local business tax receipt be denied.

(Ord. No. 1469, § 3, 2-13-07)

Sec. 70-34. - Standards; rule-making authority.

A suspension not exceeding six months shall be imposed in cases where the receipt holder's violation is shown to be inadvertent and can be promptly corrected by the receipt holder; a revocation of the receipt shall be imposed in all other cases. The town manager shall have the authority to adopt written administrative rules to enforce the provisions of this article.

(Ord. No. 1469, § 3, 2-13-07)

Sec. 70-35. - Notice of violation; emergency action.

If the town manager believes that a receipt holder has engaged in or is engaged in conduct warranting the suspension or revocation of a receipt, he shall serve the receipt holder by certified mail or hand delivery, at his business address as disclosed in his application for the local business tax receipt, a written administrative complaint which affords reasonable notice to the receipt holder of facts or conduct which warrant the intended action. The complaint shall state what is required to be done to eliminate the violation, if any. The receipt holder shall be given adequate opportunity to request a prior administrative hearing as specified herein below, unless the town manager finds that an emergency condition exists involving serious danger to public health, safety, welfare or morals, in which case advance notice and hearing shall not be required. In the case of an emergency suspension or revocation, the receipt holder shall immediately be advised of the town manager's action and afforded a prompt post-suspension or post-revocation hearing in accordance with section 70-37 of this article.

(Ord. No. 1469, § 3, 2-13-07)

Sec. 70-36. - Hearing when the receipt holder fails to comply with notice or when requested by aggrieved applicant/receipt holder.

If a receipt holder fails to comply with any notice issued as provided above, the town manager may issue an order in writing to the receipt holder, by certified mail or hand delivery, notifying him to appear at an administrative hearing before the town manager or his designee to be held at a time to be fixed in such order, which date shall be not less than five days after service thereof. An administrative hearing may also be requested by an applicant/receipt holder aggrieved by a decision of a code inspector regarding denial of a receipt, determination of fees/penalties due and/or warning of potential suspension/revocation for violation of a provision of this article. The request must be in writing and filed in the town manager's office within ten days of receipt of the decision of the inspector. The request must specify the decision complained of and the nature of the applicant/receipt holder's grievance and must be accompanied by a fee of $75.00 to partially defray expenses of the hearing. The fee will be refunded if the applicant/receipt holder prevails in the appeal.

(Ord. No. 1469, § 3, 2-13-07)

Sec. 70-37. - Hearing procedures; enforcement of orders.

(a) *Town manager review.*

(1) The town manager shall give written notice of the time and place of the hearing to the receipt holder/applicant by certified mail or hand delivery.

(2) The proceedings shall be informal but shall afford the receipt holder/applicant the right to testify in his own defense, present witnesses, be represented by legal counsel, submit relevant evidence, cross-examine witnesses and object to evidence.

(3) Minutes shall be kept by the town. Any applicant/receipt holder requiring a verbatim transcript for judicial review may arrange for the services of a court reporter at his own expense.

(4) Within ten days of the close of the hearing the town manager shall render his decision in writing determining whether or not the receipt shall be revoked or suspended or denied, or other action taken or continued, as the case may be, and stating his reasons and findings of fact.

(5) The town manager shall file his findings with the town clerk and shall send a true and correct copy of his order by certified mail, return receipt requested, or by hand delivery, to the business address listed on the local business tax receipt or to any such other address as the receipt holder or applicant shall designate in writing.

(b) *Administrative ruling as final.* The town manager's findings shall constitute the final administrative action of the town for purposes of judicial review under Florida law.

(c) *Enforcement.* In the event that an applicant/receipt holder fails to timely comply with the final administrative action of the town manager, the code inspector may pursue enforcement procedures as set forth in section 70-32. Business closings required by suspension or revocation orders may be enforced by the town's police department.

(Ord. No. 1469, § 3, 2-13-07)

Sec. 70-38. - Penalties for false disclosures.

Any person who shall knowingly make a false statement on a town application or knowingly fail to disclose or supplement information required hereby, shall be subject to the civil and administrative penalties authorized hereby.

(Ord. No. 1469, § 3, 2-13-07)

Sec. 70-39. - Property owner's responsibility.

It shall be unlawful and a violation of this article for any person to operate or permit to operate upon his property a business which has not obtained a local business tax receipt as required by this chapter.

(Ord. No. 1469, § 3, 2-13-07)

Sec. 70-40. - Penalties, enforcement; collection of delinquent fees and taxes.

Any person who shall carry on or conduct any business or activity for which a receipt is required by this article, without first obtaining such receipt, or who violates any other provision

of this chapter, shall be cited with a notice of violation and shall be subject to one or more of the following enforcement/collection procedures:

(1) Prosecution before the town's special master.
(2) Prosecution in county court as provided in section 1-8 with penalties as set forth therein.
(3) Suspension or revocation proceedings as set forth in section 70-33
(4) Suit for injunctive relief to enjoin operation of the business in violation of this chapter.

As an additional means of enforcement/collection and supplemental to the above, when a notice or record of any past due local business tax and penalties which become due and payable to the town after the effective date of this article is recorded in the public records of Miami-Dade County, said notice shall constitute a special assessment lien upon all real and personal property of the business owing such fees and penalties, and shall remain a lien equal in rank and dignity with the lien of ad valorem taxes, and shall be superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the property involved. Such liens may be foreclosed or levied upon in the manner provided by law.

(Ord. No. 1469, § 3, 2-13-07)

Sec. 70-41. - Local business tax schedule.

There hereby are levied and imposed local business taxes for the privilege of engaging in or managing any business, profession or occupation within the town; the rates for such tax to be no greater than those as indicated herein.

A

Agent, bureau, broker, operator or dealers of all kinds including commercial, loans, banks, claims, transportation, insurance, manufacturer, or any other kind or class of occupation or business handled, etc., for each class of business, unless covered elsewhere in this article.

(1) For each individual connected broker $100.00
(2) For each individual connected salesman 50.00

Alcoholic beverage vendor or liquor store (for consumption off premises) 300.00

Apartment buildings, per room 2.25

Minimum 25.00

Apparel shop 125.00

Antiques shop 125.00

Auto mechanic repairs and/or services shop 100.00

B

Bakery goods, market (retail) or department, within the meaning of this subsection, shall be construed as any place of business where bakery goods are sold at retail 135.00

Bar (as defined in section 6-1 .....500.00

Barbershops 150.00

Beauty parlors, hairdressing, facial massage, manicuring, etc., each shop 150.00

Beer and wine

(1) For consumption off premises 150.00
(2) For consumption on premises 50.00

C

Cabanas, each 25.00

Cabaret, as defined in section 6-1 (in addition to all other licenses) 750.00

Catering services 125.00

Club, as defined in section 6-1 .....375.00

Coin/card operated machines (except gaming, drinking cup):

(1) Laundromat, in addition to other licenses 99.00
(2) Master license of laundry equipment) 50.00
(3) Coin-operated laundry equipment, each 5.00
(4) Service dispensing machines
    a. Inside building, each 25.00
    b. Outside building, but on premises, each 150.00
(5) Merchandise dispensing machines (per machine) 25.00
(6) Amusement machines:
    a. As primary business (per location) 500.00
    b. As ancillary business (per location) 300.00
    c. Amusement machine, each 35.00
    d. Amusement (music boxes or similar, per machine) 35.00
(7) Postage Stamp machine (per machine) 25.00
(8) Coin or card operated telephone equipment:
    a. Inside building, each 5.00
    b. Outside building but on premises, each 250.00
(9) Automatic teller machine (per machine) 175.00

It shall be and hereby is declared to be a violation of the provisions hereof for any owner or manager of a business or a multiple-family building or other property in the town to permit an unlicensed coin-operated machine on the premises of such business or multiple-family building or other property in the town.

Contractors:

(1) General building 250.00
(2) Subgeneral contractor 200.00
(3) Subbuilding contractor 150.00

D

Dentists 150.00

*Doctors, physicians,*etc., ...150.00

Driving school offices 500.00

E

Electrical neon:

(1) Signs 330.00
(2) Ornamentation 330.00

F

Financial institutions and each branch thereof:

(1) Banks and trust companies 350.00
(2) Saving and loan associations 350.00
(3) Money lenders except banks 350.00
(4) Mortgage loan company 350.00
(5) Personal finance company 350.00

Fish market 75.00

Food sales retail. All items will be totaled in their inventory assessment:

(1) For the first $1,000.00 in inventory 45.00
(2) Inventory over $1,000.00 but less than $5,000.00 .....70.00
(3) Inventory over $5,000.00 but less than $10,000.00 .....150.00
(4) Inventory over $10,000.00 but less than $20,000.00 .....180.00
(5) Inventory over $20,000.00 but less than $50,000.00 .....225.00
(6) Inventory over $50,000.00 but less than $100,000.00 .....400.00
(7) Inventory over $100,000.00, each additional $1,000.00 .....2.00

Fruits and vegetables, market or departments, within the meaning of this subsection, shall be construed as any place of business where undried fruits and vegetables are sold at retail 45.00

G

Gasoline filling stations, retail:

(1) 1 to 20 employees 168.00
(2) 21 or more employees 225.00

H

Health product store 150.00

Hotels/motels, per room 5.50

Minimum 45.00

I

Insurance companies or agency office 110.00

Insurance Adjuster each 50.00

Insurance agents each 50.00

Income tax office 100.00

Preparer each 50.00

J

Jewelry, Brokers 225.00

Jewelers:

(1) For the first $1,000.00 in inventory 45.00
(2) Inventory over $1,000.00 but less than $5,000.00 .....70.00
(3) Inventory over $5,000.00 but less than $10,000.00 .....150.00
(4) Inventory over $10,000.00 but less than $20,000.00 .....180.00
(5) Inventory over $20,000.00 but less than $50,000.00 .....225.00
(6) Inventory over $50,000.00 but less than $100,000.00 .....400.00
(7) Inventory over $100,000.00, each additional $1,000.00 .....2.00

L

Language schools 150.00

Lawn maintenance:

(1) 1 to 5 employees 25.00
(2) 6 to 10 employees 45.00
(3) 11 or more employees 100.00

M

Meat, markets or departments, within the meaning of this subsection, shall be construed as any place of business where fresh meats, poultry or processed meats not in cans are sold at retail 45.00

Merchants, all persons engaged in the business of selling merchandise of any kind, sort or description, except as otherwise specifically provided by this section, shall be required to pay a merchant's local business tax, (in addition to all licenses) 45.00

N

Nightclub or supperclub, as defined in section 6-1, (in addition to all other licenses) 950.00

P

Professional licenses, each individual all types (except as otherwise herein specifically provided) 45.00

Professional offices, each association/corp./Firm all types (except as otherwise herein specifically provided) 150.00

Pharmacy 150.00

R

Real estate brokerage offices, each 150.00

(1) Each broker connected therewith 100.00
(2) Each salesperson connected therewith 50.00

Restaurants, soda fountains or other establishments serving food on premises (operated separately or in conjunction with other licensed business). Chairs or stools, each to count as one seat:

(1) No chairs 45.00
(2) 0 to 50 seats 125.00
(3) 51 to 150 seats 250.00
(4) 151 or more seats 330.00

S

Service agency. All persons, firms or corporations, except as otherwise herein specifically provided, engaged in the business of providing to others for a fee, services of any kind *(dry cleaning, interior decorators, etc.):*

(1) 1 to 5 employees 100.00
(2) 6 to 10 employees 175.00
(3) 11 or more employees 225.00

Shoe repair 45.00

Shoe shop 125.00

Solarium 99.00

Stockbrokers and security company/agency:

(1) Full service office, each 250.00
Each broker/salesperson connected therewith 100.00
(2) Discount office, each 150.00
Each broker/salesperson connected therewith 50.00

T

Take-out food service:

(1) Operated separately 125.00
(2) Operated in conjunction with other licenses 45.00

Taxicab license, per company 150.00

(1) Taxicabs and other vehicles, each. 50.00

(Ord. No. 1469, § 3, 2-13-07)

Sec. 70-42. - Business not named in schedule.

(a) A town local business tax, in the amount of $150.00 for general business/office uses, is hereby levied and imposed upon all businesses operating within the Town of Surfside which are not specifically named or enumerated by this article until such time as they are specifically named or enumerated.

(b) Every person, firm or corporation that maintains an office in the Town of Surfside for the purpose of administration of his or its own business or investment shall pay a town local business tax of $50.00.

(Ord. No. 1469, § 3, 2-13-07)

Secs. 70-43—70-55. - Reserved.

FOOTNOTE(S):

(41) ***Editor's note****—Ord. No. 1469, § 3, adopted February 13, 2007, amended article II in its entirety to read as herein set out. Former article II, §§ 70-26—70-42, pertained to occupational license tax, and derived from Ord. No. 1390, § 1, 8-11-98.* *(Back)*