

## **CHAPTER 9. BUSINESS TAXES, PERMITS AND BUSINESS REGULATIONS**

### **ARTICLE I. In General.**

#### **Section 9-1.** Persons required to pay a business tax.

Any person who maintains a permanent business location or branch offices within the city and who engages in or manages any business, profession or occupation within the city, and any person who transacts any business or engages in any occupation or profession in interstate commerce where such tax is not prohibited by Section 8 of Article I of the United States Constitution, shall, prior to engaging in or managing said business, profession or occupation, procure from the city clerk a receipt for business tax.

Any person holding himself out to the public by sign, printed matter, internet website, telephone directory classified section or otherwise as being engaged in business within the City of Key Colony Beach or as offering services or property to the public for a consideration, regardless of whether such person actually transacts any business or practices a profession, shall be considered as engaging in business and shall be liable for a business tax thereon.

#### **Section 9-2.** Duration, expiration; partial year taxes.

Business tax payment shall be for one (1) year and shall be due on September 30 of each year, except as otherwise provided by law. Business tax from April 1 to the end of the fiscal year shall be at one-half the stated rate.

#### **Section 9-3.** When sold, due and payable, delinquency penalty.

All tax payments to the city clerk shall be due and payable in advance before September 30 of each year, and expire on September 30 of the succeeding year. If September 30 falls on a weekend or holiday, the tax is due and payable on or before the first working day following September 30. Those taxes not paid when due and payable are delinquent and subject to a delinquency penalty of ten (10) per cent for the month of October, plus an additional five (5) per cent penalty for each subsequent month of delinquency until paid. However, the total delinquency penalty may not exceed twenty-five (25) per cent of the tax for the delinquent business, occupation or profession.

Any person who engages in any business, occupation, or profession covered by this chapter, who does not pay the required tax within one hundred fifty (150) days and the initial notice of tax due, and who does not obtain the required receipt is subject to code board actions, civil actions and penalties, including court costs, reasonable attorneys' fees, additional administrative costs incurred as a result of collection efforts, and a penalty of up to two hundred fifty dollars (\$250.00).

#### **Section 9-4.** Doing business without a license.

Any person who engages in or manages any business, occupation or profession without first paying the tax, if required, is subject to a penalty of twenty-five (25) per cent of the tax due, in addition to any other penalty provided by section 1-9 and section 9-3.

#### **Section 9-5.** Application, compliance with state and county requirements required.

Before the city shall be required to issue a tax receipt, it shall be the duty of the applicant to file an application with the city. Such application shall be in the form required by the city. Applicant must furnish evidence satisfactory to the city clerk that the applicant has complied with all city, state and county requirements concerning the occupation for which the tax is paid and that any unpaid fees and fines for violations have been paid.

**Section 9-6. Violations.**

Violations of the provisions of this chapter shall be punishable by a fine of up to five hundred dollars (\$500) per day, and may result in a suspension or revocation of a business tax receipt. Alleged violations shall be referred to the code enforcement board.

**Section 9-7. Inspection required before issuance.**

The building official shall conduct an inspection of the premises where any business is to be conducted whenever an application is submitted in order to insure that the premises are in compliance with all applicable codes. The city may charge an administrative fee for the inspection referenced above; the amount of which shall be set by resolution of the city commission. No tax receipt will be issued until the business entity is in compliance with all city codes.

**Section 9-8. Receipt issued on payment of tax; appeals.**

The city clerk shall determine that all application requirements have been met, and upon payment of the tax, issue the receipt. Appeals from decisions of the city clerk shall be made to the city commission.

**Section 9-9. Tax transfer.**

(a) All business taxes may be transferred to a new owner when there is a bona fide sale of the business upon payment of a current administrative fee and a transfer fee of three dollars (\$3.00) and presentation of the original tax receipt and evidence of the sale.

(b) Upon written request and presentation of the original tax receipt and compliance with all requirements for the new location including all applicable inspections and fees, any business taxes may be transferred from one (1) location in the city upon payment of a transfer fee of three dollars (\$3.00).

**Section 9-10. Exemptions.**

Exemptions from business taxes shall be as provided by general law.

**Section 9-11. Schedule of license taxes.****SCHEDULE OF BUSINESS TAXES****TABLE INSET:**

\$25.00	Accountants, auditors, CPA services, tax consultants
25.00	Attorneys
25.00	Banking services
25.00	Bait stores
25.00	Beauty shops
25.00	Boat launching ramp
25.00	Bottled gas sales outlet
25.00	Charter boats and party boats
25.00	Clairvoyant
25.00	Clothing store
25.00	Club, private
25.00	Convenience retail stores
25.00	Deli
25.00	Gasoline/diesel automotive filling stations

- 25.00 Gasoline/diesel marine filling stations
- 25.00 Golf shop
- 25.00 Home occupational license
- 25.00 Laundromats, commercial
- 25.00 Liquor store
- 31.50 Marina
- 25.00 Miscellaneous business: every business, occupation, profession or exhibition, substantial or fixed, engaged in by any person in a building or upon a vacant lot not specifically designated in this schedule as permitted by Article 3 and Article 4 Section 101-34 Land Development Regulations, shall pay a business tax for each place or location
- 25.00 Real estate offices
- 25.00 Rental equipment (bicycles, boats, etc.)
- 25.00 per Rental unit including hotel, time-share, single-family, duplex, condo, and all other rental units.
- 10.00 per Room, motel/hotel
- Restaurants and cafes:
- 25.00 Seating less than 51 persons
- 52.50 Seating more than 50 persons

**Section 9-12.** Home occupation tax.

The orderly use of dwelling units for certain customary home occupations is authorized and shall be taxed. The performance standards for these are as provided in Key Colony Beach Land Development Code Section 101-34. Compliance may be established through affidavit or by inspection by the building official.

**Section 9-13** through 9-19 Reserved.

**ARTICLE II. Residential rentals.**

**Section 9-20.** Rental property owner tax for rentals other than vacation rentals.

Every person who owns a rental unit utilized for residential living purposes in the city must register each unit. The term rental unit shall include multifamily dwelling units such as apartments, hotels, and motels, duplexes, and single-family houses when rented. In order to apply for a local business tax receipt and registration to rent real property within the city, the following requirements must be met.

All rental property owners shall file a completed rental information form with the city clerk and make application, following which an inspection of the premises shall be made by the building official in order to insure that the premises are in compliance with all applicable codes.

Permitted occupancy shall be two (2) persons for each bedroom, plus two (2) per living room, provided that occupancy shall not exceed one (1) person per 200 square feet of interior area. The maximum occupancy of any rental unit shall be ten (10) persons.

**Section 9-21.** Definitions.

The words and phrases used in this ordinance shall have the meanings defined below:

*Local Contact Person* means a person having a certificate of qualification from the City of Key Colony Beach and who resides in a location to allow the local contact person to reach the rental property within one (1) hour of notification by the City.

*Occupant* means any lessee, tenant or other person who, for consideration, occupies a residential dwelling unit.

*Owner* means the Owner of any residential dwelling unit as reflected by the public records of Monroe County, Florida and tax rolls as maintained by the Monroe County Tax Assessor, and the ownership records kept by the City of Key Colony Beach.

*Property Manager* means an Owner or any person or entity other than an Owner who has a certificate of qualification from the City of Key Colony Beach and who is responsible for the leasing or day-to-day maintenance and operation of a residential dwelling unit for rental use.

*Vacation Rental Unit* is a single family or multi-family residential dwelling unit operating as a rental where the premises are rented for a duration of less than one hundred eighty-one (181) days. The term also includes interval ownership, fractional ownership, tenancy in common, corporate or limited liability company ownership, or other ownership where the ownership structure permits multiple owners to occupy the unit for durations of less than one hundred eighty-one (181) days each.

**Section 9-22.** Vacation rental regulations.

Every Owner operating a vacation rental within the City must register the property and pay the business tax according to the requirements as outlined in Chapter 9 of the City Code of Ordinances.

**Application.** The application for vacation rental registration shall be in the form required by the City and shall include at a minimum:

(a) An acknowledgment that the Property Owner has received the City's vacation rental use regulations.

1. Copies of necessary County business tax payment.
2. A copy of any necessary State licenses.
3. The appropriate application fee, as may be established by separate Resolution.
4. The name, address and telephone number of the Owner and the Property Manager. A designated Local Contact Person shall be included on each application. This contact person shall be available 24 hours a day, 7 days a week. In the event of temporary unavailability of the Local Contact Person, a substitute shall be designated by the Local Contact Person. The Owner or Property Manager may serve as the Local Contact Person, if the requirements are met.
5. A City inspection report prepared by the City Building Official or his/her designee. The inspection fee shall be set by resolution.

(b) Name. Each vacation rental unit requires a separate registration and business tax payment in the name of the Owner.

(c) Term of tax payment. Each vacation rental tax payment shall have a term of one year, and must be renewed by the Owner or Property Manager or the Owner's authorized agent prior to expiration in order to avoid interruption of permitted vacation rental activity. After expiration of a tax payment and registration, no rental activity may occur.

(d) Transfer of tax payment. Vacation rental taxes paid may be transferred from one Owner to another, but not from one vacation rental unit to another. In the event ownership of a permitted unit is changed, the new Owner or Owner's authorized agent shall apply for a transfer and pay the City a transfer fee. In the event that a Local Contact Person or Property Manager is permanently replaced during a tax period, the City shall be immediately notified and the transfer fee shall be paid, if applicable.

**Section 9-23. City Certification of Property Managers and Local Contact Persons.**

Any Property Manager, Owner managing his or her own property, or Local Contact Person must successfully take the Key Colony Beach training session and receive a Certificate of Completion issued by the City after satisfactorily completing the session. Certification renewal will be required every two (2) years upon completion of course work.

**Section 9-24. Length of Rental Tenancies.**

No rental contract or use shall be for less than seven (7) days in Zoning Districts R-1 and R-2.

**Section 9-25. Occupancy.**

Permitted occupancy shall be two (2) persons for each bedroom, plus two (2) per living room, provided that occupancy shall not exceed one (1) person per 200 square feet of interior area. The maximum occupancy of any vacation rental unit shall be ten (10) persons. For vacation rental units in Zoning Districts R-H and R-3, the National Fire Protection Life Safety Code 101 occupancy regulations will be followed.

**Section 9-26. Miscellaneous Requirements.**

(a) Each vacation rental unit shall be equipped with at least two (2) trash containers. Schedules of garbage pickup and recycling pickup shall be posted in the rental property.

(b) Prior to occupancy of a vacation rental unit, the occupants of each unit shall be provided with a written copy of the Key Colony Beach Vacation Rental Ordinance and a written rental agreement specifying the names of all of the tenants and the tag numbers of the tenant's vehicles.

(c) A copy of this ordinance shall be readily available in each vacation rental unit in no less than 12 point type.

(d) A copy of the rental agreement must be maintained by the occupants on the property at all times and made available for review at the request of the municipal police officer or code enforcement officer.

(e) An Owner or Property Manager, or in the absence of a Property Manager, the Local Contact Person, shall serve the following essential functions.

- 1) Remain available 24 hours a day, 7 days per week to handle problems with tenants.

- 2) Reach the rental property within 60 minutes in the event of requested assistance by any City employee.
- 3) Monitor the property no less than once per rental week to assure compliance by renters with city ordinances.

**Section 9-27. Mandatory Evacuation.**

All vacation rental units shall be evacuated upon posting of a non-resident evacuation order issued for Key Colony Beach.

**Section 9-28. Violations.**

(a) Violations of the provisions of this ordinance shall be punishable by a fine of up to five hundred dollars (\$500.00) per day, and may result in a suspension or revocation of a vacation rental license.

(b) A rental registration shall be automatically suspended for non-payment of a fine after due. Upon payment of the fine, the registration shall be reinstated.

(c) A certificate of qualification of a Property Manager or Local Contact Person may be suspended or revoked upon violation of this ordinance by the actions of the Property Manager or Local Contact Person.

**Section 9-29 through 9-39 Reserved.**

**ARTICLE III. Miscellaneous Business Regulations.**

**Section 9-40. Peddlers.**

All peddlers operating within the city shall register with the city clerk during normal business hours. Said registration shall take place before any commercial activity shall be permitted in the city. The word peddler shall include the terms canvasser, solicitor, transient or itinerant merchant or vendor.

**Section. 9-41. Levy of excise tax on property insurers.**

There is hereby assessed, imposed and levied on every insurance company, corporation or other insurer now engaging in or carrying on, or which shall hereafter engage in or carry on the business of insuring with respect to property insurance, as shown by the records of the Department of Insurance, an excise or license tax in addition to any license tax or excise now levied by the City of Key Colony Beach, which said tax shall be in the amount of 1.85% of the gross amount of receipts of premiums from policy holders on all premiums collected on property insurance policies, covering property within the corporate limits of the City.

That the license or excise tax herein levied shall be due and payable annually on the first day of July of each year hereafter.