

**ORDINANCE NO.: 2007-05**

**AN ORDINANCE REPEALING LEGAL AUTHORITY FOR THE LEVY OF OCCUPATIONAL LICENSE, OR BUSINESS, TAX; PROVIDING FOR INTENT; REPEALING ORDINANCE NO. 82-10; REPEALING ORDINANCE NO. 93-19; REPEALING ORDINANCE NO. 2001-07; REPEALING ORDINANCE NO. 2006-03; REBUTTING ANY IMPLICATION OF REVIVAL BY REPEAL; DIRECTING THE TAX COLLECTOR AS TO ORDINANCE IMPLEMENTATION; AMENDING PROVISIONS OF THE HERNANDO COUNTY CODE OF ORDINANCES WHICH REFERENCE OCCUPATIONAL LICENSES; PROVIDING FOR SEVERABILITY; DIRECTING CODIFICATION BY DELETION OF ARTICLE II, CHAPTER 18, HERNANDO COUNTY CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:**

**SECTION 1. Intent.**

The Hernando County Board of County Commissioners intends hereby to effect the complete repeal of existing legal authority for the levy of occupational license tax or business tax, in light of evidence presented of taxpayer and citizen confusion about the purpose of the tax and of administrative costs imposed by the collection and enforcement of existing obligations for payment of the tax. It is the further intent of the Board of County Commissioners that no part of this repealing ordinance shall be construed as implying or otherwise providing for revival of previously repealed provisions of Article II, Chapter 18, Hernando County Code, by repeal of the specific ordinances enumerated herein. To that effect, the Board's intent is to provide expressly and specifically for the removal of the entire contents of Article II, Chapter 18, from the codification of ordinances in the Hernando County Code of Ordinances.

**SECTION 2. Repeal of Ordinance No. 82-10.**

Effective on October 1, 2007, Hernando County Ordinance No. 82-10 is hereby repealed in its entirety.

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**SECTION 3. Repeal of Ordinance No. 93-19.**

Effective on October 1, 2007, Hernando County Ordinance No. 93-19 is hereby repealed in its entirety.

**SECTION 4. Repeal of Ordinance No. 2001-07.**

Effective on October 1, 2007, Hernando County Ordinance No. 2001-07 is hereby repealed in its entirety.

**SECTION 5. Repeal of Ordinance No. 2006-03.**

Effective on October 1, 2007, Hernando County Ordinance No. 2006-03 is hereby repealed in its entirety.

**SECTION 6. No revival by repeal.**

No provision of this ordinance shall be construed or deemed, either expressly or by implication, to have the effect of reviving or operating to revive any previously repealed provisions of prior ordinances or previously repealed provisions of the Hernando County Code of Ordinances.

**SECTION 7. Implementation.**

Based upon the end of occupational license/business tax liability on October 1, 2007, the Hernando County Tax Collector shall be under no legal duty to process renewals of licenses or applications for receipt for payment of tax for the tax year ending September 30, 2008, from and after the effective date of this ordinance.

**SECTION 8. Amending provisions of the Hernando County Code of Ordinances which reference occupational licenses.**

The following sections, subsections, paragraphs or subparagraphs, as the case may be, of the Hernando County Code of Ordinances are hereby amended to read as set forth in this section, with new matter indicated by underlining and deleted matter indicated by strike-through:

**Sec. 4-3. Bottle clubs.**

(f) Right of inspection. Law enforcement officers shall have the power to inspect the premises of any bottle club or establishment where alcoholic or intoxicating beverages are sold at all hours in the manner prescribed by law when such inspection is considered essential by law enforcement officers for the benefit or preservation of the public welfare and safety of the citizens of the county. ~~Any person subject to this article who refuses to~~



~~admit such law enforcement officers to the premises of a bottle club or establishment where alcoholic or intoxicating beverages are sold or to allow law enforcement officer to inspect said premises may, after notice of hearing and an opportunity to be heard, have the county occupational license for such business revoked.~~

**Sec. 5-87. Permit fee.**

The fees collected under this article are fees paid for the purpose of examination and inspection of permitted organizations, lessors and premises under this article, and are declared to be regulatory fees ~~in addition to, and not in lieu of, the occupational permit taxes that may be required or imposed by the county.~~ The payment of permit fees under this article shall not relieve the permitted organization or lessor or any other person of liability for the responsibility of paying ~~an occupational permit tax where it is required, and for doing such acts and providing such information as may be required by the occupational permit chapter~~ any other fees or taxes required by law or ordinance. An annual permit fee shall be established by resolution.

**Sec. 6-4. License certificates and license tags.**

(v) The operator of a business kennel shall obtain a "kennel license" from county animal services. "Business kennel" means any establishment which offers or provides services for remuneration, including, but not limited to, boarding, care, grooming, breeding, stud services, or sale of offspring of adult dogs and cats. To obtain a kennel license a person must ~~show that an occupational license has been issued by the county tax collector's office for the facility;~~ show proof of vaccination against rabies by a licensed veterinarian for animals four (4) months or older owned by the kennel owner, and maintain a "certificate of inspection" issued by animal services. Inspection by animal services will be concerned with the cleanliness and comfort provided by the facility. All animals kept or maintained in such a kennel shall be provided with a clean, fresh water supply, proper shelter from the elements and adequate food to maintain a normal condition of health. Compliance with these requirements will be determined by inspections at least once every six (6) months. Upon obtaining a "kennel license," the owner will be issued the number of metal tags equal to the number of animals authorized to be kept in the kennel. All such tags shall bear the county's name, the "kennel license" number, be readily distinguishable from the individual license tags for that same year, and attached to the collar of each animal at all times. Such tags

would replace the individual licenses required under this chapter. "Kennel licenses" shall be renewed annually during the month of January. Previously licensed kennels that apply after January for a renewal will be charged double the "kennel license" fee. Not obtaining a kennel license or violation of any kennel licensing procedure shall be a Class III violation of this chapter and at the discretion of the animal services supervisor the kennel license may be temporarily or permanently revoked.

## **Chapter 8, Article II. Construction Code.**

### **Sec. 8-28**

License means official or legal permission to do a specific thing. Proof of permission is usually granted in the form of a document, card or certificate, registration, or certificate of authority or certificate of competency issued by the department, principal office or Department of Business and Professional Regulation. ~~An occupational license issued by a tax collector shall not substitute for other required licenses, registrations or certificates and is required in addition to any and all other applicable licenses or registrations. An occupational license shall not authorize a person and/or entity to violate any of the provisions of this code.~~

### **Sec. 8-31(4)**

~~(4) When a qualifying agent, on behalf of a business organization, makes application for an occupational license, the application shall be made jointly in the name of the qualifying agent and the name of the business organization. The occupational license, when issued, shall be issued to the qualifying agent and the business organization, upon payment of the appropriate licensing fee and exhibition to the tax collector of a valid certificate issued by the principal office, and the state and local license number shall be noted thereon.~~

### **Sec. 8-45**

Nothing in this code limits the power of Hernando County to:

(c) Collect ~~occupational license and~~ inspection fees for engaging in contracting or examination fees from persons applying for certification. However, nothing in this code shall be construed to require general contractors, building contractors, or residential contractors to obtain additional ~~occupational~~ licenses for specialty work when such specialty work is performed by employees of such contractors on projects for which they have substantially full responsibility and such contractors do not hold themselves out to the



public as being specialty contractors.

**Sec. 8-46**

5) It shall be a violation of this code for any person, individual, partnership, corporation, firm, association or other entity to:

~~(1) Engage in the business and/or act in the capacity of a contractor or advertise himself or a business organization as available to engage in the business or act in the capacity of a contractor without a valid occupational license.~~

**Sec. 8-76**

All persons or entities shall be duly licensed by all appropriate agencies and authorities of the county and the state. All said persons or entities shall be in possession of all necessary certificates of competency, and registrations, ~~and occupational licenses~~, prior to engaging in the business, or acting in the capacity of a contractor. Duly licensed contractors or persons exempted by this code are authorized to obtain building permits, and receive inspections. No contractor shall allow any subcontractor to work on any job under the contractors supervision, unless such subcontractor is in possession of all necessary certificates of competency, and registrations, ~~and occupational licenses~~ as required by any ordinances, agencies, and authorities of the county and the state.

**Sec. 8-78**

(5) Reciprocity. Reciprocity may be granted to contractors who have been licensed in another jurisdiction within the State of Florida, and meet the minimum certification requirements of this code. Approved contractors may be issued a certificate of competency for the trade being applied for, which is equal to, in all respects, certificates issued in accordance with paragraph (1) of this section. To be considered for reciprocity, the applicant shall submit the following:

~~(f) Proof of possession of a valid occupational license.~~

**Sec. 8-83**

(3) Active renewal:

~~(e) Renewal applications shall include proof that the certificate holder or registrant possesses a valid occupational license.~~

**Sec. 8-84**

Any person or business organization engaged in the business of contracting who performs

work for which a building permit is required shall, prior to engaging in the business of contracting or performing such work, register with the board's principal office unless he is county certified.

To be initially registered, the applicant shall submit the required fee; and complete a registration form provided by the principal office; ~~and submit a valid occupational license for the type of work for which the registration is desired.~~ Examination may not be required for registration.

**Sec. 8-179. Certification of installers.**

(e) Certification or registration in this field does not permit a contractor to connect electricity. Electrical work shall be installed by a licensed master electrician. ~~Any bona fide holder of a valid, unexpired and unrevoked solar heating and cooling contractor's occupational license issued by the legally constituted authority of Hernando County existing immediately prior to and at the time of the passage of this division may apply for and receive an equivalent certificate of competency, as herein provided, without applying for or taking the examination required by this article.~~

**Sec. 15-203. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context otherwise requires:

~~County occupational license: The method by which the county grants the privilege of engaging in or managing any business, profession or occupation within its jurisdiction.~~

**Sec. 15-204. Local occupational license requirement.**

~~No potential hazardous waste generator shall engage in any activity which may result in the generation of hazardous waste in Hernando County without obtaining a current local occupational license.~~

**Sec. 15-205. Surcharge fees.**

The amount of the annual surcharge fee to be ~~added to the~~ payable by a potential hazardous waste generator's ~~occupational license~~ shall be fixed by resolution of the Hernando County Board of County Commissioners. The amount of such surcharge fee shall be up to the maximum allowed by law. Thereafter, the surcharge fee may be adjusted by resolution of the Board of County Commissioners as necessary, no later than June 30 of each year. The surcharge fee must be paid by the potential hazardous waste generator ~~or the occupational~~

license will not be issued in order for such generator to engage in business in Hernando County. A potential hazardous waste generator shall notify the Hernando County Solid Waste Management Division that it intends to engage in business in the county prior to beginning business and register as a potential hazardous waste generator. The division shall bill any such potential hazardous waste generator for the applicable surcharge fee, which shall be payable within 30 days after invoice by the division. It shall be unlawful and separate violations of this code for any potential hazardous waste generator to either engage in business in Hernando County without notice to the division or to fail to pay the applicable surcharge fee as provided herein, punishable pursuant to Chapter 2, Article III of this code.

**Sec. 18-123. Prohibition(s).**

(d) Sales by seasonal retailers. It is unlawful for any seasonal retailer to sell any sparklers that are not approved by the division of the state fire marshal of the Department of Insurance. ~~No seasonal retailer shall engage in the sale of sparklers without first obtaining an occupational license and a land use permit. Prior to the issuance of any occupational license, a seasonal retailer shall execute an affidavit stating that the seasonal retailers will sell only sparklers that have currently been approved by the division of the state fire marshal.~~

**Sec. 28-185. License; permit.**

(b) Permit required. In addition, no person shall engage in the business of transporting or disposing of domestic septage, food service sludge, portable toilet waste, or industrial nontoxic sludge or wastewater treatment plant sludge within Hernando County without first obtaining a county permit. Approval for a permit shall be contingent upon the following:

~~(6) Proof of a valid Hernando County occupational license, if required.~~

**Appendix A (Zoning Ordinance as codified)**

**ARTICLE IV. ZONING DISTRICT REGULATIONS**

**Section 2. Residential districts.**

The following regulations shall apply in the residential districts as indicated:

**I. R-R Residential District:**

(4) Dimension and area regulations. The following dimension and area regulations shall



apply in the district:

(k) Special regulations: To reduce conflicts with existing or future residential districts and resort residential districts, the following regulations shall apply:

iv. ~~The operation of a resort dwelling in addition to being located in an R-R district is further defined as a commercial operation wherein the owner, or any agent or manager acting on behalf of the owner, is required to obtain an occupational license within Hernando County.~~ Any use of property prior to the effective date of this ordinance [Ordinance No. 91-31] as a resort dwelling constitutes a commercial use of property and any such use within a noncommercial zoning district constitutes a zoning violation.

#### **SECTION 9. Severability.**

It is declared to be the intent of the board of county commissioners that if any section, subsection, clause, sentence, phrase, or provision of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this ordinance.

#### **SECTION 10. Codification.**

(A) This repealing ordinance shall be codified by the deletion of Article II, Chapter 18, sections 18-16 through 18-74, inclusive, Hernando County Code of Ordinances, from the codification of ordinances. Sections 18-16 through 18-74, inclusive, Hernando County Code of Ordinances, are hereby repealed in their entirety to the extent required to effectuate the directions of this ordinance.

(B) Where required by Section 8 of this ordinance amending various provisions of the Hernando County Code of Ordinances, it is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that such amendments shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the codifier is hereby authorized to renumber or reletter any provisions of the Code as may be deemed proper to accomplish such intention, including such redesignation of articles, divisions, sections or other Code classifications as may facilitate organized codification.

#### **SECTION 11. Effective date.**

Except as otherwise provided herein, this ordinance shall take effect August 1, 2007.



**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
HERNANDO COUNTY** in Regular Session this 17<sup>th</sup> day of April, 2007.

**BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA**

Attest: *Jenine E. Nicolai, Deputy Clerk* By: *Jeff Stabins*  
KAREN NICOLAI JEFF STABINS  
Clerk Chairman



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY  
BY *[Signature]* *Kol* *4/17/07*  
County Attorney's Office