



City of Pompano Beach Application for Temporary Holiday Sales Vendor Business Tax Receipt



Name of Business _____ Date _____

Location of Business _____

Holiday Item(s) offered for Sale _____

Date of Holiday Sales: from _____ 20__ to _____ 20__

Name of On-Site Manager or Supervisor _____

Address _____

Contact Telephone Number (_____) _____

Florida Sales Tax Number _____

HAVE YOU INCLUDED THE FOLLOWING:

1. Written notarized letter of authorization from the property owner or authorized agent.
2. Site plan showing location of any existing and/or proposed structures, customer parking areas and customer access to the property.
3. Sketch showing placement of any proposed holiday sale signs on the property.
4. A \$1000 performance bond in the form of a money order or cashiers check. (no personal or business checks will be accepted)
5. A completed application of the Business Tax Receipt
6. Vendors of pyrotechnical items who are required to be registered with the Division of State Fire Marshal of the Department of Insurance under F.S. Chapter 791 need to submit proof of a completed registration. Proof of a registration shall be submitted prior to issuance of the business tax receipt AND proof of public liability insurance of not less than \$300,000 which names the City of Pompano Beach as an additional insured and issued by an insurance company authorized by the Florida Department of Insurance to do business in the state of Florida.

**STATE OF FLORIDA
COUNTY OF BROWARD**

I, _____ hereby certify the above information to be true and correct and
(Print name)

that I have received, and understand the requirements outlined in section 113.40 of the City Code of Ordinances.

Signature

SWORN TO AND SUBSCRIBED before me this ____ day of _____ 20 ____,
at Pompano Beach, Broward County Florida.

Notary Public
Seal of Office

Notary Public, State of Florida
____ Personally Known
____ Produced Identification
Type of Identification Produced:

SIGNATURES REQUIRED FOR PYROTECHNICAL SALES

Zoning (sign and date)_____

Fire Department (sign and date)_____

Risk Manager (approval of Public Liability Ins.) (sign and date) _____

BTR (sign and date)_____

§ 113.40 TEMPORARY HOLIDAY SALES VENDORS.

It shall be unlawful in the city for any person, firm, corporation, business or enterprise to sell, dispense, offer for sale, or distribute any item or items from other than within an enclosed building except as permitted in commercial zoning districts and as follows:

(A) A business tax receipt for the sale of retail merchandise out-of-doors will be issued only for items sold in connection with the following holidays:

- (1) Independence Day (July 4) and New Year's Eve (December 31) for state approved pyrotechnical items, (sparklers);
- (2) Halloween for pumpkins and related items such as, but not limited to, Indian corn and gourds (October 31); and
- (3) Christmas for Christmas trees and related items such as, but not limited to, stands, bags, bows and wreaths (December 25).

(B) Any business tax receipt issued for sales permitted under this section shall be valid only for a temporary period of time, as prescribed below:

- (1) A maximum of 10 days preceding the Fourth of July or New Year's Eve;
- (2) A maximum of 30 days preceding Halloween; and
- (3) From Thanksgiving Day through December 26th.

(C) Prior to receipt of a business tax receipt an applicant shall comply with all of the following:

(1) An applicant shall file with the Zoning Division, a performance bond or similar security acceptable to the city, naming the city as beneficiary, in the sum of \$1,000, executed by the applicant as principal, and a surety company authorized to do business in the state and on the list of the United State Treasury. The conditions of such security shall be that:

(a) The applicant shall comply fully with the provisions of the City Code of Ordinances and any and all applicable laws of the county, state and the United States regarding the sale of goods as approved with a business tax receipt;

(b) The applicant shall pay all judgments rendered against said applicant for any violation of said ordinances and statutes;

(c) The applicant shall pay all judgments and costs that may be recovered against applicant by any persons for damage from any misrepresentation or deceptive practice during the transaction of such business; and

(d) The applicant shall restore the approved location for the issued business tax receipt to its presale condition.

(2) The applicant for a business tax receipt allowing the sale of pyrotechnical items shall submit proof of public liability insurance in a coverage amount of no less than \$300,000, at each sales location which names the City of Pompano Beach as an additional insured and is issued by an insurance company authorized by the Florida Department of Insurance to do business in this state. The policy must be approved by the city Risk Management Director;

(3) A written, sworn application, signed by the applicant, shall be filed with the Zoning Division at least 30 days prior to the commencement of the appropriate holiday period, as provided in subsection (B) hereof, showing:

(a) The name or names of the person or persons responsible for the management or supervision of the applicant's business during the time that the activities will be conducted in the city; the local address of such person or persons while engaged in such business; the permanent address or addresses of such person or persons; the capacity in which such person or persons will act (that is, whether as proprietor, agent or otherwise); the name and address of the person, firm or corporation for whose account the business will be carried on, if any; and if a corporation, under the laws of what state the same is incorporated and the name and address of its registered resident agent in this state;

(b) The proposed place or places in the city where applicant's business will be conducted and length of time said business will be conducted;

(c) A statement of the nature, character and quality of the goods to be sold or offered for sale by the applicant in the city;

(d) Proof of a state sales tax number;

(e) For vendors of pyrotechnical items who are required to register with the Division of State Fire Marshal of the Department of Insurance under F.S. Ch. 791, proof of a completed registration form. Proof of actual registration shall be submitted prior to issuance of the business tax receipt;

(f) A written notarized statement from the owner of the property, or an authorized agent of the owner, authorizing the location of the temporary holiday sales vendor on the property; and

(g) A sketch showing the exact location of the vendor.

(4) The business tax receipt issued under this section shall be posted conspicuously in the place of business named therein. In the event that such person or persons applying for said business tax receipt shall desire to do business in more than one location within the city, separate business tax receipts shall be issued for each location of business, and shall be posted conspicuously in each place of business.

(D) No business tax receipt holder shall be issued more than ten business tax receipts. For the purpose of this subsection, business tax receipt holders shall be deemed the same if any one principal in the legal entity under which the business tax receipt holder is operating is identical, regardless of the structure of the legal entity.

(E) No business tax receipt shall be transferred without written consent from the Development Services Director or designee of the city, as evidenced by an endorsement on the face of the business tax receipt by the Development Services Director or designee showing to whom the business tax receipt is transferred and the date of transfer. The transferee of a business tax receipt shall meet and be subject to all requirements set forth herein for the original business tax receipt holder.

(F) No business tax receipt for the sale of pyrotechnical items may be issued unless such items may be lawfully sold under F.S. Ch. 791.

(G) Locations for sales of merchandise with an approved business tax receipt under this section are subject to the following restrictions:

(1) Pyrotechnical items may only be sold at locations within a commercial zoning district. Such sales shall not be permitted to be made from areas located within 50 feet from:

(a) Any fuel storage facility of any kind; or

(b) Any area required to provide parking in connection with a restaurant or lounge.

(2) Pyrotechnical items may be sold only if each sales location has been approved by the Fire Department.

(3) Halloween and Christmas items may only be sold at locations lying within any commercial zoning district or from areas immediately adjacent and utilized in conjunction with the commercially zoned property, as well as from any property owned by a non-profit organization or institution.

(4) A maximum of one four-foot by eight-foot sign for each location may be displayed in connection with such sales.

(5) There shall be a minimum 1,500 feet between any two locations approved for a business tax receipt under this section; however, retail stores with over 20,000 square feet of floor area are exempt from this requirement; nor shall a temporary holiday sales vendor be required to locate at least 1,500 feet from such an establishment. For purposes of determining which business tax receipt application of two or more applications proposing sites within 1,500 feet of one another shall be approved, the date and time that each completed application is received by the city shall determine the priority, with the earliest completed application receiving the highest priority. For the purposes of this section, a site duly approved for the previous year and which complied with all applicable regulations shall be considered to be the earliest completed application.

(6) At any given location approved for a business tax receipt under this section, there shall be a maximum of one temporary holiday sales vendor.

(H) The sale of any merchandise by any holiday sales vendor as specified in this section without a business tax receipt as provided in this chapter is unlawful. Violation of this section shall be punishable as provided in F.S. Ch. 162, as currently enacted or as may be amended from time to time, or by any other means authorized by law.

(I) In the event that the provisions set forth above should conflict with any other provisions of the City Code of Ordinances, the provisions set forth herein shall prevail.

(Ord. 91-56, passed 6-4-91; Am. Ord. 2000-23, passed 11-23-99; Am. Ord. 2007-57, passed 7-10-07; Am. Ord. 2010-02, passed 10-27-09)