

ORDINANCE NO. 2021-10

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; REPEALING SECTION 1-5.25 IN ARTICLE V OF THE LAND DEVELOPMENT CODE REGARDING HOME OCCUPATIONS; AMENDING ARTICLE II OF CHAPTER 14 BY ADDING A NEW SECTION 14.40.2 RELATING TO HOME BASED BUSINESSES; AMENDING SECTION 14-46 BY ADDING HOME BASED BUSINESSES TO THE BUSINESS TAX RECEIPT FEE SCHEDULE; AMENDING SECTION 14-45 REGARDING FEES FOR BUSINESSES NOT SPECIFICALLY INCLUDED IN THE FEE SCHEDULE; PROVIDING FOR REPEAL; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Town Council for the Town of Malabar has determined that certain amendments to Chapter 14 of the Town code should be incorporated into the Code of Ordinances of the Town relating to business tax receipts; and

WHEREAS, the Florida Legislature adopted HB 403 relating to Home Business/Occupation Regulations; and,

WHEREAS, HB 403 Prohibits local governments from taking certain actions relating to the licensure and regulation of home-based businesses; and,

WHEREAS, the Town's Home Occupation regulations now appear to contain provisions which are contrary to HB 403; and,

WHEREAS, the Town council has determined that amendments to the Home Occupation Code of the Town are necessary to comply with HB 403.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA AS FOLLOWS:

Section 1: Section 1-5.25 in Article V of the Land Development Code of the Town is repealed in its entirety.

Section 2: A new section 14-40.2 is hereby added to Article II of Chapter 14 to read as follows:

"Section 14-40.2. Home Based Businesses occupations.

Within the RR-65, RS-21, RS-15, RS-10, RM-4, RM-6, and R-MH districts, a home based business occupation shall be regulated through the issuance of a home occupation based Business Tax Receipt. A home occupation shall be subject to all applicable Town Business Tax Receipts and other business taxes. Each applicant shall submit to the Town Clerk a sworn application on a standard form furnished by the Town Clerk with a fee determined by resolution

of the Town Council. ~~The applicant shall also submit with the application a recent photograph of the residence showing the entire front yard and all driveways and carports, if any. The application form shall include but not be limited to the following information:~~

- ~~Name of applicant;~~
- ~~Location of residence wherein the home business occupation, if approved, will be conducted;~~
- ~~Total floor area of the first floor of the residence;~~
- ~~Area of room or rooms to be utilized in the conduct of the home business occupation~~
- ~~A sketch showing the floor plan and the area thereof to be utilized for the conduct of the home business occupation;~~
- ~~The nature of the home occupation sought to be approved;~~
- ~~The days and hours of operation;~~
- ~~A recent photo of the dwelling showing the entire front yard, all driveways, and carports.~~

If the information contained therein is in compliance with the provisions or the intent of this Section, the Town may, in its discretion, issue a Business Tax Receipt for such home based business occupation. ~~Any home occupation Business Tax Receipt may be revoked by the Council at any time it has been determined that the home occupation has become a public nuisance or no longer is in compliance with this Section.~~

All home based businesses occupation shall comply with the following regulations:

1. Place of Operation and Participants: A home business occupation shall be carried on entirely within a dwelling. Only members of the family permanently living therein shall participate in the home based business occupation except that up to a total of two employees or independent contractor's who do not reside at the residential dwelling may work at the business. The business may have 50 additional remote employees that do not work at the residential dwelling.
2. No Product to be Offered for Sale from an accessory building. No commodities or products shall be offered for sale from the premises. Retail transactions may only occur within the residential dwelling. In order to preserve the character, aesthetics, architectural and the use of the residential property so as to be consistent with the uses of the residential areas that surround the property, there shall be no display of goods visible from any street.
3. Restriction on Commercial Vehicles. No more than one commercial vehicles, having a maximum weight of one ton that can be found at a similar residence without a home business, may be kept on the premises, or parked overnight on the premises. Commercial vehicles and trailers used in connection with the business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surface at the residence. No parking or storage of heavy equipment at the residence shall be visible from the street or adjacent property. "Heavy equipment" means commercial industrial or agricultural vehicles, equipment or machinery.
4. Restriction on Use. The use of the dwelling unit for the home based business occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character thereof. No home-based business shall occupy a residence, exclusive of the area of any open porch or attached garage or similar space not suited or intended for occupancy as living quarters, which results in a situation where the home business becomes the primary use of the property and the residential use is secondary. A list of non-exclusive factors which may be considered are as follows:
 - a. Whether homestead tax exemption is maintained on the property;
 - b. The number of occupants of the dwelling compared to the number of bedrooms in the dwelling;

c. Whether the dwelling unit is owner/occupied;

d. Traffic generation to and from the property exceeds that which greater would normally be expected at a similar residence where no business is conducted;

e. Whether parking volume at the property exceeds that which greater would normally be expected at a similar residence where no business is conducted;

f. Whether the use of vehicles or trailers operated or parked at the business or on a street right-of-way, is greater than would normally be expected at a similar residence where no business is conducted.

5. Appearance of Structure and Signage. Within a rural residential or residential zoning district, there shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation and there shall be no signage, other than signage required allowed by Florida Statute. There shall be no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling.

~~6. No Home Occupation Activity Within Accessory Building. No home occupation shall be conducted in any accessory building. Incidental business uses and activities may be conducted at the property in accessory structures.~~

~~7. Restriction on Home Occupation Square Footage. No home occupation shall occupy more than twenty-five (25) percent of the first floor area of the residence, exclusive of the area of any open porch or attached garage or similar space not suited or intended for occupancy as living quarters.~~

~~No duly permitted residential structural additions to the dwelling nor any attached enclosed residential conversions shall be considered as floor area until two (2) years after the completion date thereof.~~

8. Traffic Generation and Off-Street Parking. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood. ~~Parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard. Parking related to the business activities of the home-based business may not be greater in volume than would normally be expected at a similar residence where no business is conducted. The parking of vehicles and trailers shall conform to the parking requirements of the zoning district where the home-based business is located. Vehicles and trailers, if so permitted in the applicable zoning district, used in connection with the business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence.~~

~~9. Use of Equipment, Including Power Motors. No motor power other than electric motors shall be used in conjunction with such home occupations. The total horsepower of such motors shall not exceed three (3) horsepower, or one (1) horsepower for any single motor.~~

10. Nuisance Impacts Regulated. In addition, no equipment or process shall be used in such home business occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuation in line voltage off the premises.

~~11. Restriction on Number of Customers Served At Any One Time. Services shall be performed for no more than four (4) persons on the premises at any one time.~~

~~12. Prohibited Uses. Occupations which generate greater volumes of traffic than would normally be generated in a residential district are prohibited. The following shall not be interpreted to be home occupations:-~~

- ~~• Beauty shops and barber shops.~~
- ~~• Public dining or tea room facilities.~~
- ~~• Child care facilities accommodating five (5) or more children.~~
- ~~• Funeral homes.~~
- ~~• Gift shops.~~
- ~~• Massage parlors.~~
- ~~• Nursing homes, group homes and adult congregate living facilities.~~
- ~~• Medical laboratories.~~
- ~~• Outdoor repair or storage.~~
- ~~• Rental of any equipment or items.~~
- ~~• Veterinary hospitals.~~
- ~~• Similar uses not strictly in compliance with the provisions of this section.~~
- ~~• Any commercial, industrial, or commercial agricultural use as defined in Section 1-2.6, excepting specific office activities duly approved by the Town Council.~~

~~13. Failure to continuously comply with all provisions of this subsection shall be grounds for revocation of the home occupation Business Tax Receipt by the Town Council."~~

Section 3: Article II of Chapter 14, Section 14-46 of the Code of Ordinances of the Town is hereby amended to include "Home Based Business" into the fee schedule I to read as follows:

"Sec. 14-46. Business Tax Receipt fee schedule.

The Business Tax Receipt fee which shall be paid by every person engaging or managing businesses, professions, or occupations for which a Business Tax Receipt is required is hereby fixed as follows:

A	
(1) Abstract/title companies/agencies	100.00
(2) Accounting/bookkeeping/auditing service, certified	100.00
(3) Accounting/bookkeeping/auditing service, noncertified	100.00
(4) Advertising:	
(a) Agents or agencies writing advertisements for profit	80.00
(b) Maintaining billboards or signboards upon which advertising is displayed either by permanent sign painted thereon or paper posted or attached thereto	200.00
(c) Outdoor advertising such as painted walls, bulletins, billposting, electrical displays, etc., for hire, per space, per year	50.00
(d) Contracting for advertising in, or on, buses or other public carriers	50.00
(5) Aircraft agency, including sales, service and for hire, new and used	200.00
(6) Aircraft, flying schools or flight lessons	100.00
(7) Ambulance service (not voluntary)	65.00
Each vehicle	50.00
(8) Amusements:	
(a) Arcade operations (in addition to stickers)	200.00
(b) Billiards, pool:	
First table	20.00
Each additional table	6.00

(c) Bowling alley, per year	31.25
In addition, for each lane	6.25
(d) Golf course	300.00
(e) Golf driving range	50.00
(f) Miniature Golf	50.00
(g) Machines, (coin-operated) games, devices, each	25.00
Any person or firm who leases or rents or places under any kind of arrangement any coin-operated machine, except checking lockers, toilet locks and U.S. stamp machines, shall pay a fee for each machine.	
(h) Machines (coin-operated) one or two penny, each	2.00
(i) Machine vending cigarettes	10.00
(j) Motion picture theater, indoor, initial screen	200.00
Each additional screen, per screen	100.00
(k) Motion picture theater, outdoor	200.00
(l) Park operator, amusement	225.00
(m) Public performance for profit:	
1. Animal show or ride (first day)	31.00
Each additional day	18.00
2. Carnivals, each per week or fraction thereof	1250.00
3. Circuses, each per day	375.00
4. Riding devices (other than coin-operated), each per day	20.00
(n) Rinks, skating, each per year	50.00
(o) Shooting galleries, each per year	100.00
Appliances, stoves, refrigerators, dishwashers, dryers, air conditioners, heating, etc., dealers or agents and service	200.00
(10) Artist	100.00
(11) Astronomers (where fee is charged)	50.00
(12) Auction house or shop	200.00
(13) Auctioneers:	
(a) Per year	130.00
(b) Per day (does not apply to holder of yearly license)	37.50
(15) Automobiles:	
(a) New vehicle, agency/dealer, each location	200.00
(b) Used vehicles, agency/dealer, each location	50.00
(c) Service station, does not include mechanic, service, or repair shop, per station	50.00
(d) Automobile storage:	
Per 1,000 square feet up to 2,000 square feet	25.00
Each additional 1,000 square feet or fraction thereof	6.00
(e) Automobile parking lot (parking space rental):	
2,000 square feet or less	20.00
Over 2,000 square feet	40.00
(f) Vehicles for hire (rent-a-car, courtesy car, etc.)	225.00
(g) Auto parts, used	40.00
(h) Auto accessories	100.00
(i) Auto-vehicle wrecker service	80.00
B	

(16) Bait, live	40.00
(17) Bakeries, retail	50.00
(18) Bakeries, wholesale	70.00
(19) Banks	150.00
(20) Barbershop:	
(a) First operator (chair)	12.50
(b) Each additional chair	9.00
(21) Bath, public (Turkish, Swedish, or mineral) or health center (see F.S. § 501.012)	70.00
(22) Beauty parlor or salon:	
(a) First operator (chair)	12.50
(b) Each additional chair	9.00
(23) Bicycles (repair only)	20.00
(24) Bicycles, dealer/rent, repair and/or sales	50.00
(25) Boats for hire	30.00
(26) Boats, sales, service/marina	80.00
(27) Bondsmen	130.00
(28) Book agents or canvassers (taking orders or selling books or magazines)	80.00
(29) Boot, shoe repair and shine shop	40.00
Bottled water sales, distributor (See Item 194)	20.00
(30) Bottling works	200.00
(32) Broker:	
(a) Mercantile broker/agent	100.00
(b) Stocks and bonds, broker/firm, or office	100.00
Stocks and bonds, per agent or salesman	50.00
(c) Real estate broker <i>BTR requirement deleted in 2012 with HB 7125</i>	75.00
Each salesman/agent <i>BTR requirement deleted in 2012 with HB 7125</i>	31.25
(d) Pawnbroker	300.00
(33) Building materials or supply dealer	50.00
(34) Bus company, private (local), each vehicle	20.00
(35) Bus terminal	200.00
(36) Business machines, cash registers, typewriters, etc. (Sales, rentals and service only. Not to include office supplies.)	80.00
C	
(37) Cabinet or carpenter shop	40.00
(38) Cake decorating	30.00
(39) Carpet and upholstery cleaners	80.00
(40) Catering services	70.00
(41) Claim and Collection Agencies	100.00
(43) Childcare nurseries, preschool	70.00
(42) Clairvoyant, fortuneteller, mind reader, etc.	110.00
(44) Cold storage, bulk storage	50.00
(45) Concrete plant or block plant	250.00
(46) Consulting service	50.00
(47) Contractor :	
(a) General (Class 1)	175.00

(b) Building (Class 2)	150.00
(c) Residential (Class 3)	125.00
(d) Street paving	175.00
(e) House moving and wrecking	175.00
(f) Subcontractors (see "Subcontractors")	50.00
(49) Credit association/unit (firm or corporation)	100.00
(50) Credit card company	200.00
D	
Day care centers (see "Childcare nurseries")	
(52) Dairy, milk distributors or producers	70.00
(53) Dance hall or ballroom	300.00
(54) Decorator, interior	70.00
(55) Delicatessen	30.00
(56) Detective agency:	
(a) Fee for agency	100.00
(b) Each investigator	70.00
(57) Directory, city (to engage in compiling city directory. Required to furnish all copies required by the city.)	200.00
(59) Dressmaking shops	30.00
(60) Drycleaners:	
(a) Plant in city	70.00
(b) Pickup station with plant in city	20.00
(c) Pickup station with plant out of city	60.00
(61) Dynamite or high explosive dealer (in addition to all other licenses)	50.00
E	
(63) Employment agency	70.00
Equestrian related activities (See Item 58 – Schools)	
(64) Equipment rental	100.00
(65) Express companies	80.00
(66) Exterminator, termite, and pest	130.00
F	
Factories (see "Manufacturer")	
(68) Fertilizer, agent or dealership	100.00
Fireworks, wholesale or retail	Prohibited
(70) Fish market	40.00
(71) Flea market	175.00
(72) Florist	50.00
Fortuneteller (see "Clairvoyant").	
(74) Fruit and vegetable stand, each (see section 14-30(c))	50.00
(75) Funeral homes (including undertaking and embalming), state license required	150.00
(76) Furniture dealer	100.00

G		
(77) Garage, vehicle repair and maintenance:		
(a) Operating separately		50.00
(b) In connection with another business for which annual license tax has been paid		25.00
(80) Gas company, natural		180.00
(81) Gas company, natural and bottled gas		180.00
(79) Gas distributors, bottled		180.00
(78) Gasoline, kerosene, and oil:		
(a) Delivered in containers or by tank truck		200.00
(b) Wholesale with storage facilities in city		200.00
(c) Retail distributors retaining from tank wagon under 300-gallon capacity		70.00
(d) Gasoline sales by pump, not in connection with garage or filling station, per pump, per year		30.00
(82) Glass, plate installation		100.00
Glass, plate (see "Merchants, storekeepers, etc.")		
(84) Gunsmith, sales and repair when in connection with another business		40.00
H		
(85) Handyman		100.00
(86) Hauling contractor:		
(a) Per vehicle		30.00
(b) Per vehicle with tandem axles		50.00
(87) Health center (must possess approval and license from state)		70.00
(88) Hospital, sanitarium, or nursing home, operated for profit (must possess approval and license from state):		
(a) Ten rooms or less		62.00
(b) Each additional room over 10 rooms		6.00
(89) Hotels, motels, apartments, boardinghouses, and lodging homes, per unit (Must provide license from the state division of hotels and restaurants, department of business regulations)		5.00
(90) Hypnotist		50.00
(90.1) Home Based Business (Moved from Article V of LDC)		50.00
I		
(91) Ice cream and cold drink stands:		
When operated separately		70.00
(92) Ice cream carts and wagons, each annually		30.00
(93) Ice cream manufacturers		80.00
(94) Ice manufacturers		80.00
(95) Ice peddling vehicle or machine, each		80.00
(97) Insurance or bonding agency		80.00
(a) Insurance adjuster (each)		100.00
(b) Insurance salesman (each)		50.00
(96) Insurance company		80.00
J		

(98) Janitor and commercial cleaning service	80.00
(99) Jewelry, watch and clock repair, when operated separately	50.00
K	
(100) Kennels, animal	70.00
(101) Knife and scissors sharpener	20.00
L	
(102) Laboratories, dental, chemical, etc. (per F.S. ch. 483)	70.00
(103) Land development and excavating	150.00
(104) Landscaping (except contractors, architects, engineers, or florists with a city license as such)	80.00
(105) Laundries:	
(a) With plant in city	70.00
(b) Pickup station with plant in city	20.00
(c) Pickup station with plant out of city	60.00
(d) Pickup service with plant out of city	20.00
(106) Laundromat, self-service	100.00
(107) Loan company, broker, firm, person, corporation	150.00
(108) Locksmith and key smith, each	40.00
Lumberyard (see "Building materials or supply dealer").	
M	
(110) Machine shop and/or welder	70.00
(111) Maid service	80.00
(112) Mail order business (each person, company, or firm, etc.)	80.00
(113) Manicurist, each	20.00
(114) Manufacturer (manufacturing, producing, processing, assembly of apparel and accessories, chemical and allied products, metals, nonferrous metals, glass, plastics, electronics, shell novelties and other manufacturing):	
(a) Up to 25 people	60.00
(b) Up to 150 persons	125.00
(c) More than 150 persons	250.00
(115) Masseur (see F.S. § 501.012 for certain requirements)	40.00
(116) Merchants, itinerant	200.00
(117) Merchants, storekeepers, pharmacies, etc.	50.00
Midwives (state certificate issued within the past year is required)	Exempt
(119) Mobile home manufacturers and dealers	100.00
(120) Mobile truck:	
(a) Food vendor	
(b) Auto repair	80.00
(c) Car/mobile home washing	80.00
(121) Monument and tombstone (dealer in and/or agent for)	80.00
	50.00

(122) Mower, dealer, rental, repair and/or sales	50.00
(123) Mower, repair only	20.00
(124) Mowing lawns	40.00
(125) Muffler shop (sale and installation of mufflers only)	40.00
N	
(126) News bureau (representing newspapers published outside of the Town)	200.00
(127) Newspaper, daily (4 newspapers or more published per week)	200.00
(128) Newspaper, weekly, biweekly, or monthly	100.00
(129) Newsstand	30.00
(130) Nursery (trees, plants, shrubbery, etc.)	50.00
O	
(131) Office supplies and/or office furniture sales	70.00
P	
(132) Packing house (doing private order business)	50.00
(133) Paint and body shop	50.00
(135) Photocopy service	50.00
(136) Photofinishing, pickup station (when operated not in connection with another business)	50.00
(137) Photographers:	
(a) Resident	50.00
(b) Itinerant or transient	150.00
• Itinerant or transient photographer defined: For the purpose of this subsection, an itinerant or transient photographer is defined as one who does not regularly maintain his studio or place of business in the Town where the work of photographing, enlarging, copying, or coloring is conducted. Each agent or canvasser or solicitor representing an itinerant photographer shall pay the license fee for solicitors under this article.	
(138) Piano tuner:	
(a) Resident	
(b) Itinerant	20.00
(139) Popcorn or peanut stand	30.00
(140) Printing, job printing	10.00
(141) Professionals	50.00
(a) Architects*	110.00
(b) Attorneys	
(c) Chiropodists	
(d) Chiropractors	
(e) Computer programmers	
(f) Dentist	
(g) Electrologist	
(h) Electrolysis	
(i) Electrotherapist	
(j) Engineers*	

(k) Homeopathic physicians	
(l) Naturopaths	
(m) Oculists	
(n) Opticians	
(o) Optometrists	
(p) Osteopaths	
(q) Physicians	
(r) Psychiatrists	
(s) Surgeons	
(t) Veterinarians*	
(u) And other such professions	
*Must provide valid state certificate of registration.	
(142) Public relations	
Public scales, coin-operated (see "amusements," item g.)	100.00
(143) Public scales, truck weighing	
(145) Pulpwood dealers	20.00
	50.00
R	
(146) Radio and TV repair (for sales, see merchant)	
(147) Radio and television stations	80.00
(148) Railroad companies	200.00
Real estate appraiser <i>BTR requirement deleted in 2012 with HB 7125</i>	375.00
Real estate broker <i>BTR requirement deleted in 2012 with HB 7125</i>	100.00
(151) Reducing salon (see F.S. ch. 501.012)	
(152) Repair of small appliances	50.00
(153) Restaurants:	40.00
(a) First 50 chairs	
(b) Each additional chair or seating space over 50 (Private boarding houses, 5 chairs or less are exempt. Must provide license from the division of hotels and restaurants, state department of business regulation.)	40.00
(c) With alcoholic beverage sales, additional	20.00
(154) Restaurants, snack bars, fast food services, which maintain no seats	70.00
(155) Fishing equipment / Rod and reel repair	50.00
S	
(156) Sanding and finishing of floors	
(157) Savings and loan associations	80.00
(158) Schools (such as dancing, business or commercial, beauty or barber, Dog training, music, physical ed, horse riding, driving, etc.)	150.00
(159) Secondhand dealer (to buy or sell secondhand merchandise, clothing, furniture, etc.)	50.00
(160) Selling, when not specifically covered herein. Persons selling magazines, bibles, encyclopedias, cosmetics, kitchenware, etc., and other door-to-door salespersons shall pay a fee; except those representing charitable organizations which are recognized as such by the Internal Revenue Service.	
(a) Per day	70.00
	25.00

(b) Per year, maximum of	
(161) Septic tank cleaners	130.00
Service station (see "Automobiles," item 15. c.)	60.00
(163) Sewing machine/vacuum cleaners, dealers, and/or agents and service	80.00
(164) Shoeshine parlor	20.00
(165) Sign painters:	
(a) Resident	
(b) Itinerant	50.00
(166) Solicitors and canvassers, per year	100.00
(167) Sports places and arenas	130.00
(168) Sprinkler system, selling and/or installing irrigation systems	500.00
(169) Stenographer, public and court reporter	150.00
(170) Storage and warehouse, public, with no business conducted on premises	30.00
Per unit, additional	100.00
(171) Subcontractors, including, but not limited to carpentry, painting, roofing, sheet metal, electrical, concrete construction, masonry, and plastering, lathing, clearing grading, etc.	10.00
(172) Surveyor (must have valid certificate of registration issued by the state)	50.00
	70.00
T	
(173) Tailors	
(174) Taxi or limo service	30.00
Plus, Each vehicle	200.00
(175) Taxidermists	30.00
(176) Telegraph systems and companies	80.00
(177) Telephone systems and companies	200.00
(178) Television cable systems and companies	500.00
Theater, movie (see "amusements," items 8. j. and k.)	225.00
(180) Tire and recapping service:	
(a) Resident	
(b) Itinerant	50.00
(181) Tourist camps or courts, each guest room	100.00
(182) Towel and linen supply	5.00
(183) Trading stamps	100.00
• To engage in the business of selling or furnishing to merchants or others, checks, tickets, or stamps, commonly known as trading stamps, on the terms of agreement to redeem them by exchange of goods, wares, or merchandise for them or otherwise.	200.00
(184) Trailer, U-Haul, and similar operations	
(185) Trailer camps, RV parks, per space	70.00
(186) Tree surgery - Arborist	5.00
(188) Truck lines (receiving and/or delivery) freight or express	50.00
(187) Trucks (temporarily conducting business in the Town and whose activity is not otherwise enumerated herein)	150.00
(189) Typing service	80.00
	30.00
U	

(190) Upholsterers or furniture menders	50.00
V	
(163) Vacuum cleaner / Sewing Machines /, dealer or agents and service	80.00
W	
(192) Warehouse, with a business conducted on the premises . . . Watch repair (see Item 99)	80.00
(194) Water, bottled: (Pre-empted to the State)	
(a) Resident sales, distribution	50.00
(b) Nonresident sales, distribution	100.00
(195) Welder	40.00
(196) Well drillers	30.00
(197) Wholesale distribution center:	
First 10 employees	80.00
Each additional employee over 10 employees	5.00
(198) Wrestling or boxing (to promote or hold wrestling or boxing matches)	2100.00
(199) Equestrian related Boarding Stable	75.00

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Section 4: Article II of Chapter 14, Section 14-45 is amended to read as follows:

"Sec. 14-45. Fee for business not specifically included in schedule.

Every business, ~~fixed or temporarily engaged in by any person, whether in a building or tent, or upon a street, vacant lot or anywhere within~~ in the Town not herein specifically designated shall pay a fee of three hundred dollars (\$300.00)."

Section 5: All ordinances, or parts of ordinances in conflict herein are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

Section 6: It is the intention of the Town Council that the provisions of this ordinance shall be made a part of the Code of Ordinances of the Town and the sections may be renumbered to accomplish such intention.

Section 7: This ordinance shall become effective immediately upon its adoption.

This Ordinance was moved for adoption by Council Member Vail. This motion was seconded by Council Member Acquaviva and, upon being put to vote, the vote was as follows:

Council Member Marisa Acquaviva

Aye

Council Member Brian Vail
Council Member Steve Rivet
Council Member David Scardino
Council Member Danny White

Aye
Excused
Aye
Aye

This Ordinance was then declared to be duly passed and adopted this 2nd day of August, 2021.

(seal)

By: TOWN OF MALABAR

Patrick T. Reilly
Mayor Patrick T. Reilly,
Council Chair

1st Reading: 7/19/2021 Vote: 4 to 0 (CM Acquaviva excused)

2nd Reading: 8/02/2021

ATTEST:

Debby Franklin
Debby K. Franklin, C.M.C., Town Clerk/Treasurer
Town Clerk/Treasurer

Approved as to form and content:

Karl W. Bohne, Jr.
Karl W. Bohne, Jr., Town Attorney