

ORDINANCE NO.: O-26-07

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EAGLE LAKE, FLORIDA; AMENDING CHAPTER 8 – BUSINESS AND BUSINESS REGULATIONS; CLARIFYING ZONING INSPECTION REQUIREMENTS AND ESTABLISHING PROGRAM START DATE; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 21, 2021, the City Commission of the City of Eagle Lake discontinued its Business Tax Receipt program by repealing Chapter 8 of the Eagle Lake Code of Ordinances via Ordinance O-24-21; and

WHEREAS, the City Commission has determined it is in the best interests of and for the protection of the health and welfare of the people and its businesses for rules and regulations to be adopted governing business operations in the City, and to have a mechanism with which to ensure businesses within the City are following applicable rules and regulations; and

WHEREAS, the City Commission finds it necessary to periodically review and update ordinances so as to be in accordance with the current community needs and conditions.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Eagle Lake, Florida as follows:

1. The City Commission of the City of Eagle Lake, Florida does hereby create and add Chapter 8 – LICENSES, TAXATION AND BUSINESS REGULATIONS, to the Code of Ordinances of the City of Eagle Lake as described, displayed and detailed in Exhibit “A” attached hereto and made a part hereof. (~~strike~~through language deleted, underline language added).
2. It is the intent of the City Commission that the provisions contained herein shall become codified and made part of the Code of Ordinances of the City of Eagle Lake, and the sections cited in this Ordinance may be renumbered, re-formatted or re-lettered to accomplish such intention.
3. All ordinances or resolutions in conflict herewith are hereby repealed to the extent necessary to give this Ordinance full force and effect.
4. Should any section, paragraph, clause, sentence, item, word or provision of this Ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or any part hereof, not so

declared to be invalid.

5. This Ordinance shall take effect immediately upon its adoption by the City Commission of the City of Eagle Lake, Florida.

INTRODUCED on first reading this _____ day of _____, 2026.

PASSED on second reading this _____ day of _____, 2026.

CORY COLER
MAYOR/COMMISSIONER

ATTEST:

CITY CLERK, DAWN WRIGHT

APPROVED AS TO FORM:

CITY ATTORNEY, HEATHER R. MAXWELL

Exhibit “A”

Chapter 8 – BUSINESSES AND BUSINESS REGULATIONS

ARTICLE I. – CERTIFICATE OF USE PROGRAM

Sec. 8-1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means the owner and/or operator of a business as defined in this section, who applies for a certificate of use for premises within the city, pursuant to the terms, provisions and conditions of this article.

Business means and includes all vocations, occupations, professions, enterprises, establishments, and all activities and matters, together with all devices, equipment, machines, vehicles, and appurtenances used therein, any of which are conducted for private profit, non-profit or not-for profit or any benefit, either directly or indirectly, on or from any premises in the city.

Certificate of use means the method and/or document by which the city grants approval for a business, as defined in this section, to occupy and operate at a given location.

Home occupations are defined in the Eagle Lake Land Development Code and further described in F.S. § 559.955.

New business inspection means the inspection made by the city and its agents at the location or premises in which a business is conducted. The inspection is to ensure compliance with all zoning regulations, life safety code requirements, proper tenant separations, and all applicable city, county, and state regulations that the city is charged with enforcing.

Non-city regulatory agency means any federal, state, or county agency responsible for enforcing federal, state, or county regulations imposed on business within the city.

Person means, but is not limited to, an individual, firm, association, joint venture, partnership, estate, trust, business, syndicate, fiduciary, corporation, and any other business entity.

Premises means all lands, structures, places, and also the equipment and appurtenances connected, or used therewith, and also any personal property which is either affixed to, or otherwise used in connection with, any such business conducted on such premises.

Profession means a vocation or occupation requiring a state license, usually indicative of advanced education and skill.

Rental property means any unit in a condominium, apartment, or cooperative, or any individually or collectively owned single-family, two-, three-, and four-family, or multi-family residence or dwelling unit that is rented and/or leased, to include vacation rentals, short-term rentals or annual rental properties leased or rented for residential use.

Sec. 8-2. Certificate of use required.

- (a) It shall be unlawful for any person to engage in or to conduct any business as defined by this article, without obtaining a certificate of use.
- (b) All certificates of use issued by the city, unless otherwise provided by law, shall be displayed in a conspicuous place within the subject establishment or on the premises thereof and shall be displayed to the general public or any city employee upon request during normal business hours.
- (c) If an existing business tax receipt holder fails to timely submit the renewal application for a certificate of use, the business shall be deemed to be out of compliance with this article as if conducting business without a certificate of use. A new certificate of use application, including all reviews and inspections will be required.
- (d) Existing businesses shall apply for a new certificate of use no later than September 30, ~~2025~~ 2026 such businesses not making application for a certificate of use by September 30, ~~2025~~ 2026 will be deemed to be out of compliance with this article.
- (e) Exemptions. The following uses shall be exempt from the provisions of this article:
 - (1) Condominium and home-owner associations, operating without a physical office, are not deemed a business use.
 - (2) Where a business location serves as a place of business for one or more licensed professionals, who were each previously required to obtain an individual business tax receipt, only a single certificate of use is required for the location.
 - (3) Any business which does not have a physical, permanent location within the city.
 - (4) Rental properties, regardless of duration, operating within city limits.

Sec. 8-3. Application.

- (a) It shall be the duty of any person conducting business within the city to file an application for a certificate of use.
- (b) An application shall be filed on a standard application form supplied by the city and shall be submitted in a manner determined by the city. The application shall not be considered complete until the application satisfies the requirements of this section and the required application fee is paid.
- (c) Application shall include a detailed description of all proposed business activity, including interior and exterior uses of premises, ancillary business activities and other information deemed important for proper review of intended use.
- (d) If the applicant is not the owner of the property at which the business activity will take place, the applicant must submit an authorization from the property owner for use of the property in the manner specified by the application; such authorization will be on a form as provided by the city.
- (e) A copy of any license, registration, or certification required for the profession or occupation, or a copy of all applications for such license, registration, or certification. A certificate of use shall not be issued until copies of the final license, registration, or certification are provided to the city.

- (f) Prior to the issuance of a new certificate of use, the City will conduct a search for any pending code enforcement proceedings for the business location or any outstanding balances due to the city for the business location. The existence of outstanding violations or balances due will not be a basis for denial of new application.
- (g) A certificate of use application shall remain valid for a period not to exceed 60 days. Applications not completed within 60 days of initial submission shall be voided or denied, and a new application and fees shall be required.

Sec. 8-4. Term.

- (b) A certificate of use is valid for one year.
- (c) If a business which has been issued a certificate of use is moved from one location to another or if the business is transferred to a new owner, a new certificate of use shall be required.
- (d) If any person operates any business at more than one location or within multiple units or bays, each location, bay or unit shall be considered a separate business; a separate certificate of use, therefore, is required, unless structure is officially combined through the building department and assigned a new address by the planning department.

Sec. 8-5. Renewal of certificate of use.

- (a) The certificate of use must be renewed annually on the anniversary date of initial issuance.
- (b) The city shall endeavor to notify all certificate holders that their certificates of use are due for renewal. However, if such certificate holder does not receive a renewal notification, it is the responsibility of the certificate holder to renew the certificate of use within 60 days of its expiration.
- (c) Any current certificate of use may, at the discretion of the city, be renewed for each new certificate year provided the applicant signs the following certification:

"I the undersigned hereby certifies that the certificate of use for which I am now applying is one for a renewal of a current certificate of use which is now in full force and effect. I have not changed the authorized use of the premises nor have I made any physical or structural changes to the premises and do not plan to make any physical or structural changes to the premises."

- (d) Failure to renew an existing certificate of use within 60 days of its expiration will render the certificate void. A new certificate of use application, including all reviews and inspections, will be required.
- (e) It shall be the applicant's responsibility to notify the city of any changes to the business. If any of the required information provided in the original application changes after the original certificate of use has been issued, the applicant shall provide updated information within 30 days of such change. If an applicant changes the authorized use of the premises or makes or proposes any physical or structural changes in the premises, a certificate of use shall be reprocessed as if the certificate were a new application.
- (f) Renewal certificates will not be issued until all delinquent payments for any fee imposed under this chapter, code enforcement liens, and/or any other debt or obligation due to the city from the applicant, pursuant to state or local law, have been paid in full and/or brought into compliance.

Sec. 8-6. - Other certificates, licenses, taxes and regulations

No certificate of use issued under this article shall exempt the certificate of use holder from any other certificate, license, permit fee, or tax required by law, or compliance with all applicable ordinances, rules, and laws.

Sec. 8-7. Required reviews.

- (a) Prior to issuance of a new certificate of use, the application shall be subject to review by city regulatory departments/divisions including, but not limited to, code, building, planning and zoning, engineering, utilities, police, and the public works departments, as determined by the city, based on the proposed use.
- (b) Proof of approval from non-city regulatory agencies may be required, based on the proposed use.

Sec. 8-8. ~~Inspections~~ Zoning.

- (a) No issuance of a new certificate of use shall be made until the city has conducted an zoning inspection of the business location, and approved such location as being in compliance with the provisions of City Codes.
- ~~(b) Prior to the issuance of a new certificate of use, site inspections by the Building Department and Fire District shall be required; home occupations do not require inspections.~~

Sec. 8-9. Fees and penalties.

- (a) The amount of application, certificate, inspection, renewal fees and penalty fees related to the certificate of use shall established by resolution.
- (b) The city shall collect an application fee and building inspection fee, if applicable, for a new certificate of use at the time of application.
- (c) Upon city's approval of the completed application, the applicant shall pay a certificate of use fee, or renewal fee, in full prior to the issuance or renewal of a certificate of use.
- (d) Application, inspection, certificate of use and renewal fees are non-refundable.
- (e) The fee for an after-the-fact application shall be equal to two times the certificate of use fee.

Sec. 8-10. - Failure to obtain certificate of use; certificate obtained by fraud; enforcement.

Any business, profession or occupation that is required to obtain a certificate of use and fails to do so, or operates under a certificate issued upon false statement, shall be subject to municipal enforcement as set forth in Chapter 2, Article II, Division 2. Upon a finding of violation by the special magistrate, all utility services to the premises occupied by the business, occupation or profession shall be immediately discontinued until the violator is eligible for and receives a certificate of use. Any notification that a violation of this article is being charged shall include this statement: "In the event you are found in violation of section 8-2(a) for doing business without a certificate of use, all utility services to the business premises will be suspended while the violation continues."

Sec. 8-11. - Denial and revocation of Certificate of Use.

- (a) The City Manager may revoke or deny the issuance of a certificate of use if it is determined that an applicant:
 - (1) Has obtained the certificate of use by fraud, false statement, misrepresentation, or failure to truthfully answer any question in the required application;
 - (2) Has failed to satisfy the standards and requirements contained in this article;
 - (3) Has failed to obtain required licenses, as applicable, from the state or any other regulatory agency; or
 - (4) Has received three orders of violation as determined by the special magistrate within the same calendar year.
- (b) If the issuance of the certificate of use is approved, the city shall issue the certificate. If the certificate is denied, the applicant shall be provided with a statement of the reasons for denial, which reasons shall be entered in writing on the application.
- (c) Any person aggrieved by the denial or revocation of a registration as provided in this article shall have the right to appeal to the City Commission. Such appeal shall be taken by filing with the City Clerk's office, within 14 days after notice of the action complained of, a written statement setting forth specifically the grounds of the appeal. The City Clerk shall set a date and the time and place of hearing of such appeal. Such notice shall be provided to the applicant at least 5 days prior to the date set for hearing. The decision and order of the City Commission on such appeal shall be final and conclusive.
- (d) Applications which have been denied or revoked that remain under the same ownership may reapply after a period of 12 months has elapsed from the date of the denial or revocation.

Sec. 8-12. - Enforcement of certificate of use.

The police department's officers, code enforcement officers, and any other city employees designated by the City Manager shall enforce this article; complaints may be filed with the city using all available and acceptable methods.

Sec. 8-13-8-xx – Reserved.