

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 127 OF THE CODE OF ORDINANCES ENTITLED "OTHER BUSINESSES" TO AMEND THE REQUIREMENTS FOR FIREARMS AND AMMUNITION DEALERS TO OBTAIN A LOCAL BUSINESS TAX RECEIPT; PROVIDING FOR A REPEALER PROVISION; A SEVERABILITY CLAUSE; AND AN EFFECTIVE DATE.

WHEREAS, Chapter 127 of the City's Code of Ordinance requires that a firearms and ammunition dealers to obtain a local business tax receipt and such application must be approved by the Chief of Police based upon certain criteria; and

WHEREAS, the Gun Control Act of 1968 requires that any person engaged in the business of importing, manufacturing or dealing in firearms file an application and receive a license from the U.S. Attorney General; and

WHEREAS, the Brady Handgun Violence Prevention Act of 1993 requires applicants for firearms dealers licenses to notify their local law enforcement agency of their intent to apply for a Federal Firearms License; and

WHEREAS, the Florida Legislature has preempted the field of firearms sales, except that municipalities may enact zoning ordinances for firearms businesses; and

WHEREAS, the Federal Firearms License application addresses all the criteria required under Section 127.201 (B) of the City of Hollywood Code; and

WHEREAS, the necessity of a police identification card is obviated by the possession of a Federal Firearms License; and

WHEREAS, it has been determined by the Chief of Police that the current ordinance needs to be amended to conform with the aforementioned federal licensing laws;

(Coding: Words in ~~struck-through~~ type are deletions from existing law; words underscored are additions)

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That Chapter 127 of the Hollywood Code of Ordinances entitled "Other Businesses" is hereby amended as follows:

TITLE XI: BUSINESS REGULATIONS

CHAPTER 127. OTHER BUSINESSES

* * *

WEAPONS DEALERS

§ 127.201 DEALER'S LOCAL BUSINESS TAX RECEIPT.

- (A) All firearms and ammunition dealers shall obtain a firearms and ammunition dealer's local business tax receipt; the local business tax shall be \$100 per year.
- (B) All applications for a dealer's local business tax receipt shall be ~~approved by the Chief of Police after determination that the applicant is a responsible person of sound moral character, a citizen of the United States, has never been convicted of a crime of violence, is not under an indictment nor a fugitive from justice, and is not under the age of 21 years.~~ accompanied by a Federal Firearms license duly issued by the U.S. Department of Justice and verified by the Chief of Police or his/her designee.
- ~~(C) All persons associated with such dealer shall be required to have a police identification card.~~

Section 2: That it is the intention of the City Commission that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the provisions of this ordinance may be renumbered to accomplish such intention.

Section 3: That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 4: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

ORDINANCE AMENDING CHAPTER 127 ENTITLED "OTHER BUSINESSES"
SPECIFICALLY THE PROVISIONS RELATING TO WEAPON DEALERS

Section 5: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

ADVERTISED on _____, 2014.

PASSED on first reading this _____ day of _____, 2014.

PASSED AND ADOPTED on second reading this _____ day of _____, 2014.

PETER BOBER, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM & LEGALITY
for the use and reliance of the
City of Hollywood, Florida, only.

JEFFREY P. SHEFFEL, CITY ATTORNEY