

ORDINANCE 02-2024

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 28, ARTICLE II, SECTION 28-32(m) PERTAINING TO APPLICATIONS FOR BUSINESS TAX RECEIPTS AND INSPECTIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapters 163, Florida Statutes; and

WHEREAS, the Town Commission has adopted regulations regarding the taxation of businesses which are codified in Chapter 28 of the Town Code; and

WHEREAS, the Town Commission has determined that clarification to Town Code Section 28-32(m) of the Code pertaining to rental business tax receipt inspections is required; and

NOW, THEREFORE, be it ordained by the Town Commission of the Town of Lake Park, Florida that:

Section 1. The whereas clauses are incorporated herein as true and correct and as the legislative findings of the Town Commission.

Section 2. Chapter 28, Article II, Section 28-32(m) of the Town Code of Ordinances is hereby amended as follows:

Sec. 28-32. – Business tax receipt required; application and pre-requisites to issuance.

(m) First time applicants shall present a current town-issued zoning that certifies the premises conforms to the town's zoning regulations and that the business operator has obtained all necessary permits, approvals, and licenses necessary to operate the business. The zoning certificate shall certify that the premises has passed all required fire inspections, building inspections, and zoning reviews, and any other town-conducted reviews and inspections. ~~including an inspection of the premises prior to any business tax receipt issued in the town at a fee established by resolution of the town commission, in order to ensure the premises is consistent with the zoning use of the property and that the premises is in compliance with the Town Code. A periodic inspection of the premises for violations of the minimum housing code and other related codes will be requested of the property owner and/or tenant(s) and/or lessee(s) at a reasonable time following the submission of an application under section 28-32. No inspection of the premises shall be conducted without the Town first obtaining:~~

1) the consent of the property owner, in the case of a vacant property being marketed as available for lease, sublease, or rent; or

2) the consent of the current occupant and/or lessee, in the case of a property where there exists a current tenant and/or occupant of the property prior to the filing of an application under this section; or

3) the issuance of an inspection warrant as described in §933.20, Fla. Stat.

~~The inspection of the premises requirement~~ The request to periodically inspect a property shall apply to businesses that have previously been issued a business tax receipt, including rental business tax receipts. ~~, with the inspection required no later than September 30, 2020. All new applications, which include a change in the name of the business, or a change in the ownership of the business, must obtain an inspection of the premises. At least one zoning inspection every five years shall be conducted.~~

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Codification. The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or relettered to accomplish such, and the word “ordinance” may be changed to “section,” “article,” or any other appropriate word.

Section 6. Effective Date. This Ordinance shall take effect immediately upon execution.