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3       **ORDINANCE 2022-27 - AN ORDINANCE OF THE CITY OF LAKE**  
4       **WORTH BEACH, FLORIDA, AMENDING SECTION 14-5 “APPLICATION**  
5       **FOR LOCAL BUSINESS TAX RECEIPT” OF ARTICLE I “LOCAL**  
6       **BUSINESS TAX RECEIPT (BTR)” AND REPEALING ARTICLE III**  
7       **“ADULT MOVING PICTURE SHOW OR THEATER, INDOOR OR DRIVE-**  
8       **IN” AND ARTICLE VI “VEHICLES FOR HIRE” ALL OF CHAPTER 14**  
9       **“BUSINESS TAX RECEIPTS AND BUSINESS REGULATIONS,”**  
10       **PROVIDING FOR DESIGNATION OF A LOCAL PROPERTY MANAGER**  
11       **ON APPLICATIONS FOR RENTAL OF PROPERTY AND REPEAL OF**  
12       **REGULATIONS THAT ARE REGULATED BY PALM BEACH COUNTY;**  
13       **AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION**  
14       **AND AN EFFECTIVE DATE**

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16       **WHEREAS**, as provided in Section 2(b), Article VIII of the Constitution of the State  
17 of Florida, and Section 166.021(1), Florida Statutes, the City of Lake Worth Beach (the  
18 “City”), enjoys all governmental, corporate, and proprietary powers necessary to conduct  
19 municipal government, perform municipal functions, and render municipal services, and  
20 may exercise any power for municipal purposes, except as expressly prohibited by law;  
21 and

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23       **WHEREAS**, as provided in Section 166.021(3), Florida Statutes, the governing  
24 body of each municipality in the state has the power to enact legislation concerning any  
25 subject matter upon which the state legislature may act, except when expressly prohibited  
26 by law; and

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28       **WHEREAS**, the City wishes to amend Section 14-5 “Application for Local Business  
29 Tax Receipt” of Article I “Local Business Tax Receipt (BTR)” of Chapter 14 “Business Tax  
30 Receipts and Business Regulations,” to require a property manager who is located in  
31 Palm Beach County to be designated on all applications for a local business tax receipt  
32 for rental of property; and

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34       **WHEREAS**, the City wishes to repeal Article III “Adult Moving Picture Show or  
35 Theater, Indoor or Drive-in” of Chapter 14 “Business Tax Receipts and Business  
36 Regulations,” allowing for such businesses to be regulated Palm Beach County’s Adult  
37 Entertainment Code, which was subsequently adopted and is effective in municipalities  
38 within Palm Beach County unless the municipality opts out or is effective to the extent of  
39 conflict with municipal ordinances; and

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41       **WHEREAS**, the City wishes to repeal Article VI “Vehicles for Hire” of Chapter 14  
42 “Business Tax Receipts and Business Regulations,” allowing for such businesses to be  
43 regulated by the Palm Beach County Vehicle for Hire Ordinance, which was subsequently  
44 adopted and is effective in the incorporated areas of Palm Beach County unless a  
45 municipal exemption applies; and

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47       **WHEREAS**, the City of Lake Worth Beach, Florida (the “City”), is a duly constituted  
48 municipality having such power and authority conferred upon it by the Florida Constitution  
49 and Chapter 166, Florida Statutes; and

51           **WHEREAS**, the City Commission finds and declares that the adoption of this  
52 ordinance is appropriate, and in the best interest of the health, safety and welfare of the  
53 City, its residents and visitors.

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55           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
56 **CITY OF LAKE WORTH BEACH, FLORIDA, that:**

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58           **Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as  
59 being true and correct and are made a specific part of this ordinance as if set forth herein.

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61           **Section 2:** Section 14-5 “Application for Local Business Tax Receipt” of Article  
62 I “Local Business Tax Receipt (BTR)” of Chapter 14 “Business Tax Receipts and  
63 Business Regulations,” is hereby amended to read as follows:

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65           **Sec. 14-5. – Application for local business tax receipt.**

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67 An application for a local business tax receipt shall be filed on a standard application form  
68 supplied by the city and such application shall not be processed until the application form  
69 is completed and the corresponding tax, as set forth herein is paid. All applicants applying  
70 for a local business tax receipt must submit a valid Florida driver’s license, registration or  
71 other valid form of identification at the time of application. Applications for a local business  
72 tax receipt for rental of property shall include the name, address, e-mail address, and 24-  
73 hour contact telephone number of a property manager who is located in Palm Beach  
74 County and will be responsible for the management of the property.

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76           **Section 3:** Article III “Adult Moving Picture Show or Theater, Indoor or Drive-in”  
77 of Chapter 14 “Business Tax Receipts and Business Regulations,” is hereby repealed in  
78 its entirety.

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80           **Section 4:** Article VI “Vehicles for Hire” of Chapter 14 “Business Tax Receipts  
81 and Business Regulations,” is hereby repealed in its entirety.

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83           **Section 5:** Severability. If any section, subsection, sentence, clause, phrase or  
84 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of  
85 competent jurisdiction, such portion shall be deemed a separate, distinct, and  
86 independent provision, and such holding shall not affect the validity of the remaining  
87 portions thereof.

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89           **Section 6:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in  
90 conflict herewith are hereby repealed to the extent of such conflict.

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92           **Section 7:** Codification. The sections of the ordinance may be made a part of  
93 the City Code of Laws and ordinances and may be re-numbered or re-lettered to  
94 accomplish such, and the word “ordinance” may be changed to “section”, “division”, or  
95 any other appropriate word.

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97           **Section 8:** Effective Date. This ordinance shall become effective 10 days after  
98 passage.

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The passage of this ordinance on first reading was moved by \_\_\_\_\_, seconded by \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

- Mayor Betty Resch
- Vice Mayor Christopher McVoy
- Commissioner Sarah Malega
- Commissioner Kimberly Stokes
- Commissioner Reinaldo Diaz

The Mayor thereupon declared this ordinance duly passed on first reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

The passage of this ordinance on second reading was moved by \_\_\_\_\_, seconded by \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

- Mayor Betty Resch
- Vice Mayor Christopher McVoy
- Commissioner Sarah Malega
- Commissioner Kimberly Stokes
- Commissioner Reinaldo Diaz

The Mayor thereupon declared this ordinance duly passed on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

LAKE WORTH BEACH CITY COMMISSION

By: \_\_\_\_\_  
Betty Resch, Mayor

ATTEST:

\_\_\_\_\_  
Melissa Ann Coyne, City Clerk