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ORDINANCE 2026-08 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 14 "BUSINESS TAX RECEIPTS AND BUSINESS REGULATIONS," ARTICLE 1 "LOCAL BUSINESS TAX RECEIPT (BTR)," SECTION 14-15 "COMPLIANCE WITH OTHER LAWS AND ORDINANCES PREREQUISITE TO ISSUANCE OF RECEIPT," SECTION 14-18 "EXEMPTIONS"; AND ARTICLE 2, "USE AND OCCUPANCY CERTIFICATE AND THE GENERAL REGULATION OF BUSINESSES, PROFESSIONS OR OCCUPATIONS," SECTION 14-32 "CITY OF LAKE WORTH BUSINESS LICENSE; AND REQUIREMENT FOR UTILITY SERVICE," SECTION 14-33 "DEFINITIONS," SECTION 14-34 "USE AND OCCUPANCY CERTIFICATE REQUIRED; EXEMPTION," SECTION 14-35 "USE AND OCCUPANCY CERTIFICATES AND INSPECTIONS REQUIRED AND ENFORCEMENT," SECTION 14-36 "APPLICATION FOR USE AND OCCUPANCY CERTIFICATE FOR NEW BUSINESSES; INSPECTION; AND FEES"; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

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

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

WHEREAS, this Ordinance is enacted with the purpose of facilitating and encouraging economic development and easing regulations on businesses within the City, while still promoting a safe and vibrant Lake Worth Beach; and

WHEREAS, the City wishes to amend Chapter 14, Article 1 "Local business tax receipt (BTR)," Section 14 -15 "Compliance with other laws and ordinances prerequisite to issuance of receipt" to clarify obligations of commercial landlords and commercial retail tenants; and

WHEREAS, the City wishes to amend Chapter 14, Article 1 "Local business tax receipt (BTR)," Section 14 -18 "Exemptions" to provide for private use of commercial property; and

WHEREAS, the City wishes to amend Chapter 14, Article 2 "Use and occupancy certificate and the general regulation of businesses, professions or occupations," Section 14-32 "City of Lake Worth business license; and requirement for utility service," to remove this requirement; and

WHEREAS, the City wishes to amend Chapter 14, Article 2 "Use and occupancy certificate and the general regulation of businesses, professions or occupations," Section 14-33 "Definitions," to amend the definition of a use and occupancy inspection, limiting the inspection to observations from a public right of way; and

WHEREAS, the City wishes to amend Chapter 14, Article 2 "Use and occupancy certificate and the general regulation of business, professions or occupations," Section 14- 34 "Use and occupancy certificate required; exemption" to provide for private use of commercial property; and

55
56 **WHEREAS**, the City wishes to amend Chapter 14, Article 2 “Use and occupancy
57 certificate and the general regulation of business, professions or occupations,” Section 14-35
58 “Use and occupancy certificates and inspections required and enforcement” to require annual
59 inspections; and

60
61 **WHEREAS**, the City wishes to amend Chapter 14, Article 2 “Use and occupancy
62 certificate and the general regulation of businesses, professions or occupations,” Section 14-36
63 “Application for use and occupancy certificate for new businesses; inspection; and fees” to modify
64 when inspections can be scheduled with outstanding liens, fines, and/or fees and to modify when
65 application and re-inspection fees will be charged; and

66
67 **WHEREAS**, the City Commission has considered the proposed amendments at a duly
68 advertised public hearing and has determined that it is in the best interest of the public health,
69 safety, and general welfare of the City to adopt this ordinance.

70
71 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF**
72 **LAKE WORTH BEACH, FLORIDA, that:**

73
74 **Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as being
75 true and correct and are made a specific part of this ordinance as if set forth herein.

76
77 **Section 2:** Chapter 14 Business Tax Receipts and Business Regulations, Article 1
78 “Local business tax receipt (BTR),” Section 14-15 “Compliance with Other Laws and ordinances
79 prerequisite to issuance of receipt” is hereby amended by adding the words shown in underline
80 type as indicated in **Exhibit A**.

81
82 **Section 3:** Chapter 14 Business Tax Receipts and Business Regulations, Article 1
83 “Local business tax receipt (BRT),” Section 14-18 “Exemptions” is hereby amended by adding the
84 words shown in underline type as indicated in **Exhibit B**.

85
86 **Section 4:** Chapter 14 Business Tax Receipts and Business Regulations, Article 2
87 “Use and occupancy certificate and the general regulation of businesses, professions or
88 occupations,” Sections 14-32 “City of Lake Worth business license; and requirement for utility
89 service” is hereby amended by removing the words as indicated in **Exhibit C**.

90
91 **Section 5:** Chapter 14 Business Tax Receipts and Business Regulations, Article 2
92 “Use and occupancy certificate and the general regulation of businesses, professions or
93 occupations,” Section 14-33 “Definitions” is hereby amended by adding the words shown in
94 underline type and deleting the words struck through as indicated in **Exhibit D**.

95
96 **Section 6:** Chapter 14 Business Tax Receipts and Business Regulations, Article 2
97 “Use and occupancy certificate and the general regulation of businesses, professions or
98 occupations,” Section 14-34 “Use and occupancy certificate required; exemption” is hereby
99 amended by adding the words shown in underline type as indicated in **Exhibit E**.

100
101 **Section 7:** Chapter 14 Business Tax Receipts and Business Regulations, Article 2
102 “Use and occupancy certificate and the general regulation of businesses, professions or
103 occupations,” Section 14-35 “Use and occupancy certificates and inspections required and
104 enforcement” are hereby amended by deleting the words struck through as indicated in **Exhibit**
105 **F**.

106
107 **Section 8:** Chapter 14 Business Tax Receipts and Business Regulations, Article 2
108 “Use and occupancy certificate and the general regulation of businesses, professions or

109 occupations,” Sections 14-36, “Application for use and occupancy certificate for new businesses;
110 inspection; and fees” are hereby amended by adding the words shown in underline type as
111 indicated in **Exhibit G**.

112
113 **Section 9:** Severability. If any section, subsection, sentence, clause, phrase or portion
114 of this Ordinance is for any reason held invalid or unconstitutional by any court of competent
115 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and
116 such holding shall not affect the validity of the remaining portions thereof.

117
118 **Section 10:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict
119 herewith are hereby repealed to the extent of such conflict.

120
121 **Section 11:** Codification. The sections of the ordinance may be made a part of the City
122 Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and
123 the word “ordinance” may be changed to “section”, “division”, or any other appropriate word.

124
125 **Section 12:** Effective Date. This ordinance shall become effective 10 days after
126 passage.

127
128 The passage of this ordinance on first reading was moved by _____,
129 seconded by _____, and upon being put to a vote, the vote was as follows:

- 130
131 Mayor Betty Resch
132 Vice Mayor Mimi May
133 Commissioner Christopher McVoy
134 Commissioner Sarah Malega
135 Commissioner Anthony Segrich
136

137 The Mayor thereupon declared this ordinance duly passed on first reading on the _____
138 day of _____, 2026.

139
140
141 The passage of this ordinance on second reading was moved by _____,
142 seconded by _____, and upon being put to a vote, the vote was as follows:

- 143
144 Mayor Betty Resch
145 Vice Mayor Mimi May
146 Commissioner Christopher McVoy
147 Commissioner Sarah Malega
148 Commissioner Anthony Segrich
149

150 The Mayor thereupon declared this ordinance duly passed on the _____ day of
151 _____, 2026.

152
153 LAKE WORTH BEACH CITY COMMISSION

154
155 By: _____
156 Betty Resch, Mayor

157 ATTEST:
158
159 _____
160 Melissa Ann Coyne, MMC, City Clerk

Exhibit "A"

Sec. 14-15. - Compliance with other laws and ordinances prerequisite to issuance of receipt.

Except as otherwise provided in this section, no ~~No~~ business tax receipt shall be issued to any applicant for any business, profession or occupation or for any business location which does not otherwise meet all requirements of all other applicable laws and ordinances. No business tax receipt shall be issued to any commercial tenant applicant for any business, profession or occupation for any business location under the tenant's control that does not meet all requirements of all other applicable laws and ordinances. A business tax receipt for a commercial tenant shall not be denied or delayed due to their landlord's failure to meet all requirements of applicable laws and ordinances.

Exhibit "B"

Sec. 14-18. Exemptions.

(a) *Florida Statutes.* The exemptions required in state law are hereby adopted and included in this section by reference (and as amended from time to time).

(b) *Dwelling not occupied by owner.* If the owner of a dwelling unit does not reside at the dwelling, and the dwelling is occupied by anyone, including a relative of the owner of the dwelling, there is a presumption that the dwelling is being rented and must have a business tax receipt. This presumption may be rebutted by the owner of the dwelling applying for an exemption from the business tax receipt. The exemption application shall include an affidavit of the owner that all persons residing at the dwelling are relatives of the owner and that these relatives pay no rent or other consideration for the privilege of living at the dwelling and that the relatives provide no maintenance or other services in return for the right to live at the dwelling. The application fee for the exemption shall be established by city resolution.

(c) *Commercial property utilized by related party.* There is a presumption that a commercial property is being utilized as a business and must have a business tax receipt. This presumption may be rebutted by the owner of the commercial property applying for an exemption from the business tax receipt. The exemption application shall include an affidavit of the owner that the commercial property is not utilized as a business or for a commercial purpose, and that the individual utilizing the commercial property is the owner or a principal or relative of the owner, pays no rent or other consideration for the privilege of using the commercial property, and provides no maintenance or other services in return for the right to utilize the commercial property. The application fee for the exemption shall be established by city resolution.

Exhibit "C"

Sec. 14-32. - City of Lake Worth Beach business license; and requirement for utility service.

(a) It shall be unlawful for any person, or business, either directly or indirectly, to engage in or to conduct any business, profession or occupation as defined by this article, in the city, without first making application for, and having obtained a City of Lake Worth Beach business license. A city business license shall consist of a use and occupancy certificate as provided for in this article and a local business tax receipt as required in [chapter 14](#), article I, of this Code.

~~(b) In addition to any other city requirement for obtaining utility service, any person or business who seeks to establish utility service within the city where a business is being operated (or is proposed to be operated) must have a City of Lake Worth business license for the business at the time of application for utility service. The city shall refuse to start utility service until such time as the business obtains a City of Lake Worth business license.~~

Exhibit "D"

Sec. 14-33. - Definitions.

Use and occupancy inspection means an inspection of a business place or premises required by this article and conducted by the inspector by which the city verifies compliance with all applicable zoning regulations, life safety requirements, and all applicable city, county, and state regulations as can be observed and documented from the public right-of-way and. ~~This includes an inspection of the city's records related to the business place or premises; an exterior code compliance inspection; and, an inspection of the curtilage and interior of the business place or premises.~~

Exhibit "E"

Sec. 14-34. Use and occupancy certificate required; exemption.

(a) It shall be unlawful for any person either directly or indirectly to engage in or to conduct any business in the city at a given location or premises without first making application for, and having obtained, a use and occupancy certificate. The fact that a person or business has not received a bill or notice from the city that a use and occupancy certificate and applicable fee(s) are required or due shall not be a defense in any prosecution for a violation of this article.

(b) Dwelling unit not occupied by owner. If the owner of a dwelling unit does not reside at the dwelling, and the dwelling is occupied by anyone, including a relative of the owner of the dwelling, there is a presumption that the dwelling is being rented and must have a use and occupancy certificate. This presumption may be rebutted by the owner of the dwelling applying for an exemption from the use and occupancy certificate. The exemption application shall include an affidavit of the owner that all persons residing at the dwelling are relatives of the owner and that these relatives pay no rent or other consideration for the privilege of living at the dwelling and that the relatives provide no maintenance or other services in return for the right to live at the dwelling. The application fee for the exemption shall be established by city resolution.

(c) *Commercial property utilized by related party.* There is a presumption that a commercial property is being utilized as a business and must have a business tax receipt. This presumption may be rebutted by the owner of the commercial property applying for an exemption from the business tax receipt. The exemption application shall include an affidavit of the owner that the commercial property is not utilized as a business or for a commercial purpose, and that the individual utilizing the commercial property is the owner or a principal or relative of the owner, pays no rent or other consideration for the privilege of using the commercial property, and provides no maintenance or other services in return for the right to utilize the commercial property. The application fee for the exemption shall be established by city resolution.

Exhibit "F"

Sec. 14-35. - Use and occupancy certificates and inspections required and enforcement.

(a) It shall be unlawful for any person either directly or indirectly to engage in or to conduct any business, profession or occupation in the city at a given location or premises without a use and occupancy inspection as required herein.

(b) A use and occupancy inspection shall be required of persons or businesses:

- (1) Upon the application for a new use and occupancy certificate; or
- (2) Upon request of law enforcement, fire prevention, code compliance or building official who has reasonable cause to believe the given location or premises is in violation of the life safety requirements; or
- (3) Upon a new owner obtaining title to a property on which a business, profession or occupation is conducted without a valid City of Lake Worth Beach business license;
- (4) Every ~~third~~ year after the ~~continuous~~ renewal of a use and occupancy certificate for all existing commercial and industrial properties;
- (5) Every ~~third~~ year after the ~~continuous~~ renewal of a use and occupancy certificate for single-family, multiple family, townhome or condominium unit(s) or other dwelling unit(s) being rented as residential dwelling units; or,
- (6) Upon re-location of a business or transfer of a local business tax receipt to a new location.

~~(c) If the inspector is denied access to the premises to conduct the use and occupancy inspection, a use and occupancy certificate shall not be issued, shall not be renewed, and/or may be suspended or revoked.~~

~~(d) In the event a person who has authority over the premises does not consent to the inspection of the interior and/or curtilage at the time of the inspection, the person who has authority over the premises shall be given an opportunity to reschedule the inspection within ten (10) days of the initial inspection. Failure of the person who has authority over the premises to reschedule and thereafter consent to an inspection shall be sufficient grounds and cause for the city to seek a warrant from a court of competent jurisdiction for the purpose of inspecting the interior and curtilage of the business place or premises. The city reserves the right to conduct a use and occupancy inspection of the interior and/or curtilage of the business place or premises without seeking a warrant if emergency conditions exist which threaten the immediate harm to the public health, safety and welfare.~~

~~(e) The requirement herein for a use and occupancy inspection shall be read in concert with F.S. §§ 933.20 through 933.30, requiring warrants for administrative searches.~~

Exhibit "G"

Sec. 14-36. - Application for use and occupancy certificate for new businesses; inspection; and fees.

(a) Before the city may issue a use and occupancy certificate for engaging in, or carrying on any business, it shall be the duty of the owner/applicant to file an application with the city.

(b) An application shall be filed on a standard application form supplied by the city and shall not be considered complete until the application satisfies the requirements of this section.

(c) Contents. In addition to other information as may be required, the application shall contain the following information and shall be accompanied by the following documents:

(1) *Identity.* An owner/applicant shall provide its legal name, any aliases, and date of birth or formation, if the owner/applicant is a partnership or corporation. A partnership shall provide the full and complete name of the partnership and the name and addresses of all partners. A corporation shall provide the exact and complete corporate name, the date of its incorporation, the name and address of the registered corporate agent for service of process, and the names and addresses of all corporate officers.

(2) *Address.* The application shall list the current local and legal domiciliary, a residential address of the owner/applicant and the name and address of an agent authorized to receive notice for purposes of this article.

(3) *Business name.* If the owner/applicant intends to conduct the business under a name other than that of the applicant, the applicant shall state the establishment's fictitious name and copy of its registration with the division of corporations of the department of state.

(4) *License/receipt history.* Whether the owner/applicant has had a previous license/receipt suspended or revoked, as well as the date of the suspension or revocation, and the location of the establishment for which the license/receipt was suspended or revoked, as well as the date of the suspension or revocation.

(5) *Operational information.*

i. Location of the proposed business, including the legal street address, and the owner/applicant's mailing address.

ii. The name, phone number and email address of the individual who has authority over the premises ~~for the inspector to contact to schedule the use and occupancy inspection.~~ If the premises are leased, the name, phone number and email address of the individual who has authority over the premises on behalf of the tenant and the individual who has authority on behalf of the landlord.

iii. The telephone number of the business.

iv. 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 use and occupancy certificate shall not be issued until copies of the final license, registration, or certification are provided to the city.

(d) Affidavit. A notarized, signed and sworn statement by the owner/applicant or their authorized agent verifying that the information within the application is truthful, independently

verifiable, and complete. The owner/application or their authorized agent must provide a valid Florida driver's license, registration or other valid form of identification along with the affidavit.

(e) Fees. Each application shall be accompanied by the application fee established by city resolution. If the application is denied, the city shall retain the application fee to cover the administrative costs of processing the application. The application fees required for obtaining a use and occupancy certificate (new or renewal) are based on one (1) certificate for each individual piece of real property as described by the Palm Beach County Property Appraiser's office through the provision of a property control number and recorded deed. In addition to the application fee, the owner/applicant shall pay at the time of application the inspection fee established by city resolution. ~~No additional inspection fee shall be required for the first re-inspection. If a use and occupancy certificate is not granted after the initial re-inspection, the inspection fee (as established by city resolution) shall be charged for each additional inspection of the location or premises.~~

(f) ~~For each new certificate issued between October 1 and April 1, the full application fee for one (1) year shall be paid, except as provided in this article. For each new certificate issued between April 1 and July 1, one-half (½) of the full application fee for one year shall be paid, except as provided in this article. For each new certificate issued between July 1 and September 30, one-fourth (¼) of the full amount of application fee for one (1) year shall be paid, except as provided in this article.~~

(g) If any of the information required in the application changes prior to any subsequent annual renewal date, the owner/applicant shall provide updated information within thirty (30) days of such change.

(h) If the real property that is to be used for the operation of a business is subject to unpaid city fines, fees, Code violation liens or city assessment liens, the city shall not issue a use and occupancy certificate or conduct a use and occupancy inspection for the property owner until such time as all liens, fines, or fees on the property are fully paid, including interest due and any assessable costs and until all Code violations are brought into compliance.

(i) If the applicant is a commercial tenant and the tenant has unpaid city fines, fees, code violation liens or city assessment liens, the city shall not issue a use and occupancy certificate or conduct a use and occupancy inspection for the tenant until such time as all liens, fines, or fees owed by the tenant are fully paid, including interest due and any assessable costs and until all code violations, including for the tenant's rented premises, are brought into compliance. The use and occupancy inspection and use and occupancy certificate for the tenant are independent of that of the property owner and may be performed and issued regardless of the property owner's compliance with paragraph (h).