

1
2
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**

15
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

22
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

27
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

33
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

40
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

46
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.

54
55 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
56 **CITY OF LAKE WORTH BEACH, FLORIDA, that:**

57
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.

60
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:

64
65 **Sec. 14-5. – Application for local business tax receipt.**

66
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. **Property manager**
75 **or designee shall be available to respond to on-site issues within 4 hours.**

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78 of Chapter 14 “Business Tax Receipts and Business Regulations,” is hereby repealed in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

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82 and Business Regulations,” is hereby repealed in its entirety.

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

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91 conflict herewith are hereby repealed to the extent of such conflict.

92
93 **Section 7:** Codification. The sections of the ordinance may be made a part of
94 the City Code of Laws and ordinances and may be re-numbered or re-lettered to
95 accomplish such, and the word “ordinance” may be changed to “section”, “division”, or
96 any other appropriate word.
97

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

100
101 The passage of this ordinance on first reading was moved by Vice Mayor McVoy,
102 seconded by Commissioner Stokes, and upon being put to a vote, the vote was as follows:

103		
104	Mayor Betty Resch	AYE
105	Vice Mayor Christopher McVoy	AYE
106	Commissioner Sarah Malega	AYE
107	Commissioner Kimberly Stokes	AYE
108	Commissioner Reinaldo Diaz	AYE
109		

110 The Mayor thereupon declared this ordinance duly passed on first reading on the
111 6th day of December, 2022.

112
113
114 The passage of this ordinance on second reading was moved by
115 _____, seconded by _____, and upon being put to a vote,
116 the vote was as follows:

117	
118	Mayor Betty Resch
119	Vice Mayor Christopher McVoy
120	Commissioner Sarah Malega
121	Commissioner Kimberly Stokes
122	Commissioner Reinaldo Diaz
123	

124 The Mayor thereupon declared this ordinance duly passed on the _____ day of
125 _____, 2023.

126
127 LAKE WORTH BEACH CITY COMMISSION

128
129
130 By: _____
131 Betty Resch, Mayor

132
133 ATTEST:

134
135
136 _____
137 Melissa Ann Coyne, City Clerk
138