

ORDINANCE NO. O-10-18

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING APPENDIX CHAPTER 18. BUSINESSES, OCCUPATIONS AND PROFESSIONS. AT ARTICLE II. BUSINESS TAXES. SECTIONS 18-18. APPLICATION. AND 18-29. RENTAL PROPERTY OWNERS' BUSINESS TAX RECEIPT; HOME OCCUPATIONAL BUSINESS TAX RECEIPT. TO REMOVE OBSOLETE REFERENCES TO DOCUMENTS NO LONGER UTILIZED BY THE TOWN; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 18. BUSINESSES, OCCUPATIONS AND PROFESSIONS. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ENACTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Town regulations provide the process to apply for and obtain a business tax receipt from the Town, including the required documentation to be submitted; and

WHEREAS, current regulations include references to documents which are now obsolete and no longer utilized by the Town; and

WHEREAS, the Town Commission of the Town of Palm Beach Shores desires to revise these regulations to remove these obsolete references; and

WHEREAS, the Town Commission has determined that such amendments to the Town's code are in the best interests of the citizens of the Town of Palm Beach Shores, and will serve to promote the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, THAT:

Section 1: Chapter 18. BUSINESSES, OCCUPATIONS AND PROFESSIONS. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Section 18-18. APPLICATION. to remove reference to a previously required document that is now obsolete and no longer utilized by the Town; providing that Section 18-18. Application. shall hereafter read as follows:

Sec. 18-18. - Application.

- (a) Inspection of premises; fee. Before the town shall be required to issue an annual business tax receipt for engaging in or carrying on any of the businesses, professions, or occupations specified and set forth herein, it shall be the duty of the applicant to file an application with the town. Such application shall be in the form required by the town. The building department, fire department, and/or any other applicable town department shall conduct an annual inspection of the premises in order to ensure that the premises is in compliance with all town codes. The town shall charge an administrative fee for the inspection referenced above, as well as any required re-inspections; the amount of which shall be set by resolution of the town commission. A condition to maintaining a valid business tax receipt is achieving and maintaining compliance with all town codes.
- ~~(b) Information card to be filed. In addition to the above application and inspection requirements, rental property owners shall also have a duty to file an information card with the town clerk's office prior to the issuance of a business tax receipt by the town.~~

Section 2: Chapter 18. BUSINESSES, OCCUPATIONS AND PROFESSIONS. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Section 18-29. RENTAL PROPERTY OWNERS' BUSINESS TAX RECEIPT; HOME OCCUPATIONAL BUSINESS TAX RECEIPT. to remove reference to documentation that is now obsolete and no longer utilized by the Town; providing that Section 18-29. Rental property owners' business tax receipt; home occupational business tax receipt. shall hereafter read as follows:

Sec. 18-29. - Rental property owners' business tax receipt; home occupational business tax receipt.

- (a) Rental property owners' business tax receipt. Every rental unit utilized for residential living purposes in the town must have a current and valid business tax receipt. In addition to the multifamily dwelling units such as apartments, hotels, and motels, this also includes single-family houses when they are rented and not owner-occupied. In order to apply for a local business tax receipt to rent real property within the town, the following requirements must be observed:
- (1) Rental property shall include, but is not limited to, dwelling units such as hotels, motels, single-family residences, multifamily units, etc.

- (2) All rental property owners shall file a completed application ~~rental information card~~ with the town clerk's office ~~after they have received and read the town's rental guidelines for landlords and tenants brochure~~; this application ~~information card~~ must be filed prior to the issuance of a business tax receipt for the rental of real property.
- (3) After the submission of an ~~information card~~ and application for a business tax receipt, an inspection of the premises shall be made by the town in order to ensure that the premises is in compliance with the town's Code (see also section 18-17 herein).
- (b) Home occupational business tax receipt.
- (1) Definitions. Home occupations are those practiced entirely within the home by members of the family living at the residence which do not generate any vehicular or client traffic. Such occupations are incidental and secondary to the principal use of the premises as a residence and must additionally meet all of the standards set forth below.
- (2) Design and performance standards.
- a. Limited use. The home occupations shall be conducted entirely within the residential premises and only by the person who is authorized to do so by virtue of having paid the required business tax and is a resident of the premises. The individual so authorized shall not engage any employee who is not also a resident to assist in the home occupation.
- b. Maximum area of use. No home office or occupation shall occupy more space than 20 percent of the total living area of a residence. To determine the percentage of space allowed, the following shall be excluded: Open porches, attached or detached garages, or similar space not suited for or intended to be occupied as living quarters.
- c. No signs. No signs shall be permitted that will indicate that the building is being utilized in part for any purpose other than a residence.
- d. Limited equipment. Equipment shall not be used which creates noise, vibrations, glare, fumes, odors or electrical interference on property adjacent to such use.
- e. Stock in trade. No goods shall be sold on site, and no stock in trade or inventory shall be stored on or delivered to the site.
- f. Traffic. The home office shall not generate any vehicular or client traffic.
- g. Residential character. There shall be no alteration in the residential character or appearance of the premises in connection with such home office.

h. Taxes. All home occupations shall be subject to all applicable town business taxes.

Each business, office or occupation shall be required to pay a separate business tax.

Section 3: Each and every other section and subsection of CHAPTER 18. BUSINESSES, OCCUPATIONS AND PROFESSIONS. of the Code of Ordinances of the Town of Palm Beach Shores, shall remain in full force and effect as previously enacted.

Section 4: All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.


Section 5: Should any section or provision of this ordinance or any portion thereof, any paragraph, sentence or word be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this ordinance.

Section 6: Specific authority is hereby granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Town of Palm Beach Shores.

FIRST READING this 19th day of November, 2018.

SECOND AND FINAL READING this 17th day of December 2018.

ATTEST:


Evyonne Browning, Town Clerk


Myra Koutzen, Mayor

Approved as to form and legal sufficiency


Keith Davis, Town Attorney

(Seal)