

ORDINANCE NO. 7-2004

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 13, SECTION 13-36(173)(c)(3) OF THE TOWN CODE TO CLARIFY THAT THE OCCUPATIONAL LICENSE FEE FOR PERSONS OR ENTITIES ENGAGED IN THE BUSINESS OF THE RENTAL OF COMMERCIAL PROPERTY, WHICH CONTAIN MULTIPLE BAYS, UNITS, OFFICES, SUITES, ETC. SHALL BE CHARGED ONE LICENSE FEE PER LOCATION, AND SHALL NOT BE CHARGED ON A PER UNIT BASIS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida (Town) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town of Lake Park Commission has the authority to and has enacted occupational license fees; and

WHEREAS, pursuant to Ordinance No. 3-2000, the Town Commission enacted a provision, which was codified into the Town Code at Chapter 13, Section 13-36, authorizing the assessment of occupational licenses for specified businesses within the Town of Lake Park; and

WHEREAS, it has come to the attention of the Town Commission that certain confusion has arisen over the manner in which occupational license fees have been assessed for the rental of commercial real property, particularly where there are multiple units, bays, suites, offices, etc.; and

WHEREAS, it is the intention of the Town Commission that persons or entities engaged in the business of the rental of commercial real property which contain multiple units, bays, suites, offices, etc., shall be required to obtain one occupational license for the rental of the property, and shall not be required to obtain an occupational license for each unit, bay, suite, office, or other space to be leased or rented; and

WHEREAS, the Town Commission has determined that is necessary to amend Chapter 13, Section 13-36(173)(c)(3) to provide that one (1) occupational license fee shall be required for the rental of a commercial real property per location, rather than on a per unit basis.

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

Section 1. Section 13-36 of the Town Code is amended as follows:

Sec. 13-36. Schedule of fees and regulations.

The classifications, code numbers and rates of all annual licenses, unless otherwise specified, shall be as follows:

Classification	Fee
(173) REAL ESTATE	
a. RE010 Brokerage	141.00
b. RE012 Sales agent and broker	47.00
c. Rental property:	
1. RE035 Single family home	31.00
2. RE038 Duplex and other residential, per unit	21.00
3. RE039 Commercial property, <u>regardless</u> <u>of the number of suites, bays, offices,</u> <u>units or spaces to be rented,</u> <u>per location unit</u>	50.00

Section 2. 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 3. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Codification. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "Ordinance" may be changed to "section," "article," or any other appropriate word.

Section 4. Effective Date. This Ordinance shall take effect immediately upon adoption by the Town Commission.

Upon First Reading this 4th day of February, 2004 the foregoing ORDINANCE was offered by Commissioner Garretson who moved its approval. The motion was seconded by Commissioner Otterson, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	X	
VICE MAYOR CHUCK BALIUS	X	
COMMISSIONER PAUL GARRETSON	X	
COMMISSIONER JEANINE LONGTIN	X	
COMMISSIONER BILL OTTERSON	X	

Upon Second Reading this 3rd day of March, 2004 the foregoing ORDINANCE was offered by Commissioner Balius who moved its adoption. The motion was seconded by Commissioner Otterson, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	X	
VICE MAYOR CHUCK BALIUS	X	
COMMISSIONER PAUL GARRETSON	X	
COMMISSIONER JEANINE LONGTIN	X	
COMMISSIONER BILL OTTERSON	X	

The Mayor thereupon declared Ordinance No.07-2004 duly passed and adopted this 3rd day of March, 2004

TOWN OF LAKE PARK, FLORIDA

BY: *Paul Castro*
Mayor Paul Castro

ATTEST:

Carol Simpkins
Carol Simpkins, Town Clerk
(Town Seal)



Approved as to form and legal sufficiency:

Thomas J. Baird
Thomas J. Baird, Town Attorney