

Agenda Item # R - 7

**Village of Royal Palm Beach
Village Council
Agenda Item Summary**

Agenda Item:

PUBLIC HEARING TO CONSIDER ORDINANCE NO. 1041 ON FIRST READING, AMENDING VILLAGE CODE CHAPTERS 4, 15, 16 AND 20 AT MULTIPLE SECTIONS TO REPLACE ALL REFERENCES TO FORMER OCCUPATIONAL LICENSES WITH THE CURRENT REFERENCE TO BUSINESS TAX RECEIPTS. BY: COMMUNITY DEVELOPMENT DIRECTOR, ROBERT HILL.

Issue:

The intent of the Text Amendment is to amend the Village Code at various sections within Chapters 4, 15, 16 and 20 to replace all references to former occupational licenses with the current reference to business tax receipts, including:

- Section 4-36,
- Section 4-37,
- Section 4-39,
- Section 15-141,
- Section 16-1,
- Section 16-10,
- Section 16-12,
- Section 20-4, and
- Section 20-145.

This amendment is in response to a recent change to state law preempting all occupational licensing to the state and is intended to replace the outdated occupational license terminology with the current business tax receipt nomenclature.

The Local Planning Agency considered Ordinance 1041 on February 27, 2024 and recommended Approval by a vote of 5-0.

Recommended Action:

Staff is recommending Approval of Ordinance No. 1041 on first reading.

Initiator:	Village Manager	Agenda Date	Village Council
P&Z Director	Approval	3-21-2024	Action

Attachment A
Chapters 4, 15, 16, 20 Business Tax Receipt
Ordinance No. 1041

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, AMENDING CHAPTER 4. ALCOHOLIC BEVERAGES. OF THE CODE OF ORDINANCES OF THE VILLAGE OF ROYAL PALM BEACH AT ARTICLE II. ADULT ENTERTAINMENT CODE., SECS. 4-36, 4-37 AND 4-39; CHAPTER 15. LANDSCAPING AND VEGETATION MANAGEMENT., ARTICLE VI. MATERIAL AND INSTALLATION STANDARDS., SEC. 15-141; CHAPTER 16. BUSINESS TAX AND REGISTRATION; OTHER BUSINESS REGULATIONS., ARTICLE I. IN GENERAL., SECS. 16-1, 16-10 AND 16-12; AND CHAPTER 20. SIGNS., ARTICLE I. IN GENERAL., SECS. 20-4 AND 20-145 TO REPLACE ALL REFERENCES TO FORMER OCCUPATIONAL LICENSES WITH THE CURRENT REFERENCE TO BUSINESS TAX RECEIPTS; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUB-SECTION OF SUB-SECTION OF CHAPTER 4. ALCOHOLIC BEVERAGES., CHAPTER 15. LANDSCAPING AND VEGETATION MANAGEMENT., CHAPTER 16. BUSINESS TAX AND REGISTRATION; OTHER BUSINESS REGULATIONS. AND CHAPTER 20. SIGNS. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Florida Legislature introduced House Bill (“HB”) 735 which was signed into law by the Governor on June 29, 2021 to created Section 163.211, Florida Statutes which expressly preempts all occupational licensing to the state; and

WHEREAS, this new law allowed for a limited grandfathering status of previously enacted occupational licenses which expired on July 1, 2023; and

WEREAS, pursuant to Section 163.211, Florida Statutes, the Village is expressly preempted from occupational licensing; but remains allowed to issue business tax receipts pursuant to Chapter 205, Florida Statutes; and

WHEREAS, several sections of the Village Code contain antiquated reference to “occupational licenses”, which given the above-referenced preemption and expiration of the limited grandfathering permitted under the new law need to be revised to remove such reference; and

WHEREAS, the Village of Royal Palm Beach has held all required public hearings and has provided public notice in accordance with applicable State statutes and Village ordinances; and

Initiator:	Village Manager	Agenda Date	Village Council
P&Z Director	Approval	3-21-2024	Action

WHEREAS, the Village Council of the Village of Royal Palm Beach has determined that the proposed revisions to Chapter 4, 15, 16 and 20. are in the best interests of the general welfare of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, THAT:

Section 1: Chapter 4. Alcoholic Beverages. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article II. Adult Entertainment Code., Secs. 4-36, 4-37 and 4-39 to replace all references to former occupational licenses with the current reference to business tax receipts; providing that Secs. 4-36, 4-37 and 4-39 shall hereafter read as follows:

Sec. 4-36. – Business Tax Receipt~~Licensing~~.

- (a) Requirement. No adult entertainment establishment shall be permitted to operate without having been first granted an adult entertainment business tax receipt~~license~~ by the village community development~~occupational licensing~~ department under this code.
- (b) Classifications. Adult entertainment establishment business tax receipts~~licenses~~ referred to in this code shall be classified as follows:
 - (1) Adult bookstore;
 - (2) Adult theater; or
 - (3) Adult entertainment establishment.
- (c) Single classification of business tax receipt~~license~~. An adult entertainment license for a particular adult entertainment establishment shall be limited to one (1) classification of business tax receipt~~license~~.

Sec. 4-37. - Application for business tax receipt~~license~~; application fee; consent by applicant.

- (a) Required. Any person desiring to operate an adult entertainment establishment shall file with the village community development~~occupational licensing~~ department a sworn business tax receipt~~license~~ application on standard application forms supplied by the village.
- (b) Contents of application. The completed application shall contain the following information and shall be accompanied by the following documents:

Initiator:	Village Manager	Agenda Date	Village Council
P&Z Director	Approval	3-21-2024	Action

- (1) If the applicant is:
 - a. An individual, the individual shall state his legal name and any aliases and submit satisfactory proof that he is eighteen (18) years of age or older; or
 - b. A partnership, the partnership shall state its complete name, the names and mailing addresses of all partners whether general or limited, the residence address of at least one (1) person authorized to accept service of process, and provide a copy of any existing partnership agreement; or
 - c. A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that this corporation is in good standing, the names and capacity of all officers, directors and principal stockholders, the name and address of the registered corporate agent for service of process, and provide a copy of its articles of incorporation and charter;
- (2) If the applicant intends to conduct the adult entertainment establishment under a name other than that of the applicant, the applicant shall provide evidence of the adult entertainment establishment's fictitious name registration under Florida Statute, section 865.09;
- (3) Whether the applicant or any of the other individuals listed pursuant to subsection (b)(1) has, within the five-year period immediately preceding the date of the application, been convicted of a felony of any state or of the United States or any specified criminal act and, if so, the specific crime involved, the date of conviction and the place of conviction;
- (4) Whether the applicant or any of the other individuals listed pursuant to subsection (b)(1) has had a previous business tax receipt-~~license~~ under this code suspended or revoked, including the name and location of the adult entertainment establishment for which the business tax receipt-~~license~~ was suspended or revoked, as well as the date of the suspension or revocation, and whether the applicant or any other individuals listed pursuant to subsection (b)(1) has been a partner in a partnership or an officer, director or principal stockholder of a corporation whose license under this code has previously been suspended or revoked, including the name and location of the adult

Initiator:	Village Manager	Agenda Date	Village Council
P&Z Director	Approval	3-21-2024	Action

- entertainment establishment for which the license was suspended or revoked, as well as the date of the suspension or revocation;
- (5) Whether the applicant or any other individuals listed pursuant to subsection (b)(1) holds any other business tax receipt~~licenses~~ under this code and, if so, the names and locations of such other~~licensed~~ adult entertainment establishments;
 - (6) The single classification of business tax receipt~~license~~ for which the applicant is filing;
 - (7) The location of the proposed adult entertainment establishment, including a legal description of the property site, and a legal street address;
 - (8) The applicant's mailing address, business addresses, residential address, and business and residential telephone numbers; and
 - (9) A site plan drawn to appropriate scale of the proposed adult entertainment establishment, including, but not limited to:
 - a. All property lines, rights-of-way, and the location of buildings, parking areas and spaces, curb cuts, and driveways;
 - b. All windows, doors, entrances and exits, fixed structural features, walls, stages, partitions, projection booths, admission booths, adult booths, concession booths, stands, counters and similar structures;
 - c. All proposed improvements or enlargements to be made, which shall be indicated and calculated in terms of percentage of increase in floor size;
 - (10) A recent photograph of the applicant;
 - (11) Fingerprints of the applicant; and
 - (12) The applicant's social security number or employer's tax identification number and either the applicant's driver's license number or the number of a state or federally issued identification card.
- (c) Application fee. Each application shall be accompanied by a nonrefundable, administrative processing fee, the amount of which shall be set by resolution of the village council.
- (d) Incomplete application. In the event the village community development~~occupational licensing~~ department determines or learns at any time that the applicant has not properly

Initiator:	Village Manager	Agenda Date	Village Council
P&Z Director	Approval	3-21-2024	Action

completed the application for a proposed adult entertainment establishment, that division shall promptly notify the applicant of such fact and shall allow the applicant ten (10) days to properly complete the application. (The time period for granting or denying a business tax receipt~~-license~~ shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application.)

- (e) Consent. By applying for a business tax receipt~~-license~~ under this code, the applicant shall be deemed to have consented to the provisions of this code and to the exercise of their responsibilities under this code by the agents or departments of the village.

Sec. 4-39. - Annual business tax receipt~~-license~~ fee; levy.

There are hereby levied annual business tax receipt~~-license~~ fees under this code for adult entertainment establishments; the amount of which fees shall be established by resolution of the village council.

Section 2: Chapter 15. Landscaping and Vegetation Management. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article VI. Material and Installation Standards., Sec. 15-141 to replace all references to former occupational licenses with the current reference to business tax receipts; providing that Sec. 15-141 shall hereafter read as follows:

Sec. 15-141. - General landscape requirements; irrigation; xeriscape.

[Subsections (a) and (b) to remain in full force as adopted.]

- (c) Irrigation and xeriscape. To further preserve water resources, the use of native plant material in landscape designing through xeriscape techniques is highly encouraged. The water requirements of native plant materials are adjusted to local weather cycles and result in lower water usage than that of non-native plant materials. Materials on xeriscape landscaping with native plant material are available at the planning and zoning department. Applicants are encouraged to review these materials and incorporate xeriscape design in all proposed landscape plans. The planning and zoning department

Initiator:	Village Manager	Agenda Date	Village Council
P&Z Director	Approval	3-21-2024	Action

shall require the installation of at a minimum of fifty (50) percent of plant material to be installed to be of a native, cold, and drought-hardy variety.

(1) Plans providing sufficient irrigation, as determined by a license landscape architect, professional engineer, or qualified licensed irrigation contractor, for the requirements of the plant material selected, shall be submitted by the applicant for approval by the planning and zoning director.

(2) A licensed master plumber, licensed sprinkler/irrigation contractor, or owner/builder with a valid village business tax receipt~~occupational license~~, pursuant to a valid and current village permit, shall install all irrigation systems.

[Subsections (3) through (7) to remain in full force as adopted.]

Section 3: Chapter 16. Business Tax and Registration; Other Business Regulations. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article I. In General., Secs. 16-1, 16-10 and 16-12 to replace all references to former occupational licenses with the current reference to business tax receipts; providing that Secs. 16-1, 16-10 and 16-12 shall hereafter read as follows:

Sec. 16-1. - Business tax levied; registration required.

(a) Business tax. A tax is hereby fixed and imposed upon every person who maintains a permanent business location or branch office within the village for the privilege of engaging in or managing any business, profession or occupation within the village. A business tax is also hereby levied upon any person who does not qualify under the provisions noted hereinabove and who transacts any business or engages in any occupation or profession in interstate commerce, if such tax is not prohibited by section 8 of article I of the United States Constitution.

(b) Registration. Any person who does not fall into one (1) of the categories set forth above in subsection (a), but who comes within the corporate limits of the village to carry on, complete, perform or engage in any type of business, is hereby required to register with the village by filling out a registration form with the village business tax department. Such person must provide a copy of a valid business tax receipt~~occupational license~~ issued by another municipality and/or by Palm Beach County indicating that he possesses a valid business tax receipt at the location of his branch or permanent office. The

Initiator:	Village Manager	Agenda Date	Village Council
P&Z Director	Approval	3-21-2024	Action

registration requirement shall not apply to any trade or business regulated by the department of business and professional regulation including but not limited to, contractors, surveyors, barbers, cosmetologists, architects, landscape architects and interior designers. Additionally, this requirement shall not apply to any pest control operators licensed and regulated by the state.

- (c) Voluntary registration. Pursuant to F.S. § 205.065, any person engaging in or managing a business, profession or occupation regulated by the department of business and professional regulation that has paid an business tax receipt~~occupational license~~ tax for the current year to the county or municipality in that state where the person's permanent business location or branch office is maintained shall not be required to register his business tax receipt with the village. However, such persons may voluntarily register with the village by presenting proof of state licensing, a valid business tax receipt issued by the municipality or county in which the licensee's branch or permanent office is located and by paying an administrative fee as established by resolution of the village council. Persons not desiring to voluntarily register shall not be required to do so. However, such persons shall be required to present all documentation required by this subsection each time application for a village permit is made.
- (d) Registration fee. A registration fee shall be charged to cover administrative costs in registering these additional businesses, occupations and professions; the amount of which registration fee shall be set by resolution of the village council.

Sec. 16-10. - Rental property owners' business tax receipt.

Certain rental units utilized for residential living purposes in the village must obtain a business tax receipt. In addition to the multifamily dwelling units, such as rental apartment complexes, hotels and motels, this section also includes boarding houses and rooming houses. in order to apply for a business tax receipt to rent this type of real property within the village, the following requirements must be met:

- (a) Rental property shall include, but is not limited to, the following: hotels, motels, rooming houses, rental apartment complexes, and boarding houses.

Initiator:	Village Manager	Agenda Date	Village Council
P&Z Director	Approval	3-21-2024	Action

- (b) All rental property owners as noted above shall file a completed rental information card with the village community development~~occupational license~~ department after they have received and read the village's rental guidelines for landlords and tenants; this information card must be filed prior to the issuance of a business tax receipt for the rental of real property within the village.
- (c) After the submission of an information card and application for business tax receipt, an inspection of the premises shall be made by the village in order to ensure that the premises is in compliance with the village's Code of Ordinances. (See section 16-2 herein.)

Sec. 16-12. - Special-events permits; seasonal vendor's permits.

- (a) Special-events permits.

[Subsections (1) through (5) to remain in full force as adopted.]

- (6) Sidewalk sales. A sidewalk sale is a type of special event limited to the display of merchandise that is normally sold inside a commercial building but which may be allowed to be displayed outside on a private sidewalk immediately adjacent to the building. Merchandise shall be displayed in such a manner that the sidewalk is not blocked for pedestrian use and no exit doors from the building are blocked. Sidewalk sales shall be allowed for no longer than three (3) consecutive days and are limited to no more than one (1) per month per applicant or location. A request for a sidewalk sale shall be submitted in writing to the building department on an approved application form by a business entity already possessing a valid business tax receipt~~occupational license~~ issued by the village. Approval of a request shall be by a designated village staff member. Failure of a business entity to abide by the above requirements for sidewalk sales shall result in no sidewalk sale permits being issued to that business entity for a period of one (1) year from the date of the infraction.

[Subsection (b) to remain in full force as adopted.]

Section 4: Chapter 20. Signs. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article I. In General., Secs. 20-4 and 20-145 to replace all

Initiator:	Village Manager	Agenda Date	Village Council
P&Z Director	Approval	3-21-2024	Action

references to former occupational licenses with the current reference to business tax receipts; providing that Secs. 20-4 and 20-145 shall hereafter read as follows:

Sec. 20-4. – Business tax receipt License required.

It shall be unlawful for any person or firm to engage in the business of constructing, fabricating, erecting, altering or maintaining signs within the village unless and until such person or firm shall have a valid business tax receipt~~occupational license~~ issued by the village or county, and unless and until such person shall have filed with the building official a certificate of public liability and property damage insurance policy executed by a company authorized to do business in the State of Florida in a sum of not less than three hundred thousand dollars (\$300,000.00) for bodily injury in any one (1) occurrence, and not less than fifty thousand dollars (\$50,000.00) for damage to property.

Sec. 20-145. - Procedure on violations.

- (a) A violation of any provision of this division shall be a violation of the Village Code of Ordinances, subject to fine, injunctive relief, and any other enforcement remedy available to the village.
- (b) Signs erected without a valid permit, and/or prior to the issuance of a building permit, shall subject the property owner or sign contractor to a fine of up to two hundred fifty dollars (\$250.00) per day, per sign.
- (c) A sign contractor may also be subject to suspension or revocation of the village business tax receipt~~occupational license~~ for repeated violations of the village sign code.
- (d) Failure to pay fines levied for violating the village sign code may result in a moratorium on the issuance of sign permits for the violator until the subject fines have been paid in full.

Section 5: Each and every other Section and Sub-section of Chapter 4. Alcoholic Beverages., Chapter 15. Landscaping and Vegetation Management., Chapter 16. Business Tax and Registration; Other Business Regulations. And Chapter 20. Signs. shall remain in full force and effect as previously enacted.

Initiator:	Village Manager	Agenda Date	Village Council
P&Z Director	Approval	3-21-2024	Action

Section 6: All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

Section 7: 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 8: Specific authority is hereby granted to codify this Ordinance.

Section 9: This Ordinance shall take effect immediately upon passage.

FIRST READING this ____ day of _____, 2024.

SECOND AND FINAL READING this ___ day of _____, 2024.

VILLAGE OF ROYAL PALM BEACH

MAYOR FRED PINTO

ATTEST:

(Seal)

DIANE DISANTO, VILLAGE CLERK

Initiator:	Village Manager	Agenda Date	Village Council
P&Z Director	Approval	3-21-2024	Action

Ordinance No. 1041

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, AMENDING CHAPTER 4. ALCOHOLIC BEVERAGES. OF THE CODE OF ORDINANCES OF THE VILLAGE OF ROYAL PALM BEACH AT ARTICLE II. ADULT ENTERTAINMENT CODE., SECS. 4-36, 4-37 AND 4-39; CHAPTER 15. LANDSCAPING AND VEGETATION MANAGEMENT., ARTICLE VI. MATERIAL AND INSTALLATION STANDARDS., SEC. 15-141; CHAPTER 16. BUSINESS TAX AND REGISTRATION; OTHER BUSINESS REGULATIONS., ARTICLE I. IN GENERAL., SECS. 16-1, 16-10 AND 16-12; AND CHAPTER 20. SIGNS., ARTICLE I. IN GENERAL., SECS. 20-4 AND 20-145 TO REPLACE ALL REFERENCES TO FORMER OCCUPATIONAL LICENSES WITH THE CURRENT REFERENCE TO BUSINESS TAX RECEIPTS; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUB-SECTION OF SUB-SECTION OF CHAPTER 4. ALCOHOLIC BEVERAGES., CHAPTER 15. LANDSCAPING AND VEGETATION MANAGEMENT., CHAPTER 16. BUSINESS TAX AND REGISTRATION; OTHER BUSINESS REGULATIONS. AND CHAPTER 20. SIGNS. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Florida Legislature introduced House Bill (“HB”) 735 which was signed into law by the Governor on June 29, 2021 to created Section 163.211, Florida Statutes which expressly preempts all occupational licensing to the state; and

WHEREAS, this new law allowed for a limited grandfathering status of previously enacted occupational licenses which expired on July 1, 2023; and

WEREAS, pursuant to Section 163.211, Florida Statutes, the Village is expressly preempted from occupational licensing; but remains allowed to issue business tax receipts pursuant to Chapter 205, Florida Statutes; and

WHEREAS, several sections of the Village Code contain antiquated reference to “occupational licenses”, which given the above-referenced preemption and expiration of the limited grandfathering permitted under the new law need to be revised to remove such reference; and

WHEREAS, the Village of Royal Palm Beach has held all required public hearings and has provided public notice in accordance with applicable State statutes and Village ordinances; and

WHEREAS, the Village Council of the Village of Royal Palm Beach has determined that the proposed revisions to Chapter 4, 15, 16 and 20. are in the best interests of the general welfare of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, THAT:

Section 1: Chapter 4. Alcoholic Beverages. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article II. Adult Entertainment Code., Secs. 4-36, 4-37 and 4-39 to replace all references to former occupational licenses with the current reference to business tax receipts; providing that Secs. 4-36, 4-37 and 4-39 shall hereafter read as follows:

Sec. 4-36. – Business Tax Receipt~~Licensing~~.

- (a) Requirement. No adult entertainment establishment shall be permitted to operate without having been first granted an adult entertainment business tax receipt~~license~~ by the village community development~~occupational licensing~~ department under this code.
- (b) Classifications. Adult entertainment establishment business tax receipts~~licenses~~ referred to in this code shall be classified as follows:
 - (1) Adult bookstore;
 - (2) Adult theater; or
 - (3) Adult entertainment establishment.
- (c) Single classification of business tax receipt~~license~~. An adult entertainment license for a particular adult entertainment establishment shall be limited to one (1) classification of business tax receipt~~license~~.

Sec. 4-37. - Application for business tax receipt~~license~~; application fee; consent by applicant.

- (a) Required. Any person desiring to operate an adult entertainment establishment shall file with the village community development~~occupational licensing~~ department a sworn business tax receipt~~license~~ application on standard application forms supplied by the village.
- (b) Contents of application. The completed application shall contain the following information and shall be accompanied by the following documents:
 - (1) If the applicant is:
 - a. An individual, the individual shall state his legal name and any aliases and submit satisfactory proof that he is eighteen (18) years of age or older; or

- b. A partnership, the partnership shall state its complete name, the names and mailing addresses of all partners whether general or limited, the residence address of at least one (1) person authorized to accept service of process, and provide a copy of any existing partnership agreement; or
 - c. A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that this corporation is in good standing, the names and capacity of all officers, directors and principal stockholders, the name and address of the registered corporate agent for service of process, and provide a copy of its articles of incorporation and charter;
- (2) If the applicant intends to conduct the adult entertainment establishment under a name other than that of the applicant, the applicant shall provide evidence of the adult entertainment establishment's fictitious name registration under Florida Statute, section 865.09;
- (3) Whether the applicant or any of the other individuals listed pursuant to subsection (b)(1) has, within the five-year period immediately preceding the date of the application, been convicted of a felony of any state or of the United States or any specified criminal act and, if so, the specific crime involved, the date of conviction and the place of conviction;
- (4) Whether the applicant or any of the other individuals listed pursuant to subsection (b)(1) has had a previous business tax receipt-~~license~~ under this code suspended or revoked, including the name and location of the adult entertainment establishment for which the business tax receipt-~~license~~ was suspended or revoked, as well as the date of the suspension or revocation, and whether the applicant or any other individuals listed pursuant to subsection (b)(1) has been a partner in a partnership or an officer, director or principal stockholder of a corporation whose license under this code has previously been suspended or revoked, including the name and location of the adult entertainment establishment for which the license was suspended or revoked, as well as the date of the suspension or revocation;
- (5) Whether the applicant or any other individuals listed pursuant to subsection (b)(1) holds any other business tax receipt-~~licenses~~ under this code and, if so, the names and locations of such other-~~licensed~~ adult entertainment establishments;

- (6) The single classification of business tax receipt~~license~~ for which the applicant is filing;
 - (7) The location of the proposed adult entertainment establishment, including a legal description of the property site, and a legal street address;
 - (8) The applicant's mailing address, business addresses, residential address, and business and residential telephone numbers; and
 - (9) A site plan drawn to appropriate scale of the proposed adult entertainment establishment, including, but not limited to:
 - a. All property lines, rights-of-way, and the location of buildings, parking areas and spaces, curb cuts, and driveways;
 - b. All windows, doors, entrances and exits, fixed structural features, walls, stages, partitions, projection booths, admission booths, adult booths, concession booths, stands, counters and similar structures;
 - c. All proposed improvements or enlargements to be made, which shall be indicated and calculated in terms of percentage of increase in floor size;
 - (10) A recent photograph of the applicant;
 - (11) Fingerprints of the applicant; and
 - (12) The applicant's social security number or employer's tax identification number and either the applicant's driver's license number or the number of a state or federally issued identification card.
- (c) Application fee. Each application shall be accompanied by a nonrefundable, administrative processing fee, the amount of which shall be set by resolution of the village council.
- (d) Incomplete application. In the event the village community development~~occupational licensing~~ department determines or learns at any time that the applicant has not properly completed the application for a proposed adult entertainment establishment, that division shall promptly notify the applicant of such fact and shall allow the applicant ten (10) days to properly complete the application. (The time period for granting or denying a business tax receipt~~license~~ shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application.)
- (e) Consent. By applying for a business tax receipt~~license~~ under this code, the applicant shall be deemed to have consented to the provisions of this code and to the exercise of their responsibilities under this code by the agents or departments of the village.

Sec. 4-39. - Annual business tax receipt~~license~~ fee; levy.

There are hereby levied annual business tax receipt~~license~~ fees under this code for adult entertainment establishments; the amount of which fees shall be established by resolution of the village council.

Section 2: Chapter 15. Landscaping and Vegetation Management. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article VI. Material and Installation Standards., Sec. 15-141 to replace all references to former occupational licenses with the current reference to business tax receipts; providing that Sec. 15-141 shall hereafter read as follows:

Sec. 15-141. - General landscape requirements; irrigation; xeriscape.

[Subsections (a) and (b) to remain in full force as adopted.]

(c) Irrigation and xeriscape. To further preserve water resources, the use of native plant material in landscape designing through xeriscape techniques is highly encouraged. The water requirements of native plant materials are adjusted to local weather cycles and result in lower water usage than that of non-native plant materials. Materials on xeriscape landscaping with native plant material are available at the planning and zoning department. Applicants are encouraged to review these materials and incorporate xeriscape design in all proposed landscape plans. The planning and zoning department shall require the installation of at a minimum of fifty (50) percent of plant material to be installed to be of a native, cold, and drought-hardy variety.

(1) Plans providing sufficient irrigation, as determined by a license landscape architect, professional engineer, or qualified licensed irrigation contractor, for the requirements of the plant material selected, shall be submitted by the applicant for approval by the planning and zoning director.

(2) A licensed master plumber, licensed sprinkler/irrigation contractor, or owner/builder with a valid village business tax receipt~~occupational license~~, pursuant to a valid and current village permit, shall install all irrigation systems.

[Subsections (3) through (7) to remain in full force as adopted.]

Section 3: Chapter 16. Business Tax and Registration; Other Business Regulations. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article I. In General., Secs. 16-1, 16-10 and 16-12 to replace all references to former occupational licenses with the current reference to business tax receipts; providing that Secs. 16-1, 16-10 and 16-12 shall hereafter read as follows:

Sec. 16-1. - Business tax levied; registration required.

- (a) Business tax. A tax is hereby fixed and imposed upon every person who maintains a permanent business location or branch office within the village for the privilege of engaging in or managing any business, profession or occupation within the village. A business tax is also hereby levied upon any person who does not qualify under the provisions noted hereinabove and who transacts any business or engages in any occupation or profession in interstate commerce, if such tax is not prohibited by section 8 of article I of the United States Constitution.
- (b) Registration. Any person who does not fall into one (1) of the categories set forth above in subsection (a), but who comes within the corporate limits of the village to carry on, complete, perform or engage in any type of business, is hereby required to register with the village by filling out a registration form with the village business tax department. Such person must provide a copy of a valid business tax receipt~~occupational license~~ issued by another municipality and/or by Palm Beach County indicating that he possesses a valid business tax receipt at the location of his branch or permanent office. The registration requirement shall not apply to any trade or business regulated by the department of business and professional regulation including but not limited to, contractors, surveyors, barbers, cosmetologists, architects, landscape architects and interior designers. Additionally, this requirement shall not apply to any pest control operators licensed and regulated by the state.

- (c) Voluntary registration. Pursuant to F.S. § 205.065, any person engaging in or managing a business, profession or occupation regulated by the department of business and professional regulation that has paid an business tax receipt~~occupational license~~ tax for the current year to the county or municipality in that state where the person's permanent business location or branch office is maintained shall not be required to register his business tax receipt with the village. However, such persons may voluntarily register with the village by presenting proof of state licensing, a valid business tax receipt issued by the municipality or county in which the licensee's branch or permanent office is located and by paying an administrative fee as established by resolution of the village council. Persons not desiring to voluntarily register shall not be required to do so. However, such persons shall be required to present all documentation required by this subsection each time application for a village permit is made.
- (d) Registration fee. A registration fee shall be charged to cover administrative costs in registering these additional businesses, occupations and professions; the amount of which registration fee shall be set by resolution of the village council.

Sec. 16-10. - Rental property owners' business tax receipt.

Certain rental units utilized for residential living purposes in the village must obtain a business tax receipt. In addition to the multifamily dwelling units, such as rental apartment complexes, hotels and motels, this section also includes boarding houses and rooming houses. in order to apply for a business tax receipt to rent this type of real property within the village, the following requirements must be met:

- (a) Rental property shall include, but is not limited to, the following: hotels, motels, rooming houses, rental apartment complexes, and boarding houses.
- (b) All rental property owners as noted above shall file a completed rental information card with the village community development~~occupational license~~ department after they have received and read the village's rental guidelines for landlords and tenants; this information card must be filed prior to the issuance of a business tax receipt for the rental of real property within the village.

- (c) After the submission of an information card and application for business tax receipt, an inspection of the premises shall be made by the village in order to ensure that the premises is in compliance with the village's Code of Ordinances. (See section 16-2 herein.)

Sec. 16-12. - Special-events permits; seasonal vendor's permits.

- (a) Special-events permits.

[Subsections (1) through (5) to remain in full force as adopted.]

- (6) Sidewalk sales. A sidewalk sale is a type of special event limited to the display of merchandise that is normally sold inside a commercial building but which may be allowed to be displayed outside on a private sidewalk immediately adjacent to the building. Merchandise shall be displayed in such a manner that the sidewalk is not blocked for pedestrian use and no exit doors from the building are blocked. Sidewalk sales shall be allowed for no longer than three (3) consecutive days and are limited to no more than one (1) per month per applicant or location. A request for a sidewalk sale shall be submitted in writing to the building department on an approved application form by a business entity already possessing a valid business tax receipt~~occupational license~~ issued by the village. Approval of a request shall be by a designated village staff member. Failure of a business entity to abide by the above requirements for sidewalk sales shall result in no sidewalk sale permits being issued to that business entity for a period of one (1) year from the date of the infraction.

[Subsection (b) to remain in full force as adopted.]

Section 4: Chapter 20. Signs. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article I. In General., Secs. 20-4 and 20-145 to replace all references to former occupational licenses with the current reference to business tax receipts; providing that Secs. 20-4 and 20-145 shall hereafter read as follows:

Sec. 20-4. – Business tax receipt License required.

It shall be unlawful for any person or firm to engage in the business of constructing, fabricating, erecting, altering or maintaining signs within the village unless and until such person or firm shall have a valid business tax receipt~~occupational license~~ issued by the village or county, and unless and until such person shall have filed with the building official a certificate of public liability and

property damage insurance policy executed by a company authorized to do business in the State of Florida in a sum of not less than three hundred thousand dollars (\$300,000.00) for bodily injury in any one (1) occurrence, and not less than fifty thousand dollars (\$50,000.00) for damage to property.

Sec. 20-145. - Procedure on violations.

- (a) A violation of any provision of this division shall be a violation of the Village Code of Ordinances, subject to fine, injunctive relief, and any other enforcement remedy available to the village.
- (b) Signs erected without a valid permit, and/or prior to the issuance of a building permit, shall subject the property owner or sign contractor to a fine of up to two hundred fifty dollars (\$250.00) per day, per sign.
- (c) A sign contractor may also be subject to suspension or revocation of the village business tax receipt occupational license for repeated violations of the village sign code.
- (d) Failure to pay fines levied for violating the village sign code may result in a moratorium on the issuance of sign permits for the violator until the subject fines have been paid in full.

Section 5: Each and every other Section and Sub-section of Chapter 4. Alcoholic Beverages., Chapter 15. Landscaping and Vegetation Management., Chapter 16. Business Tax and Registration; Other Business Regulations. And Chapter 20. Signs. shall remain in full force and effect as previously enacted.

Section 6: All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

Section 7: 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 8: Specific authority is hereby granted to codify this Ordinance.

Section 9: This Ordinance shall take effect immediately upon passage.

FIRST READING this 21st day of March, 2024.

SECOND AND FINAL READING this 18th day of April, 2024.

VILLAGE OF ROYAL PALM BEACH

MAYOR FRED PINTO

(Seal)

ATTEST:

DIANE DISANTO, VILLAGE CLERK