

ORDINANCE NO. 06-2023

AN ORDINANCE OF THE CITY OF SEMINOLE, FLORIDA, AMENDING SEC. 42-141 OF ARTICLE IV (LOCAL BUSINESS TAX) OF CHAPTER 42 (TAXATION AND FINANCE) OF THE CODE OF ORDINANCES BY REPLACING REFERENCES TO “CODE ENFORCEMENT BOARD” WITH “SPECIAL MAGISTRATE” AND THE “CODE ENFORCEMENT PROCESS” IN ARTICLE IV OF CHAPTER 2; AND PROVIDING FOR CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Sec. 42-141 generally provides for the administration and enforcement of local business tax; and

WHEREAS, the City Attorney has reviewed the current provisions of Sec. 42-141 and has recommended that certain revisions be made to update same; and

WHEREAS, the City Commission finds that amending Sec. 42-141 of Article IV of Chapter 42 of the Code of Ordinances as set forth in this Ordinance is in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Seminole, Florida, that:

Section 1. That Sec. 42-141 of Article IV (Local Business Tax) of Chapter 42, (Taxation and Finance) of the Code of Ordinances of the City of Seminole, Florida, is hereby amended to read as follows:

Sec. 42-141. Generally.

(a) *Inspections.*

- (1) The city manager or ~~his~~-designee is hereby authorized to conduct inspections of businesses to determine compliance with the provisions of this article.
- (2) *Reports of inspections.* The city manager or ~~his~~-designee inspecting local business tax receipt recipients, their businesses or premises as authorized in this article, shall report all violations of this article.

(b) ~~Order~~ Demand to comply.

- (1) When the city manager or ~~his~~-designee has reported a violation of this article, the city manager or ~~his~~-designee shall issue to the affected person ~~an order~~ a demand to comply. Alternately, the city manager or ~~his~~-designee may ~~issue citations to be referred to the code enforcement board~~ have the city code inspector issue a Notice of Violation for a hearing before the Special Magistrate on the charge, in accordance with the provisions of section 2-~~106~~101 et seq.
- (2) *Nature of notice.* Such ~~orders~~ demands to comply and all other notices issued pursuant to this article shall be in writing and shall contain the following:

- a. Such notice shall inform the local business tax receipt recipient of the specific violation and his right to contest the same at a hearing before the ~~code enforcement board~~ Special Magistrate or a court of competent jurisdiction, as appropriate.
 - b. Such notice shall be either personally delivered or deposited in the United States mail for delivery, addressed to the local business tax receipt recipient whose name appears on the local business tax receipt.
 - c. In the absence of the person affected or his agent or employee, a copy of such notice shall be affixed to some structure on the premises to comply with notification.
- (3) *Period for compliance.* The ~~order demand~~ to comply shall require compliance within a reasonable time period set by the city manager or ~~his~~ designee. Extensions of time may be granted by the city manager or ~~his~~ designee.
- (c) *Penalties.* In addition to any delinquency fees provided under section 42-176, any person violating any of the provisions of this article shall be punished with a fine not to exceed the requirements as set forth in section 2-~~106-101~~ et seq.

Section 2. Ordinances or parts of ordinances in conflict herewith to the extent that such conflict exists are hereby repealed.

Section 3. For purposes of codification of any existing section of the Code of Ordinances, City of Seminole, herein amended, words **underlined** represent additions to original text, words **stricken** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

Section 4. If any section, subsection, sentence, clause, provision, or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the City Commission would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 5. The Codifier shall codify the substantive amendments to the Code of Ordinances, City of Seminole, contained in Section 1 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 6. Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon adoption.

DULY ADOPTED with a quorum present and voting this 10 day of October, 2023.

CITY OF SEMINOLE, FLORIDA

By:


Mayor

ATTEST: CITY CLERK

Oni Marie Mancuso



Business Impact Estimate

Proposed ordinance's title/reference: **Ordinance No. 06-2023**

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This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City hereby publishes the following information:

¹ See Section 166.041(4)(c), Florida Statutes.

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare): **The proposed ordinance clarifies a section of the City's code concerning municipal code enforcement to reduce redundancy, achieve consistency with Florida Statutes, and accurately reflect the City's code enforcement processes. The ordinance serves the public purpose and welfare by clarifying the City's code to achieve clarity and predictability for the City's residents and businesses.**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
(c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

None.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

None.

4. Additional information the governing body deems useful (if any):

The proposed ordinance is an ordinance of general applicability that applies to all persons and businesses required to obtain or maintain a business tax receipt and therefore subject to the City's code enforcement process.