

ORDINANCE 2023-____

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REMOVING IN ITS ENTIRETY ARTICLE III, SECTIONS 6-44 THROUGH 6-55 FROM THE CODE OF ORDINANCES STYLED "LICENSING", AS THE LICENSE FORMERLY KNOWN AS AN "OCCUPATIONAL LICENSE"; THIS BEING REPLACED WITH A "BUSINESS TAX RECEIPT", AS CODIFIED IN ARTICLE V, SECTIONS 26-151 THROUGH 26-162 OF THE VILLAGE CODE STYLED "LOCAL BUSINESS TAX"; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE. *(Sponsored by Administration and Prepared by Heidi Siegel, Director of Community and Economic Development)*

WHEREAS, Ordinance No. 2007-08, pursuant to the then recently enacted State law, amended the Code of Ordinances by changing the Code's nomenclature from "Occupational License" to "Business Tax Receipt", and created Article V, Sections 26-151 through 26-162; and

WHEREAS, though Article V established the Business Tax Receipt sections of the Code, it did not eliminate Article III concerning Occupational Licenses; and

WHEREAS, in order to correct the Code, the Mayor and Village Council wish to remove Article III, Section 6-44 through 6-55 of the Code of Ordinances.

NOW, THEREFORE, BE IT ENACTED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are incorporated as if set forth in full.

Section 2. Article III, Section 6-44 through 6-55 of the Code of Ordinances of the Village of Palmetto Bay, attached as ("Exhibit A"), is hereby rescinded.

1 **Section 3. Severability.** The provisions of this Ordinance are
2 declared to be severable, and if any sentence, section, clause, or phrase
3 of this Ordinance shall, for any reason, be held to be invalid or
4 unconstitutional, such decision shall not affect the validity of the
5 remaining sentences, sections, clauses, or phrases of the Ordinance, but
6 they shall remain in effect it being the legislative intent that this Ordinance
7 shall stand notwithstanding the invalidity of any part.

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9 **Section 4. Codification.** It is the intention of the Village Council,
10 and it is hereby ordained the provisions of this Ordinance shall become
11 and be made part of the Code of Ordinances of the Village of Palmetto
12 Bay, Florida, that sections of this Ordinance may be renumbered or re-
13 lettered to accomplish such intentions, and that the word "Ordinance"
14 shall be changed to "Section" or other appropriate word.
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16 **Section 5. Effective Date.** This Ordinance shall take effect
17 immediately upon enactment at Second Reading.

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19 **PASSED AND ADOPTED ON FIRST READING** this 4th day of
20 December, 2023.

21
22 **PASSED AND ADOPTED ON SECOND READING** this ____day of
23 ____, 2024.

24
25
26
27 Attest: _____
28 **Missy Arocha** **Karyn Cunningham**
29 **Village Clerk** **Mayor**

30
31 **APPROVED AS TO FORM AND LEGAL SUFFICIENCY:**

32
33
34 _____
35 **John C. Dellagloria**
36 **Village Attorney**
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38
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1 **VOTE ON FIRST READING:**
2
3 Mayor Karyn Cunningham _____
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5 Council Member Steven Cody _____
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7 Council Member Marsha Matson _____
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9 Vice-Mayor Leanne Tellam _____
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11 Council Member Patrick Fiore _____
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15 **FINAL VOTE AT ADOPTION ON SECOND READING:**
16
17 Mayor Karyn Cunningham _____
18
19 Council Member Steven Cody _____
20
21 Council Member Marsha Matson _____
22
23 Vice-Mayor Leanne Tellam _____
24
25 Council Member Patrick Fiore _____