



Agenda Item 13

Agenda Date 9-1-09

MEMORANDUM

DATE: August 26, 2009
TO: The Honorable Mayor McPherson and City Council Members
THRU: Jeff Sutton, Interim City Manager
FROM: Lisa L. Fierce, Planning & Zoning Manager/City Planner *JLF*
RE: Second Reading - Code Amendment – Local Business Tax Receipt
(Ordinance #09-1923)

The second reading of the ordinance regarding local business tax receipts is scheduled for the September 1, 2009 City Council meeting. It was passed unanimously on first reading at the August 18, 2009 meeting.

The proposal is a minor amendment to Section 13-29 of the City Code relative to the effect of revocation or suspension of local business tax receipts. The proposed new language states that it is unlawful for any person or business entity to engage in any business, profession or occupation for which a local business tax receipt is required, *after* its local business tax receipt has been revoked or suspended. Proposed changes to the ordinance are shown with underline (additions).

Action requested: City Council is to conduct a public hearing on the ordinance and vote.

The Development Review Committee (DRC) reviewed the amendment and recommended approval at its July 30, 2009 meeting.

Attachment: Ordinance #09-1923

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ORDINANCE # 09-1923

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, AMENDING SECTION 13-29 OF THE NEW PORT RICHEY CITY CODE, CLARIFYING THAT IT IS UNLAWFUL FOR ANY PERSON OR BUSINESS ENTITY TO CONDUCT ANY BUSINESS WITHIN THE CITY OF NEW PORT RICHEY, FLORIDA AFTER REVOCATION OR SUSPENSION OF A LOCAL BUSINESS TAX RECEIPT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council desires to clarify Section 13-29 of the City Code to make it clear that it is unlawful to conduct business in the City after revocation or suspension of a local business tax receipt;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA:

Section 1. Article II of Chapter 13 of the City Code of New Port Richey is hereby amended to revise Section 13-29 to read as follows:

Sec. 13-29. Effect of revocation or suspension of local business tax receipt; determination of receipt in case of revocation or suspension of receipt issued to a business entity.

(a) It is unlawful for any person or business entity to engage in any business, profession or occupation within the City for which a local business tax receipt is required, after its local business tax receipt has been revoked or suspended. The revocation or suspension of the local business tax receipt of any such receipt holder shall prohibit such receipt holder from being issued another local business tax receipt to transact any business within the City unless first approved by the city council. Such approval shall be granted by the city council only if the former receipt holder shall prove by substantial, competent evidence that the grounds for which the receipt was revoked will not recur within a reasonable degree of probability.

(b) In the event of the revocation or suspension of a local business tax receipt, the receipt holder, if a corporation, shall be deemed to include those officers, directors, and other persons who exercised management or supervisory authority on behalf of the receipt holder at the time of the incident which constitutes grounds for the revocation or suspension of the receipt. If the receipt is held by a general partnership, the receipt holder shall be deemed to include those partners thereof and other persons who exercised management or supervisory authority on behalf of the receipt holder at the time of the incident which constitutes grounds for the revocation or suspension of the receipt. If the receipt holder is a limited partnership, the receipt holder shall be deemed

to include the general partners thereof, and other persons who exercised management or supervisory authority on behalf of the receipt holder at the time of the incident which constitutes grounds for the revocation or suspension of the receipt; provided, however, that in order for any such person other than the designated receipt holder on the local business tax receipt to be included in the definition of a receipt holder for the purpose of this section, there must be substantial, competent evidence that such person directed, instructed or otherwise caused the performance of, permitted, allowed or participated in, or had foreknowledge of the acts, omissions, commission, transaction or conduct which constitutes grounds for the revocation or suspension of the receipt.

Section 2. This Ordinance shall become effective immediately upon its adoption.

Section 3. If any phrase or portion of this Ordinance, or the particular application thereof, shall be held invalid or unconstitutional by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases and their application shall not be affected thereby.

Section 4. The above and foregoing Ordinance was read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, this 18th day of August, 2009.

The above and foregoing Ordinance was read and approved on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, this 1st day of September, 2009.

ATTEST:

Linda Kann, City Clerk
Member
(SEAL)

Scott McPherson, Mayor-Council

APPROVED AS TO LEGAL FORM AND CONTENT

By _____
Thomas K. Morrison, City Attorney

