

ORDINANCE NO. 250-10-144

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 12, "BUSINESS REGULATIONS," ARTICLE I "IN GENERAL" SECTION 12-3, "CERTIFICATE OF USE AND LOCAL BUSINESS TAX RECEIPT REQUIRED; PROHIBITION OF UNAUTHORIZED AND ILLEGAL BUSINESSES; ENFORCEMENT," TO REVISE THE PURPOSE STATEMENT, TO CLARIFY PROHIBITIONS ON UNAUTHORIZED AND ILLEGAL BUSINESSES, TO UPDATE REQUIREMENTS FOR CERTIFICATES OF USE AND LOCAL BUSINESS TAX RECEIPTS, AND TO STRENGTHEN PROPERTY OWNER RESPONSIBILITIES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City staff identified that the existing language of Section 12-3 of the Code of Ordinances was not sufficiently clear to fully express its intent or to ensure consistent enforcement; and

WHEREAS, staff has prepared clarifying amendments to Section 12-3 to strengthen the ordinance so that its prohibitions, enforcement provisions, and responsibilities of business owners and property owners are clearly defined, enforceable, and defensible under scrutiny; and

WHEREAS, these clarifications will improve the City's ability to deter unauthorized and illegal businesses, ensure compliance with certificate of use and local business tax receipt requirements, and protect the health, safety, and welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

SECTION 1. That the City of Lauderhill Code of Ordinances, Chapter 12, "Business Regulations," Article I, "In General," Section 12-3, "Certificate of Use and Local Business Tax Receipt Required; Prohibition of Unauthorized and Illegal Businesses; Penalty for Violation; Enforcement," is hereby amended as follows (underline is added; strike-through is deleted):

Chapter 12 – BUSINESS REGULATIONS

ARTICLE I. – IN GENERAL

Sec. 12-3. Certificate of use and local business tax receipt required; prohibition of unauthorized and illegal businesses; penalty for violation; enforcement.

- (a) Purpose. The operation of businesses within the city without the safeguards associated with the filing of an application for the issuance of a certificate of use and a local business

tax receipt constitutes a danger to the health, safety and welfare of the community. The city commission has determined that more effective enforcement procedures are necessary to prevent the operation of any business that is illegal or not authorized within the city, or any business conducted without proper authorization, including failure to obtain a certificate of use and a local business tax receipt or to pay required local business taxes,~~in the city without first obtaining a certificate of use and a local business tax receipt or paying a local business tax, as well as to prevent the operation of businesses that are not authorized to be conducted within the city or are illegal.~~ Owners of real property who permit businesses to operate from their property without verification of a valid and current certificate of use and local business tax receipt contribute to the proliferation of illegal businesses. An increase in the penalty for operating a business without first obtaining a certificate of use and a local business tax receipt or without paying a local business tax will have a greater deterrent effect on businesses operating illegally within the city. This alternate enforcement procedure was adopted to maximize the administration's ability to enforce the city's prohibition against conducting a business without proper application for a certificate of use and a local business tax receipt and to encourage swift compliance with these requirements and to prevent the conducting of businesses that are unauthorized or illegal within the city limits.

- (b) It shall be unlawful for any person or entity, either directly or indirectly, to conduct any business that is illegal or is not authorized within the city limits. Further, it shall be unlawful for any person, either directly or indirectly, to conduct or ~~enter into any legitimate and authorized business, profession or occupation within the city without first engage in any business, profession, or occupation within the city, or to permit or otherwise allow the use of any real property for such purpose, unless and until the following requirements have been satisfied:~~
- (1) Making application for and being issued a certificate of use and a local business tax receipt by the city;
 - a. If the real property which is to be used for the operation of a business is subject to unpaid city liens, fines, fees, or code violations the city shall not issue or renew a certificate of use until such time as all liens, fines or fees on the property are fully paid, including interest due and any assessable costs and until all code violations are brought into compliance.
 - (2) Paying all required local business taxes and associated fees;
 - (3) Paying renewal local business taxes and filing necessary documentation to obtain timely renewal of both its certificate of use and its local business tax receipt, as well as paying all annual fire inspection fees; or
 - (4) ~~Allowing by lease, license, grant, or other written or oral agreement, the use of any real property for the operation of a business without a valid and current certificate of use and local business tax receipt. Ensuring that real property is not leased, licensed, granted, or otherwise made available, by written or oral agreement, for the operation~~

of a business unless a valid and current certificate of use and local business tax receipt have been obtained.

SECTION 2. Conflicts. That all Ordinances or parts of Ordinances, Resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 3. Severability. Should any section, provision, paragraph, sentence, clause or word of this Ordinance or portion hereof be held or declared by any court of competent jurisdiction to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remaining portions or applications of this Ordinance.

SECTION 4. Codification. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Lauderdale, Florida, and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "section", "article" or such other word or phrase in order to accomplish such intentions.

SECTION 5. Effective Date. This Ordinance shall take effect immediately upon its adoption.

PASSED on first reading this _____ day of _____ 2025.

PASSED and ADOPTED on second reading this _____ day of _____, 2025.

DENISE D. GRANT, MAYOR
PRESIDING OFFICER

ATTEST:

ANDREA M. ANDERSON, MMC
CITY CLERK

Approved as to Form

Hans Ottinot, City Attorney

	First Reading	Second Reading
MOTION	_____	_____
SECOND	_____	_____
R. CAMPBELL	_____	_____
M. DUNN	_____	_____
D. GRANT	_____	_____
J. HODGSON	_____	_____
S. MARTIN	_____	_____