

**ORDINANCE NO. O-16-2019**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LANTANA, FLORIDA, AMENDING CHAPTER 11. LICENSES, PERMITS AND BUSINESS REGULATIONS. BY AMENDING SECTION 11-25. SPECIAL EVENT PERMITS; TEMPORARY RECREATION EVENT PERMITS. AT SUBSECTIONS (a) AND (c), IN ORDER TO CLARIFY PERMIT TYPE AND TO REASSIGN VARIOUS DUTIES; FURTHER AMENDING CHAPTER 11. BY RENAMING AND AMENDING SECTION 11-25.1. SPECIAL PERMITS TO NONPROFIT ENTERPRISE., IN ORDER TO CLARIFY PERMIT TYPE; FURTHER AMENDING CHAPTER 11. BY RENAMING AND AMENDING SECTION 11-30. ROADSIDE VENDORS REGULATED., IN ORDER TO CLARIFY THE PERMIT REQUIRED AND OPERATING REQUIREMENTS; FURTHER AMENDING CHAPTER 11. BY REPEALING SECTION 11-94. BINGO OPERATOR; DESIGNATION, IDENTIFICATION, ETC. AND READOPTING SAME, AS REVISED IN ORDER TO AMEND REGULATIONS RELATING TO BINGO GAME OPERATIONS; FURTHER AMENDING CHAPTER 11. BY REPEALING AND READOPTING SECTION 11-141. COUNTY ORDINANCE ADOPTED WITH RESPECT TO ADULT ENTERTAINMENT; PROVIDING THAT THE REMAINDER OF CHAPTER 11. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ENACTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

WHEREAS, the Town Council of the Town of Lantana has determined that a need exists to amend Sections 11-25 and 11-25.1 to correctly identify the permit required and to make other technical revisions; and

WHEREAS, the Town Council of the Town of Lantana has determined that a need exists to amend Sections 11-25 to reassign the duties of the plan review committee to the development services director; and

WHEREAS, the Town Council of the Town of Lantana has determined that a need exists to amend Section 11-30 to correctly identify the permit required, to further regulate food truck vendors and to make other technical revisions; and

WHEREAS, the Town Council of the Town of Lantana has determined that a need exists to amend Sections 11-94 and 11-141; and

WHEREAS, the Town Council believes this revision to the Code of Ordinances to be in the best interests of the health, safety, and welfare of the citizens of the Town of Lantana.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LANTANA, FLORIDA:

SECTION 1: Chapter 11. Licenses permits and business regulations. of the Code of Ordinances of the Town of Lantana is amended at Section 11-25. Special events permits; temporary recreation event permits, by clarifying the type of permit required; providing that Section 11-25 shall hereafter read as follows:

**Section 11-25. – Special events permits; temporary recreation event permits.**

(a) *Permit required.* Any person, corporation, or other entity of any kind whatsoever who desires to conduct any type of special event or temporary recreational event within the town which is not covered under the regular business tax receipt and registration sections set forth herein, must obtain a special event permit from the town in order that the town may adequately provide for the potential impacts created by the proposed event. The fee for such permit shall be set by resolution of the town council. Additionally, any vendors at ~~special~~ such events shall likewise apply for and pay a special event permit fee for that event; which fee shall be set by resolution of the town council.

(b) (This subsection shall remain in full force and effect as previously adopted.)

(c) *Minimum impact.* All special events shall be coordinated with the town in order to lessen adverse impacts and to allow for continuous protection of the health, safety, and welfare of all.

In order to provide such protection, all applications for special events shall be submitted to the ~~town plan review committee (PRC)~~ developments services director for review and approval. The ~~PRC development services director~~ may consult with one or more members of the plan review committee as necessary and may approve the application as presented or may approve the application with conditions placed upon the application which are reasonably calculated to reduce impacts created by the proposed event.

SECTION 2: Chapter 11. Licenses permits and business regulations. of the Code of Ordinances of the Town of Lantana is amended at Section 11-25.1. Special permits to nonprofit enterprise, by renaming and revising the same; providing that Section 11-25.1 shall hereafter read as follows:

**Section 11-25.1. – Special event permits ~~to~~ for nonprofit enterprises.**

(a) The town shall issue special event permits, without payment of any business tax or other charges, therefore, to any person or organization for the conduct or operation of occasional sales and/or fundraising projects held by nonprofit enterprises, when the applicant signs an affidavit that the applicant operates without private profit for a civic, charitable, youth, service, fraternal or religious purpose.

(b) ~~Special permittees must conform.~~ A person operating under a special event permit shall operate his nonprofit enterprise in compliance with this section and all other rules and regulations.

(c) (This subsection shall remain in full force and effect as previously adopted.)

SECTION 3: Chapter 11. Licenses permits and business regulations. of the Code of Ordinances of the Town of Lantana is amended at Section 11-30. Roadside vendors regulated, , by renaming and revising the same; providing that Section 11-30 shall hereafter read as follows:

**Section 11-30. - Roadside vendors regulated, permit required.**

(a) Public rights-of-way and public property. The use of ~~public rights-of-way and public property~~ for the solicitation or sale of goods, food or services for profit by mobile or stationary vendors, peddlers, hawkers, etc., on public rights-of-way and public property is expressly prohibited unless the event is sponsored by the town and the Roadside Vendor obtains a permit.

(b) Private property. The use of ~~private property~~ for the solicitation or sale of goods, food or ~~and~~ services for profit by mobile or stationary vendors, peddlers, hawkers, etc., other than in a permanent building which otherwise conforms to all ordinances of the town on private property is hereby prohibited, ~~except where such uses~~ unless the Roadside Vendor obtains a permit pursuant to the following:

(1) ~~Are located within a business or commercial zone~~ the property is located in a C1, C2, I, I/F, MI or MW district;

(2) ~~Are specifically authorized, in writing, by the owner or lessee of the subject property~~ has provided written authorization to the vendor to use the property and such use does not conflict with the permitted use of the property in accordance with its zoning and any special exception use or other authorization;

(3) ~~Are to exist on any given location within the town; the vendor will be present on the property~~ for no longer than three (3) hours in any twenty-four-hour period; and

(4) ~~if the vendor is engaged in the sale of prepared food, the vendor shall be required to: (1) have and maintain comprehensive general liability insurance with minimum policy limits of \$1,000,000.00 combined single limits which names the town as an additional insured; (2) produce a certificate of insurance/declaration's page demonstrating the same at the time of application for Roadside Vendor permit; and (3) execute an indemnity agreement in the form established by the town manager at the time of application for the Roadside Vendor permit; and,~~

~~(4) (5) Are issued the Roadside Vendor has obtained a valid business tax receipt~~ Roadside Vendor permit.

(c) ~~Not for profit solicitation. All not-for-profit solicitation shall require a no-fee business tax receipt to be issued by the town council only to groups and organizations regularly meeting within the town. Permit. Any person operating as a Roadside Vendor shall apply to the Development Services Director and pay the designated fee set by the Town Council for a Roadside Vendor permit.~~

SECTION 4: Chapter 11. Licenses permits and business regulations. of the Code of Ordinances of the Town of Lantana is amended at Section 11-94. Bingo operator; designation, identification, etc., by revising operator requirements; providing that Section 11-94 shall hereafter read as follows:

**Sec. 11-94. – Bingo operator; designation, identification, etc.**

The operator of any bingo or guest game must be a ~~resident of Lantana; a bona fide~~ member of the organization sponsoring such games, and shall not be compensated in any way, including salary or expenses, for the operation of said games. The operator shall obtain a Lantana ~~pPolice Department~~ identification card with photograph and right thumb print affixed thereon;; ~~and~~ which I.D. card shall be in ~~his~~ the operator's possession during all games and shall be exhibited to any ~~of the enumerated town department heads~~ officer empowered to enforce this code upon request.

SECTION 5: Chapter 11. Licenses permits and business regulations. of the Code of Ordinances of the Town of Lantana is amended at Section 11-141. County ordinance adopted, by renaming and revising the same; providing that Section 11-141 shall hereafter read as follows:

**Sec. 11-141. – County ~~ordinance code~~ adopted.**

The ~~a~~Adult ~~e~~Entertainment ~~ordinance~~ Code passed by ~~of~~ Palm Beach County ~~set forth in~~ Chapter 17, Article V of the Code of Ordinances of Palm Beach County, as amended from time to time on November 15, 1988, known as Palm Beach County Ordinance Number 88-31, effective on January 3, 1989, which is attached to Ordinance Number O-19-88 for reference and made a part hereof as if fully set forth herein, is hereby adopted in its entirety and is incorporated in the town Code of Ordinances.

SECTION 6: Each and every other Section and Subsection of Chapter 11. Licenses permits and business regulations. shall remain in full force and effect as previously enacted.

SECTION 7: All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

SECTION 8: 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 9: Specific authority is hereby granted to codify this Ordinance.

SECTION 10: This Ordinance shall take effect immediately upon adoption.

[The balance of this page in intentionally left blank.]

FIRST READING this 26th day of August, 2019.

SECOND AND FINAL READING this 9th day of September, 2019.

TOWN OF LANTANA

\_\_\_\_\_  
Aye

\_\_\_\_\_  
Nay

\_\_\_\_\_  
Mayor David J. Stewart

\_\_\_\_\_  
Aye

\_\_\_\_\_  
Nay

\_\_\_\_\_  
Vice Mayor Malcolm Balfour

\_\_\_\_\_  
Aye

\_\_\_\_\_  
Nay

\_\_\_\_\_  
Councilmember Philip J. Aridas

\_\_\_\_\_  
Aye

\_\_\_\_\_  
Nay

\_\_\_\_\_  
Councilmember Lynn J. Moorhouse

\_\_\_\_\_  
Aye

\_\_\_\_\_  
Nay

\_\_\_\_\_  
Councilmember Edward Paul Shropshire

ATTEST:

(SEAL)

\_\_\_\_\_  
TOWN CLERK

Approved as to form and  
legal sufficiency.

\_\_\_\_\_  
TOWN ATTORNEY