

ORDINANCE NO. 579

AN ORDINANCE OF THE TOWN OF OCEAN RIDGE, FLORIDA, AMENDING ARTICLE II, SECTION 50-26 OF THE CODE OF ORDINANCES OF THE TOWN OF OCEAN RIDGE TO INCREASE THE LEVY OF THE TOWN'S PUBLIC SERVICE TAX THEREIN FROM 8.5 PERCENT TO 10 PERCENT; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article II, Section 50-26 of the Town's Code of Ordinances levies a tax in the amount of 8.5 percent of the payments received by the sellers of electricity, metered or bottled gas and water within the corporate limits of the Town; and

WHEREAS, on or about June 10, 2002, the Town pledged 115% of revenues as a source of payment for that certain loan taken out by the Town from the State Revolving Loan Fund utilized to pay for the Town's major stormwater drainage improvement plan in the south end of the Town; and

WHEREAS, the Town's recent audit report reflects that the Town's collection of such revenues is falling short of the estimated revenues pledged pursuant to the terms of the agreement with the State on the revolving loan repayment; and

WHEREAS, the Town Commission has determined that it is necessary to increase the public service tax collections to comply with its obligations under the State Revolving Loan Agreement.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, AS FOLLOWS:

Section 1. Findings of Fact. The WHEREAS clauses set forth above are adopted herein as findings of fact.

Section 2. Amendment. Article II, Section 50-26 entitled: "Levy" is hereby amended to read in its entirety as follows:

There is hereby levied and shall be collected on each and every purchase of electricity, metered or bottled gas and water, within the corporate limits of the town, a tax in the amount of 10 percent of the payment received by the seller of such utility service from the purchaser for the purchase of such utility service.

Section 3. Repeal of Ordinances. Any ordinance in conflict herewith, to the extent of such conflict, is hereby repealed.

Section 4. Severability. In the event any section, paragraph, sub-paragraph, sentence, clause, phrase or word of this Ordinance shall be declared invalid, illegal or unenforceable by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof.

Section 5. Effective Date. This Ordinance shall take effect on October 1, 2008.

FIRST READING this 4th day of August, 2008.

SECOND AND FINAL READING this ____ day of _____, 2008.

Commissioner _____ offered the foregoing Ordinance and its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

KENNETH M. KALEEL, Mayor _____

DR. LYNN L. ALLISON, Vice Mayor _____

ELIZABETH P.B. BINGHAM, Commissioner _____

TERRY BROWN, Commissioner _____

GEOFFREY A. PUGH, Commissioner _____

The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission of the Town of Ocean Ridge, Florida, on second reading, this ____ day of _____, 2008.

TOWN OF OCEAN RIDGE, FLORIDA

BY: _____
KENNETH M. KALEEL, MAYOR

ATTEST: _____
TOWN CLERK