

**ORDINANCE NO. 2019-04**

**AN ORDINANCE OF THE TOWN OF OCEAN RIDGE, FLORIDA, AMENDING ITS CODE OF ORDINANCES BY AMENDING CHAPTER 42, "SOLID WASTE" BY ENACTING SECTION 42-2 "SOLID WASTE COLLECTION FEES, LATE FEES, INTEREST AND WAIVERS" TO PROVIDE FOR LATE FEES AND INTEREST AND THE WAIVER OF FEES AND INTEREST IN CERTAIN SITUATIONS; PROVIDING FOR CODIFICATION, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Ocean Ridge, Florida (the "Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, the Town Commission wishes to provide for certain late fees and interest on solid waste collection fees when such fees have not been paid and to also provide for the waiver of such late fees and interest in specific situations; and

**WHEREAS**, the Town Commission has determined that the enactment of this ordinance is for a proper municipal purpose and in the best interests of the residents of the Town.

**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:** Chapter 42 "Solid Waste" is hereby amended by enacting Section 42-2 "Solid waste collection fees, late fees, interest and waivers" to read as follows:

**Sec. 42-2. – Solid waste collection fees, late fees, interest and waivers.**

(a) The collection fee for solid waste shall be set forth by the Town Commission on the adopted schedule of fees. In the event the fee is not paid within 30 days of the due date, a late fee, as set forth in the schedule of fees shall be charged.

(b) In addition to any other penalties prescribed herein, failure of any person to pay fees as provided in this chapter shall entitle the town to a lien on real property owned by the person failing to pay such fee when due, and thereafter such fee shall accrue interest at the statutory rate.

(c) In the event the Town Manager determines that the late fee and/or interest was imposed in error or due to a mistake the Town Manager shall have the authority to reduce or remove such late fee and/or interest.

**SECTION 3 - Codification:** The ordinance shall be codified in the Code of Ordinances of the Town of Ocean Ridge, Florida.

**SECTION 4 - Repeal of Conflicting Ordinances:** All Ordinances, Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed.

**SECTION 5 - Severability:** If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

**SECTION 6 - Effective Date:** This Ordinance shall become effective immediately upon adoption.

FIRST READING this 4<sup>th</sup> day of March, 2019.

SECOND AND FINAL READING this 1<sup>st</sup> day of April, 2019.

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

STEVE COZ, Mayor

Aye

DON MAGRUDER, Vice Mayor

Aye

PHILIP BESLER, Commissioner

Aye

KRISTINE DE HASETH, Commissioner

Aye

SUSAN HURLBURT, Commissioner

Aye

The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission of the Town of Ocean Ridge, Florida, on second reading, this 1<sup>st</sup> day of April, 2019.

TOWN OF OCEAN RIDGE, FLORIDA

BY: \_\_\_\_\_

  
Steve Coz, Mayor

ATTEST: \_\_\_\_\_

  
Tracey L. Stevens, Town Clerk