

**ORDINANCE NO. 2019-02**

**AN ORDINANCE OF THE TOWN OF OCEAN RIDGE, FLORIDA, AMENDING ITS CODE OF ORDINANCES BY AMENDING CHAPTER 6 “ALARM SYSTEMS”, ARTICLE IV “ALARM USER’S PERMIT”, SECTION 6-84 “FEE”; AMENDING CHAPTER 42, “SOLID WASTE”, 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 and alarm 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 as follows:

**Chapter 42 - SOLID WASTE**

**Sec. 42-1. – Garbage containers, rubbish and yard trash.**

(a) *Generally.*

- (1) *Placement of rubbish on public property or property of another.* It shall be unlawful for any person to place any lumber, wood, iron, glass, box, barrel, rubbish, trash, brush, logs, debris, paper or any obstruction of any kind whatsoever upon any street, sidewalk, alley, park, lane or other public grounds of the town or upon any publicly dedicated right-of-way or on the land of another without his consent, except that properly containerized garbage, waste and yard trash may be placed no greater than six feet from the street or road abutting the property generating the subject garbage, waste or yard trash to effectuate proper municipal refuse, garbage and yard trash collection.

- (2) *Containers; time of placement for collection.* Except for yard trash, all garbage, waste and refuse shall be properly containerized in either garbage cans or dumpster facilities, or in sealed plastic bags or other acceptable containers as approved by the office of the town manager, and placed at curbside no sooner than 12 hours prior to the day scheduled for regular refuse, garbage and trash collection service as provided pursuant to the town garbage and trash collection contract.
  - (3) *Removal of containers.* All garbage, waste and refuse containers shall be removed from the curbside of the street or road designated for municipal garbage collection no later than 11:00 p.m. on the day scheduled for garbage, waste and refuse collection.
  - (4) *Placement of yard trash.* Yard trash shall be piled in an orderly fashion, or containerized in garbage cans or sealed bags, and all be placed no greater than six feet from the street or road abutting the property generating the subject yard trash to effectuate proper municipal yard trash collection. Yard trash shall consist of vegetation only, including, but not limited to, grass clippings, bush or tree trimmings, leaves and weeds, and shall be placed near the street no sooner than 36 hours, or the Sunday prior to the regularly scheduled day of collection.
  - (5) *Screening of containers.* All garbage, waste and refuse containers shall be effectively screened from view of adjoining property and public rights-of-way when not at curbside.
- (b) *Appeals.* Any person aggrieved by the improper use of refuse containers on adjacent premises or any person aggrieved by the application of subsection (a) to his premises shall have the right of appeal to the town commission, which shall have the authority, after due notice and hearing, to confirm, modify or revoke any decision of the town manager relating to the operation and effect of subsection (a).
  - (c) *Violations; penalty.* Any person violating any of the provisions of this section by failing, neglecting or refusing to comply with its provisions relative to removal of garbage, waste or refuse cans from the curbside within six hours after having been ordered to remove the cans by any town officer, or who shall resist or obstruct the carrying out of the provisions of this section, shall be punishable pursuant to section 1-13.

**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 – Amendment:** Chapter 6 “Alarm Systems”, Article IV “Alarm User’s Permit”, Section 6-84 “Fee” is hereby amended as follows:

Sec. 6-84. - Fee. **Alarm fees, late fees, interest and waivers.**

~~The fee for an alarm user's permit and the annual renewal fee shall be established by the town commission from time to time.~~

(a) The alarm fee 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 4 - Codification:** The ordinance shall be codified in the Code of Ordinances of the Town of Ocean Ridge, Florida.

**SECTION 5 - Repeal of Conflicting Ordinances:** All Ordinances, Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed.

**SECTION 6 - 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 7 - Effective Date:** This Ordinance shall become effective immediately upon adoption.

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

SECOND AND FINAL READING this 4<sup>th</sup> day of March, 2019.

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

STEVE COZ, Mayor \_\_\_\_\_

DON MAGRUDER, Vice Mayor \_\_\_\_\_

PHILIP BESLER, Commissioner \_\_\_\_\_

KRISTINE DE HASETH, Commissioner \_\_\_\_\_

ROBERT SLOAT, 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 4<sup>th</sup> day of March, 2019.

TOWN OF OCEAN RIDGE, FLORIDA

BY: \_\_\_\_\_  
Steve Coz, Mayor

ATTEST: \_\_\_\_\_  
Tracey L. Stevens, Town Clerk

REFLECTED