ORDINANCE NO. 2013-011

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING SECTION 13-74, ENTITLED "GARBAGE COLLECTION BY PRIVATE HAULERS, PERMITS REQUIRED", OF ARTICLE IV, ENTITLED "GARBAGE AND TRASH" OF CHAPTER 13, ENTITLED " HEALTH AND SANITATION", OF THE CITY CODE OF ORDINANCES TO INCREASE THE FEE PAID BY PRIVATE HAULERS OF RESIDENTIAL WASTE FROM TEN PERCENT (10%) TO FIFTEEN PERCENT (15%); PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA:

Section 1. Section 13-74, entitled "Garbage collection by private haulers, permits required", Paragraph 2 entitled "Franchise fee required" of Article IV, entitled "Garbage and Trash", of Chapter 13, entitled "Health and Sanitation", of the Code of Ordinances is amended to read as follows:

Sec. 13-74. Garbage collection by private haulers, permits required.

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(2) Franchise fee required.

The minimum franchise permit shall cost one thousand dollars ($1,000.00) per year payable in advance on or before October 1 of each year; provided however, that if a permit is granted for a period of less than six (6) months, the minimum fee shall be five hundred dollars ($500.00) in addition to the application fee of one hundred fifty dollars ($150.00). A renewal application and a seventy-five dollar ($75.00) application fee is required each year. All permits shall expire each September 30. The franchise fee shall be equal to ~~ten~~ fifteen percent (~~10~~15%) of the total gross revenues collected by the permittee for the services provided pursuant to Section 13-74. Such fee shall be payable on a monthly basis in arrears within thirty (30) days of the end of each month. Monthly fees must coincide with monthly revenue collections and permittee is required to create and maintain all billing, adjustment and collection documentation for a period of no less than five (5) years for subsequent audit, review or examination by the City or its licensed Florida C.P.A. designee. Failure to timely provide information required under paragraph (5) of this subsection or to remit the fee required under this paragraph shall be cause for revocation of any

issued hauling permit and a violation of this Code punishable as provided in section 1-8 of this Code.

The City may adjust the franchise fee annually with prior written notice to all permittees. The City shall notify in writing the permit holders prior to October 1 of each year of any such change in the franchise fee.

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Section 2. That if any section, clause, sentence or phrase of this Ordinance is for any jurisdiction held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this ordinance.

Section 3. That all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

Section 4. That this Ordinance shall be in full force and take effect immediately on for service billings that are issued and collected on or after October 1, 2013.

PASSED on first reading on August 13, 2013.

PASSED AND ADOPTED on second reading on August 27, 2013.

ATTEST:

LOUISE STILSON, CMC
CITY CLERK

WALTER B. DUKE, III
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

THOMAS J. ANSBRO
CITY ATTORNEY

BROWARD'S FIRST CITY
Dania Beach
INCORPORATED 1904