

**ORDINANCE NO. 02-24**

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING ORDINANCE NUMBER 01-09 "THE TOWN OF MIAMI LAKES COMMERCIAL AND MULTI-FAMILY RESIDENTIAL SOLID WASTE FRANCHISE ORDINANCE" BY AMENDING SECTION 1.11, "FRANCHISE FEE," TO SUSPEND THE COLLECTION OF THE FRANCHISE FEE IMPOSED FOR COMMERCIAL AND MULTI-FAMILY RESIDENTIAL SOLID WASTE COLLECTION ACTIVITIES; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Miami Lakes (the "Town") adopted Ordinance Number 01-09, "The Town of Miami Lakes Commercial and Multi-Family Residential Solid Waste Franchise Ordinance," on September 25 2001, to require that persons and entities engaged in the business of solid waste collection from commercial establishments and multi-family residential establishments in the Town obtain a franchise from the Town and pay a solid waste collection franchise fee imposed by the Town; and

**WHEREAS**, the Town Council desires to temporarily suspend the imposition and collection of such franchise fee.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are true and correct and incorporated herein by this reference.

**Section 2. Amendment of Ordinance Number 01-09.** Section 1.11 "Franchise Fee" of Ordinance Number 01-09 is hereby amended to read as follows:

**Section 1.11. Franchise Fee.**

(a) All Private Haulers operating in the Town shall pay the following Franchise Fees to the Town for the privilege of

collecting, removing or disposing of solid waste from Commercial or Multi-family Residential establishments over the streets or public rights of way located within in the Town:

- (1) A Franchise Fee equal to fifteen (15%) percent of its monthly total gross receipts for all of its accounts which are located in the Town.
- (2) The Franchise Fee shall be paid to the Town by the Private Hauler on a monthly basis. The Franchise Fee is due on the 15<sup>th</sup> day of the month succeeding the month for which the Franchise Fee is being paid.
- (3) The Franchise Fee shall be accompanied by a report to the Town Manager designating the names and addresses of each account of the Private Hauler located in the Town that was provided solid waste collection and disposal service for the preceding month. The report shall include the monthly total gross receipts of all such accounts. The report shall be in a format approved by the Town Manager.

(b) If the Franchise Fee is not paid by the 15th of the month by the Private Hauler, an additional monthly surcharge, equal to fifteen (15%) percent of monthly total gross receipts for the preceding month, shall be payable to the Town for each month the payment Franchise fee is delinquent.

(c) Notwithstanding the provisions of subsections (a) & (b) above, no Private Hauler shall collect or be required to remit to the Town the Franchise Fee. The Town Council may reinstate the collection and remittance of the Franchise Fee and adjust the percentage of the Franchise Fee specified in subsection (a)(1) above by subsequent resolution of the Town Council after a public hearing.

**Section 3. Inclusion In The Code.** It is the intention of the Town Council that the provisions of this Ordinance shall become and made a part of the Town of Miami Lakes Code; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Section” or “Chapter” or

other appropriate word.

**Section 4. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5. Effective Date.** This Ordinance shall become effective immediately upon adoption and Section 1.11(c) of this Ordinance shall be effective retroactive to September 25, 2001.

The foregoing Ordinance was offered by Councilmember Collins, who moved its adoption on second reading. The motion was seconded by Councilmember Simon, and upon being put to a vote, the vote was as follows:

Councilmember Mary Collins	Yes
Councilmember Robert Meador, II	Yes
Councilmember Michael Pizzi	Yes
Councilmember Nancy Simon	Yes
Councilmember Peter Thomson	Yes
Vice Mayor Roberto Alonso	Yes
Mayor Wayne Slaton	Absent

PASSED AND ADOPTED on first reading this 13<sup>th</sup> day of **August**, 2002.

The foregoing Ordinance was offered by Councilmember Collins, who moved its adoption on first reading. The motion was seconded by Councilmember Pizzi and upon being put to a vote, the vote was as follows:

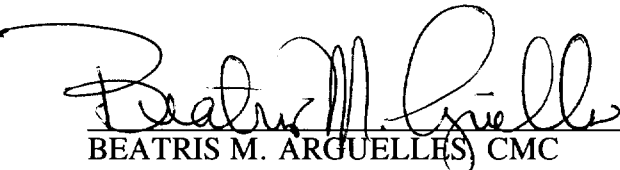
Councilmember Mary Collins	Yes
Councilmember Robert Meador, II	Yes

Councilmember Michael Pizzi	Yes
Councilmember Nancy Simon	Yes
Councilmember Peter Thomson	Yes
Vice Mayor Roberto Alonso	Yes
Mayor Wayne Slaton	Yes

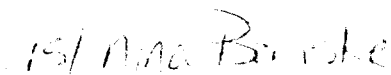
PASSED AND ADOPTED on second reading this 10<sup>th</sup> day of October, 2002.

  
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WAYNE SLATON, MAYOR

ATTEST:

  
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BEATRIS M. ARGUELLES, CMC  
TOWN CLERK

APPROVED AS TO FORM:



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WEISS, SEROTA, HELFMAN, PASTORIZA & GUEDES, P.A.  
TOWN ATTORNEY