

ORDINANCE NO. 2007-8

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING CHAPTER 6 OF THE VILLAGE CODE OF ORDINANCES ENTITLED "PUBLIC FACILITIES AND SERVICES" TO PROVIDE REGULATIONS CONCERNING ADDITIONAL/UNSCHEDULED TRASH REMOVAL; PROVIDING PENALTIES FOR NON-COMPLIANCE; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Chapter 6 of the Village Code of Ordinances entitled "Public Facilities and Services," provides that the Village shall determine the full cost for solid waste management and that it shall update that cost annually according to the rule established by the Florida Department of Environmental Regulation; and

WHEREAS, the Code does not currently provide the cost for additional/unscheduled trash removal; and

WHEREAS, the Village Commission of the Village of Biscayne Park finds it to be in the best interests of the community to charge and provide for the cost of additional and unscheduled trash removal;

NOW, THEREFORE BE IT ORDAINED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA:

Section 1. Each and all the foregoing Whereas clauses are true and correct and are incorporated herein.

Section 2. Chapter 6 of the Village of Biscayne Park Code of Ordinances, entitled "Public Facilities and Services" shall be amended to read as follows:

Sec. 6.3.7 Determination and Announcement of Full Cost for Solid Waste Management.

- (a) The Village shall determine the full cost for solid waste management within the service area of the Village for the 1-year period beginning on October 1, 1988, and shall update the full cost every year thereafter. The method to be used in calculating full cost shall be according to the rule established by the Florida Department of Environmental Regulation.
- (b) The Village shall establish a system to inform, no less than once a year, residential and nonresidential users of solid waste management services within the Village service area of the user's share, on an average or individual basis, of the full cost for solid waste management as determined pursuant to subsection 6.3.7(a) above.
- (c) **Additional/Unscheduled Trash Removal.** The Village shall provide additional/unscheduled trash removal for its residents. The cost for these services shall be determined annually by resolution of the Village Commission.

Sec. 6.3.8 Litter

Unless otherwise authorized by law or permit, it shall be unlawful for any person to dump litter in any manner or amount as stipulated in the Florida Litter Law.

Sec. 6.3.9 Violations of this section; enforcement procedures available to Village; schedule of fines and penalties.

Any violation or repeat violation of this section may be pursued by the Village by appropriate remedy either in court, through Code Enforcement by the imposition of a fine as set forth below, or by any other means available at law or in equity, at the option of the Village. If it is the first violation, a warning may be given. Any person violating this Chapter shall be punished by a fine of not more than thirty dollars (\$30.00) per violation. Each day, or portion thereof, that a violation occurs is considered a separate and additional violation.

Section 3. Severability. Should any section, provision, paragraph, sentence, clause or word of this Ordinance or portion hereof be held or declared by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall be considered as eliminated and shall not affect the validity of the remaining portions or applications of this Ordinance.

Section 4. Codification. It is the intention of the Village Commission of the Village of Biscayne Park, that the provisions of this Ordinance shall become and made a

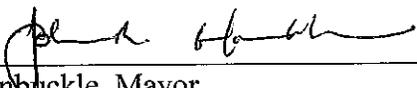
part of the Code of Ordinances of the Village of Biscayne Park, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or other word or phrase in order to accomplish such intention.

Section 5. Conflicts. That all Ordinances or parts of Ordinances, Resolutions or parts thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 6. Effective Date. This Ordinance shall be effective upon adoption on second reading.

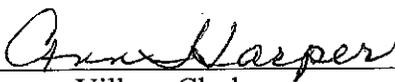
The foregoing Ordinance was offered by Commissioner WALKER, who moved its adoption. The motion was seconded by Comm. Mallette upon being put to a vote, the vote was as follows:

The foregoing ordinance upon being put to a vote, the vote was as follows:



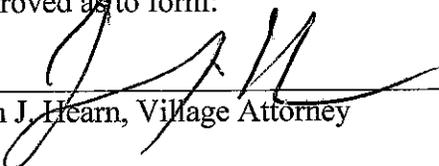
John Hornbuckle, Mayor

Attest:



Ann Harper, Village Clerk

Approved as to form:



John J. Hearn, Village Attorney

Mayor Hornbuckle: ABSENT
Vice Mayor Walker: yes
Commissioner Mallette: yes
Commissioner Morris: yes
Commissioner Anderson: yes

1st Reading – April 10, 2007
2nd Reading – May 8, 2007



VILLAGE OF BISCAYNE PARK

**Office of Village Manager
Frank R. Spence**

MEMORANDUM

TO: MAYOR & COMMISSIONERS

DATE: April 5, 2007

**FROM: Frank R. Spence
Village Manager**

SUBJECT: REVISED COMMUNICATION SERVICES TAX

Section 202.19, Florida Statutes, of the "Communications Services Tax Simplification Law", authorizes cities to adopt a local communication services tax at a rate of up to 5.10%... It also allows municipalities to add an additional .12% if they do not levy permit fees, which Biscayne Park does not. Therefore, we are entitled to a rate of 5.22%. Most cities levy the highest rate allowed. For some reason, years ago when the Village first imposed this tax, they only asked for a rate of 4.7%. The Village was therefore not receiving all of the revenues that they were entitled to during a time of deficit budgets.

I am therefore recommending that the Local Communication Services Tax be increased .52% from 4.7% to 5.22% and that the enabling ordinance be passed on first reading. The increase would become effective January 1st, 2008.
