

ORDINANCE NO. 2010-03

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA PERTAINING TO PUBLIC HEALTH, SAFETY AND WELFARE; REVISING CHAPTER 8 OF THE CODE OF ORDINANCES TO AUTHORIZE THE IMPOSITION OF NON-AD VALOREM ASSESSMENTS TO FUND THE COSTS OF SOLID-WASTE COLLECTION; PROVIDING GENERAL FINDINGS AND AUTHORITY FOR THE TOWN TO UTILIZE THE UNIFORM METHOD OF IMPOSING AND COLLECTING NON-AD VALOREM ASSESSMENTS SET FORTH IN SECTION 197.3632 OF FLORIDA STATUTES; PROVIDING A LEGISLATIVE DETERMINATION OF SPECIAL BENEFIT FOR THE PROVISION OF SOLID-WASTE COLLECTION; ESTABLISHING THE TOWN AS A SPECIAL ASSESSMENT DISTRICT; PROVIDING THE PROCEDURE TO IMPOSE SOLID-WASTE-COLLECTION ASSESSMENTS; PROVIDING FOR NOTICE OF THE PUBLIC HEARING ON THE NON-AD VALOREM ASSESSMENT ROLL; PROVIDING THE CRITERIA FOR FUTURE NON-AD VALOREM ASSESSMENT ROLL PUBLIC HEARINGS; PROVIDING THAT SOLID-WASTE-COLLECTION ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF AN ASSESSMENT ROLL; PROVIDING FOR CORRECTIONS OF ERRORS AND OMISSIONS IN THE ASSESSMENT ROLL; PROVIDING FOR THE IMPOSITION OF INTERIM ASSESSMENTS ON PROPERTY UNDERGOING IMPROVEMENT; DECLARING THE INTENT TO USE THE UNIFORM ASSESSMENT COLLECTION ACT TO COLLECT SPECIAL ASSESSMENTS FOR NON-GOVERNMENT PROPERTY; AUTHORIZING THE TOWN TO ADOPT A RESOLUTION AND TO ENTER INTO AN AGREEMENT TO REIMBURSE THE PROPERTY APPRAISER AND THE TAX COLLECTOR FOR THE USE OF THE UNIFORM ASSESSMENT COLLECTION ACT; DECLARING THE INTENT TO IMPOSE A SOLID-WASTE-COLLECTION SERVICE CHARGE AGAINST GOVERNMENT PROPERTY; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Whereas, the regulation of the collection and disposal of solid waste within the town serves a public purpose and promotes the health, safety, and welfare of the residents of the town.

Whereas, pursuant to chapter 8 of the town's code of ordinances, the town contracts with private entities to provide solid-waste collection to all residents or occupants of residents, apartments, or places of business within the town.

Whereas, on December 8, 2009, the town council adopted resolution 2009-13, declaring the town's intent to use the uniform method of collecting non-ad valorem assessments as provided in section 197.3632 of the Florida Statutes for solid-waste collection if the Town Council adopts an ordinance authorizing assessments to fund the costs of solid-waste collection.

Whereas, the town has the authority to use the uniform method for the levy, collection, and enforcement of non-ad valorem assessments as set forth in Chapter 197 of Florida Statutes.

Whereas, the Town Council now desires to adopt an ordinance to authorize the imposition of assessments to fund the costs of solid-waste collection.

Whereas, the Town Council finds that the imposition of a non-ad valorem solid-waste assessment is an equitable and efficient method of allocating and apportioning the solid-waste collection costs among benefited areas in the town.

Whereas, the Town Council now intends to amend its code of ordinances to (i) provide for assessment of property benefited by solid-waste collection, and (ii) authorize the use of the uniform method for the imposition and collection of non-ad valorem assessments against those properties.
Now therefore,

BE IT ENACTED BY THE PEOPLE OF THE TOWN OF WINDERMERE:

Section 1. Additions and Revisions to Chapter 8, Code of Ordinances. Sections 8-1 through 8-7 of the Code of Ordinances are revised as indicated by the underline and strikethrough language and new sections 8-7.1 through 8-7.15 are here by added to Chapter 8 as follows:

ARTICLE I. IN GENERAL.

Sec. 8-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Garbage means every refuse accumulation of animal, fruit, or vegetable matter that attends the preparation, use, cooking and dealing in or storage of meats, fish, fowl, fruit or vegetables, and any other matter, of any nature whatsoever which is subject to decay, putrefaction and the generation of noxious or offensive gasses or odors, of which, during or after decay, may serve as breeding or feeding material for flies or other germ-carrying insects; and any bottles, cans or other containers which, due to their ability to retain water, may serve as breeding places for mosquitoes or other water-breeding insects.

Garbage can means any container of the type commonly sold as a garbage can, of a capacity of not less than four (4) gallons and not to exceed thirty-two (32) gallons. Such can shall have two (2) handles upon the sides of the can, or a bail by

which it may be lifted, and shall have a watertight cover. Waterproof bags of the type approved by the county health department and not exceeding thirty (30) gallons in size or sixty (60) pounds in weight shall also be considered garbage cans.

Garden trash means all accumulations of grass, shrubbery cuttings, and other refuse attending the care of lawns, shrubbery, vines, trees, and tree limbs.

Industrial processing wastes means the waste products of canneries, slaughterhouses, packing plants, large quantities of condemned food products, industrial wastes from brick, concrete block, roofing shingle or tile plants, debris and wastes accumulated from land clearing, excavating, building, rebuilding and altering of buildings, structures, roads, streets, sidewalks, or parkways, by an owner or contractor.

Noncombustible refuse means refuse material that is unburnable at ordinary incinerator temperatures (eight hundred (800) degrees to eighteen hundred (1800) degrees Fahrenheit) such as metals, mineral matter, large quantities of glass or crockery, metal furniture, auto bodies or parts, and other similar materials or refuse not usual to housekeeping or to the operation of stores or offices.

Refuse means garbage, trash and garden trash.

Trash means refuse accumulations of paper, excelsior, rags or wooden or paper boxes or containers, sweepings, and all other accumulations of a nature other than garbage, which are usual to housekeeping and to the operation of stores, offices and other business places; "trash" shall not include "noncombustible refuse", as defined in this section.

Sec. 8-2. Storage of garbage and trash.

All residents or occupants of residences, apartments, or places of business within the town are hereby required to provide a garbage can or cans, and a trash container or containers, of sufficient capacity to hold four (4) days' accumulation of garbage and trash in the residential districts and areas and three (3) days' accumulation of garbage and trash in the business and industrial districts and areas. Whenever a large proportion of garbage and trash accumulations are of a combustible nature and no part of such accumulations are subject to decay or putrefaction, such accumulation may be kept in a covered bin or other container not subject to deterioration. The town council shall provide specifications and designs for such bins or containers and is hereby empowered to require such bins or containers to be procured or constructed by a property owner, or the occupant of any premises, within ninety (90) days after such standard specifications and designs are made available to the public, provided written notice has been given to such owner or occupant in control of the property. All garbage shall first be drained of all liquids and shall be deposited in the garbage cans required in this chapter. Garbage cans and trash containers shall be kept tightly covered at all times except when it is necessary to lift the cover to deposit garbage and trash therein. Garbage and trash may be placed in the same container.

Sec. 8-3. Cans and containers – Location.

Garbage cans and trash containers shall be kept in a place easily accessible to the inspectors and to the employees of the contractor of the town and shall not be kept upon town or public property or neighboring property not in the ownership or tenancy of the person by whom the garbage is accumulated, whether such neighboring property is vacant or improved. Storage of garbage or trash in an open garbage can or trash container, or in a covered portion of a garbage or outbuilding, will not be permitted, except upon the written approval of the town council.

Sec. 8-4. Same – Condition; inspection.

All garbage cans and trash containers shall be maintained in good condition and repair. All such receptacles shall be provided with a cover sufficiently tight to prevent flies or other insects from having access to the contents of the receptacles. Containers in which wet garbage or trash matter is placed shall be watertight. All garbage cans and trash containers shall be subject to inspection and approval or condemnation by the contractor, and no appeal from such condemnation shall be possible except to the town manager.

Sec. 8-5. Disposal of garbage and trash; permit; application.

All garbage cans and trash containers shall be emptied, and the contents thereof disposed of, at least twice each week in residential districts, and as designated by the town council in business and industrial districts. It shall be unlawful for any person to permit an accumulation of garbage and/or trash upon any premises in the town, in any event, for a period longer than four (4) days without having arranged for disposal of such accumulation by some person qualified and licensed under this chapter to perform such service, or by the contractor of the town. In all cases in which garbage and/or trash is removed and disposed of by persons other than employees of the contractor, the owner or occupant of the premises from which such removal is made shall previously secure a written permit therefor from the town council. The application for such permit shall show the name and address of the person or persons by which such removal is to be made, the nature of the vehicle in which it is to be transported, the location at which and the manner in which the ultimate disposition of the garbage is to be accomplished. No person shall contract for or permit himself to be employed for such private disposition of garbage or trash unless he shall have first procured a license therefore, from the town.

Sec. 8-6. Illegal disposal of garbage.

It shall be unlawful for any person to deposit garbage upon any vacant, occupied or unoccupied premises within the town, or upon any street, alley, parkway, or park, or in any canal, waterway, rock pit, pool or lake within the town. No person shall transport garbage through or over the streets or alleys of the town without having first secured a license therefor. Garbage and garden trash shall not be burned within the town limits, and trash shall not be burned within the town limits unless a written permit for such burning is first secured from the town council. No garbage shall be buried within the town limits unless it shall be placed in a hole permitting it

to be covered by not less than forty-eight (48) inches of clean soil and provided that a permit therefor has been previously issued by the town council.

Sec. 8-7. Accumulation and removal of trash and garden trash.

All residents and occupants of premises within the town shall deposit accumulations of trash for disposal in trash containers. Pickup of such trash containers shall be from the curbside by each dwelling. It shall be unlawful for any resident or occupant to deposit trash or garden trash upon any adjoining lot or other lands, whether vacant or improved, occupied or unoccupied, or upon any other lot or premises, or street, plaza, alley, park, center parkway or any canal, waterway, lake or pool within the town, other than as directed in this chapter. Garden trash containing no combustible matter which will, during decay, give off offending odors, may be accumulated by the owner as mulch or compost pile in the rear of the premises upon which accumulated. Tree trimmings, hedge clippings, and similar materials shall be cut to a length not to exceed forty-eight (48) inches.

ARTICLE II. SOLID-WASTE-COLLECTION ASSESSMENTS.

Sec. 8-7.1. General Findings and Authority. It is hereby ascertained, determined, and declared that:

(a) Pursuant to section 2 of Article VIII of the Constitution of the State of Florida and sections 166.021 and 166.041 of the Florida Statutes, the town has all powers of local self-government to perform municipal functions and to render municipal services, such as solid-waste collection, in a manner not inconsistent with law, and such power may be exercised by the enactment of ordinances.

(b) The Town Council may exercise any governmental, corporate, or proprietary power for a municipal purpose except when expressly prohibited by law, and the Town Council may legislate on any subject matter on which the Florida Legislature may act, except those subjects described in subsections 166.021(3)(a), (b), (c) and (d) of the Florida Statutes. The subject matter of subsections 166.021(3)(a), (b), (c) and (d) of the Florida Statutes is not relevant to assessments related to solid-waste collection. Additionally, sections 197.3631 and 197.3632 of the Florida Statutes are express statutory authority for the city to impose and collect non-ad valorem assessments.

(c) The purposes of this chapter are to:

(1) provide and authorize procedures and standards for the imposition of annual solid-waste-collection assessments under the town's general home rule power and certain express statutory powers to impose such assessments;

(2) legislatively determine the special benefit provided to assessed property from the provision of solid-waste collection.

(d) The solid-waste-collection assessments to be imposed using the procedures in this chapter constitute non-ad valorem assessments within the meaning and intent of

the Uniform Assessment Collection Act set forth in section 197.3632 of the Florida Statutes.

(e) The amount of the solid-waste-collection assessment imposed in a fiscal year against a parcel of assessed property shall be determined pursuant to an apportionment methodology based upon a fair and reasonable apportionment of the solid-waste-collection cost among properties on a basis reasonably related to the special benefit to be derived from the availability and provision of solid-waste collection.

Sec. 8-7.2. Legislative Determination of Special Benefit.

The town council hereby declares that the solid-waste collection provided by the town constitutes a special benefit to property within the town because it makes available to all properties in the town a means of sanitary collection and disposal of solid waste, which furthers the public health and safety and protects the value of private property.

Sec. 8-7.3. Establishment of Special-Assessment District. The town council finds and declares that, as set forth in section 8-7.2, solid-waste collection provided and made available by the town to persons and property within the town's boundaries constitutes a special benefit to properties within the town's boundaries. The Town of Windermere, in its entirety, as its town boundaries now exist and as they may be expanded or contracted from time to time, is hereby declared a special-assessment district for the imposition of solid-waste-collection assessments.

Sec. 8-7.4. Procedure to Impose Solid-Waste-Collection Assessments. If the town council elects to impose solid-waste-collection assessments in an ensuing fiscal year, it shall take the following actions:

- (a) A non-ad valorem assessment roll shall be adopted preliminarily as follows:
 - (1) At a public meeting the town council shall direct or authorize its town manager to prepare a non-ad valorem assessment roll.
 - (2) The town manager shall prepare or cause to be prepared the non-ad valorem assessment roll, which shall be in the form of a resolution with attachments and shall contain at least the following:
 - (i) a brief and general description of the solid-waste collection to be provided in the town during the ensuing fiscal year;
 - (ii) a summary of the costs of providing all such solid-waste collection in the ensuing fiscal year;
 - (iii) the estimated assessments needed in the upcoming fiscal year to cover the cost of such solid-waste collection; and
 - (iv) a list of the properties to be assessed (which properties may be identified by use of the individual parcel identification numbers

assigned by the Orange County Property Appraiser), the unit or units of measurement (if any) to be applied against such properties, and the resulting amount of assessment to be imposed against each.

(b) The town manager shall place the proposed preliminary non-ad valorem assessment roll on an agenda for consideration by the town council at a public meeting. The meeting shall be held on or before the date on which the town advises the property appraiser, pursuant to subsection 200.065(2)(b) of Florida Statutes, of its proposed millage rate and rolled-back rate of ad valorem taxes for the next fiscal year.

(c) If the town council is willing to consider eventual adoption of the non-ad valorem assessment roll, it shall approve the roll preliminarily, with such modifications as the town council deems appropriate and as are legally permissible. The town manager shall then schedule a public hearing for a date prior to September 15 to receive public comments and to consider adoption of the roll and shall comply with the notice requirements of sections 8-7.5 and 8-7.6 and with the notice and publication requirements of subsection 197.3632(4) of Florida Statutes.

(d) On the scheduled date, a public hearing on the non-ad valorem assessment roll shall be held by the town council as required by subsection 197.3632 of Florida Statutes and this article.

(e) Upon completion of the public hearing, or at such later date as the town council elects (but, in no case on or after September 15), the town council shall vote either to adopt or not to adopt the non-ad valorem assessment roll.

(f) If the town council elects to adopt the non-ad valorem assessment roll, it shall adopt the non-ad valorem assessment roll either as preliminarily approved or with such adjustments to assessments, and such adjustments to applications of assessments to affected properties, based on the benefit that the town will provide or has provided to the property with the revenue generated by the assessments, as are legally permissible and as the town determines appropriate in its legislative discretion.

(g) The adopted non-ad valorem assessment roll shall then be certified on or before September 15 to the tax collector, as required by subsection 197.3632(5) of Florida Statutes.

(h) If the town council votes not to adopt the non-ad valorem assessment roll, no further action shall thereafter be taken with respect to solid-waste-collection assessments for the ensuing fiscal year.

Sec. 8-7.5. Notice by Publication. Upon preliminary approval of the assessment roll, the town manager shall prepare and publish, once in a newspaper of general circulation within the town, a newspaper notice stating that at a public hearing of the town council, to be held at least 20 days after the date of publication, the town council will hear objections of all interested persons to the non-ad valorem assessment roll resolution. The published notice will conform to the requirements set

forth in subsection 197.3632(4)(b) of the Uniform Assessment Collection Act. Such notice will contain at least the following information:

- (a) a statement that the solid-waste-collection assessment is being levied by the town council of the Town of Windermere, Florida;
- (b) a geographic depiction of the area in which properties will be subject to the solid-waste-collection assessment;
- (c) the proposed schedule of the assessment;
- (d) the fact that the assessment will be collected by the tax collector; and
- (e) a statement that all affected property owners have the right to appear at the public hearing and the right to file written objections within 20 days of the publication of the notice.

Sec. 8-7.6. Notice by Mail. In addition to the notice by publication required by Sec. 8-7.5, the town manager shall provide notice of the public hearing regarding the proposed solid-waste-collection assessment by first-class United States mail to the owner of each parcel of property (except government property) subject to the assessment. The notice by mail will conform to the requirements set forth in subsection 197.3632(4)(b) of the Uniform Assessment Collection Act. Such notice will contain at least the following information:

- (a) the purpose of the solid-waste-collection assessment;
- (b) the total amount to be levied against the owner's parcel;
- (c) the unit of measurement (if any) to be applied to determine the solid-waste-collection assessment;
- (d) the number of such units contained within the owner's parcel;
- (e) the total revenue projected to be collected by the town from the solid-waste-collection assessment;
- (f) a statement that failure to pay the solid-waste-collection assessment will cause a tax certificate to be issued against the property, which may result in a loss of title;
- (g) a statement that all affected owners have a right to appear at the hearing and to file written objections with the town council within 20 days of the notice; and
- (h) the date, time, place of the hearing.

The failure of the owner to receive such notice due to mistake or inadvertence will not affect the validity of the assessment roll nor release or discharge any obligation for payment of a solid-waste-collection assessment imposed by the town council pursuant to this chapter.

Sec. 8-7.7. Criteria for Future Public Hearings. As set forth in subsection 197.3631(4)(a), after the town council has imposed a solid-waste-collection assessment, a public hearing must be held in a subsequent year, between January 1 and September 15 of the year, but only if one or more of the following occur with respect to the solid-waste-collection assessment for the subsequent year:

- (a) the solid-waste-collection assessment is increased beyond the maximum rate authorized by law or judicial decree at the time of initial imposition; or
- (b) the town's boundaries have changed, unless all newly affected property owners have provided written consent for such assessments to the town council; or
- (c) there is a change in the purpose of the solid-waste-collection assessment or in the use of the revenue generated by the solid-waste-collection assessment.

Sec. 8-7.8. Lien of Solid-Waste-Collection Assessments. Upon the adoption of the assessment roll, all solid-waste-collection assessments shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other prior liens, mortgages, titles, and claims until paid. The lien for a solid-waste-collection assessment shall be deemed perfected upon the town council's adoption of the non-ad valorem assessment roll. The lien for a solid-waste-collection assessment collected under the Uniform Assessment Collection Act shall attach to the property included on the assessment roll as of the prior January 1, the lien date for ad valorem taxes imposed under the tax roll.

Sec. 8-7.9. Correction of Errors and Omissions.

- (a) No act or error or omission on the part of the property appraiser, tax collector, town manager, or town council, or their deputies or employees, shall operate to release or discharge any obligation for payment of a solid-waste-collection assessment imposed by the town council under this chapter.
- (b) When a solid-waste-collection assessment should have been imposed against a parcel, but that property was omitted from the assessment roll, or such property erroneously assessed, or was not listed on the tax roll as an individual parcel as of the effective date of the assessment roll approved by the town council for any upcoming fiscal year, the town council may, upon provision of a notice by mail provided to the owner of the omitted or erroneously assessed parcel in the manner and form provided in Sec. 8-7.6, impose the applicable solid-waste-collection assessment for the fiscal year in which such error or omission is discovered, in addition to the applicable solid-waste-collection assessment due for the prior two fiscal years. Such solid-waste-collection assessment shall constitute a lien against assessed property equal in rank and dignity with the liens of the state, county, district, or municipal taxes and special assessments, and superior in rank and dignity to all other prior liens, mortgages, titles, and claims in and to or against the real property involved, shall be collected as provided herein, and shall be deemed perfected on the date of adoption of the resolution imposing the omitted or delinquent assessments.

Sec. 8-7.10. Interim Assessments. An interim solid-waste-collection assessment may be imposed against property for which a certificate of occupancy is issued after the adoption of the non-ad valorem assessment roll. The amount of the interim solid-waste-collection assessment shall be calculated upon a monthly rate, which shall be one-twelfth of the annual rate for such property computed in accordance with the assessment rate for the fiscal year for which the interim solid-waste-collection assessment is being imposed. Such monthly rate shall be imposed for each full calendar month remaining in the fiscal year. Issuance of the certificate of occupancy without the payment in full of the interim solid-waste-collection assessment shall not relieve the owner of such property of the obligation of full payment. Any interim solid-waste-collection assessment not collected prior to the issuance of the certificate of occupancy may be collected pursuant to the Uniform Assessment Collection Act or by any other method authorized by law. Any interim solid-waste-collection assessment shall be deemed due and payable on the date the certificate of occupancy was issued and shall constitute a lien against such property as of that date. Said lien shall be equal in rank and dignity with the liens of the state, county, district or municipal taxes and special assessments, and superior in rank and dignity to all other liens, encumbrances, titles and claims in and to or against the real property involved and shall be deemed perfected upon the issuance of the certificate of occupancy.

Sec. 8-7.11. Collection of the Solid-Waste-Collection Assessments. Unless otherwise directed by the town council, the solid-waste-collection assessments shall be collected pursuant to the uniform method provided in the Uniform Assessment Collection Act, and the town shall comply with all applicable provisions of the Uniform Assessment Collection Act. The non-ad valorem assessments collected pursuant to this section will be included in the combined notice for ad-valorem taxes and non-ad valorem assessments as provided in section 197.3635 of Florida Statutes. Non-ad valorem assessments collected pursuant to this section are subject to all collection provisions in section 197.3632 of Florida Statutes, including provisions relating to discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds for nonpayment.

Sec. 8-7.12. Agreement to Reimburse the Property Appraiser and the County Tax Collector. In order to use the Uniform Assessment Collection Act for the levy, collection, and enforcement of the solid-waste-collection assessments, the town is authorized to enter into a written agreement with the property appraiser and the tax collector providing for the reimbursement of their costs incurred in the administration and collection of the non-ad valorem assessments levied under this section. All such agreements entered into prior to the enactment of this article are ratified and confirmed.

ARTICLE III. SOLID-WASTE-COLLECTION SERVICE CHARGE FOR GOVERNMENT PROPERTY.

Sec. 8-7.13. Legislative Declarations as to Solid-Waste-Collection Service Charge for Government Property. The town council hereby declares that government property may be subject to a solid-waste-collection service charge for solid-waste collection actually received.

Sec. 8-7.14. General Authority.

(a) The town council is hereby authorized to impose a solid-waste-collection service charge on all government property to fund all or any portion of the solid-waste-collection service costs for government property, at a fair, just, reasonable and equitable rate based upon such property's historical demand and reasonable cost of making available and providing solid-waste collection.

(b) The rate of the solid-waste-collection service charge will be as set forth in the non-ad valorem assessment roll resolution prepared pursuant to Sec. 8-7.4.

Sec. 8-7.15. Collection.

(a) In the event a solid-waste-collection service charge is imposed against government property, the town council shall provide bills by first-class mail to the owner of each affected parcel of government property. The bill or accompanying explanatory material shall include

- (1) a brief explanation of the solid-waste-collection service charge;
- (2) a description of the unit of measurement (if any) used to determine the amount of the solid-waste-collection service charge;
- (3) the number of units contained within the parcel;
- (4) the total amount of the parcel's solid-waste-collection service charge for the appropriate period;
- (5) the location at which payment will be accepted; and
- (6) the date on which the solid-waste-collection service charge is due.

(b) A solid-waste-collection service charge imposed against government property is due on the same date as all other solid-waste-collection assessments and, if applicable, is subject to the same discounts for early payment.

(c) A solid-waste-collection service charge will become delinquent if it is not paid within 30 days from the date payment is due. The town council shall notify the owner of any government property that is delinquent in payment of its service charge within 60 days from the date such assessment was due and that the town council may initiate a mandamus or other appropriate judicial action to compel payment.

Section 2. Severability. If any provision or portion of this ordinance is declared by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full effect.

Section 3. Inclusion in Code. This ordinance shall be re-numbered and codified and made part of the official Code of Ordinances of the Town of Windermere.

Section 4. Effective Date. This ordinance takes effect immediately upon its enactment.

ENACTED this ____ day of June, 2010, at a regular meeting of the Town Council of the Town of Windermere, Florida.

Town of Windermere, Florida

by: Town Council

by: _____
Gary Bruhn, Mayor

Attest:

Dorothy Burkhalter, CMC
Town Clerk

First reading: June ____, 2010
Second reading: July ____, 2010