

**GOLDEN BEACH, FLORIDA
ORDINANCE NO. 415.96**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH,
FLORIDA; AMENDING ORDINANCE 394.93 (CODIFIED
AT CHAPTER 34, ARTICLE II OF THE TOWN CODE OF
ORDINANCES); REGARDING THE PUBLIC SERVICE TAX;
CLARIFYING THAT THE PROCEEDS OF THE TAX MAY
BE USED FOR ANY LAWFUL MUNICIPAL PURPOSE;
PROVIDING FOR CONFLICTS; PROVIDING FOR
SEVERABILITY; PROVIDING INCLUSION IN THE CODE;
AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, effective September 21, 1993, Ordinance 394.93 implemented a public service tax on the purchase of electricity, bottled and metered gas delivered to the town; and

WHEREAS, Section 4 of that ordinance provides in part that the public service tax (utility tax) revenue shall "be deposited to the credit of the general fund of the town, to be expended for town purposes."; and

WHEREAS, the fourth "whereas" clause of Ordinance 394.93 states in part "Whereas, the Town Council wants to use the tax proceeds ... for the sole purpose of placing utility lines underground;"

WHEREAS, there is no restriction on the use of the public service tax revenue in the operative portion of Ordinance 394.93; and

WHEREAS, the Town Council wants to clarify its current intent for unrestricted lawful use of the revenue of that tax.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the above stated preambles are hereby approved and adopted.

Section 2. That the fourth "whereas" provision of Ordinance 394.93 is hereby repealed in part as follows:

"WHEREAS, the Town Council wants to use the tax proceeds for municipal purposes; and ~~deposit the proceeds in a separate account to be used for the sole purpose of placing utility lines underground;~~ "

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Section 3. That in all other respects Ordinance 394.93, codified at Chapter 34, Article II of the Town Code, remains in full force and effect.

Section 4. Conflict That all ordinances or parts of ordinances, all Town Code sections or parts of Town Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5. Severability That 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 6. Inclusion In The Code. That it is the intention of the Town Council, and it is hereby ordained that this ordinance be referenced as a historical note at the end of Section 34-29 of the Town Code since no text amendment to the code is ordained, and no other revision need be made.

Section 7. Effective Date. That this Ordinance shall become effective immediately upon its adoption on second reading.

PASSED AND ADOPTED on first reading this day of 19th, day of March 1996.

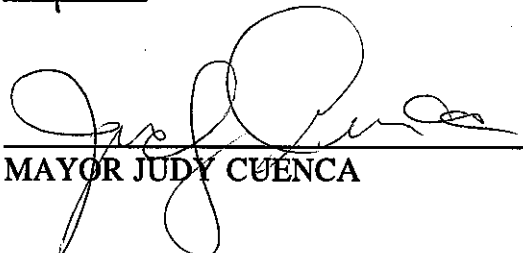
The Motion to adopt the foregoing Ordinance on first reading was offered by Councilman D seconded by Councilwoman Lowrance and on roll call the following vote ensued: Rosenthal

Mayor Cuenca	<u>Aye</u>
Vice Mayor Fistel	<u>aye</u>
Councilman Addicott	<u>aye</u>
Councilwoman Lowrance	<u>aye</u>
Councilman Rosenthal	<u>aye</u>


PASSED AND ADOPTED on second reading this 30th day of April, 1996.


The Motion to adopt the foregoing Ordinance on second reading was offered by Councilwoman Lowrance seconded by Councilman Rosenthal and on roll call the following vote ensued:

Mayor Cuenca	<u>Aye</u>
Vice Mayor Fistel	<u>No</u>
Councilman Addicott	<u>aye</u>
Councilwoman Lowrance	<u>aye</u>
Councilman Rosenthal	<u>aye</u>


MAYOR JUDY CUENCA

ATTEST:


TOWN CLERK PAT MONGIELLO
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


JON M. HENNING
TOWN ATTORNEY