

GOLDEN BEACH, FLORIDA
ORDINANCE NO. 429.97

Revised 10/20/97
Amended 10/21/97
Amended 11/18/97

AN ORDINANCE OF THE TOWN COUNCIL OF GOLDEN BEACH, FLORIDA; CREATING SECTION 2-260 OF THE TOWN CODE; PROVIDING THAT PRIOR TO THE APPROVAL OF THE TOWN OF ANY DEVELOPMENT PERMITS, THE ~~FINANCE DEPARTMENT~~ TOWN MANAGER STAFF SHALL DETERMINE WHETHER THERE ARE OUTSTANDING (OVERDUE) FEES, OR ASSESSMENTS OR ADVALOREM TAXES FOR THE PROPERTY PROPOSED TO BE DEVELOPED; PROVIDING THAT ALL FEES, ASSESSMENTS, OR ADVALOREM TAXES OWED TO THE TOWN SHALL BE SATISFIED BEFORE THE TOWN GRANTS A DEVELOPMENT APPROVAL FOR A PARCEL OF LAND IN THE TOWN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council wishes to establish a procedure whereby outstanding (overdue) fees, and assessments, and advalorem taxes owed to the Town are paid prior to the issuance of development permits and other Town approvals; and

WHEREAS, the Town Council has determined that is fiscally responsible that the Town's financial resources not be diverted to collection of debt to the extent possible; and

WHEREAS, applicants of development permits and other requests for approvals should come to the Town with "equitably clean hands" free of debt from overdue fees, and assessments, and advalorem taxes owed to the Town;

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

Section 1. That Section 2-260 of the Town Code is hereby created to provide as follows:

"Chapter 2

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Article VII. Finance
Division I. Generally

Underlining and Strike throughs indicate
revisions from earlier draft.

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Sec. 2-256 - 2-259 Reserved.

Sec. 2-260 Payment of Overdue Fees, and Assessments and Advalorem Taxes Prior to Town Approvals.

(1) The ~~Finance Officer~~ Town Manager or his designee shall review the necessary Town financial records and make a written determination that the property that is the subject ~~for~~ of the following Town approvals shall not have an outstanding overdue special assessment, lien, fee, ~~or fine, or advalorem tax~~ owed to the Town:

- (a) Variance by the Town Council;
- (b) Site Plan approval by the Town Council;
- (c) Initial building permit by the Building Department;
- (d) Final inspection and certificate of completion by the Building Department; or
- (e) Such other approval by the Town added to this list by resolution of the Town Council.

(2) The outstanding overdue assessment, fee, ~~or fine, or advalorem tax~~ shall not be grounds for denial of the requested action but shall be cause to defer approval subject to the payment to the Town of the amount due.

(3) If an authorized appeal is pending before a court of competent jurisdiction, then the outstanding amount owed may be bonded in the amount of 110%, in the form of U.S. cash, cashiers' check, properly assigned certificate of deposit or irrevocable letter of credit drawn on a bank authorized to do business in the State of Florida with a branch in Dade or Broward County."

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Section 2. 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 3. 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, clauses, sentences and phrases of this Ordinance but they shall remain in effect, notwithstanding the invalidity of any part.

Section 4. Inclusion In The Code. That it is the intention of the Town Council, and it is hereby ordained that the provisions of this Ordinance, shall become and be made a part of the Code of the Town of Golden Beach; that the sections of the Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" may be changed to "Section" or other appropriate word.

Section 5. Effective Date. That this Ordinance shall become effective immediately upon its adoption on second reading.

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The Motion to adopt the foregoing Ordinance on first reading was offered by Councilwoman Lowrance, seconded by Vice Mayor Chikovsky and on roll call the following vote ensued:

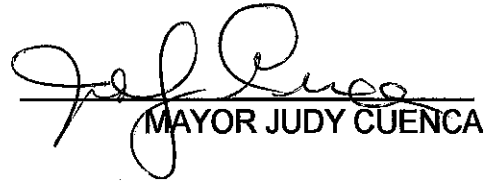
Mayor Cuenca	<u>Aye</u>
Vice Mayor Chikovsky	<u>Aye</u>
Councilwoman Addicott	<u>Aye</u>
Councilman Fistel	<u>Aye</u>
Councilwoman Lowrance	<u>Aye</u>

PASSED AND ADOPTED on first reading this 21st day of October, 1997.

The Motion to adopt the foregoing Ordinance on second reading was offered by Councilwoman Lowrance, seconded by Vice Mayor Chikovsky and on roll call the following vote ensued:

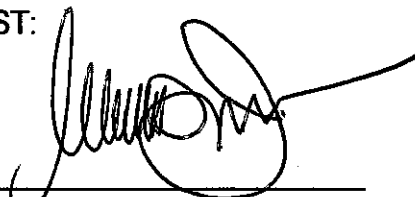
Mayor Cuenca	<u>Aye</u>
Vice Mayor Chikovsky	<u>Aye</u>
Councilwoman Addicott	<u>Aye</u>
Councilman Fistel	<u>Aye</u>
Councilwoman Lowrance	<u>Aye</u>

PASSED AND ADOPTED on second reading this 18th day of November, 1997.



 MAYOR JUDY CUENCA

ATTEST:



 ROBERT JOHNSTON
 INTERIM TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



 JON M. HENNING
 TOWN ATTORNEY

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