

**CITY OF LIGHTHOUSE POINT
FLORIDA**

ORDINANCE NO. 2016 - 0939

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, AMENDING CHAPTER 74 ENTITLED "SOLID WASTE" TO CREATE AN ARTICLE III ENTITLED "RESIDENTIAL SOLID WASTE COLLECTION SERVICES SPECIAL ASSESSMENT", TO PROVIDE FOR THE LEVY AND COLLECTION OF A RESIDENTIAL SOLID WASTE COLLECTION SERVICES SPECIAL ASSESSMENT RELATED TO THOSE SERVICES WITHIN CITY OF LIGHTHOUSE POINT; PROVIDING DEFINITIONS AND FINDINGS; AUTHORIZING THE IMPOSITION AND COLLECTION OF A RESIDENTIAL SOLID WASTE COLLECTION SERVICES SPECIAL ASSESSMENT; ESTABLISHING PROCEDURES FOR NOTICE AND ADOPTION OF THE RESIDENTIAL SOLID WASTE COLLECTION SERVICES SPECIAL ASSESSMENT ROLL AND FOR CORRECTING ERRORS AND OMISSIONS; PROVIDING THAT RESIDENTIAL SOLID WASTE COLLECTION SERVICES SPECIAL ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF THE RESIDENTIAL SOLID WASTE COLLECTION SERVICES SPECIAL ASSESSMENT ROLL; ESTABLISHING PROCEDURES AND METHODS FOR THE COLLECTION OF A RESIDENTIAL SOLID WASTE COLLECTION SERVICES SPECIAL ASSESSMENTS; ESTABLISHING THE PRIORITY OF THE LIEN OVER PRIOR RECORDED LIENS OR MORTGAGES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA:

**ARTICLE III - RESIDENTIAL SOLID WASTE
COLLECTION SERVICES SPECIAL ASSESSMENT**

SECTION 74-66. DEFINITIONS. When used in this Article, the following terms shall have the following meanings, unless the context clearly requires otherwise:

**CITY OF LIGHTHOUSE POINT
FLORIDA**

ORDINANCE NO. 2016 - 0939

“Annual Assessment Resolution” means the Resolution described in Section 74-77 hereof, approving a Residential Solid Waste Collection Services Special Assessment Roll for a specific Fiscal Year.

“Assessed Property” means all parcels of real property included on the Residential Solid Waste Collection Services Special Assessment Roll that receive a special benefit from the Residential Solid Waste Collection Services identified in an Annual Assessment Resolution.

“City” means City of Lighthouse Point, Florida, a municipal corporation duly organized and validly existing under the laws of the State of Florida.

“City Administrator” means the City Administrator of the City, or such person's designee.

“City Commission” means the City Commission for the City.

“Clerk” means the City Clerk, or such other person as may be duly authorized to act on such person's behalf.

“Final Assessment Resolution” means the Resolution described in Section 74-75 hereof, which shall confirm, modify, or repeal the Initial Assessment Resolution and which shall be the final proceeding for the imposition of the initial Residential Solid Waste Collection Services Special Assessment.

“Fiscal Year” means the period commencing on October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the fiscal year for the City.

**CITY OF LIGHTHOUSE POINT
FLORIDA**

ORDINANCE NO. 2016 - 0939

“Initial Assessment Resolution” means the Resolution described in Section 74-71 hereof, which shall be the initial proceeding for the imposition of the Residential Solid Waste Collection Services Special Assessment.

“Ordinance” means this Residential Solid Waste Collection Services Special Assessment Ordinance as amended from time to time, codified as Chapter 74, Article III of the City’s Code of Ordinances.

“Preliminary Assessment Resolution” means the Resolution described in Section 74-76 hereof, which sets forth the preliminary assessment rates for the upcoming fiscal year, establishing the public hearing, and other related matters.

“Property Appraiser” means the Broward County Property Appraiser.

“Residential” means single family residential units, and all other units identified by the City as receiving Residential Solid Waste Collection Services, including all single family homes and multi-family residential structures that use single family collection services in lieu of dumpster service for solid waste collection for the property.

“Residential Solid Waste Collection Services Special Assessment” means a special assessment imposed by the City upon residential properties within the City to fund the City’s provision of Residential Solid Waste Collection Services to such properties.

“Residential Solid Waste Collection Services Special Assessment Roll” means the roll created that includes all parcels within the City and their assigned Residential Solid Waste Collection Services Special Assessment relating to Residential Solid Waste

**CITY OF LIGHTHOUSE POINT
FLORIDA**

ORDINANCE NO. 2016 - 0939

Collection Services approved by a Final Assessment Resolution or an Annual Assessment Resolution pursuant to Sections 74-75 and 74-77 hereof.

“Residential Solid Waste Collection Services Cost” means the estimated amount for any Fiscal Year of all expenditures and reasonable reserves that are properly attributable to the Residential Solid Waste Collection Services provided to Residential Properties within the City under generally accepted accounting principles, including, without limiting the generality of the foregoing, contract costs and franchise fees charged by a service provider pursuant to an agreement with the City to provide the Residential Solid Waste Collection Services, costs and charges for transporting and disposing of residential solid waste, reimbursement to the City for any moneys advanced for the Residential Solid Waste Collection Services, and costs associated with levying the special assessment, including, but not limited to, legal and administrative fees, and charges for services provided by the Broward County Property Appraiser and Broward County.

“Residential Solid Waste Collection Services” means the collection of solid waste from Residential properties within the City, provided by the City.

“Tax Collector” means the Broward County Division of Financial Management, which performs tax collection duties in Broward County.

“Tax Roll” means the real property ad valorem tax assessment roll maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

**CITY OF LIGHTHOUSE POINT
FLORIDA**

ORDINANCE NO. 2016 - 0939

“Uniform Assessment Collection Act” means Sections 197.3632 and 197.3635, Florida Statutes, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

SECTION 74-67. INTERPRETATION. Unless the context indicates otherwise, words importing the singular number include the plural number and vice versa; the terms “hereof,” “hereby,” “herein,” “hereto,” “hereunder” and similar terms refer to this Ordinance; and the term “hereafter” means after, and the term “heretofore” means before, the effective date of this Ordinance. Words of any gender include the correlative words of the other genders, unless the context indicates otherwise.

SECTION 74-68. GENERAL FINDINGS. It is hereby ascertained, determined, and declared that:

(A) Pursuant to Article VIII, Section 2(b), Florida Constitution, and Sections 166.021 and 166.041, Florida Statutes, the City has all powers of local self-government to perform municipal functions and render municipal services except when prohibited by law, and such power may be exercised by the enactment of legislation in the form of City ordinances.

(B) The City Commission may exercise any governmental, corporate, or proprietary power for a municipal purpose except when expressly prohibited by law, and the City Commission may legislate on any subject matter on which the Florida Legislature may act, except those subjects described in (a), (b), (c), and (d) of Section

**CITY OF LIGHTHOUSE POINT
FLORIDA**

ORDINANCE NO. 2016 - 0939

166.021(3), Florida Statutes. The subject matter of paragraphs (a), (b), (c), and (d) of Section 166.021(3), Florida Statutes, are not relevant to the imposition of Residential Solid Waste Collection Services Special Assessments by the City.

(C) The purpose of this Ordinance is to (1) provide procedures and standards for the imposition of Residential Solid Waste Collection Services Special Assessments under the constitutional and statutory power of the City; (2) authorize a procedure for the funding of Residential Solid Waste Collection Services provided to Residential properties within the City; and (3) legislatively determine the special benefit provided to Assessed Properties from the Residential Solid Waste Collection Services.

SECTION 74-69. LEGISLATIVE DECLARATIONS OF SPECIAL BENEFIT. It is hereby ascertained and declared that the Residential Solid Waste Collection Services provide a special benefit to the Assessed Property based upon the following legislative determinations:

(A) The recipients of the City's solid waste collection program will enjoy protection and enhancement of public health and safety by the provision of reliable and effective service to persons who own or use such property, and enrichment of property value and minimization of potential liability attendant with the use of the assessed property.

(B) The special benefit received by Assessed Property is the removal and disposal of solid waste from the Assessed Properties through a service provided by the City that ensures that real properties do not become polluted or overrun by solid waste

**CITY OF LIGHTHOUSE POINT
FLORIDA**

ORDINANCE NO. 2016 - 0939

generated by the residential use on the property, or if no collection services were made available the potential overrun of solid waste onto the property from adjacent properties.

SECTION 74-70. RESIDENTIAL SOLID WASTE COLLECTION SERVICES ASSESSMENTS.

(A) The City Commission is hereby authorized to impose Residential Solid Waste Collection Services Special Assessments against Assessed property located within the City. The Residential Solid Waste Collection Services Cost may be assessed against Assessed properties within the City at a rate of assessment based upon the special benefit accruing to such property from the Residential Solid Waste Collection Services provided by the City.

SECTION 74-71. INITIAL ASSESSMENT RESOLUTION. The initial proceeding for imposition of the Residential Solid Waste Collection Services Special Assessments shall be the City Commission's adoption of an Initial Assessment Resolution. The Initial Assessment Resolution shall (A) describe the Residential Solid Waste Collection Services proposed for funding from the proceeds of the Residential Solid Waste Collection Services Special Assessments; (B) estimate the Residential Solid Waste Collection Services Cost; (C) describe the proposed method of apportioning the Residential Solid Waste Collection Services Cost among the Assessed Properties, as applicable, such that the owner of any parcel of property can objectively determine the amount of the Residential Solid Waste Collection Services Special Assessments upon the Assessed Property; and (D) include specific legislative findings that recognize the

**CITY OF LIGHTHOUSE POINT
FLORIDA**

ORDINANCE NO. 2016 - 0939

equity provided by the apportionment methodology and specific legislative findings that recognize the special benefit provided by the Residential Solid Waste Collection Services.

SECTION 74-72. RESIDENTIAL SOLID WASTE COLLECTION SERVICES SPECIAL ASSESSMENT ROLL.

(A) The City Administrator shall prepare, or direct the preparation of, a preliminary Residential Solid Waste Collection Services Special Assessment Roll that contains the following information:

(1) a summary description of each parcel of property (conforming to the description contained on the Tax Roll) subject to the Residential Solid Waste Collection Services Special Assessment;

(2) the name of the owner of record of each parcel as shown on the Tax Roll;
and

(3) the estimated Residential Solid Waste Collection Services Special Assessment to become due in the Fiscal Year;

(B) Copies of the Initial Assessment Resolution and the preliminary Residential Solid Waste Collection Services Special Assessment Roll shall be on file in the office of the City Clerk and open to public inspection. The foregoing shall not be construed to require that the Residential Solid Waste Collection Services Special Assessment Roll be in printed form if the amount of the Residential Solid Waste

**CITY OF LIGHTHOUSE POINT
FLORIDA**

ORDINANCE NO. 2016 - 0939

Collection Services Special Assessment for each parcel of property can be determined by use of a computer terminal available for use by the public.

SECTION 74-73. NOTICE BY PUBLICATION. After filing the Residential Solid Waste Collection Services Special Assessment Roll in the office of the City Clerk, as required by Section 74-72 hereof, the City Administrator shall cause to be published once in a newspaper of general circulation within the City a notice stating that a public hearing of the City Commission will be held on a certain day and hour, not earlier than twenty (20) calendar days from such publication, at which hearing the City Commission will receive written comments and hear testimony from all interested persons regarding adoption of the Final Assessment Resolution in the initial year and Annual Assessment Resolution in subsequent years, and approval of the Residential Solid Waste Collection Services Special Assessment Roll. Notwithstanding that the City may use a different collection procedure in any fiscal year, the published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act for purposes of the Residential Solid Waste Collection Services Special Assessment.

SECTION 74-74. NOTICE BY MAIL. In addition to the published notice required by Section 74-73, the City Administrator shall cause to be provided notice of the proposed Residential Solid Waste Collection Services Special Assessments to the owner of each parcel of property subject to the Residential Solid Waste Collection Services Special Assessments. The form of such notice shall conform to the requirements set forth in the Uniform Assessment Collection Act, notwithstanding that

**CITY OF LIGHTHOUSE POINT
FLORIDA**

ORDINANCE NO. 2016 - 0939

the City may use a different collection procedure in any fiscal year. The notice shall be mailed by either first class mail, or by use of the Annual Truth in Millage Notice should the City utilize the Uniform Assessment Collection Act, at least twenty (20) calendar days prior to the hearing to each property owner, at such address as is shown on the Tax Roll at the time the notices are prepared for mailing. Notice shall be deemed mailed upon delivery thereof to the possession of the U.S. Postal Service. Failure of the owner to receive such notice due to mistake or inadvertence shall not affect the validity of the Residential Solid Waste Collection Services Special Assessment Roll nor release or discharge any obligation for the payment of a Residential Solid Waste Collection Services Special Assessment imposed by the City Commission pursuant to this Ordinance.

SECTION 74-75. FINAL ASSESSMENT RESOLUTION. In the initial year of the Residential Solid Waste Collection Services Special Assessment, at the time named in such notice, or such time to which an adjournment or continuance may be taken, the City Commission shall receive written objections and hear testimony of interested persons and may then, or at any subsequent meeting of the City Commission, adopt the Final Assessment Resolution which shall (A) confirm, modify, or repeal the Initial Assessment Resolution with such amendments, if any, as may be deemed appropriate by the City Commission; (B) approve the Residential Solid Waste Collection Services Special Assessment Roll, with such amendments as it deems just and right; and (C) determine the method of collection. All objections to adoption of the Final

**CITY OF LIGHTHOUSE POINT
FLORIDA**

ORDINANCE NO. 2016 - 0939

Assessment Resolution shall be made in writing, and filed with the Clerk at or before the time or adjourned time of such hearing.

SECTION 74-76. PRELIMINARY RATE RESOLUTION. Prior to the adoption of the Annual Assessment Resolution pursuant to Section 74-77 herein, the City Commission shall adopt a Preliminary Assessment Resolution, which shall include without limitation:

(A) A brief description of the Residential Solid Waste Collection Services to be provided by the City;

(B) The amount of the cost of providing Residential Solid Waste Collection Services to be assessed upon specially benefited properties within the City;

(C) Setting forth the date, time and location for the City Commission to consider public comments on the adoption of the Annual Assessment Rate Resolution;

(D) Directing the City Administrator, or designee, to update the Assessment Roll; and,

(E) Directing the requisite notice be provided to affected property owners for a public hearing to adopt the Annual Assessment Resolution.

SECTION 74-77. ANNUAL ASSESSMENT RESOLUTION. During its budget adoption process, the City Commission shall adopt an Annual Assessment Resolution for each Fiscal Year following adoption of the Final Assessment Resolution. The Final Assessment Resolution shall constitute the Annual Assessment Resolution for the initial Fiscal Year. The Annual Assessment Resolution shall approve the Residential

**CITY OF LIGHTHOUSE POINT
FLORIDA**

ORDINANCE NO. 2016 - 0939

Solid Waste Collection Services Special Assessment Roll for such Fiscal Year. The Residential Solid Waste Collection Services Special Assessment Roll shall be prepared in accordance with the Preliminary Rate Resolution, as confirmed or amended by the Annual Assessment Resolution. The City shall provide notice to the owner of such property in accordance with Sections 74-73 and 74-74 hereof and conduct a public hearing prior to adoption of the Annual Assessment Resolution; provided that should the City use the Uniform Assessment Collection Act, a public hearing is necessary only when such is required under the Act. Failure to adopt an Annual Assessment Resolution during the budget adoption process for a Fiscal Year may be cured at any time.

SECTION 74-78. EFFECT OF FINAL OR ANNUAL ASSESSMENT RESOLUTIONS. The adoption of the Final Assessment Resolution or Annual Assessment Resolution shall be the final adjudication of the issues presented (including, but not limited to, the apportionment methodology, the rate of assessment, the adoption of the Residential Solid Waste Collection Services Special Assessment Roll and the levy and lien of the Residential Solid Waste Collection Services Special Assessments), unless proper steps are initiated in a court of competent jurisdiction to secure relief within twenty (20) days from the date of City Commission adoption of the Final Assessment Resolution or Annual Assessment Resolution. The Residential Solid Waste Collection Services Special Assessments for each Fiscal Year shall be established upon adoption of the Final Assessment Resolution or Annual Assessment Resolution. The Residential Solid Waste Collection Services Special Assessment Roll, as approved by the Final

**CITY OF LIGHTHOUSE POINT
FLORIDA**

ORDINANCE NO. 2016 - 0939

Assessment Resolution or Annual Assessment Resolution shall be delivered to the Tax Collector or such other official as the City Commission, by Resolution, deems appropriate.

**SECTION 74-79. LIEN OF RESIDENTIAL SOLID WASTE
COLLECTION SERVICES SPECIAL ASSESSMENTS.**

(A) Upon adoption of the Final Assessment Resolution or Annual Assessment Resolution for each Fiscal Year, the Residential Solid Waste Collection Services Special Assessment to be collected under the Uniform Assessment Collection Act shall constitute a lien against Assessed Property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other prior liens, titles and claims, until paid. The lien shall be deemed perfected upon adoption by the City Commission of the Final Assessment Resolution or Annual Assessment Resolution and shall attach to the property included on the Residential Solid Waste Collection Services Special Assessment Roll as of the prior January 1, the lien date for ad valorem taxes.

(B) For Residential Solid Waste Collection Services Special Assessments to be collected under the alternative method of collection provided in Section 74-81, the adoption of the Final Assessment Resolution or Annual Assessment Resolution shall constitute a lien against Assessed Property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except

**CITY OF LIGHTHOUSE POINT
FLORIDA**

ORDINANCE NO. 2016 - 0939

as otherwise provided by law, such lien shall be superior in dignity to all other prior liens, titles and claims, until paid. The lien shall be deemed perfected on the date notice thereof is recorded in the Official Records of Broward County, Florida.

SECTION 74-80. METHOD OF COLLECTION OF RESIDENTIAL SOLID WASTE COLLECTION SERVICES SPECIAL ASSESSMENTS. Unless directed otherwise by the City Commission, the Residential Solid Waste Collection Services Special Assessment shall be collected pursuant to the Uniform Assessment Collection Act, and the City shall comply with all applicable provisions thereof. Any hearing or notice required by this Ordinance may be combined with any other hearing or notice required by the Uniform Assessment Collection Act.

SECTION 74-81. ALTERNATIVE METHOD OF COLLECTION OF THE RESIDENTIAL SOLID WASTE COLLECTION SERVICES SPECIAL ASSESSMENT. In lieu of using the Uniform Assessment Collection Act, the City may elect to collect the Residential Solid Waste Collection Services Special Assessment by any other method which is authorized by law or under an alternative collection method provided by this Section.

(A) The City shall have the right to record a lien for unpaid assessments in the public records of Broward County, Florida.

(B) The City shall have the right to appoint or retain an agent to foreclose and collect all delinquent Residential Solid Waste Collection Services Special Assessments in the manner provided by law. A Residential Solid Waste Collection Services Special

**CITY OF LIGHTHOUSE POINT
FLORIDA**

ORDINANCE NO. 2016 - 0939

Assessment shall become delinquent if it is not paid within thirty (30) days from the date any payment is due. In the event the City exercises its rights to foreclose and collect a delinquent Residential Solid Waste Collection Services Special Assessment, the City or its agent shall notify any property owner who is delinquent in payment of his or her Residential Solid Waste Collection Services Special Assessment within sixty (60) days from the date the Residential Solid Waste Collection Services Special Assessment was due. Such notice shall state in effect that the City or its agent will initiate a foreclosure action and cause the foreclosure of such property subject to a delinquent Residential Solid Waste Collection Services Special Assessment in a method now or hereafter provided by law for foreclosure of mortgages on real estate, or otherwise as provided by law.

(C) All costs, fees and expenses, including reasonable attorney fees and title search expenses related to any foreclosure action as described herein shall be included in any judgment or decree rendered therein. At the sale pursuant to decree in any such action, the City may be the purchaser to the same extent as an individual person or corporation. All delinquent property owners whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the City and its agents, including reasonable attorney fees, in collection of such delinquent Residential Solid Waste Collection Services Special Assessments and any other costs incurred by the City as a result of such delinquent Residential Solid Waste Collection Services Special Assessments including, but not limited to, costs paid for draws on a credit

**CITY OF LIGHTHOUSE POINT
FLORIDA**

ORDINANCE NO. 2016 - 0939

facility and the same shall be collectible as a part of or in addition to, the costs of the action.

(D) In lieu of foreclosure, any delinquent Residential Solid Waste Collection Services Special Assessment and costs, fees, and expenses attributable thereto, may be rolled into the Special Assessment for such parcel in a subsequent fiscal year.

(E) In lieu of foreclosure, any delinquent Residential Solid Waste Collection Services Special Assessment and the costs, fees and expenses attributable thereto, may be collected pursuant to the Uniform Assessment Collection Act; provided however, that (1) notice is provided to the owner in the manner required by law and this Ordinance; and (2) any existing lien of record on the affected parcel for the delinquent Residential Solid Waste Collection Services Special Assessment is supplanted by the lien resulting from certification of the Residential Solid Waste Collection Services Special Assessment Roll to the Tax Collector.

SECTION 74-82. REVISIONS TO RESIDENTIAL SOLID WASTE COLLECTION SERVICES SPECIAL ASSESSMENTS. If any Residential Solid Waste Collection Services Special Assessment made under the provisions of this Ordinance is either in whole or in part annulled, vacated or set aside by the judgment of any court, or if the City Commission is satisfied that any such Residential Solid Waste Collection Services Special Assessment is so irregular or defective that the same cannot be enforced or collected, or if the City Commission has failed to include any property on the Residential Solid Waste Collection Services Special Assessment Roll that should

**CITY OF LIGHTHOUSE POINT
FLORIDA**

ORDINANCE NO. 2016 - 0939

have been so included, the City Commission may take all necessary steps to impose a new Residential Solid Waste Collection Services Special Assessment against any such property, following as nearly as may be practicable the provisions of this Ordinance and in case such second Residential Solid Waste Collection Services Special Assessment is annulled, the City Commission may obtain and impose other Residential Solid Waste Collection Services Special Assessments until a valid Residential Solid Waste Collection Services Special Assessment is imposed.

SECTION 74-83. PROCEDURAL IRREGULARITIES. Any irregularity in the proceedings in connection with the levy of any Residential Solid Waste Collection Services Special Assessment under the provisions of this Ordinance shall not affect the validity of the same after the approval thereof, and any Residential Solid Waste Collection Services Special Assessment as finally approved shall be competent and sufficient evidence that such Residential Solid Waste Collection Services Special Assessment was duly levied, that the Residential Solid Waste Collection Services Special Assessment was duly made and adopted, and that all other proceedings adequate to such Residential Solid Waste Collection Services Special Assessment were duly had, taken and performed as required by this Ordinance; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby. Notwithstanding the provisions of this Section, any party objecting to a Residential Solid Waste Collection Services Special Assessment imposed

**CITY OF LIGHTHOUSE POINT
FLORIDA**

ORDINANCE NO. 2016 - 0939

pursuant to this Ordinance must file an objection with a court of competent jurisdiction within the time periods prescribed in Section 74-78 of this Ordinance.

SECTION 74-84. CORRECTION OF ERRORS AND OMISSIONS.

(A) No act of error or omission on the part of the City Commission, City Administrator, Property Appraiser, Tax Collector, City Clerk, or their respective deputies, employees or designees, shall operate to release or discharge any obligation for payment of any Residential Solid Waste Collection Services Special Assessment imposed by the City Commission under the provisions of this Ordinance.

(B) The assessment amount on any Assessed Property may be corrected at any time by the City Administrator when an error is confirmed. Any such correction which reduces a Residential Solid Waste Collection Services Special Assessment shall be considered valid from the date on which the Residential Solid Waste Collection Services Special Assessment was imposed and shall in no way affect the enforcement of the Residential Solid Waste Collection Services Special Assessment imposed under the provisions of this Ordinance. Any such correction which increases a Residential Solid Waste Collection Services Special Assessment or imposes a Residential Solid Waste Collection Services Special Assessment on omitted property shall first require notice to the affected owner in the manner described in Section 74-74 hereof, providing the date, time and place that the City Commission will consider confirming the correction and offering the owner an opportunity to be heard.

**CITY OF LIGHTHOUSE POINT
FLORIDA**

ORDINANCE NO. 2016 - 0939

(C) After the Residential Solid Waste Collection Services Special Assessment Roll has been delivered to the Tax Collector, any changes, modifications or corrections thereto shall be made in accordance with the procedures applicable to errors and insolvencies for ad valorem taxes.

SECTION 74-85. APPLICABILITY. This Ordinance and the City's authority to impose the Residential Solid Waste Collection Services Special Assessment pursuant hereto shall be applicable throughout the City.

SECTION 74-86. ALTERNATIVE METHOD. This Ordinance shall be deemed to provide an additional and alternative method for the completing the tasks set forth herein, and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence. This Ordinance, being necessary for the welfare of the inhabitants of the City, shall be liberally construed to effect the purposes hereof.

SECTION 2. CODIFICATION. It is the intention of the City Commission that the provisions of this Ordinance shall become a part of the City's Code of Ordinances, as amended. The provisions of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article" or other appropriate word to accomplish such intention.

SECTION 3. SEVERABILITY. The provisions of this Ordinance are severable, and if any section, subsection, sentence, clause or provision is held invalid by

**CITY OF LIGHTHOUSE POINT
FLORIDA**

ORDINANCE NO. 2016 - 0939

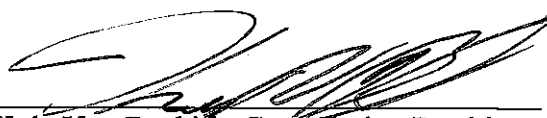
any court of competent jurisdiction, the remaining provisions of this Ordinance shall not be affected thereby.

SECTION 4. CONFLICTS. All ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith are hereby repealed to the extent of such conflict.

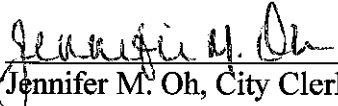
SECTION 5. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its passage and adoption.

PASSED ON FIRST READING BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, THIS 24th DAY OF MAY, 2016.


PASSED AND ADOPTED ON SECOND AND FINAL READING BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA THIS 28th DAY OF JUNE, 2016.

BY: 

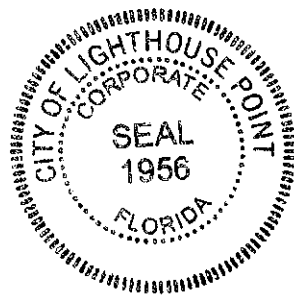
Kyle Van Buskirk, Commission President

ATTEST:


Jennifer M. Oh, City Clerk

APPROVED AS TO FORM:


Office of the City Attorney



	Yes	No	Absent
Commission President Kyle Van Buskirk	<u>x</u>	_____	_____
Commissioner Vice President Sandy Johnson	<u>x</u>	_____	_____
Commissioner Jason D. Joffe	<u>x</u>	_____	_____
Commissioner Michael S. Long	<u>x</u>	_____	_____
Commissioner Earl Maucker	<u>x</u>	_____	_____