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ORDINANCE NO. 91-04

AN ORDINANCE AMENDING LIBERTY COUNTY ODINANCE NO. 90-02 , SO AS TO PROVIDE THAT NO LATE FEES WILL BE CHARGED FOR THE COLLECTION OF GARBAGE, TRASH, AND OTHER WASTE FOR THOSE CUSTOMERS WHO HAVE NOT BEEN BILLED BY THE COUNTY; PROVIDING FOR NO BILLING OR LATE FEES TO BE CHARGED TO RESIDENCES OR BUSINESS ESTABLISHMENTS OR OTHER CUSTOMERS WHO HAVE NOT RECEIVED A CONTAINER; PROVIDING REASONABLE ATTORNEYS FEES AND COURT COSTS IN EVENT OF NON-PAYMENT OF FEES REQUIRED BY SAID ORDINANCE; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Liberty County enacted an ordinance for the collection, transportation and disposal of garbage, trash and other waste for residences and business establishments within the unincorporated areas of Liberty County, which Ordinance was adopted on January 31, 1990; and

WHEREAS, the Board of County Commissioners of Liberty County has been advised that certain residences or business establishments who have been receiveing garbage service have never been billed by Liberty County; and

WHEREAS, the Board of County Commissioners of Liberty County finds that certain households or residences have not received a container for the disposal of garbage, trash and other waste;

WHEREAS, the Board of County Commissioners of Liberty County has been advised that certain residences or business establishments who have been receiving garbage service have been delinquent in payment for such services; and

WHEREAS, the Board of County Commissioners of Liberty County desires to provide for the collection of reasonable attorneys fees and court costs in the event legal action is necessary to collect the fees;

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Liberty County, Florida that:

SECTION 1. LATE FEE.

No late fee will be charged residences or business establishments for those customers who have had their gargabe, trash and other waste collected by the County or its designated agent, but who have never been billed for the service.

SECTION 2. CUSTOMERS WITH NO CONTAINERS.

All residences or business establishments who have never received a container from the County for the collection of garbage, trash, and other waste, will not be billed for regular monthly service or charged a late fee.

SECTION 3. ATTORNEYS FEES AND COURT COSTS.

Failure to pay the fee when due will subject the residence or business establishments to collection procedures including a suit in a court of competent jurisdiction. Should legal proceedings be necessary to collect said fees, the residence or business establishments to collection procedures including a suit in a court of competent jurisdiction. Should legal proceedings be necessary to collect said fees, the residence or business establishment shall be required to pay reasonable attorneys fees, court costs and expenses.

SECTION 4. CONFLICT.

All Ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 5. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. EFFECTIVE DATE.

In accordance with Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment, and this Ordinance shall take effect upon receipt of official acknowledgement that said Ordinance has been filed.

DULY PASSED AND ADOPTED by the Board of County Commissioners of Liberty County, Florida this 2nd day of April, 1991.

BOARD OF COUNTY COMMISSIONERS
LIBERTY COUNTY, FLORIDA

BY:

Willard Reddick
Willard Reddick, Chairman

Duncan Hofsford
Duncan Hofsford, Clerk of Court

