

1 **ORDINANCE NO. 20-09**

2

3 **AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING**

4 **SECTION 28-31 OF THE BELLE ISLE CITY CODE; PROVIDING FOR**

5 **FRANCHISE FEE FOR ELECTRIC UTILITY SERVICES AS ALTERNATIVE**

6 **TO PUBLIC SERVICE TAX; PROVIDING FOR CODIFICATION,**

7 **SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

8

9 WHEREAS, Section 28-31 of the City Code provides for a three percent public

10 service tax on purchases of electricity and other services; and

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12 WHEREAS, the City has entered or is considering entering into a franchise

13 agreement with Duke Energy for the provision of electric utility services, which

14 franchise agreement provides for payment and collection of a franchise fee by Duke

15 Energy based on a percentage of Duke Energy' revenues; and

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17 WHEREAS, the City finds that it is necessary and appropriate to amend Section 28-

18 31 of the City Code to provide that the public service tax on electricity shall

19 not apply where a franchise fee is in effect for electric utility services.

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21 NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE,

22 FLORIDA:

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1 SECTION 1. Recitals. The foregoing recitals are hereby ratified and
2 confirmed as being true and correct and are hereby made a part of this Ordinance.

3 SECTION 2. City Code Amendment. Section 28-31 of the Belle Isle City Code is
4 hereby amended as follows (words that are ~~stricken out~~ are deletions; words that
5 are underlined are additions).

6
7 Sec. 28-31. - Levied.

8
9 (a) There is hereby imposed and levied by the city a tax upon each and every
10 purchase of electricity, fuel oil, metered or bottled gas (natural, liquefied
11 petroleum gas or manufactured), within the city, in the amount of three percent of
12 each payment received by the seller, for such utility service or commodity; which
13 tax shall be paid by the purchaser to the seller, for the use of the city, at the
14 time of paying the charge therefore, but not less than monthly. The first 50
15 kilowatt hours per month of electricity purchased for residential use shall be
16 exempt from the tax hereby levied. Such exemption shall apply to each separate
17 residential unit, regardless of whether such unit is on a separate or central
18 meter. The tax hereby imposed shall not be applied against any fuel adjustment
19 charge.

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21 (b) The tax imposed by this section shall not apply with respect to purchases of
22 electricity during the term of any electric utility franchise agreement between
23 the City and a provider of electric utility services if such franchise agreement
24 provides for a franchise fee of at least three percent of the revenues of the

1 electric utility provider. A franchise fee on electricity shall not be considered
2 a public service tax under this Article.

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4 SECTION 3. Codification. This Ordinance shall be incorporated into the Belle
5 Isle City Code. Any section, paragraph number, letter and/or any heading may be
6 changed or modified as necessary to effectuate the foregoing. Grammatical,
7 typographical and similar or like errors may be corrected, and additions,
8 alterations, and omissions not affecting the construction or meaning of this
9 ordinance and the City Code may be freely made.

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11 SECTION 4. Severability. If any section, subsection, sentence, clause, phrase,
12 word or provision of this ordinance is for any reason held invalid or
13 unconstitutional by any court of competent jurisdiction, whether for
14 substantive, procedural, or any other reason, such portion shall be deemed a
15 separate, distinct and independent provision, and such holding shall not affect
16 the validity of the remaining portions of this ordinance.

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18 SECTION 5. Conflicts. In the event of a conflict or conflicts between this
19 Ordinance and any other ordinance or provision of law, this Ordinance controls to
20 the extent of the conflict, as allowable under the law.

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22 SECTION 6. Effective date. This ordinance shall become effective immediately
23 upon adoption by the City Council of the City of Belle Isle, Florida.

1 FIRST READING: _____, 2020

2 SECOND READING: _____, 2020

3 **ADOPTED** this _____ day of _____, 2020, by the City Council of the City of Belle
4 Isle, Florida.

	YES	NO	ABSENT
5 Ed Gold	_____	_____	_____
6 Anthony Carugno	_____	_____	_____
7 Karl Shuck	_____	_____	_____
8 Mike Sims	_____	_____	_____
9 Harvey Readey	_____	_____	_____
10 Jim Partin	_____	_____	_____
11 Sue Nielsen	_____	_____	_____

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City Council

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City of Belle Isle

16 ATTEST: _____

17 Yolanda Quiceno, CMC

Nicholas Fouraker, Mayor

18 City Clerk

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Kurt Ardaman, City Attorney

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Approved as to form and legality for the

22

use and reliance of the City of Belle

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Isle, Fl, only.

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1 STATE OF FLORIDA

2 COUNTY OF ORANGE

3 I, Yolanda Quiceno, City Clerk of the City of Belle Isle do hereby certify that
4 the above and foregoing document ORDINANCE 20-09 was duly and legally passed by
5 the Belle Isle City Council, in session assembled on the ____ day of _____,
6 20____, at which session a quorum of its members were present.

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9 Yolanda Quiceno, CMC-City Clerk

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