

ORDINANCE NO. 195

AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA, AMENDING ORDINANCE NO. 75, GULF POWER COMPANY FRANCHISE; PROVIDING FOR AMENDMENT TO SECTION 3, FRANCHISE FEE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA THAT:

SECTION 1. SECTION 3 OF ORDINANCE No. 75, FRANCHISE FEES, OF THE TOWN CODE AMENDED. Section 3 of Ordinance No. 75, of the Code of Ordinances, Town of Cinco Bayou, Florida is hereby amended to read as follows:

Section 3. Franchise Fee.

As a further consideration for granting of the rights, privileges and franchises hereby granted, the Grantee, its successors and assigns, shall pay to the Town of Cinco Bayou within thirty (30) days after the first day of each month a franchise fee of six percent (6%) of Grantee's revenue from the furnishing of electric service to customers served under all of its rate schedules within the corporate limits of the Town of Cinco Bayou collected during the preceding month. The percentage of such revenue to be collected by Grantee and paid to the Town of Cinco Bayou as a franchise fee may be changed by the Town of Cinco Bayou from time to time by Ordinance at intervals of no less than three years, provided that the percentage shall in no event exceed that permitted by law. The Town of Cinco Bayou may grant such exemption from payment of the fee as it may provide by Ordinance from time to time, at intervals of no less than three years, within the limits allowed by law.

SECTION 2. REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS. All Ordinances and Resolutions of the governing body in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY. If any word, sentence, phrase, clause, section or portion of this Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its final passage and adoption.

PASSED AND ADOPTED by the Town Council of Cinco Bayou, Florida on this 26th day of August, 2002.

ATTEST:

TOWN OF CINCO BAYOU, FLORIDA

APPROVED:

BY: Nell Webb

Nell Webb
Town Manager/Clerk

BY: Sara Carroll

Sara Carroll
Mayor

[SEAL]

The form and legal sufficiency of the foregoing has been reviewed and approved by the Town Attorney.

C. Jeffrey McInnis
Town Attorney

