

ORDINANCE NO. 1546

**AN ORDINANCE OF THE CITY OF OVIEDO, FLORIDA, RELATING TO THE WAIVER OF CITY FEES; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR POLICIES RELATING TO FEE WAIVERS AND LEGAL AUTHORITY RELATING THERETO; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of Oviedo, Florida, deems it necessary for the continued preservation of the health, welfare, convenience and safety of its inhabitants, both present and future, to provide for the collection of various fees relating to various City activities and approval processes; and

WHEREAS, the cost of City government should be equitably placed upon those persons and entities who receive the benefits of the work and programs of the City; and

WHEREAS, it is deemed appropriate to provide for a waiver of certain fees when the City is involved in an event or has sponsored an event that is providing a public service or benefit to the citizens of the City of Oviedo through a non-profit corporate entity; and

WHEREAS, the City Council desires to establish policies that are fair, equitable and just and provide for a predictable and uniform system of administration.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF OVIEDO, FLORIDA, AS FOLLOWS:**

**SECTION 1. LEGISLATIVE FINDINGS AND INTENT.** A new section of the *Code of Ordinances of the City of Oviedo* is created to read as follows:

(a) The City staff report and City Council agenda memorandum relating to this matter as if fully set forth herein.

(b) The City of Oviedo has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

(c) The foregoing recitals (whereas clauses) are hereby adopted as the legislative findings of the City Council of the City of Oviedo and incorporated into this Ordinance as if set forth *in haec verba*.

**SECTION 2. WAIVER OF DEVELOPMENT, SPECIAL EVENT AND OTHER FEES.** A new Section of the *Code of Ordinances of the City of Oviedo* is created to read as follows:

(a) The following terms apply to the provisions and implementation of this Ordinance:

(1) *City Signature Event* means events designated as such by resolution of the City Council.

(2) *Non-Profit Organization* means a corporation that conducts business for the benefit of the general public without a profit motive and typically exists for educational or charitable reasons and does not benefit anyone financially. Money earned must be retained by the organization, and used for its own expenses, operations, and programs. A non-profit organization must demonstrate tax exempt status under Section 501(c)(3) of the *Internal Revenue Code* to the City. Well-known non-profit organizations include Habitat for Humanity, the Red Cross, and United Way. In Florida non-profit corporations are organized under the provisions of the *Florida Not For Profit Corporation Act* which is codified at Section 617.01011 through Section 617.2105, *Florida Statutes*. A non-profit entity may not partner with a for-profit entity and retain benefits derived from this Code; provided, however, that for-profit entities may act as vendors or provide sponsorship through donations with regard to non-profit entities. Florida corporate information can be found at <http://sunbiz.org/search.html>

(3) *For Profit Organizations* means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns.

(4) *Events Organized or Sponsored by the City* means an event that has been approved by resolution of the City Council as a City organized or sponsored event and, with regard to sponsored events, an event in which the City derives articulable public benefits and promotional benefits as well as benefits such as tickets, admissions and similar participatory benefits.

(b) The City Manager has the authority to waive the following fees for the following events:

<u>Event</u>	<u>Fees that may be waived</u>
City Signature Event	All fees and costs associated with a Special Event up to \$5,000.
Non-Profit Organizations	Special Event Permit Application Fee, Sign Permit Fees and Tent Permit fees (no personnel or equipment cost will be waived.
Events Organized by the City	All fees and costs associated with a Special Event.

(c) The City Manager shall deny, and not present to the City Council, any fee waiver request for the following application:

(1) For-Profit organizations.

(2) Development Applications.

(d) Fee waiver requests not listed in Section 2(b) shall be denied by the City Manager and shall not be presented to the City Council.

(e) The provisions of this Ordinance shall not apply to the payment of taxes.

**SECTION 3. IMPLEMENTING ADMINISTRATIVE ACTIONS.** A new section of the *City Code of the City of Oviedo* is created to read as follows:

The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions to include, but not be limited to, the adoption of administrative policies, procedures, processes and rules.

**SECTION 4. SAVINGS.** The prior actions of the City of Oviedo relating to fee waivers, event sponsorships and matters relating thereto are hereby ratified and affirmed.

**SECTION 5. CONFLICTS.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed Code.

**SECTION 6. SEVERABILITY.** If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

**SECTION 7. CODIFICATION.** The provisions of Section 2 of this Ordinance shall become and be made a part of the *Code of Ordinances of the City of Oviedo, Florida*.

**SECTION 8. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon enactment.

FIRST READING: July 16, 2012

SECOND READING: August 6, 2012

PASSED AND ADOPTED THIS 6<sup>th</sup> day of August A.D., 2012.

  
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**DOMINIC PERSAMPIERE**  
MAYOR of the City of Oviedo, Florida

**ATTEST:**  
  
  
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**BARBARA J. BARBOUR**  
CITY CLERK

