

**ORDINANCE NO. 2009-04**

**AN ORDINANCE OF THE TOWN OF ORCHID, FLORIDA, AMENDING SECTION 42-11 OF THE CODE OF ORDINANCES FOR THE TOWN OF ORCHID; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; PROVIDING FOR INCORPORATION INTO THE CODE OF THE TOWN OF ORCHID; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, Section 42-11 of the Code for the Town of Orchid includes a requirement that the Town Manager issue vehicle decals to contractors who obtain annual work permits from the Town; and

**WHEREAS**, the Community Association of the Town of Orchid already requires and provides vehicle decals to contractors working within the Town limits; and

**WHEREAS**, in order to avoid duplication, the Town Council of Orchid has therefore decided to remove the provision whereby the Town Manager provides vehicle decals to contractors; and

**WHEREAS**, the Town Council of the Town of Orchid hereby finds this ordinance to be in the best interests of the public health, safety, and welfare of the citizens of Orchid.

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ORCHID, FLORIDA THAT:**

**Section 1. Recitals.** The foregoing recitals are hereby fully incorporated herein by reference as legislative findings of the Town Council of the Town of Orchid, Florida.

**Section 2. Code Amendment.** The Town Council of the Town of Orchid hereby amends Chapter 42, Article II, Section 42-11 as follows: (underlined type indicates additions and ~~strikeout~~ type indicates deletions, while asterisks (\* \* \*) indicate a deletion from the Ordinance of text existing in Chapter 42. It is intended that the text in Chapter 42 denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance).

**CHAPTER 42. CONSUMER PROTECTION**

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**ARTICLE II. ANNUAL WORK PERMITS**

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**Sec. 42-11 Contractor Work Permit Required.**

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(b) *Form required.* Any contractor desiring an annual work permit under this Article shall be required to complete and file a form provided by the Town Manager on an annual basis. At a minimum, the form shall require the applicant to provide the following information:

(1) current name of business, name of principal/owner of business, street address of business, and telephone number of business or principal/owner;

(2) nature of contracting services provided;

(3) copies of any current local, state, or federal business licenses, if any;

(4) proof of current worker's compensation, general liability and property damage insurance including coverage amounts; and

(5) service vehicle identification information for all vehicles that will be ~~provided a decal in accordance with subsection (e) providing contracting,~~ including license plate number, make and model, and color.

(c) *Issuance of permit.* Upon filing a completed form as required by subsection (b), the Town Manager shall issue the contractor an annual work permit. ~~The Town Manager shall also issue numbered vehicle decals for the contractor's service vehicles.~~ The contractor shall be required to provide a copy of the permit to all customers prior to entering into any agreement for contracting services within the Town. ~~In addition, whenever any vehicle is being used for contracting services within the Town, the contractor shall be required to place the numbered decal within all service vehicles in such a manner that the decal is visible at all times from the front windshield of all such vehicles.~~ Permits ~~and decals~~ issued hereunder shall be issued on an annual basis based on the Town's fiscal year. Permits ~~and decals~~ shall expire on September 30<sup>th</sup> of each year. Permits ~~and decals~~ are not transferable.

\* \* \*

**Section 3. Repeal of Prior Inconsistent Ordinances and Resolutions.** All prior inconsistent ordinances and resolutions adopted by the Town Council, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

**Section 4. Incorporation Into Code.** This ordinance shall be incorporated into the Orchid Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors

may be corrected and additions, alternations, and omissions, not affecting the construction or meaning of this ordinance and the Town Code may be freely made.

**Section 5. Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, 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.** This Ordinance shall become effective immediately upon adoption by the Town Council of the Town of Orchid, Florida.

DULY ADOPTED at a Public Hearing the \_\_\_\_\_ day of September 2009.

Mayor Dunlop \_\_\_\_\_  
Vice Mayor Joyce \_\_\_\_\_  
Councilmember Johnson \_\_\_\_\_  
Councilmember Oatway \_\_\_\_\_  
Councilmember Troxell \_\_\_\_\_

**Attest:**

**TOWN OF ORCHID**

\_\_\_\_\_  
**Terri Wallace**  
Town Clerk

\_\_\_\_\_  
**Richard G. Dunlop**  
Mayor

**Approved as to legal form and sufficiency for  
The Town of Orchid only:**

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**Anthony A. Garganese, Town Attorney**