

**ORDINANCE 2008-18**

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, CREATING SECTION 1-17, LAKE WALES CODE OF ORDINANCES, PROHIBITING THE USE OF PROVISIONS IN CONTRACTS WHEREBY THE CITY AGREES TO INDEMNIFY ANY OTHER PARTY TO THE CONTRACT; PROVIDING FOR WAIVER OF THE PROHIBITION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA:

Section 1-17, Lake Wales Code of Ordinances, is created to provide as follows:

**Sec. 1-17. Prohibition of Contracts Providing Indemnification.**

**Section 1.** No contract entered into by or on behalf of the City shall contain any provision by which the City agrees to indemnify, any other party to the contract.

**Section 2.** In the event that the City is unable to negotiate the removal of an indemnification provision from a proposed contract and the City finds it must or may only receive the product or service contracted for from the vendor which refuses or is otherwise unable to remove the proposed indemnification provision, the City Commission may make a finding that this prohibition may be waived if it is deemed to be in the best interest of the public to acquire the product or service from the vendor from which the product or service is required.

**Section 3.** In the event of a conflict with any other ordinances or parts of ordinances, the provisions of this ordinance shall control.

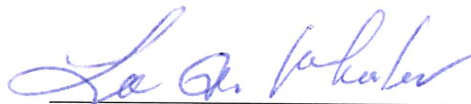
**Section 4.** If any section, sentence, clause, part, or provision of this Ordinance is held to be invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, but shall remain in full force and effect.

**Section 5.** This ordinance shall take effect immediately upon its passage.

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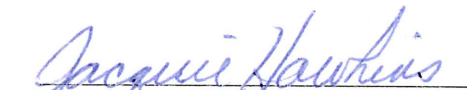
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Adopted and certified as to passage after second reading on July 1, \_\_\_\_\_, 2008



Lee A. Wheeler, III  
Mayor-Commissioner

ATTEST:

  
Clara Van Blargan  
City Clerk - Deputy