

ORIDANANCE

1983-06

AN ORDINANCE CREATING THE SOUTH WALTON FIRE DISTRICT; PROVIDING FOR BOUNDARIES, GOVERNMENT, FINANCING OF THE DISTRICT; PROVIDING FOR THE METHOD OF FINANCING; PROVIDING FOR THE COLLECTION OF SAID FINANCING; PROVIDING FOR VIOLATIONS TO BE A MISDEMEANOR; PROVIDING FOR A REFERENDUM; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA:

SECTION 1.

(1) Upon this Act becoming a law all of the following area in Walton County shall be established as a special fire protection District, which is created for the purpose of providing fire protection for the benefit of the residents within said district, to be known as the South Walton Fire District in which name it may sue and be sued, lease, own, possess, and convey real property, by purchase or gift, or otherwise, to borrow funds as provided herein, in order to carry out the purposes of this Ordinance.

AREA: All that area in Walton County which is south of the intercoastal waterway canal and Choctawhatchee Bay. Begin at the point of intersection of east extremity line of the Walton/Bay County Line and the Gulf of Mexico; thence due north along this County Line to intersection of line with the Intercoastal Waterway Canal; thence northwesterly along south bank of Intercoastal Waterway to Choctawhatchee Bay; thence follow north shore of Peninsula westerly to point of intersection with the Okaloosa-Walton County Line; thence due South along County Line to Point of intersection with the Gulf of Mexico, and thence along shoreline of the Gulf of Mexico easterly to the point of beginning.

(2) Any federal land or lands within the municipality included in the boundary of the district as described herein shall be excluded from the district and its jurisdiction. If any area, tract, or parcel of land within the boundaries of the district shall hereafter become annexed to a municipality, such area, tract, or parcel of land shall be excluded from the district effective the next January 1 following such annexation by a municipality. Nothing contained in this Ordinance shall preclude a municipality from annexing lands to be within the territorial limits of the municipality even if such land is included within the district.

(3) Should any part of the territory covered in this Act be held not to be included herein, then this Act shall continue in effect as it to the balance of the territory.

SECTION 2. Board of Fire Commissioners. The business and affairs of the district shall be conducted and administered by a Board of seven (7) Commissioners, who shall be qualified electors residing in the district. There shall be two commissioners elected from each voting precinct, and one commissioner shall be elected at large. Said Commissioners, upon their appointment or election and qualification as provided in Section 3 and annually in October, shall organize by electing from their number a chairman, vice chairman and a secretary—treasurer. The Fire Commissioners shall receive no compensation for their services as such, but shall receive compensation for out—of-pocket expenses incurred for the conduct of the business affairs of the district. Each Fire Commissioner shall, before he enters upon his duties as Fire Commissioner, execute to the Governor for the benefit of the district, a good and sufficient bond in the sum of \$1,000.00, with a qualified corporate surety conditioned to faithfully perform the duties of such Fire Commissioner and to account for all funds to come into his hands as such Fire Commissioner. All premiums for such surety on all such bonds shall be paid from the funds of the district.

SECTION 3. Same; terms of office: The members of the Board of Fire Commissioners shall be elected and hold office as follows:

(a) The persons receiving the most votes from each precinct elected to the Board of Fire Commissioners at the referendum election of 1983 and the commissioner at large shall continue to hold office until the general election of 1988; the successors in office shall serve for a period of four (4) years thereafter.

(b) The persons receiving the second most votes in each precinct will be elected to the Board of Fire Commissioners at the referendum election of 1983 shall continue to hold office until the general election of 1986; the successors in office shall serve for a period of four years thereafter.

(c) In the event any commissioner ceases to be qualified to act through resignation, removal for cause, or other compelling reason, the vacancy thereby created shall be filled by appointment by the majority of the remaining members of the Board of Commissioners of the District until the expiration of the term of the member who has become disqualified. Such appointee shall reside in the precinct of the disqualified individual.

SECTION 4. Officers; meetings: The officers of the Board of Fire Commissioners shall have the duties usually pertaining to like officers. A record shall be kept of all meetings of the Board and in such meetings concurrence of a majority of the Fire Commissioners shall be necessary to any affirmative action by the Board. The meetings of the Board and minutes of the meetings shall be open to the public at all times.

SECTION 5. Audit. The books and records of the district shall be audited at least annually at the expense of the district, by a qualified auditor retained by the district. The district shall furnish copies of the audit within 90 days, at the close of the calendar year to the Board of County Commissioners.

SECTION 6. Powers. The Board of Fire Commissioners shall have authority to:

(a) Acquire by gifts, lease, or purchase, a fire station and station site and such fire-fighting equipment and other equipment and supplies as deemed necessary for the protection of the district and to make and enter into contracts with firms, individuals, or corporations relating to the purposes of the district.

(b) Make reciprocal agreements with the official of fire departments in adjacent or neighboring areas to provide mutual assistance in fire fighting and fire protection.

(c) Adopt rules and regulations not inconsistent with any portion of this Act as it may deem necessary in the transaction of its business and in carrying out the provisions of this Act, and may promulgate and enforce reasonable fire regulations by resolution, copies of the same to be filed with the Board of County Commissioners and posted in three (3) places in the fire district, one of which shall be at the fire station.

SECTION 7. Fire Marshal. The Board may hire a fire marshal, at a salary to be negotiated by the Commissioners. The fire marshal shall reside in the district, shall be a person experienced in all typed of fire fighting, and shall work with and cooperate with the Florida State Forestry Service and the fire departments in which the district is situated in the prevention of fires of all types. He shall be required to inspect all places of business, apartment houses, hotels and other buildings within the territorial limits of the district wherein large groups of people might congregate to determine that such places have proper fire extinguishers and fire escapes, monthly, and shall submit a report on same to the Board of Fire Commissioners.

SECTION 8. Funding. The Board of Fire Commissioners is hereby authorized to levy and impose an annual assessment or service charge against all real property within the boundaries of the South Walton Fire District as contained in the current tax assessment roll compiled and prepared by the Property Appraiser of Walton County, This assessment or service charge shall not exceed the following amounts:

(a) For each residential dwelling or mobile home situated on any parcel of land within said district, the charge shall be \$25 annually.

(b) For each mobile home park, apartment building, condominium, townhouse or other multi-family residence, the charge shall be \$25.00 per unit annually.

(c) For each motel, hotel, commercial establishment or business, the charge shall not exceed the following rates:

- (i) up to 5,000 square feet of floor space - \$50.00 annually;
- (ii) over 5,000 square feet and up to 15,000 square feet of floor space-\$100.00 annually;
- (iii) over 15,000 square feet of floor space- \$300.00 annually.

The existence of a commercial establishment or business shall be evidenced by the presence of advertising signs, by tax roll classification, or by custom. Business enterprises wholly contained within a residential unit shall not be included in this category and shall be treated under paragraph (a). Multi—family residential units and mobile home parks shall be treated under paragraph (b).

(d) There will be no charge for agricultural, timber, unimproved residential or other unimproved property.

(e) No assessment shall be levied against churches; schools, governmental property, or property owned by other non-profit charitable organizations.

(f) The Board of Fire Commissioners shall be allowed to accept gifts and donations as well as carry on community project for fund raising purposes for the benefit of the Fire District. This is not to preclude individual fire stations from accepting gifts or donations or from carrying on fund raising projects.

(2) The Board of Fire Commissioners will, with the use of the current tax assessment roll as provided by the Property Appraiser of Walton County, adopt a resolution fixing the aforementioned levy on each lot or parcel of land subject to taxation in the district and shall deliver said roll and resolution to the Property Appraiser. It will be the duty of the Property Appraiser to include this assessment in the notice of proposed taxes furnished to the property owners.

(3) Any property owner in the district shall have the right to file protest in writing against the proposed assessment, and to appear before the Board of Fire Commissioners in support of such protest, at an open meeting or meetings which shall be held to hear and consider such protests and to make adjustments to the assessments levied.

(4) After the adjustment period, the Board of Fire Commissioners shall, after making any needed adjustments in the assessments, by resolution, adopt the assessment roll as final and deliver copies of said resolution and roll to the Property Appraiser and to the Tax Collector of Walton County.

(5) It shall be the duty of the Tax Collector of Walton County to include in the county tax rolls the assessments made by the Board of Fire Commissioners and to collect such assessments according to the assessment roll and deliver the proceeds of such collections to the Board of Fire Commissioners.

(6) The annual assessment hereby authorized to be levied, assessed, and imposed shall thereupon become a lien upon the property so assessed, along with the county taxes until paid, and if the same becomes delinquent, shall be considered a part of the county tax, subject to the same penalties, charges, fees, and remedies for enforcement and collection and shall be enforced and collected as provided by law. Such lien for such district annual assessment shall be a first lien superior in dignity to all other liens except ad valorem property tax liens.

(7) The fiscal year for the district shall be from October 1 to September 30 of each year.

SECTION 9. Indebtedness.

(1) The Board of Fire Commissioners is authorized to borrow money for the purposes of the district. Total debt service (principal and interest) shall not exceed fifty per cent (50%) of the total assessment roll, and pledge for the payment thereof, mortgages and collections on such roll, and give tax anticipation notes, which shall be the sole security for such loans. Neither the district nor the Fire Commissioners shall be personally or individually liable for the loans or any part thereof. In the event of such pledge, it shall be the duty of the Fire Commissioners upon collection of the assessment roll so pledged to apply the first proceeds thereof to the payment of principal and interest payment on such loan for which such assessment of lien was pledged until full payment of the loan.

(2) Except as provided in this Section, the Board of Fire Commissioners shall not create indebtednesses or incur obligations for any sum or amount which it is unable to pay out of the district funds then it is hands.

SECTION 10. Use of Funds. No funds of the District shall be used for any purpose other than the administration of the affairs and business of the District; for the construction, care, maintenance, upkeep, operations, and purchase of standard fire—fighting equipment which shall meet the regulations of the fire marshal and the underwriters association; fire stations, installation of fire hydrants, payment of public utilities such as electric lights and water, salaries of a fire marshal and one (1) or more firemen, and such other expenses as the Board of Fire Commissioners may determine to be for the best interest of the district.

SECTION 11 Penalty. Any person, firm or corporation who violates any of the provisions of this law or any of the regulations adopted pursuant to the provisions of this law, upon conviction therefore is guilty of a misdemeanor of the second degree.

SECTION 12. This Act shall become operative only upon its ratification by a majority of the qualified electors voting and residing within the boundaries of the proposed district at a special referendum election which shall be held within sixty (60) days from the date of this document. The election shall be held, conducted, and the results canvassed in the manner prescribed by general law. If the results of such election are favorable, the costs shall be repaid by the first funds received by the fire protection district.

SECTION 13. The Board of County Commissioners shall cause to be printed on the ballots for the election the names of any qualified persons as candidates for the office of the members of the Board of Fire Commissioners of the fire protection district who shall have qualified as prescribed by law not less than thirty (30) days before the election. The Board of County Commissioners shall publish date, time, place and candidates qualified and running for office at least once per week for three consecutive weeks preceding the election. There shall be no qualifying fee to run for these offices.

SECTION 14. Liberal Construction. The provisions of this ordinance shall be liberally construed in order to effectively carry out the purposes of this ordinance in the best interest of the public health, morale, welfare and safety of the citizens encompassed within the South Walton Fire District area.

SECTION 15. Severability. It is declared to be the intend of the Board that if any section, sub-section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision, and such holdings shall not affect the validity of the remaining portions hereof.

SECTION 16. This ordinance shall take effect immediately upon its passage by a majority of qualified electors voting as provided in Section 12.

ADOPTED this 9th day of August, 1983.

BOARD OF COUNTY COMMISSIONERS OF
WALTON COUNTY, FLORIDA

by Derward Owen -
Derward Owen, Chairman

ATTEST:

Catherine King
Catherine King, Clerk