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FILED FOR RECORD
R. B. SHORE

ORDINANCE NO. 07-56

2007 MAY 17 PM 2: 50

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF MANATEE COUNTY, FLORIDA AMENDING THE MANATEE COUNTY CODE OF ORDINANCES TO PROVIDE FOR THE CODIFICATION OF CHAPTERS 86-381 AND 87-491, LAWS OF FLORIDA AS AMENDED, PROVIDING FOR THE MYAKKA CITY FIRE CONTROL DISTRICT; AMENDING THE REQUIREMENT FOR FIRE COMMISSIONERS BONDS, ESTABLISHING DISTRICTS FOR FIRE COMMISSIONERS; PROVIDING FOR APPOINTMENT OF FIRE COMMISSIONERS FROM WITHIN DISTRICTS AND FOR STAGGERED TERMS; DELETING REQUIREMENTS FOR DISTRICT RESIDENCE FOR FIRE CHIEF AND FIRE MARSHALL; AMENDING DEFINITIONS; AMENDING THE SCHEDULE OF MAXIMUM ASSESSMENTS; PROVIDING FOR THE ADOPTION OF ADDITIONAL FEES AND THE RECOVERY OF COSTS; AMENDING THE REQUIREMENTS FOR THE IMPOSITION OF IMPACT FEES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEPARABILITY; PROVIDING FOR INTERPRETATION; PROVIDING FOR THE REPEAL OF ORDINANCES AND PROVIDING AN EFFECTIVE DATE.

RECEIVED
MAY 17 2007
CLERK OF CIRCUIT COURT
MANATEE COUNTY FLORIDA

WHEREAS, Section 19 of Chapter 92-129, Laws of Florida, provided that as of October 1, 1992, the Special Acts of all Special Districts which have been identified as dependent special districts in the 1991 official list of special districts are repealed and shall become ordinances of the local general purpose government to which the district is dependent, subject to reenactment, modification or repeal as other ordinances; and

WHEREAS, the Myakka City Fire Control District created pursuant to Chapter 86-381, Laws of Florida, has been identified as a dependent special district pursuant to the list of special districts required by Section 189.4035, Florida Statutes; and

WHEREAS, the Board of County Commissioners of Manatee County, Florida has determined that it is necessary and in the best interest of the County to provide for the re-enactment and codification of Chapter 86-381, Laws of Florida, as amended by Chapter 87-491, Laws of Florida, and as amended by Ordinances 92-61, 93-23, 97-70 and 02-49 as an ordinance of Manatee County subject to the amendments contained herein.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA AS FOLLOWS:

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Section 1. Article 1, Sections 2-27-1 through 2-27-17 of the Manatee County Code of Ordinances is created to read as follows:

Section 2-27-1. Incorporation- All of the unincorporated lands in Manatee County, Florida, as described in this Ordinance have been be incorporated into and as a special fire control district pursuant to Chapter 86-381 Laws of Florida as amended and shall continue pursuant to this ordinance. Said special fire control district is and shall continue as a dependant special district, having the powers and duties herein set forth under the name of Myakka City Fire Control District.

Section 2-27-2 Jurisdiction. – The lands to be incorporated within the Myakka City Fire Control District are described as follows:

Begin at the Southeast corner of Section 36, Township 37 S., Range 22 E., being also the Southeast corner of Manatee County then Westerly along the Manatee County line to the Southwest corner of Section 31, Township 37 S., Range 21 E., then Northerly along the Manatee County line to the Southwest corner of Section 31, Township 35 S., Range 21 E., then Westerly along the Manatee County line to the Southwest corner of Section 34, Township 35 S., Range 20 E., then Northerly along the west section line to the intersection of SR 70 and CR 675 (Waterbury Road), then northerly along CR 675 to the intersection with SR 64, then Easterly along SR 64 approximately one quarter mile to the intersection with the west section line of Section 34, Township 34 S., Range 20 E., then Northerly along the west section line to the Northwest corner of Section 34, Township 34 S., Range 20 E., then Easterly along the section lines to the Northeast corner of Section 36, Township 34 S., Range 21 E., then Northerly along the section line to the Northwest corner of Section 31, Township 34 S., Range 22 E., then Easterly along the section lines to the Northeast corner of Section 36, Township 34 S., Range 22 E., then Southerly along the Eastern Manatee County line to the Point of Beginning.

Section 2-27-3 Board of fire commissioners. – The business and affairs of said district shall be conducted and administered by a board of five commissioners who shall reside within said district and who shall be appointed as provided for in section 2-27-4. Upon their appointment and qualification, and annually in January, the commissioners shall organize by electing from their number a chairman, vice-chairman, a secretary and a treasurer. The positions of secretary and treasurer may be held by one commissioner or the commissioners may, in lieu of electing a secretary and/or treasurer from their number, employ a qualified person who is not a commissioner to perform the duties of secretary-treasurer and may compensate such person from funds of the district for the services rendered. The commissioners shall not receive any compensation for their services nor may they be employed by the district on either a full-time or part-time basis and receive compensation for such employment except as specifically provided

for herein. The Board of County Commissioners of Manatee County may require any commissioner to give bond, conditioned for the faithful performance of the duties of his or her office. The amount of the bond and the bond must be approved by the Board of County Commissioners. In determining the amount of the bond, the Board of County Commissioners may consider the amount of money or property likely to be in custody of the commissioner at any one time. The bond of each of the commissioners of whom a bond is required must be filed with the clerk of the circuit court. All premiums for surety on all such bonds shall be paid from the funds of said district.

Section 2-27-4 Appointment of commissioners. - The Board of County Commissioners of Manatee County, Florida shall by resolution appoint the five (5) commissioners as provided for herein for staggered terms of four (4) years except that on June 1, 2007, each commissioner appointed for an even numbered seat shall be appointed for an initial term of two years. One commissioner shall be appointed for each seat from each of the following geographic areas within the district:

District Seat 1 Boundaries:

Beginning at the intersection of CR 675 (Waterbury Road) and 49th Avenue East, then Easterly along 49th Avenue East to its terminus and directly eastward extension to intersect with 249th Street East extended directly northward to intersect with 49th Avenue East, then Southerly along 249th Street East to its intersection with 61st Avenue East, then Easterly along 61st Avenue East to its intersection with Verna Bethany Road, then Southerly along Verna Bethany Road to SR 70 and continuing Southerly along the Section line to the Manatee County line, then Westerly along the Manatee County line to the Southwest corner of Section 34, Township 35 S., Range 20 E., then Northerly along the section line to the intersection of SR 70 and CR 675 (Waterbury Road), then Northerly along CR 675 (Waterbury Road) to the Point of Beginning.

District Seat 2 Boundaries:

Beginning at the Northwest corner of Section 34, Township 34 S., Range 20 E., [located West of CR 675 (Rutland Road) and North of SR 64], then Easterly along the section lines to the Northeast corner of Section 36, Township 34 S., Range 21 E., intersecting with Logue Road, then Southerly along Logue Road to the intersection with SR 64, then Westerly along SR 64 to the intersection with Kibler Ranch Road, then Southerly along Kibler Ranch Road and crossing the Manatee River and along the Little Fort Crawford Creek curving southeastward to its intersection with the North line of Section 17, Township 35 S., Range 21 E, then Easterly along the north section line to the Northeast corner of Section 17, Township 35 S., Range 21 E., then Southerly along the section lines to intersect with Ogleby Creek Road, then Southerly along Ogleby Creek Road to its intersection with SR 70, then Northwesterly along SR 70 to the South section line of Section 31, Township 35 S., Range 21 E., then Westerly along the section line to the Manatee County line, then Northerly along the Manatee County line to the Southeast corner of Section 36, Township 35 S., Range 20 E., then Westerly along the Manatee County line to the southwest corner of Section 36, Township 35 S., Range 20 E., then Northerly along the west section line to the intersection of SR 70 and Verna Bethany Road, then Northerly along Verna

Bethany Road to the intersection with 61st Avenue East, then Westerly along 61st Avenue East to 249th Street East, then Northerly along 249th Street to its terminus and directly northward extension to intersect with 49th Avenue East extended directly eastward to its intersection with 249th Street East, then Westerly along 49th Avenue East to the intersection with CR 675 (Waterbury Road), then Northerly along CR 675 (Waterbury Road) to the intersection with SR 64, then Easterly along SR 64 approximately one quarter mile to the west section line of Section 34, Township 35 S., Range 20 E., then Northerly along the west section line of Section 34, Township 35 S., Range 20 E., to the Point of Beginning.

District Seat 3 Boundaries:

Beginning at the intersection of SR 64 and Kibler Ranch Road, then Easterly along SR 64 to its intersection with Johnson Creek (east of Logue Road), then Southeasterly along Johnson Creek to its outfall with Wingate Creek, then Southerly along Wingate Creek to its outfall with the Myakka River, then Southeasterly along the Myakka River to its intersection with the outfall of Hogtown Creek, then Easterly along Hogtown Creek to its intersection with Wauchula Road, then Southwesterly along Wauchula Road to its intersection with SR 70, then crossing SR 70 and continuing Southerly and Westerly along Singletary Road to its intersection with Betts Road, then Westerly along Betts Road to its intersection with the Manatee County line, then Northerly along the Manatee County line to the northwest corner of Section 6, Township 36 S., Range 21 E., then Easterly along the north section line to its intersection with SR 70, then Southeasterly along SR 70 to the intersection with Ogleby Creek Road, then Northerly along Ogleby Creek Road and section lines directly north of Ogleby Creek Road to the southeast corner of Section 8, Township 35 S., Range 21 E., then Westerly along the south section line to the intersection with Little Fort Crawford Creek, then along Little Fort Crawford Creek curving northwestward and crossing the Manatee River and aligned with and along Kibler Ranch Road to the Point of Beginning.

District Seat 4 Boundaries:

Beginning at the intersection of Logue Road and the northwest corner of Section 31, Township 34 S., Range 22 E., [located approximately one and three-fourths miles north of SR 64 on Logue Road], then Easterly along the north section lines to the northeast corner of Section 36, Township 34 S., Range 22 E., being also the east Manatee County line, then Southerly along the east Manatee County line to the southeast corner of Section 25, Township 35 S., Range 22 E., then Westerly along the south section lines aligned directly with Parks Road and along Parks Road to the intersection with Wauchula Road, then Northerly and Easterly along Wauchula Road to the intersection with Hogtown Creek, then Westerly along Hogtown Creek to its outfall with the Myakka River, then Northwesterly along the Myakka River to the outfall of Wingate Creek, then Northerly along Wingate Creek to the outfall of Johnson Creek, then Northwesterly along Johnson Creek to its intersection with SR 64, then Westerly on SR 64 to the intersection with Logue Road, then Northerly along Logue Road to the Point of Beginning.

District Seat 5 Boundaries:

Beginning at the intersection of Wauchula Road and Parks Road, then Easterly along Parks Road and section lines aligned directly east of Parks Road to the northeast corner of Section 36, Township 35 S., Range 22 E., being also the east Manatee County line, then Southerly along the east Manatee County line to the southeast corner of Section 36, Township 37 S., Range 22 E., being also the southeast corner of Manatee County, then Westerly along the south Manatee County line to the southwest corner of Section 31, Township 37 S., Range 21 E., then Northerly along the west Manatee County line to the intersection with Betts Road, then Easterly along Betts Road to its intersection with Singletary Road, then Easterly along Singletary Road to its intersection with SR 70, then crossing SR 70 and continuing Northeasterly along Wauchula Road to the Point of Beginning.

The Board of County Commissioners shall from time to time, fix the boundaries of the above districts so as to keep them as nearly equal in proportion to population as possible.

Each commissioner, whenever appointed, shall hold office until his successor is appointed and qualified unless such commissioner ceases to be qualified to act as a commissioner or is removed from office. Upon expiration of the term of any commissioner or upon appointment to fill an unexpired term for any commissioner for any cause, the Board of County Commissioners of Manatee County, Florida shall select the appointments from a list of residents within the district seat boundaries, such list to be provided as set forth herein. Such list shall be from applications for appointments to the Board of County Commissioners submitted in accordance with directions and procedures established by the Board of County Commissioners of Manatee County, Florida.

Section 2-27-5 Authority to levy special assessments. –

(1) Said district shall have the right, power, and authority to levy special assessments against the taxable real estate lying within its territorial bounds in order to provide funds for the purpose of the district. The rate of such assessments shall be fixed by a resolution of the board of commissioners, but shall in no event exceed the amounts set forth in section 2-27-16.

(2) The board of commissioners is authorized to recover its expenses for responding to emergency calls by charging the person or persons responsible for the emergency call. Prior to undertaking any actions to recover its expenses, the board of commissioners shall adopt by resolution a reasonable schedule of charges for its emergency services and responses, including, but not limited to the fighting of fires occurring in motor vehicles or rail cars, including engines, the provision of responses to incidents involving the spillage or securing of hazardous materials, the fighting of fires occurring in or at refuse dumps or as a result of an illegal burn, search and rescue operations, and emergency medical services connected to such emergency responses when emergency medical transport service is not provided. It is further provided that the Myakka City Fire Control District shall have a lien upon the real or personal property which generates or is responsible for the district's emergency response for the charges so assessed. Said lien shall be perfected by recording a notice of same in the public records of Manatee County, or other appropriate jurisdiction.

(3) The district shall provide to the county property appraiser a notice of fire tax rates as adopted by resolution not later than June 1 of each year. The county property appraiser shall then furnish to the commissioners of the district a tax roll covering all taxable properties with the tax rate levy placed on each parcel of property by July 1, which tax roll is consistent with and as set forth by s. 193.1142, Florida Statutes. Not later than 21 days after receipt of the tax roll from the county property appraiser, the district shall return the tax roll, having first checked and noted any corrections or adjustments to the fire tax levy against each parcel of property.

(4) Prior to adopting a rate of assessment as required in subsection (3), the board of commissioners of the district shall properly advertise and hold a public hearing with respect to the proposed rate of assessment. At such hearing, any property owner in the district shall have the right to file written protest and/or to testify at such hearing regarding the proposed rate of assessment. After due consideration of all comments or protests, the board of commissioners shall adopt a resolution specifying the rate of assessment on all taxable property.

(5) The board of commissioners of the district shall, not earlier than 30 days nor later than 45 days after the mailing of the notice of proposed property taxes as required by s. 194.011(1), Florida Statutes, hold a properly advertised public hearing to hear appeals from any property owner in the district with respect to the method of calculation or the amount of fire tax levied against a parcel of land. Within 20 calendar days of the conclusion of the public hearing to hear appeals, the board of commissioners of the district shall notify all concerned parties and the county property appraiser in writing of its decision. The decision shall include reasons for granting or denying the appeal.

(6) The county property appraiser shall then include the assessments thus made by the board of commissioners of the district in the Manatee County tax roll and the same shall be collected in the manner and form as is provided for the collection of county taxes and paid over by the county tax collector to the board of commissioners.

(7) Such special assessments shall be a lien upon the land so assessed along with the county taxes assessed against the same until said assessments have been paid, and, if the same become delinquent, shall be considered a part of the county tax subject to the same penalties, fees, and remedies for enforcement and collection, and shall be enforced and collected, as provided by the laws of the State of Florida for the collection of such taxes.

Section 2-27-6 Deposit of funds. – All proceeds of assessments and other funds of the district shall be deposited in the name of the district in a financial institution designated under the provisions of chapter 280, Florida Statutes, as a certified public depository. The approved financial institution shall be designated by a resolution of the board of commissioners. No funds of the district shall be paid out or disbursed except by check.

Section 2-27-7 Use of funds. – No funds of the district shall be used for any purpose other than for the administration of the affairs and business of the district; for the acquisition, construction, care, maintenance, upkeep and operation of sites for fire stations, fire stations and firefighting and rescue equipment; the employment of qualified personnel as

provided for herein and payment of the essential personnel benefits such as health, death and disability and workers' compensation insurance; and retirement programs and other associated costs designed to further the purposes of the district.

Section 2-27-8 Borrowing power. – The board of commissioners shall have the power and authority to borrow money for the purposes of the district and to mortgage the real and personal property of the district or to pledge future assessments and liens as security for such loans. The limits of such authority shall be that the amount borrowed shall not exceed three times the total assessments in the fiscal year the loan is contracted; however, the district commissioners shall not create any indebtedness or incur obligations for any amount which they are unable to pay out of the district funds. Neither the district commissioners as a body nor any one of them as an individual shall be personally or individually liable for the repayment of such loan or loans. In addition, the board of commissioners shall have the power and authority to make purchases of equipment on an installment basis as necessary, if funds are available for the payment of the current year's installment on such equipment plus the amount due in that year on any other installments or other indebtedness.

Section 2-27-9 Authority and power to acquire. – The board of commissioners of the district shall have the power and the authority to acquire by gift or purchase fire station sites, fire stations and such fire fighting and rescue equipment as is deemed necessary for the protection of said district.

Section 2-27-10 Duties of officers and authority of corporation. – The officers of the board of commissioners shall have the duties usually pertaining to, vested in, and incumbent upon like officers. A record shall be kept of all meetings of said board of commissioners and in such meetings concurrence of a majority of said commissioners shall be necessary for any affirmative actions by said board. The board of commissioners of said district shall have the authority to adopt ordinances and rules and regulations for fire safety and protection. Such rules and regulations shall include the edition of the National Fire Code, as referenced in the Manatee County Building Code, as amended from time to time by the Board of County Commissioners of Manatee County. The said district shall adopt the fire code which is referenced by the building code adopted by the Board of County Commissioners of Manatee County.

Section 2-27-11 Authority to employ qualified personnel. – The board of commissioners of said district shall have the authority to employ personnel as required to carry out the purposes of the district. Such personnel may include a fire chief, a fire marshal, one or more firefighters or inspectors and administrative or maintenance personnel as the board of commissioners deems necessary to carry out the purposes of the district. The board of commissioners, upon employment of a fire marshal, shall direct that all places of business, apartment houses, hotels and other places of assembly within the territorial limits of the district be inspected at least twice per year to determine that such places have proper fire extinguishers, exits and other fire safety provisions and that a report on same is submitted to the board of commissioners.

Section 2-27-12 Budget. – The annual budget of the district shall be submitted to the Board of County Commissioners for its approval. Any amendment to the budget during the fiscal year must also be submitted to the board of county commissioners for approval. If the budget or a budget amendment in any year is not approved, approved with modifications, or rejected by the board of county commissioners within 30 days after its submission, the budget or budget amendment shall be deemed to have been approved by the board of county commissioners.

Section 2-27-13 Financial reporting. – The board of commissioners of said district shall comply with all appropriate reporting requirements for units of local government. These requirements include the filing on or before September 1 of each year of the district's estimated budget for the fiscal year beginning October 1, the filing of financial statements and audits for the fiscal year ending each September 30 within the time frames identified, as well as the other specified reporting requirements.

Section 2-27-14 Existence. – The district shall exist until dissolved by law. Should any part of the territory covered in the act be held not to be included herein, then this act shall continue in effect as to the balance of said territory.

Section 2-27-15 Definitions. – The word "district" shall mean the special fire control district, and the words "board" and "board of commissioners" shall mean the board of commissioners of the special fire control district, unless otherwise specified. Board of County Commissioners shall mean the Board of County Commissioners of Manatee County.

Section 2-27-16 Schedule of special assessments. – The assessment procedures and amounts, as set forth herein, represent the manner to be followed and the maximum allowable rates which shall be charged by the district. For assessment purposes, all property within the district shall be divided into three general classifications: vacant parcels, residential parcels, and commercial/industrial parcels.

(1) Vacant parcels shall include all parcels which are essentially undeveloped and are usually classified by the property appraiser as use code types 00, 10, 40, 99, and 50 through 69. The maximum annual assessment for these parcels shall be:

- (a) Vacant platted lot (use code 00), \$25.00 per lot.
- (b) Unsubdivided acreage (use codes 50 through 69 and 99), \$0.35 per acre or fraction thereof, except that not more than \$500 shall be assessed against any one parcel.
- (c) Vacant commercial and industrial (use codes 10 and 40) shall be assessed as a platted lot or unsubdivided acreage, as applicable.

Whenever a residential unit is located on a parcel defined herein as vacant, the residential lot shall be considered as one lot or one acre, with the balance of the parcel being assessed as vacant land in accordance with the schedule herein.

Whenever an agricultural or commercial building or structure is located on a parcel defined herein as vacant, the building and/or structure shall be assessed in accordance with the schedule of commercial/industrial assessments.

(2) Residential parcels shall include all parcels which are developed for residential purposes and are usually classified by the property appraiser as use code types 01 through 08 and 28. All residential parcels shall be assessed by the number of dwelling units per parcel. Surcharges may be assigned by the district for dwelling units located on the third or higher floors. The maximum annual assessment for these parcels shall be:

- (a) Single family residential (use code 01) shall be assessed per dwelling unit as follows:

\$152.00— first 1,000 square feet
\$0.20 per square foot over 1,000 square feet

- (b) Condominium residential (use code 04) shall be assessed per dwelling unit as follows:

\$152.00— first 1,000 square feet
\$0.20 per square foot over 1,000 square feet

- (c) Residential and Condominium Building improvement hazards class
The improved hazard rating to all or part of the buildings or structure if they are equipped with complete internal fire suppression facilities shall be discounted to a 1000 square foot base of \$135.50 and all square footage over 1000 square feet shall be discounted to a square foot price of \$.18 per square foot over the 1000 square foot base.

- (d) Mobile homes (use code 02) shall be assessed per unit as follows:

\$152.00— first 1,000 square feet
\$0.20 per square foot over 1,000 square feet

- (e) Multi-family residential (use codes 03 and 08), cooperatives (use code 05), retirement homes (use code 06), and miscellaneous residential uses (use code 07) shall be assessed per dwelling unit as follows:

\$175.00 first 1,000 square feet
\$0.20 per square foot over 1,000 square feet

- (f) Any other residential unit, including, but not limited to, the residential portions of mixed uses (use code 12) and mobile home or travel trailer parks regulated by Chapter 513, Florida Statutes (use code 28), shall be assessed per dwelling unit or available rental space, as applicable as follows:

\$100.00 first 1,000 square feet
 \$0.20 per square foot over 1,000 square feet

- (3) Commercial/industrial parcels shall include all other developed parcels which are not included in the residential category as defined above.

All commercial/industrial parcels shall be assessed on a square footage basis for all buildings and structures in accordance with the following schedule and hazard classification. The district may or may not vary the assessment by hazard classifications as set forth herein.

The base assessment for all buildings and structures for the first 1,000 square feet on a parcel shall be assessed at \$500.00.

The schedule for all square footage above 1,000 square feet is as follows, provided, however, that the district may grant an improved hazard rating to all or a part of the buildings and/or structures if they are equipped with complete internal fire suppression facilities:

Category	Use Codes	
Mercantile (M)	11-16, 29	\$0.20
Business (B)	17-19, 22-26, 30, 36	\$0.20
Assembly (A)	21, 31-35, 37-39, 76, 77, 79	\$0.20
Factory/Industrial (F)	41, 44-47	\$0.20
Storage (S)	20, 27, 28, 49	\$0.20
Hazardous (H)	42, 43, 48	\$0.20
Institutional (I)	70, 73-75, 78	\$0.20

Whenever a parcel is utilized for multiple hazard classifications, the district may vary the assessment in accordance with actual categories.

The base assessment for Recreational Vehicle Parks regulated under Chapter 513 Florida Statutes, will be \$500.00 for the first 1000 square feet for all buildings, structures and net rental spaces. The schedule for all square footages over 1000 square feet shall be \$.20 per square foot.

Agriculture storage buildings located on parcels that are bonafide commercial agriculture, as determined by the Property Appraiser's Office, shall be assessed at \$45.00 per building.

Beginning January 1, 2008, the maximum rates provided herein shall be increased 5% each year.

Section 2-27-17 Impact fees. –

- (1) (a) It is hereby found and determined that the district is located in Manatee County which is experiencing one of the highest growth rates in the nation. New construction and resulting population growth have placed a strain upon the capabilities of the district to continue providing the high level of professional fire protection and emergency service for which the residents of the district pay and which they deserve.
- (b) It is hereby declared that the cost of new facilities for fire protection and emergency service should be borne by new users of the district's services to the extent new construction requires new facilities, but only to that extent. It is the legislative intent of this section to transfer to the new user of the district's fire protection and emergency services a fair share of the costs that new users impose on the district for new facilities.
- (c) The district is hereby authorized to establish and adjust impact fees in accordance with the requirements of law including Section 163.31801, Florida Statutes.

(2) No person shall issue or obtain a building permit for new residential dwelling units or new commercial or industrial structures within the district, or issue or obtain construction plan approval for new mobile home or recreational or travel trailer park developments located within the district, until the developer thereof shall have paid the applicable impact fee to the district.

(3) The impact fees collected by the district pursuant to this section shall be kept as a separate fund from other revenues of the district and shall be used exclusively for the acquisition, purchase or construction of new facilities or portions thereof required to provide fire protection and emergency service to new construction. "New facilities" shall mean buildings and capital equipment, including, but not limited to, fire and emergency vehicles and radio-telemetry equipment. Said fees shall not be used for the acquisition, purchase or construction of facilities which must be obtained in any event, regardless of growth within the district. The board of commissioners shall maintain adequate records to ensure that impact fees are expended only for permissible new facilities.

Section 2: This ordinance shall be codified as Article 1, Sections 2-27-1 through 2-27-17 of the Manatee County Code of Ordinances.

Section 3: Separability. – If any clause, section or provision of this act shall be declared to be unconstitutional or invalid for any cause or reason, the same shall be eliminated from this act, and the remaining portion of said act shall be in force and effect and be as valid as if such invalid portion thereof had not been incorporated therein.

Section 4: Liberal interpretation. – The provisions of this act ordinance shall be liberally construed in order to effectively carry out the purposes of this act in the interest of the public and safety.

Section 5: Repeal of conflicting laws. – All laws or parts of any ordinance in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 6: This ordinance shall take effect when filed with the Secretary of State for the State of Florida.

ADOPTED AND ENACTED by the Board of County Commissioners of Manatee County with a quorum present and voting, on the 8TH day of MAY, 2007.

ATTEST: R.B. SHORE
Clerk of the Circuit Court

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: Austin P. Romine
Deputy Clerk

By: Amy Stein
Chairman

