

ORDINANCE NO. 05-01

AN ORDINANCE OF BAY COUNTY, FLORIDA IMPOSING FLAT-RATE STORMWATER UTILITY FEES, AS NON-AD VALOREM ASSESSMENTS ON RESIDENTIAL AND NON-RESIDENTIAL DEVELOPED PROPERTIES THROUGHOUT THE UNINCORPORATED AREAS OF BAY COUNTY; AMENDING ORDINANCE 91-06, IN PART; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Board of County Commissioners established a Stormwater Utility and a Stormwater Management System by enacting Bay County Ordinance 91-06 on July 2, 1991; and

WHEREAS, the stormwater utility fees authorized by Ordinance 91-06 have never been imposed; and

WHEREAS, the stormwater system in unincorporated areas of Bay County is not adequately funded for operations, maintenance, and new construction in order to comply with state and federal clean water laws and regulations; and

WHEREAS, the Board of County Commissioners finds that at least \$1,500,000.00 per year in additional funding is needed to off-set payments for stormwater utility funds that have been paid from the Bay County General Fund; and

WHEREAS, Bay County is in the process of obtaining a detailed study to establish stormwater utility fees based on rates of impervious area run-offs; and

WHEREAS, impervious area run-off studies in other jurisdictions of Florida indicate a run-off ratio of one to ten for residential versus non-residential developed properties; and

WHEREAS, the Board of County Commissioners finds a flat-rate fee, with a one to five ratio between residential and non-residential developed properties is appropriate and necessary to

protect the people of Bay County, by providing additional stormwater operations, maintenance and construction funding, until the impervious area run-off rate study is completed; and

WHEREAS, the Board of County Commissioners finds adequate funding for operations, maintenance and construction of stormwater facilities shall inure to the benefit of and increase the value of each developed property within Bay County; and

WHEREAS, Bay County has the constitutional and statutory authority to impose a flat-rate stormwater utility fee, to be collected under the uniform method for the levy, collection and enforcement of non-ad valorem assessments.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BAY COUNTY:

SECTION 1. Bay County Ordinance 91-06

All terms and conditions of Bay County Ordinance 91-06 shall continue in full force and effect, except for those in conflict with this Ordinance, in which event the terms of this Ordinance shall control.

SECTION 2. Definitions

For purposes of this Ordinance, the following terms shall mean:

- A. "Non-Residential Developed Property" means each developed parcel the Property Appraiser has classified as land use types 3, 6, 8, 11 through 39, 41 through 49, and 71 through 79 under the land use classifications of the Florida Department of Revenue, as set forth in § 12D – 8.008, Florida Administrative Code.
- B. "Residential Developed Property" means each developed parcel the Property Appraiser has classified as land use types 1, 2, 4, 5 and 50, under

the land use classifications of the Florida Department of Revenue, as set forth in § 12D - 8.008, Florida Administrative Code. Each unit in a condominium shall be a separate “residential developed property.”

- C. “Parcel” means each individual piece of real property which has been assigned a parcel identification number by the Bay County Property Appraiser, including each individual condominium unit.

SECTION 3. Territorial Effect

This Ordinance shall be effective only in unincorporated areas of Bay County.

SECTION 4. Imposition of Stormwater Utility Fees

- A. A non-ad valorem flat-rate stormwater utility fee is hereby assessed upon all residential and non-residential developed properties in the unincorporated areas of Bay County. The fees shall be:
 - (1) For each parcel of residential developed property, including each condominium unit, forty dollars (\$40.00) per year; and
 - (2) For each parcel of non-residential property, two hundred dollars (\$200.00) per year.
- B. No fee is assessed on vacant parcels, government-owned parcels, and agricultural parcels which have no structures thereon.
- C. The fee shall be levied, collected and enforced under the uniform method of collection set forth in § 197.3632, Florida Statutes. Bay County shall enter into agreements with the Bay County Property Appraiser and the Bay County Tax Collector for their services in implementing and collecting the stormwater utility fee.

D. Collection of the stormwater utility fee hereby assessed shall begin on January 1, 2006 and shall remain in effect until replaced by an impervious surface run-off based fee or through the 2010 tax year, whichever is earlier.

SECTION 5. Use of Revenues

All revenues derived from the non-ad valorem flat rate stormwater utility fee assessed herein shall be used solely for operation, maintenance and construction of stormwater facilities within the unincorporated areas of Bay County and to defray the costs of collecting and enforcing said fee.

SECTION 6. Severability

If any part of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

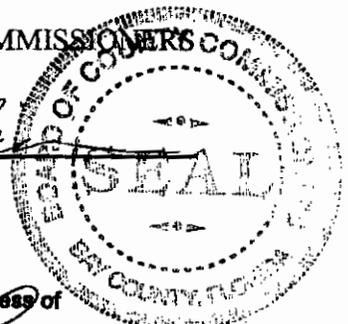
SECTION 7. Effective date

This Ordinance shall take effect when filed with the Department of State.

PASSED AND ADOPTED this 18th day of January, 2005.

BOARD OF COUNTY COMMISSIONERS
BAY COUNTY, FLORIDA

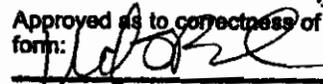

CHAIRMAN



ATTEST:

HAROLD BAZZEL, CLERK
By: 
Deputy Clerk



Approved as to correctness of
form:

Bujko, Blue & Hutchison, P.A.
Attorneys for Bay County