

ORDINANCE NO. 05-27

AN ORDINANCE AMENDING ORDINANCE NO. 05-01 ENTITLED "AN ORDINANCE OF BAY COUNTY, FLORIDA IMPOSING FLAT-RATE STORMWATER UTILITY FEES, AS NON-AD VALOREM ASSESSMENTS ON RESIDENTIAL AND NON-RESIDENTIAL DEVELOPED PROPERTIES THROUGH-OUT THE UNINCORPORATED AREAS OF BAY COUNTY; AMENDING ORDINANCE 91-06, IN PART; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE" PROVIDING FOR AN EXEMPTION FROM FEES FOR QUALIFYING SENIORS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on January 18, 2005 the Bay County Board of County Commissioners (the "Board") adopted Ordinance No. 05-01 amending Ordinance No. 91-06 which established a stormwater utility and a stormwater utility fee assessment (the "Stormwater Utility Ordinance"); and,

WHEREAS, the Stormwater Utility Ordinance imposes a special assessment (the "Stormwater Utility Fee") on certain parcels of property within unincorporated Bay County regardless of the parcel owner's ability to pay for the Stormwater Utility Fee; and,

WHEREAS, the imposition of the Stormwater Utility Fee creates a financial hardship for certain qualified senior citizens; and,

WHEREAS, the Board finds that it is in the best interests of the citizens of Bay County, Florida, to exempt qualified senior citizens from the payment of the Stormwater Utility Fee;

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

SECTION 1. Bay County Ordinance No. 05-01.

All terms and conditions of Bay County Ordinance 91-06 and 05-01 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. Qualified Senior Citizen Exemption.

(A) Qualified Senior Citizens shall be exempt from the payment of the stormwater utility fee for residential developed property for that parcel of real property which is the homestead of the Qualified Senior Citizen.

(B) A "Qualified Senior Citizen" is a person who qualifies for the additional homestead exemption pursuant to Ordinance No. 99-21 (codified in Bay County Code Section 14-6) as it may be amended from time to time.

(C) A Qualified Senior Citizen shall be entitled to receive the exemption from the stormwater utility fee provided in this ordinance for each year that the Qualified Senior Citizen receives the additional homestead exemption pursuant to Bay County Code Section 14-6 as it may be amended from time to time.

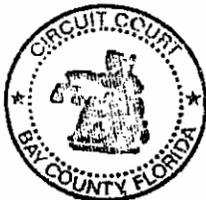
SECTION 3. Severability

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 4. Effective date

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

PASSED AND ADOPTED this 7th day of June, 2005.



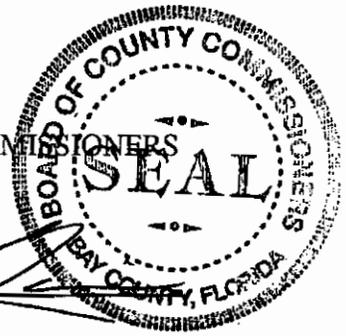
A CERTIFIED TRUE COPY
HAROLD BAZZEL CLERK
OF THE CIRCUIT COURT
By Kim Rodgers
Deputy Clerk

ATTEST:

Harold Bazzel
HAROLD BAZZEL, CLERK
By: Kim Rodgers
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
BAY COUNTY, FLORIDA



[Signature]
CHAIRMAN

Approved as to correctness of form:

[Signature]
Burke, Blue, Hutchison & Walters, PA
Attorneys for Bay County