

ORDINANCE NO. 10- 16

AN ORDINANCE OF BAY COUNTY, FLORIDA AMENDING ORDINANCE NO. 05-01 AND ORDINANCE NO. 06-33 REGARDING FLAT RATE STORMWATER UTILITY FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Bay County adopted Ordinance 05-01 as amended by Ordinance No. 06-33 to impose a flat rate storm water utility fee in the absence of the development and adoption of a fee based on impervious surface run-off through the 2010 tax year; and

WHEREAS, the Board has determined that the flat rate storm water utility fee should be extended beyond the 2010 tax year pending the development and adoption of a fee based upon impervious surface run-off; and

WHEREAS, this Ordinance shall not act to increase the amount of any storm water fee currently established by Bay County.

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

SECTION 1. PURPOSE. AMENDMENT OF SECTION 25-126(b)(4) OF THE BAY COUNTY CODE. Section 25-126(b)(4) of the Bay County Code is amended to read as follows with stricken provisions as deletions to the existing text:

(4) Collection of the storm water 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 2. SEVERABILITY. It is hereby declared to be the intent of the Board of County Commissioners of Bay County that if any section, subsection, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

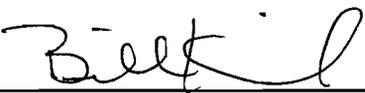
SECTION 3. INCLUSION IN CODE. It is the intention of the Board of County Commissioners of Bay County Florida, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Bay County, Florida; that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section", "article" or other appropriate designation.

SECTION 4. EFFECTIVE DATE. A certified copy of this ordinance as enacted shall be filed by the Clerk of the Board with the office of the Secretary of State of the State of Florida within ten (10) days after enactment, and this ordinance shall take effect in accordance with Section 125.66(2), Florida Statutes.

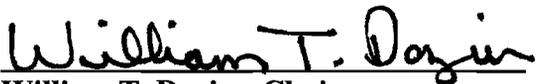
DULY ADOPTED in regular session this 19th day of October 2010.

ATTEST:

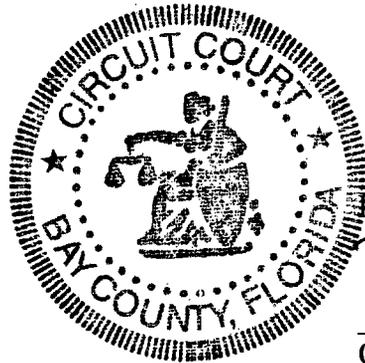
**BOARD OF COUNTY COMMISSIONERS
BAY COUNTY FLORIDA**

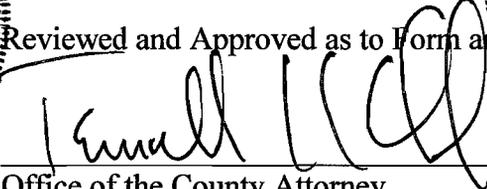


Bill Kinsaul, Clerk



William T. Dozier, Chairman



Reviewed and Approved as to Form and Content.


Office of the County Attorney

