

**ORDINANCE NO. 12-1297**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POLK CITY , FLORIDA; PROVIDING A SHORT TITLE; PROVIDING FOR INTENT, PURPOSE, & EFFECT; CONSENTING TO THE INCLUSION OF THE ENTIRE TERRITORY WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY INTO A POLK COUNTY MUNICIPAL SERVICE BENEFIT UNIT FOR FIRE SERVICES; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Section 125.01(1)(q) and (r) , Florida Statutes, the Florida Legislature has empowered counties to establish Municipal Service Benefit Units (MSBU), wherein a County may levy non-ad valorem assessments to cover the cost of providing for certain municipal services, including the provision of fire services; and

**WHEREAS**, pursuant to Section 125.01(1)(q), Florida Statutes, the Florida Legislature has provided that any municipality or portion thereof may be included in a County MSBU provided the municipality consents to same annually or for a period of years; and

**WHEREAS**, a municipality's consent to the inclusion of its territory within a MSBU must be authorized by the enactment of an ordinance of the governing body of the municipality; and,

**WHEREAS**, the Polk City City Commission is the governing body of the City of Polk City ; and,

**WHEREAS**, Polk County has created the Polk County Fire Services District as a MSBU to provide fire services within the boundaries of Polk County and within cities requesting and consenting to County fire services; and,

**WHEREAS**, the City desires to consent to inclusion in the Polk County Fire Service MSBU for purposes of providing fire services within the municipal boundaries of the City for a term of ten (10) years

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF POLK CITY, FLORIDA:**

**SECTION 1. RECITALS.** The above Recitals are true and correct, and are incorporated herein by reference and made a part hereof.

**SECTION 2. SHORT TITLE.** These regulations shall be known as the County Fire Service MSBU Consent Ordinance of Polk City, Florida, hereinafter referred to as “this ordinance.”

**SECTION 3. INTENT, PURPOSE AND EFFECT.** It is the intent of this Ordinance to comply with the provisions of Section 125.01(1)(q), Florida Statutes. The City Commission hereby consents to the inclusion of the land within its municipal boundaries, as they may be amended from time to time, into the Polk County Fire Services District MSBU for a period of ten (10) years from the effective date of this ordinance for the sole and exclusive purpose of subjecting the properties therein to non-ad valorem assessments for the provision of Polk County fire services within the territorial limits of the City of Polk City , including inspections and enforcement of the Florida Fire Prevention Code and Polk County Local Amendments thereto. The MSBU has been established pursuant to enabling legislation adopted by the Board of County Commissioners of Polk County.

**SECTION 4. REPEAL OF LAWS IN CONFLICT.** All other ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed to the extent of the conflict.

**SECTION 5. SEVERABILITY.** If any section, paragraph, sentence, clause, phrase or word of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this ordinance.

**SECTION 6. TERM.** This Ordinance shall remain in full effect for ten (10) years or until such time as the Polk City City Commission repeals this ordinance following procedures set out in Florida Statutes, Section 166.041, whichever first occurs. Notice of the proposed repeal of this Ordinance shall be provided in writing to Polk County no later than March 1 of the year in which the City intends to terminate County fire services to avoid imposition of non-ad valorem assessments for that tax year.

**SECTION 7. EFFECTIVE DATE.** The provisions of this Ordinance shall become effective immediately upon passage.

**INTRODUCED, PASSED on FIRST READING**, this \_\_\_\_day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
**Joe LaCascia, Mayor**

**ATTEST:**

**Approved as to form and correctness**

\_\_\_\_\_  
**Patricia R. Jackson, City Clerk**

\_\_\_\_\_  
**Thomas A. Cloud, City Attorney**

**PASSED AND DULY ADOPTED ON SECOND READING**, with a quorum present and voting by the City Council of the City of Polk City, Florida meeting in Regular Session this \_\_\_\_ day of \_\_\_\_\_, 2012.

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**Joe LaCascia, Mayor**

**ATTEST:**

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**Patricia R. Jackson, City Clerk**