

**ORDINANCE 2022-02**

**AN ORDINANCE OF THE CITY COMMISSION 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; PROVIDING FOR INTENT, PURPOSE AND EFFECT; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT, SEVERABILITY, AND 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 Commission is the governing body of Polk City, Florida ("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 previously consented to the inclusion of its territorial boundaries into the Polk County Fire Service MSBU by Ordinance No. 12-1297 on January 14, 2013; and,

**WHEREAS**, Polk County has requested that Polk City renew and extend its consent to inclusion in the Polk County Fire Service MSBU for purposes of providing fire services within the municipal boundaries of the City for another term of ten (10) years.

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

**SECTION 1. 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, 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 2. REPEAL OF LAWS IN CONFLICT.** All other ordinances or parts of ordinances (including No. 12-1297) in conflict with any of the provisions of this ordinance are hereby repealed to the extent of the conflict.

**SECTION 3. 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 4. TERM.** This Ordinance shall remain in full effect for ten (10) years or until such time as the City repeals this Ordinance following procedures set out in Florida Statutes, Section 166.041. 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 5. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its passage and approval as a non-emergency ordinance at two regular meetings of the City Commission.

**INTRODUCED, PASSED on FIRST READING,** this 21<sup>st</sup> day of February, 2022.

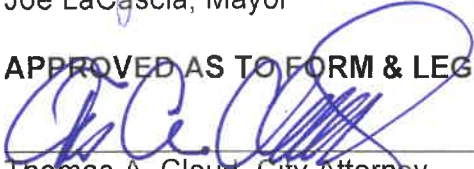
POLK CITY, FLORIDA

  
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Joe LaCascia, Mayor

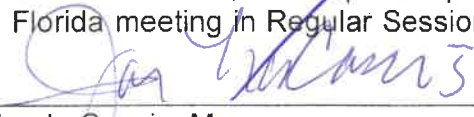
ATTEST:

  
\_\_\_\_\_  
Patricia R. Jackson, City Manager/Clerk

APPROVED AS TO FORM & LEGALITY

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

**PASSED AND DULY ADOPTED ON SECOND READING,** with a quorum present and voting by the City Commission of Polk City, Florida meeting in Regular Session this 21<sup>st</sup> day of March, 2022.

  
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Joe LaCascia, Mayor

ATTEST:

  
\_\_\_\_\_  
Patricia R. Jackson, City Manager/Clerk