

ORDINANCE NO. 12-2014

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA; PROVIDING FOR THE TOWN'S CONSENT TO THE INCLUSION OF THE ENTIRE TERRITORY WITHIN THE TOWN OF LAKE PARK'S MUNICIPAL BOUNDARIES INTO PALM BEACH COUNTY'S FIRE/RESCUE MUNICIPAL SERVICE TAXING UNIT FOR FIRE-RESCUE, FIRE PROTECTION, ADVANCED LIFE SUPPORT (OR SIMILAR EMERGENCY SERVICES), FIRE CODE ENFORCEMENT AND OTHER NECESSARY AND INCIDENTAL SERVICES; PROVIDING FOR INTENT, PURPOSE, CONSENT AND DURATION; PROVIDING FOR EARLIER REPEAL OF ORDINANCE; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; ACKNOWLEDGING LIMITATION ON AD VALOREM MILLAGE RATE FOR MUNICIPAL PURPOSES.

WHEREAS, pursuant to Section 125.01(1)(q) and (r), Florida Statutes, the Florida Legislature has empowered counties to establish Municipal Service Taxing Units ("MSTU"s), whereby a County may levy a tax, within the MSTU for certain essential municipal services, including the provision of fire-rescue services; and

WHEREAS, pursuant to Section 125.01(1)(q), Florida Statutes, a municipality may be included within an MSTU, subject to approval by ordinance of the governing body of the municipality giving consent either annually or for a term of years; and

WHEREAS, Palm Beach County (the "County") established an "MSTU" known as the Fire/Rescue MSTU to provide fire protection, fire rescue, advanced life support (or similar emergency services), code enforcement and other services necessary and incidental to the purpose for which the MSTU was created; and

WHEREAS, the Town Commission of the Town of Lake Park (the "Town") desires to consent to the inclusion of all territory lying within the municipal boundaries of the Town within the County's Fire/Rescue MSTU for fire-rescue services benefitting residents within the Town; and believes that such inclusion is in the best interests of the health, safety and welfare of the citizens of the Town of Lake Park.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE

TOWN OF LAKE PARK, FLORIDA, THAT:

Section 1: It is the intent, purpose and effect of this ordinance to comply with the provisions of Section 125.01(1)(q), Florida Statutes. The Town Commission of the Town of Lake Park hereby consents to the inclusion of all territory within the incorporated municipal boundaries of the Town, as may be amended from time to time, within the County's Fire/Rescue Municipal Service Taxing Unit (the "Fire/Rescue MSTU"), which was established pursuant to enabling legislation adopted by the Board of County Commissioners of Palm Beach County. The purpose of the enactment of this ordinance is to enable the County to provide fire-rescue and related services within the territorial limits of the Town including, but not limited to, the enforcement of the Florida Fire Prevention Code and Palm Beach County Local Amendments thereto (the "Fire Code") and any other applicable laws and regulations.

Section 2: The provisions of this ordinance shall become effective December 31, 2014 to be implemented for tax year 2015, for County fire-rescue and related services to begin at 7:30 a.m. on October 1, 2015. The Town's consent to be included in the County's Fire/Rescue MSTU shall continue for a term of ten (10) years through December 31, 2024; provided, however, that the Town's consent and inclusion in the County's Fire/Rescue MSTU shall be deemed to continue through 7:30 a.m. on October 1, 2025, to the extent necessary to enable the County to provide within the Town fire/rescue and related services including, but not limited to, the enforcement of the Fire Code and any other applicable laws and regulations.

Section 3: Should the Town intend to repeal this ordinance prior to its expiration on December 31, 2024, the Town shall provide written notice to Palm Beach County, by March 1st of any given year, of the Town's intent to repeal this Ordinance, with such repeal to be effective December 31st of the same year; and the Town shall provide a certified copy of the repealing ordinance to the County and the Property Appraiser by said December 31st. In such case, the Town's inclusion in the County's Fire/Rescue MSTU shall terminate on said December 31; provided, however, that the Town's inclusion in the County's Fire/Rescue MSTU shall be deemed to continue through the following October 1 at 7:30 a.m. to the extent necessary to enable the County to provide within the Town fire-rescue and related services, including, but not limited to, the enforcement of the Fire Code and any other applicable laws and regulations.

Section 4: Repeal of Conflicting Ordinances: All other ordinances and parts of the ordinances in conflict with any provisions of this ordinance are hereby repealed to the extent of the conflict.

Section 5: Severability: Should any section or provision of this Ordinance or any portion

thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or any part thereof other than the part to be declared invalid.

Section 6: Effective Date: This Ordinance shall become effective on December 31, 2014, provided that the Board of County Commissioners of Palm Beach County has adopted an ordinance providing for the inclusion of the territorial limits of the Town within the County's Fire/Rescue MSTU. The Town's continuing participation in the MSTU is contingent upon the County maintaining an ordinance including the Town within the MSTU.

Section 7: The Town acknowledges that by opting into the MSTU, it cannot levy an annual ad valorem millage rate that would exceed the ten (10) mill cap for municipal purposes when combined with the Fire/Rescue MSTU's annual ad valorem levy.

[Remainder of page left blank intentionally]

Upon First Reading this 3 day of September, 2014, the foregoing Ordinance was offered by Commissioner O'Rourke, who moved its approval. The motion was seconded by Commissioner Rapoza and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>Absent</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER MICHAEL O'ROURKE	<u>/</u>	_____
COMMISSIONER KATHLEEN RAPOZA	<u>/</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 7 DAY OF September 2014

Upon Second Reading this 17 day of September, 2014, the foregoing Ordinance, was offered by Vice-Mayor Glas-Castro, who moved its adoption. The motion was seconded by Commissioner O'Rourke and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER MICHAEL O'ROURKE	<u>/</u>	_____
COMMISSIONER KATHLEEN RAPOZA	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No. 12-2014** duly passed and adopted this 17 day of September, 2014.

TOWN OF LAKE PARK, FLORIDA

BY: James DuBois
Mayor, James DuBois

ATTEST:

Vivian Mendez
Town Clerk, Vivian Mendez
(Town Seal)
SEAL

Approved as to form and legal sufficiency:

Thomas J. Baird
Town Attorney, Thomas J. Baird

FLORIDA

RECEIPT

**LEGAL NOTICE OF PROPOSED
ORDINANCE TOWN OF LAKE PARK**

Please take notice that on Wednesday, September 17, 2014 at 6:30 p.m. or soon thereafter the Town Commission, of the Town of Lake Park, Florida in a regular session to be held in the Commission Chambers, Town Hall, 535 Park Avenue, Lake Park, Florida will consider the following Ordinance on second reading and proposed adoption thereof:

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If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Vivian Mendez, CMC, Town Clerk
Town of Lake Park, Florida
PUB: The Palm Beach Post
9-7/2014 #297760

RECEIPT

Account: G3573
Name: TOWN OF LAKE PARK
Address: 535 PARK AVE
LAKE PARK FL 33403-2603

Phone: 561-881-3300
E-mail: VMENDEZ@LAKEPARKFLORIDA.GOV

Order Name: LEGAL NOTICE
Order Id: 297760
Original Order Id:
Copy Line: LEGAL NOTICE OF PROPOSED ORDINANCE TOWN
Sales Rep: PB116 R Hindmarch (P)
Purchase Order:
Pay Type: Billed
Account Group:
Caller: VIVIAN MENDEZ

Section: 6205 Legal Notices
Reply Request:
Tear Sheets: 0

Order Summary
Base: \$196.08
Other Charges: \$0.00
Discounts: \$0.00
Agency Commission: \$0.00
Sales Tax: \$0.00

Total Order \$196.08

Payment Summary
No payment information available.

RECEIPT

Ad Name: 592359A

Ad Id: 592359

Original Ad Id:

Start: 09/07/2014
Stop: 09/07/2014
Issues: 1
Words: 256
Dimensions: 1 X 57
Color:

Editions

PB Post
PB Post Web