

EMERGENCY AMENDED ORDINANCE

1975-06

An act relating to Walton County amending the Ordinance No. 75-5 creating the Tri-Village Fire District; providing for boundary, government, officers, powers, duties, procedures, regulations, and financing of the district to include an ad valorem levy of up to two (2) mills; providing for violation to be a misdemeanor of the second degree; providing for a referendum; providing an effective date.

Be It Ordained by the Board of County Commissioners of Walton County, Florida:

Section 1. Creation; boundaries--

(1) Upon this act becoming a law all of the following area in Walton County shall be incorporated as a special fire protection district, which shall be a public municipal corporation for the public benefit, with perpetual existence, to be known as the Tri-Village Fire District in which name it may sue and be sued, lease, own, possess, and convey real and personal property, by purchase or gift or otherwise, in order to carry out the purposes of this act.

AREA

Section 19, Township 1 South, Range 20 West and Sections 22, 27, 28, 29, and 30,31Township 1 South, Range 21 West lying South of the Eglin Field Military Reservation and North of Choctawhatchee Bay within Walton County, Florida.

This area contains the two communities of Villa Tasso and Choctaw Beach. The Choctaw Beach Community has the following recorded subdivisions; Mullet Creek, Cherokee, Lake Sharon Estates, Choctaw, Chickasaw, and Chippewa.

(2) Any lands within a municipality included in the boundaries of the district as described herein shall be excluded from the district and its jurisdiction. If any area, tract, or parcel of land within the boundaries of the district shall hereafter become annexed to a municipality such area, tract, or parcel of land shall be excluded from the district effective the next January 1 following such annexation by a municipality. Nothing contained in this act shall preclude any municipality from annexing lands to the territorial limits of the municipality even if such land is included within the district.

(3) Should any part of the territory covered in this act be held not to be included herein, then this act shall continue in effect as to the balance of the territory.

Section 2. Board of Fire Commissioners.--The Business and affairs of the district shall be conducted and administered by a Board of five (5) Commissioners, who shall be qualified electors residing in the district. Said Commissioners, upon their appointment or election and qualification as provided in §3 and annually in January, shall organize by electing from their number a chairman, a vice—chairman and a secretary-treasurer. The Fire Commissioners shall not receive any compensation for their services as such, but the secretary-treasurer may be paid not exceeding \$300.00 per annum from the funds of the district for his services as such Secretary-treasurer. Each Fire Commissioner shall, before he enters upon his duties as such Fire Commissioner, execute to the Governor for the benefit of the district, a good and sufficient bond in the sum of \$1,000.00, with a qualified corporate surety conditioned to faithfully perform the duties of such Fire Commissioner and to account for all funds to come into his hands as such Fire Commissioner. All premiums for such surety on all such bonds shall be paid from the funds of the district.

Section 3. Same; terms of office-- The members of the Board of Fire Commissioners shall be elected and hold office as follows:

- a. The two persons receiving the highest number of votes at the election as provided herein shall serve until the general election of 1978; their successors shall serve for a period of four years thereafter.
- b. The other three persons elected to the Board of Fire Commissioners shall hold office until the general election of 1976; their successors in office shall serve for a period of four years thereafter.

Section 4. Officers; meetings.--The officers of the Board of Fire Commissioners shall have the duties usually pertaining to like officers. A record shall be kept of all meetings of the Board and in such meetings concurrence of a majority of the Fire Commissioners shall be necessary to any affirmative action by the board. The meetings of the Board and minutes of the meetings shall be open to the public at all times.

Section 5. Audit.--The books and records of the district shall be audited at least annually, at the expense of the district, by the auditor general. The district shall furnish copies of the audit within ninety (90) days at the close of the calendar year to the Board of County Commissioners.

Section 6. Powers.--

(1) The Board of Fire Commissioners shall have authority to:

(a) Acquire by gifts, lease, or purchase, a fire station and station site and such fire-fighting equipment and other equipment and supplies as deemed necessary for the protection of the district and to make and enter into contracts with firms, individuals, or corporations relating to the purposes of the district.

(b) Make reciprocal agreements with the officials of fire departments in adjacent or neighboring areas to provide mutual assistance in fire fighting and fire protection.

(c) Adopt rules and regulations not inconsistent with any portion of this act as it may deem necessary in the transaction of its business and in carrying out the provisions of this act, and may promulgate and enforce reasonable fire regulations by resolution, copies of the same to be filed with the Board of County Commissioners and posted in three (3) places in the fire district, one (1) of which shall be at the fire station.

Section 7. Fire marshal; firemen.--The board may hire a fire marshal, special deputies and firemen, at salaries to be determined by the board, whose duties shall be to inspect property and check and eliminate all fire hazards. The fire marshal shall reside in the district, shall be a person experienced in all types of fire fighting, and shall work with and cooperate with the Florida State Forestry Service in which the district is situated in the prevention of fires of all types. He shall be required to inspect all places of business, apartment houses, hotels, and other buildings within the territorial limits of the district wherein large groups of people might congregate to determine that such places have proper fire extinguishers and fire escapes, at least two (2) times each year and shall submit a report on same to the Board of Fire Commissioners.

Section 8. Special assessments.-

(1) The district shall have the authority to levy special assessments against the taxable real estate in the district to provide funds for the purposes of the district. The rate of assessment shall be fixed by resolution of the Board of Fire Commissioners on or before June 1 of each year and shall not in any event exceed two (2) mills nor shall any tax payer be taxed more than a total of \$150.00 in any taxable period for his property regardless of the number or classification of property.

(2) The Board of Fire Commissioners may adopt by resolution the current tax assessment and collection roll compiled and prepared by the tax assessor of Walton County and may adopt a resolution fixing the levy on each lot or parcel of land subject to taxation in the district, and shall, before June 1 of each year, deliver said roll to the tax assessor.

(3) Any property owner in the district shall have the right to file protest in writing between June 10 and June 20 of each year against the proposed assessments, the amount or rate thereof, and to appear before the board in support of such protest at an open meeting or meetings which shall be held to hear and consider such protests and make adjustments to the rolls.

(4) Immediately after the adjustment period the Board of Fire Commissioners shall adopt a resolution fixing the rate of special assessment and shall verify the amount of the levy against each parcel of property described in the tax roll and shall transmit the tax roll and a certified copy of the resolution to the county tax assessor on or before July 1 each year. It shall be the duty of the tax collector of Walton County to include in the county tax roll the assessments made by the Board of Fire Commissioners of the district and to collect such assessments according to the assessment roll and deliver the proceeds of such collections less the statutory fee, monthly to the Board of Fire Commissioners, taking their receipts for such funds., The tax collector shall, upon delivery of such funds to the Board of Fire Commissioners, furnish them with a description of the lands for which such payments are made.

(5) Such special assessments shall be a lien upon the land so assessed along with county taxes until paid, and if the same become delinquent, shall be considered a part of the county tax, subject to the same penalties, charges, fees, and remedies for enforcement and collection and shall be enforced and collected as provided by law.

(6) Such special assessments shall be of equal benefit to all property with fire protection being provided by the Tri-Village Fire District pursuant to the provisions of this act.

(7) The fiscal year for the district shall be from January 1 to December 31 of each year.

Section 9. Indebtedness.--

(1) The Board of Fire Commissioners is authorized to borrow money for the purposes of the district, not to exceed fifty percent (50%) of the total assessment roll, and pledge for the payment thereof, mortgages and collections on such roll, and give tax anticipation notes, which shall be the sole security for such loans. Neither the district nor the Fire Commissioners shall be personally or individually liable for the loans or any part thereof. In the event of such pledge, it shall be the duty of the Fire Commissioners upon collection of the assessment roll so pledged to apply the first proceeds thereof to the payment of principal and interest payments on such loan for which such assessment or lien was pledged until full payment of the loan.

(2) Except as provided in this section, the Board of Fire Commissioners shall not create indebtedness or incur obligations for any sum or amount which it is unable to pay out of the district funds then in its hands.

Section 10. Use of funds.—No funds of the district shall be used for any purpose other than the administration of the affairs and business of the district, for the construction, care, maintenance, upkeep, operation, and purchase of standard fire-fighting equipment shall meet the requirements of the fire marshal and the underwriters association, fire stations, installation of fire hydrants, payment of public utilities such as electric lights and water, salaries of a fire marshal and one (1) or more firemen, and such other expenses as the Board of Fire Commissioners may determine to be for the best interests of the district.

Section 11. Penalty.--Any person, firm, or corporation who violates any of the provisions of this law or any of the regulations adopted pursuant to the provisions of this law, upon conviction therefore is guilty of a misdemeanor of the second degree.

Section 12. This act shall become operative only upon its ratification by a majority of the qualified electors residing within the boundaries of the proposed district voting at a special referendum election which shall be held within sixty (60) days from the date of this document. The election shall be held, conducted, and the results canvassed in the manner prescribed by general law. If the results of such election are favorable, the cost shall be repaid by the first funds received by the fire protection district.

Section 13. The Board of County Commissioners shall cause to be printed on the ballots for the election the names of any qualified persons as candidates for the office of the members of the Board of Fire Commissioners of the fire protection district who shall have qualified as prescribed by law not less than thirty (30) days before the election. There shall be no qualifying fee to run for these offices. A blank line shall also be placed on the ballot for “write-in” votes. Upon ratification of this ordinance, the five members receiving the highest number of votes of said election shall automatically become the initial Board of Fire Commissioners.

Section 14. The ballot to be used at the election shall be substantially as follows, provided that names of candidates shall not be restricted to those listed.

OFFICIAL BALLOT
TRI-VILLAGE FIRE DISTRICT
SPECIAL ELECTION, _____

1. Shall the Tri-Village Fire District be created and authorized to levy up to two (2) mills in ad valorem taxes:

Yes _____.

No _____.

2. Mark a cross mark (X) before the names of five (5) candidates of your choice or write in names of qualified persons.

Section 15. Any provisions found to be unconstitutional shall not effect the validity of the remaining provisions of this ordinance.

Section 16. Upon death, resignation or removal from office of any member of the Board of Fire Commissioners, their replacements shall be made forthwith by a majority vote of the Board of County Commissioners of Walton County, Florida, to serve the remainder of the vacant term.

ADOPTED THIS 30th day of September, 1975.

WALTON COUNTY BOARD OF COUNTY
COMMISSIONERS

BY: 
Hughie Infinger, Chairman

ATTEST:


Philip A. Anderson, Clerk