

**ORDINANCE NO.: 14-23**

**AN ORDINANCE OF BAY COUNTY, FLORIDA AMENDING BAY COUNTY CODE SECTION 25-126 REGARDING STORMWATER UTILITY FEES; PROVIDING FOR AN EXEMPTION FOR VETERANS 65 YEARS OR OLDER AND ARE PARTIALLY OR TOTALLY PERMANENTLY DISABLED PURSUANT TO SECTION 196.082 FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, in 1991, the Board of County Commissioners (“the Board”) created a stormwater utility, and authorized a stormwater fee assessment; and

WHEREAS, in 2005, the Board imposed a special assessment (“the Stormwater Utility Fee”) on certain parcels of property within unincorporated Bay County; and

WHEREAS, the imposition of the Stormwater Utility Fee creates a financial hardship for certain qualified veterans; and

WHEREAS, the Board finds that it is in the best interest of the citizens of Bay County, Florida, to exempt qualified veterans from the payment of the Stormwater Utility Fee;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BAY COUNTY, FLORIDA:**

SECTION 1. AMENDMENT. Chapter 25, Article III, Section 25-126 (b) (5) of the Bay County Code is amended as set forth below with underlined text as additions and strikethrough text as deletions:

(5) The following properties shall be exempt from imposition of the stormwater utility fee, and any fees, penalties and interest heretofore assessed under Ordinance No. 05-01 shall be cancelled and annulled, and any fees already paid by or on behalf of the owner of an exempt property shall be refunded forthwith:

- a. Community cemeteries, and
- b. The homestead of any individual who qualifies for the additional senior citizen ad valorem homestead exemption under F.S. § 196.075 and Bay County Ordinance 99-21; and
- c. The homestead of any individual who qualifies for the additional disabled veteran ad valorem homestead exemption under F.S. § 196.081, § 196.082 and § 196.091; and
- d. The homestead of any individual who annually qualifies for the additional disabled person ad valorem homestead exemption under F.S. § 196.101.

SECTION 2. SEVERABILITY. It is hereby declared to be the intent of the Board of County Commissioners of Bay County, Florida 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. EFFECTIVE DATE. This Ordinance shall take effect when filed with the Department of State and its exemption shall be effective retroactively to January 1, 2014.

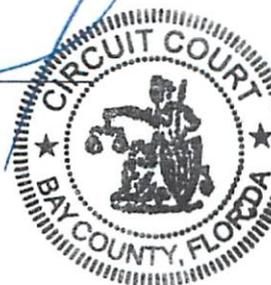
**PASSED AND ADOPTED**, the 7<sup>th</sup> day of October, 2014.

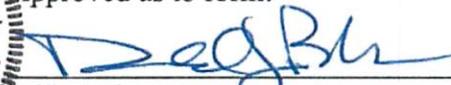
**BOARD OF COUNTY COMMISSIONERS  
OF BAY COUNTY, FLORIDA**

**ATTEST:**

By:   
Guy M. Tunnell, Chairman

  
Bill Kinsaul, Clerk



Approved as to form:  
  
Office of County Attorney

