

**ORDINANCE NO. 06 - 33**

**AN ORDINANCE OF BAY COUNTY, FLORIDA, AMENDING ORDINANCE 05-01 TO ADD DEFINITIONS AND RETROACTIVE EXEMPTIONS; REPEALING ORDINANCE 05-27; DIRECTING REFUNDS OF ANY STORMWATER FEES COLLECTED ON EXEMPT PROPERTIES AND DELETIONS OF ANY FEES ASSESSED ON TAX BILLS FOR EXEMPT PROPERTIES; AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, Bay County Ordinance 91-06 established a stormwater utility, and authorized a stormwater fee assessment; and

WHEREAS, Bay County Ordinance 05-01 amended Ordinance 91-06 to impose a flat rate stormwater utility fee; and

WHEREAS, Bay County Ordinance 05-27 amended Ordinance 05-01 to add an exemption from the stormwater fee for certain qualified senior citizens; and

WHEREAS, the Board of County Commissioners finds that the stormwater utility fee may be causing financial hardship to certain other qualified owners of homestead property, and is causing problems with "community cemeteries" with no owners of record; and

WHEREAS, the Board of County Commissioners finds that making exemptions retroactive to the original effective date of Ordinance 05-01 is in the best interests of the people of Bay County.

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

SECTION 1. Bay County Ordinances 91-06 and 05-01.

**FILED**  
2006 JUN 30 A 10:42  
HAROLD BAZZEL  
CLERK CIRCUIT COURT  
BAY COUNTY, FLORIDA

All terms and conditions of Bay County Ordinances 91-06 and 05-01 shall continue in full force and effect, except for those in conflict with this Ordinance, in which event the terms of this Ordinance shall control.

SECTION 2. Bay County Ordinance 05-27.

Bay County Ordinance 05-27 is hereby repealed.

SECTION 3. Definitions.

Section 2 of Bay County Ordinance 05-01 is hereby amended to add a new sub-section "2.D" as follows:

- D. "Community Cemetery" means any small, stand-alone burial ground, without any owner of record, historically used for interments by members of the community.

SECTION 4. Exemptions.

Section 4 of Ordinance 05-01 is hereby amended to add a new subsection "4.E" as follows:

- E. The following properties shall be exempt from imposition of the stormwater utility fee, and any fees, penalties and interest heretofore assessed thereon under Ordinance 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:

1. Community Cemeteries; and
2. The homestead of any individual who qualifies for the additional senior citizen ad valorem homestead exemption under § 196.075, Florida Statutes and Bay County Ordinance 99-21; and

3. The homestead of any individual who qualifies for the additional disabled veteran ad valorem homestead exemption under § 196.081 or §196.091, Florida Statutes; and
4. The homestead of any individual who annually qualifies for the additional disabled person ad valorem homestead exemption under § 196.101, Florida Statutes.

SECTION 5. Effective Date.

This Ordinance shall take effect when filed with the Department of State and all its exemptions shall be effective retroactively to January 18, 2005.

PASSED AND ADOPTED, the 20<sup>th</sup> day of June, 2006.

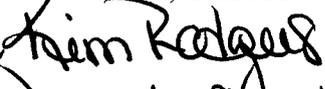
BOARD OF COUNTY COMMISSIONERS  
BAY COUNTY, FLORIDA

  
\_\_\_\_\_  
CHAIRMAN



ATTEST:

  
\_\_\_\_\_  
HAROLD BAZZEL, CLERK

By:   
\_\_\_\_\_  
Deputy Clerk



Approved as to correctness of form.

  
\_\_\_\_\_  
Burke, Blue, Hutchison & Walters, PA  
Attorneys for Bay County