



City of North Port

CHAPTER 1 - ADMINISTRATION GENERAL GOVERNMENT

ORDINANCE NO. 83-149

(North Port Fire & Ambulance District)

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, RELATING TO FIRE AND AMBULANCE SERVICE; PROVIDES FOR A LEGISLATIVE DECLARATION CLAUSE; PROVIDES FOR A SHORT TITLE CLAUSE; PROVIDES FOR A DEFINITIONS CLAUSE; PROVIDES FOR THE CREATION OF A SPECIAL DISTRICT CLAUSE; PROVIDES FOR A GOVERNING BODY CLAUSE; PROVIDES FOR POWERS AND DUTIES CLAUSE; PROVIDES FOR DELEGATION OF RESPONSIBILITY CLAUSE; PROVIDES FOR A FINANCIAL CLAUSE; PROVIDES FOR AUTHORITY TO LEVY AND COLLECT ASSESSMENTS CLAUSE; PROVIDES FOR PROPERTY APPRAISER AND TAX COLLECTOR SERVICES CLAUSE; PROVIDES FOR SPECIAL ASSESSMENTS CLAUSE; PROVIDES FOR TERM OF EXISTENCE CLAUSE; PROVIDES FOR A CLAIMS CLAUSE; PROVIDES FOR A SEVERABILITY CLAUSE; PROVIDES FOR A CONFLICT CLAUSE; PROVIDES FOR AN EFFECTIVE DATE CLAUSE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, TO WIT:

SECTION 1 - LEGISLATIVE DECLARATION CLAUSE:

1.01 - The City Commission hereby declares its intent and purpose in adopting this Ordinance to provide fire and ambulance service to the residents of this Municipality by establishing a fire and ambulance district wholly situated within the corporate limits of this Municipality through which each property owner is assessed for such service irrespective of the Homestead Exemption Act thus creating a financial mechanism for the support of such services on an equitable basis thereby promoting the health, safety and general welfare of its citizenry.

SECTION 2 - SHORT TITLE CLAUSE:

2.01 - This Ordinance shall be known and may be cited as the "North Port Fire and Ambulance District" Ordinance.

AMENDED BY
ORD. NO. 90-13, 84-169, 85-178, 86-201, 87-240, 89-6, 91-9, 91-13, 93-10

SECTION 3 - DEFINITIONS CLAUSE:

3.01 - For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, words in the singular number include the plural, and words in the male gender include the female gender. The word "shall" is always mandatory, not merely directory.

- (a) Board/Governing Body shall mean the City Commission of the City of North Port, Florida.
- (b) City/Municipality shall mean the City of North Port, Florida.
- (c) District shall mean the North Port Fire & Ambulance District wholly situated within the corporate limits of the City of North Port, Florida.
- (d) Ambulance Service shall mean the provision of emergency ambulance service on a twenty-four (24) hour basis to provide for emergency basic life support and moving of the sick and/or injured persons from their residence and/or the scene of an accident or other illness or injury to any recognized medical facility and/or office for treatment of such illness and/or injury.
- (e) Fire Service shall mean the provisions of emergency fire service on a twenty-four (24) hour basis to all property owners of this Municipality.
- (f) Mutual Aid shall mean the provision of ambulance and fire service outside of said District when such aid is requested by another provider of fire and/or ambulance service or such aid as is necessary pursuant to the laws of the State of Florida.
- (g) Costs shall mean all costs of operating said District including, but not limited to, acquisition of property necessary for fire and/or ambulance stations, construction of any fire and/or ambulance

stations and/or improvements thereto, purchase and maintenance of equipment, wages, salaries and benefits for personnel and administrators of the District, advertising and the holding of referendum elections, creation of a reserve account, audit, engineering and legal expenses, reimbursements to any person and/or firm for services performed for the benefit of the District or its residents as approved by the Board, reimbursement of any monies advanced by the Board for services provided within the District area.

- (h) Assessment shall mean the levy of assessments for benefits and fees against all taxable real property.

SECTION 4 - CREATION OF SPECIAL DISTRICT CLAUSE:

4.01 - Pursuant to authority contained in Section 165.041(2), Chapter 165 of the Florida Statutes which provides that the creation of a dependent Special District shall be adopted by Ordinance of the Municipality having jurisdiction over the area affected, the City Commission of the City of North Port, Florida, the same being the duly elected Governing Body of said Municipality, hereby creates and establishes the North Port Fire & Ambulance Service District, wholly situated within the corporate limits of this Municipality, the boundaries of which are more particularly described as follows:

"All of Sections 1 through 36 inclusive, Township 39 South, Range 21 East; all of Sections 17 through 36 inclusive, and that part of Sections 7, 8, 9, 15 and 16 lying south of the right-of-way of Interstate Highway 75, Township 39 South, Range 22 East; all of Section 1; Government Lots 2, 3 and 4 of Section 2; West 1/2, West 1/2 of Southeast 1/4, West 1/2 of East 1/2 of Southeast 1/4, and Government Lot 2, Section 11; Government Lot 3 and that portion of Section 12 lying east of the Myakka River; South 1/2 and Government Lots 1, 2 and 3, Section 13; all of Section 14, Sections 22 through 27 inclusive, East 1/2 of Section 33, and Sections 34 through 36 inclusive in Township 40 South, Range 20 East; together with and beginning at a point on the East Boundary of Section 36, Township 39 South, Range 20 East; that parcel of land (Parcel 1) beginning at a point on the East Boundary of Section 36, Township 39 South, Range 20 East, Sarasota County, Florida, which point is 830.34 feet north from the S.E. corner

of said Section 36; thence N 88°12'50" W, parallel with the South Boundary of said Section 36, 1803.18 feet; thence N 02°43'33" W, 3404.69 feet; thence S 86°01'33" E, 400.0 feet; thence N 02°43'33" W, 600.0 feet to the South R/W State Road No. 45, whose width is 200 feet; thence S 86°01'33" E, along said R/W, 1318.56 feet; thence S 00°11'16" E, 620.0 feet; thence S 86°01'33" E, 266.14 feet to the intersection with the East Boundary Section 36; thence S 00°11'16" E along said East Boundary, 3298.84 feet to the Point of Beginning; together with that parcel of land (Parcel 2) beginning at the S.E. corner of Section 36, Township 39 South, Range 20 East, Sarasota County, Florida; thence N 88°12'50" W along the South Boundary said Section 36, 1766.29 feet; thence N 02°43'33" W, 832.43 feet; thence S 88°12'50" E, parallel with the South Boundary said Section 36, 1803.18 feet to the intersection with the East Boundary said Section 36; thence S 00°11'16" E, along said East Boundary Section 36, 830.34 feet to the Point of Beginning."

SECTION 5 - GOVERNING BODY OF DISTRICT CLAUSE:

- 5.01 - The Governing Body of the District shall be the City Commission of the City of North Port, Florida, hereinafter called the "Board" which shall meet from time to time as the "Board" may determine.
- 5.02 - Public notice of such meetings shall be published in a newspaper of general circulation as required by general law.
- 5.03 - The Board shall govern itself wholly within the purview of the "Sunshine Law" of the State of Florida and is hereby recognized as the legislative and Governing Body of the District which carries with it the same responsibilities and mandates of general law and ordinances as does the legislative and Governing Body of this Municipality.

SECTION 6 - POWERS AND DUTIES OF THE BOARD CLAUSE:

- 6.01 - The Board, being charged with the responsibility of providing fire and ambulance service within the District, shall have all of the powers granted by the City Charter and the general laws of the State of Florida as may be necessary or proper to carry out the intent and purpose of the District. In addition thereto, the Board shall have the following specific powers and authority:
 - (a) To pay all costs of the District, including but not limited to, costs incurred for the construction, acquisition, improvement and operation of fire and ambulance facilities and equipment or

to contract for the providing of fire and/or ambulance service. The District shall reimburse the City Government for all actual costs incurred by the City including costs of referendum elections and/or attorneys' fees.

- (b) To purchase, with or without bids, all necessary fire and/or ambulance equipment and all other equipment and/or supplies deemed necessary to carry out the purposes of the District; purchase all necessary real and personal property; sell surplus real and personal property in the same manner and subject to the same restrictions as provided for such sales by municipalities.
- (c) To enter into contract with other fire and/or ambulance districts, municipalities, counties, state and/or federal governmental units for the purpose of obtaining financial aid, assistance and/or benefits, expanding services, providing effective mutual aid and for otherwise carrying out the purposes of the District.
- (d) To enter upon any lands, premises and/or property within said District for any purposes necessary to carry out the objectives of this Ordinance.
- (e) The duty, right, power and authority to annually levy special assessments for benefits against all assessable property within its territorial bounds in order to provide funds for the purposes of the District.
- (f) To increase or decrease the District's special assessments for fire and/or ambulance service, by ordinance, without referendum election.
- (g) To collect all reasonable charges for the rendering of fire and/or ambulance services and to take all legal action to collect charges.
- (h) To participate in state retirement and pension plans for the benefit of employees, if eligible.
- (i) To borrow monies for the purposes of the District, provided that any borrowing shall comply with the limitations and requirements of the Constitution and the general laws of the State of Florida.

- (j) To enter into leases and/or lease-purchase arrangements relating to properties needed for District purposes for periods not to exceed thirty (30) years at a stipulated rental to be paid from current or other legally-available funds and to make all other contracts and/or arrangements necessary and/or convenient to carry out such objectives. Such leases and/or lease-purchase arrangements may be with private individuals, governmental agencies and/or corporations.
- (k) To exercise any other powers provided by ordinance, supplemental and/or amendatory hereto, adopted by the Board, without referendum election.

6.02 - The Board shall acquire, by gift, purchase, grant, dedication and/or condemnation, any lands and/or rights in land as may be necessary for the purposes of the District, including any property whether real or personal as may be necessary, desirable, or convenient for the providing of fire and/or ambulance service within the District, provided that prior to the acquisition of the location of a fire and/or ambulance station site, an appropriate investigation shall be conducted which shall include, but not be limited to obtaining a staff recommendation of the Planning & Zoning Advisory Board and Southeastern Underwriters Association or such association as is charged with the responsibility of advising, setting and determining fire insurance rates in the area concerned. The exercise of the power of eminent domain shall be in accordance with the provisions of Chapter 73 and 74, Florida Statutes, and the District is hereby specifically conferred with the authority to avail itself of all the powers as set out in said Chapters as same may be from time to time amended.

SECTION 7 - DELEGATION OF RESPONSIBILITY TO DEPARTMENT HEAD CLAUSE:

7.01 - For the same period that the City Commission serves as the Governing Board of the District, the Commissioner of Public Safety shall be recognized as the Department Head and shall be responsible to administer and supervise the daily operations of said fire and ambulance services. In addition, he shall have the following specific duties:

- (a) To appoint a Fire Chief, whose appointment shall be confirmed by the Board, ensuring that the appointee shall be a person experienced in all types of firefighting and fire prevention and who 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.
- (b) To appoint an Ambulance Supervisor, whose appointment shall be confirmed by the Board, ensuring that the appointee shall be a person experienced in all aspects of administering a "basic and/or advanced life-support ambulance service" who shall work with and cooperate with the Health Rehabilitative Services Department of the State of Florida.
- (c) To adopt and/or amend the necessary rules and regulations for the administration and supervision of the property and personnel of the District.

SECTION 8 - FINANCIAL CLAUSE:

- 8.01 - The City Finance Officer is hereby designated as the Financial Officer of the District and shall cause the necessary financial ledgers and/or journals to be instituted in the name of the District and separate and distinct from any and all other accounts, to ensure proper and accurate financial accountability for all receipts and/or disbursements of the District and shall subject same for audit.
- 8.02 - All of the expenses incurred by the City in connection with the creation of this District and for the providing of fire and/or ambulance services within the District area subsequent to the creation of the District, if any, shall be reimbursed to the general fund of the City out of revenues accruing to the District.
- 8.03 - Funds of the District shall be deposited in the name of the District, in a bank authorized to receive deposits of the City funds, which bank shall be designated by the City Finance Officer. Funds of the District shall not be disbursed except upon a warrant of said District, signed by

the Mayor, the City Finance Officer being one in the same, and countersigned by the City Clerk, and in the absence thereof, warrants shall be signed by the Commissioner of Public Safety and countersigned by the Deputy City Clerk.

8.04 - The City Finance Officer shall have the financial ledgers and journals of the District subjected to audit in conjunction with the annual audit of the Municipality, the cost of which shall be borne by said District. Financial statements prepared by the auditor shall be filed in the official records of the Municipality and shall be available for public inspection.

8.05 - The City Commission shall prepare and publish an annual budget, on a fiscal year basis, for the District in conjunction with annual budget for the Municipality as required by Chapter 200, Florida Statutes. Funds accruable to the District shall not be expended for any purposes other than for the provisions of the services described in this Ordinance. Receipts, expenditures and accountability of District funds shall be in accordance with the requirements of general law applicable to municipal government unless otherwise provided in this Ordinance.

SECTION 9 - AUTHORITY TO LEVY AND COLLECT ASSESSMENTS CLAUSE:

9.01 - The Board shall have the duty, right, power and authority to levy and collect special assessments for benefits against all real property within its territorial bounds in order to provide funds for the purpose of said District. The furnishing of fire and ambulance service in accordance with the purposes of the District area are hereby declared to be beneficial to all properties within the territorial bounds of the District and the following maximum rates of assessment, as stipulated in this Section, are hereby found, determined and declared to be reasonable and in such amounts as not to exceed the benefits accruing to said properties within the District.

9.02 - The rate of such assessment for the furnishing of fire service is hereby fixed at twenty dollars (\$20.00) per annum per residential unit, including each single-family residence; each condominium, co-op, rental or other apartment unit; each mobile home space in a condominium, co-op, rental or other mobile home park and/or subdivision; and each bed in a nursing home facility. The rate of assessment for commercial, business and/or industrial building shall be the sum of three cents (\$0.03) per square foot not to exceed a maximum total sum of three hundred dollars (\$300.00). The rate of assessment for each travel trailer space shall be fifteen dollars (\$15.00). The rate of assessment for each unimproved subdivided lot shall be three dollars (\$3.00) per annum. The rate of assessment for each unimproved acreage shall be at five dollars (\$5.00) per acre. The rate of assessment for each improved acreage shall be twenty dollars (\$20.00) per annum for the residence and an additional five dollars (\$5.00) per annum per acre for that acreage that remains unimproved. The Board may increase and/or decrease these maximum assessments provided herein from time to time, by ordinance, without referendum election.

9.03 - The rate of special assessments for the furnishing of ambulance service is hereby fixed at twenty dollars (\$20.00) per annum per residential unit, including each single-family residence; each condominium, co-op, rental or other apartment unit; each mobile home space in a condominium, co-op, rental or other mobile home park and/or subdivision; and each bed in nursing home facilities. The rate of assessment for each travel trailer space shall be fifteen dollars (\$15.00) per annum. The Board may increase and/or decrease these maximum assessments provided herein from time to time, by ordinance, without referendum election.

SECTION 10 - PROPERTY APPRAISER AND TAX COLLECTOR SERVICES AND COMPENSATION

CLAUSE:

- 10.01 - Each year, upon certifying to the City Commission the taxable value within this Municipality, the County Property Appraiser, in and for the County of Sarasota, shall submit to the City Commission certification of the taxable value for fire service and a taxable value certification for ambulance service for all taxable properties within the corporate limits of this Municipality in the same manner and form as is provided for tax value certification for the Municipality.
- 10.02 - The Tax Collector, in and for the County of Sarasota, shall collect subject fees for fire service and subject fees for ambulance service, for said District in the same manner and form as is provided for the collection of municipal taxes and paid to this Municipality on a monthly basis.
- 10.03 - The County Property Appraiser and the County Tax Collector, in and for the County of Sarasota, shall each receive compensation of two percent (2%) commission and fees for their services regarding such special assessments for the furnishing of fire and ambulance services. If general law provides fees for the County Property Appraiser and the Tax Collector, they shall receive the fees authorized by general law in lieu of the fees provided for herein.

SECTION 11 - SPECIAL ASSESSMENT CLAUSE:

- 11.01 - The special assessments authorized by this Ordinance shall be a lien upon the land so assessed and shall be collected

in the same manner as the Municipal ad valorem property taxes. Said lien shall continue until the said assessments have been paid and, if same becomes delinquent, shall be considered a part of the Municipal tax subject to the same penalties, charges, fees and remedies for enforcement and collection as provided for the collection of ad valorem property taxes pursuant to the laws of the State of Florida. Said special assessments shall become liens against the property upon the finalization of the assessment roll.

SECTION 12 - TERM OF EXISTENCE CLAUSE:

12.01 - The District shall continue to exist until dissolved in accordance with the general laws of the State of Florida. Should any part of lands included in the District established pursuant to the provisions of this Ordinance be held not to be included therein, then the provisions of this Ordinance shall continue in effect as to the balance of said lands.

SECTION 13 - CLAIMS AGAINST THE DISTRICT CLAUSE:

13.01 - No suit, or action, or proceeding shall be instituted or maintained in any court against the District or the Governing Body, or any member of the Governing Body, for or upon any claim, right or demand, unless claimant has complied with the provisions of the City Charter and the general laws of the State of Florida.

ORDINANCE NO. 83-149

SECTION 14 - SEVERABILITY CLAUSE:

14.01 - If any Section, Subsection, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 15 - CONFLICT CLAUSE:

15.01 - Any ordinance or portion thereof in conflict herewith is hereby repealed to the extent of such conflict.

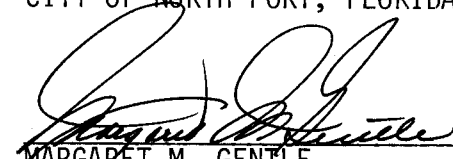
SECTION 16 - EFFECTIVE DATE CLAUSE:

16.01 - This Ordinance shall become effective ten (10) days after final adoption pursuant to provisions of Section 14 of the City Charter.

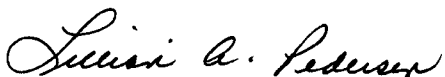
APPROVED FOR ADOPTION on the first reading held in public session this 17th day of October 1983 A.D.

PASSED AND ADOPTED on the second and final reading held in public session this 24th day of October 1983 A.D.


CITY OF NORTH PORT, FLORIDA


MARGARET M. GENTLE
MAYOR

ATTEST:


LILLIAN A. PEDERSEN
CITY CLERK

Approved as to form and correctness:


ALLEN J. LEVIN
CITY ATTORNEY