

ORDINANCE NO. 10-2024

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 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 AND CONSENT; PROVIDING FOR EFFECTIVENESS AND DURATION OF CONSENT; PROVIDING FOR EFFECTIVENESS OF REPEAL; ACKNOWLEDGING AD VALOREM MILLAGE RATE LIMITATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CAPTIONS; AND PROVIDING FOR EFFECTIVE DATE.

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 ("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 of Lake Park ("Town") by Ordinance No. 12-2014 consented to its inclusion in the County's Fire/Rescue MSTU for a ten (10) year term through December 31, 2024, as a mechanism to receive and fund County fire-rescue services through October 1, 2025 at 7:30 a.m.; and

WHEREAS, the County by Ordinance No. 2014-038 amended the boundaries of the Fire/Rescue MSTU to include the Town for the duration of the term identified in Town Ordinance No.12-2014, as such term may be extended by the Town from time to time; and

WHEREAS, the Town Commission hereby desires to extend, for an additional ten (10)

year period from December 31, 2024, through December 31, 2034, its consent to the inclusion of all the territory lying within the municipal boundaries of the Town into the County's Fire/Rescue MSTU for County fire-rescue and related services within the Town from October 1, 2025, until 7:30 a.m. on October 1, 2035, and believes that such inclusion is in the best interest of the health, safety and welfare of the citizens of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, THAT:

Section 1: Intent, Purpose and Consent: 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 hereby extends and 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 extend the Town's consent to be included in the County's Fire/Rescue MSTU in order to enable the County to fund and provide fire-rescue and related services within the territorial limits of the Town including, but not limited to, the County's enforcement of the Florida Fire Prevention Code and Palm Beach County Local Amendments thereto (collectively "Fire Code") and any other laws and regulations applicable within the Fire/Rescue MSTU.

Section 2: Effectiveness and Duration of Consent: The Town's consent to be included in the Fire/Rescue MSTU is hereby extended effective from December 31, 2024, to be implemented for tax year 2025 in order to fund and provide County fire-rescue and related services within the Town as of October 1, 2025, and to provide for the Town's continuing inclusion in the Fire/Rescue MSTU without interruption. The Town's consent to be included in the County's Fire/Rescue MSTU shall continue from December 31, 2024, for a term of ten (10) years through December 31, 2034; 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, 2035, to the extent necessary to enable the County to provide within the Town fire-rescue and related services funded by the final tax year including, but not limited to, the County's enforcement of the Fire Code and any other laws and regulations applicable within the Fire/Rescue MSTU.

Section 3: Effectiveness of Repeal: Should the Town intend to repeal its consent to

be included in the Fire/Rescue MSTU prior to its expiration on December 31, 2034, the Town shall provide written notice to the County, by March 1st of any given year, of the Town's intent to repeal this Ordinance and the consent provided herein effective December 31st of the same year. The County will then adopt an ordinance to remove the Town from the Fire/Rescue MSTU as of said December 31st. The Town shall adopt an ordinance to repeal this Ordinance and the consent provided herein, and shall provide a certified copy of the repealing ordinance to the County and to the Property Appraiser, by said December 31st. The Town's inclusion in the County's Fire/Rescue MSTU shall terminate on said December 31st; provided, however, that the Town's inclusion in the County's Fire/Rescue MSTU shall be deemed to continue through the following October 1st at 7:30 a.m. to the extent necessary to enable the County to provide within the Town fire-rescue and related services funded by the final tax year, including, but not limited to, the County's enforcement of the Fire Code and any other laws and regulations applicable within the Fire/Rescue MSTU.

Section 4: **Ad Valorem Millage Rate Limitation:** 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 millage rate.

Section 5: **Repeal of Conflicting Ordinances:** All other Town ordinances and parts of ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of the conflict. Notwithstanding the above, Ordinance No. 12-2014 shall not be deemed repealed by this Ordinance and shall expire as provided for therein; provided, however, that Ordinance No. 12-2014 and the term of consent identified therein shall be deemed to be extended to the extent necessary to enable the County to provide within the Town fire-rescue and related services funded by the final tax year thereunder.

Section 6: **Severability:** If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Section 7: **Captions:** The captions, section headings, and section designations used in this Ordinance are intended only for the convenience of users and shall have no effect on the interpretation of the provisions of this Ordinance.

Section 8: **Effective Date:** This Ordinance shall be effective December 31, 2024.

Notwithstanding anything here to the contrary, the Town's continuing participation in the MSTU is contingent upon the County maintaining an ordinance including the Town within the Fire/Rescue MSTU. The Town's continuing participation in the MSTU shall also be subject to the provision contained in Section 3.

Upon First Reading this 18th day of September, 2024, the foregoing Ordinance was offered by Commissioner Thomas with Amendment who moved its approval. The motion was seconded by Commissioner Taylor, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR ROGER D. MICHAUD	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VICE-MAYOR KIMBERLY GLAS-CASTRO	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMISSIONER MICHAEL HENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMISSIONER MARY BETH TAYLOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMISSIONER JUDITH E. THOMAS	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PUBLISHED IN THE PALM BEACH POST THIS 29 DAY OF September, 2024

Upon Second Reading this 16th day of October, 2024, the foregoing Ordinance, was offered by Vice Mayor Glas-Castro, who moved its adoption. The motion was seconded by Commissioner Taylor, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR ROGER D. MICHAUD	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VICE-MAYOR KIMBERLY GLAS-CASTRO	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMISSIONER MICHAEL HENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMISSIONER MARY BETH TAYLOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMISSIONER JUDITH E. THOMAS	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Mayor thereupon declared **Ordinance 10-2024** duly passed and adopted this 16th day of October, 2024.

TOWN OF LAKE PARK, FLORIDA
 BY: [Signature]
 Mayor, Roger D. Michaud

ATTEST:

[Signature]
 Deputy Town Clerk, Vivian Mendez
[Signature]
 (Town Seal)

Approved as to form and legal sufficiency:



[Signature]
 Town Attorney, Thomas J. Baird