

ORDINANCE NO. 06- 13

AN ORDINANCE AMENDING ORDINANCE 03-33, WHICH AMENDED ORDINANCES 92-23 AND 96-54 OF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS WHICH ADDRESSED FORMER ARTICLE IX, DIVISION 1, SECTION 20-93, CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA 1992 TO ADD TRAFFIC CONTROL SERVICES AND CLARIFY CANALS AND CHANNELS AS AUTHORIZED USES FOR ROAD AND BRIDGE MUNICIPAL SERVICE TAXING UNIT FUNDS; PROVIDING FOR SPECIFIC PERCENTAGE USE OF FUNDS IN DISTRICT 2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR EFFECTIVE DATE.

NOW, THEREFORE, be it ordained by the Board of County Commissioners of Brevard County, Florida, as follows:

SECTION 1. An Ordinance amending Ordinance 03-33, which amended Ordinances 92-23 and 96-54 of Brevard County, Florida which addressed former Section 20-93 of the Code of Ordinances of Brevard County, Florida, which is to read as follows:

Section 1. Disposition Of Proceeds From Levy Of Taxes.

Those funds obtained from the levy of a tax on all real and taxable property within the boundaries of each of said Road and Bridge Municipal Service Taxing Units shall be maintained in a separate account and used solely for the purposes of providing and maintaining roads, bridges, drainage facilities, canals and channels, and providing traffic control services within the boundaries of each of said units; provided, however, that unless a different allocation is established by the Board of County Commissioners during a budget review which shall take place once every four years after the date of enactment of this amended ordinance, at least 15% of the funds obtained from the levy of such tax in the District 2 Road and Bridge MSTU shall be allocated for the maintenance of canals and/or channels located in District 2. Funds collected from October 1, 2005 forward may be used for the purposes listed herein

SECTION 2. CONFLICTING PROVISIONS. In the case of a direct conflict between any provision of this ordinance and a portion or provision of any other appropriate federal, state or county law, rule, code or regulation, the more restrictive shall apply.

SECTION 3. SEVERABILITY. If any section, subsection, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any

court of competent jurisdiction, such invalid unconstitutional portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, provided the remaining portions effectuate purpose and intent of this ordinance.

SECTION 4. AREA ENCOMPASSED. This ordinance shall take effect within the unincorporated area of Brevard County, Florida.

SECTION 5. INCLUSION IN CODE. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Brevard County Code; and that sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. EFFECTIVE DATE. This ordinance shall become effective upon adoption and filing, as required by law. A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

DONE, ORDERED AND ADOPTED in Regular Session, this 7th day of March, 2006.

ATTEST



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Helen Voltz, Chair

As approved by the Board on 3/7/2006.

APPROVED AS TO FORM:



Office of the County Attorney