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2  
3 **ORDINANCE NO. 2015-12**

4 **AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA,**  
5 **PERTAINING TO PUBLIC SAFETY; REVISING THE FIRE**  
6 **PROTECTION ASSESSMENTS AND SERVICE CHARGES IN CHAPTER**  
7 **11 OF THE TOWN’S CODE OF ORDINANCES TO REMOVE**  
8 **PROVISIONS PERTAINING TO A CERTIFICATE OF OCCUPANCY**  
9 **FOR PROPERTY TO BE ASSESSED; PROVIDING FOR**  
10 **SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

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11  
12 *Whereas*, on June 11, 2015, the Town of Windermere adopted Ordinance No. 2015-07  
13 whereby the Town adopted a new Chapter 11 to the Code of Ordinances entitled Fire Protection  
14 Assessments.

15  
16 *Whereas*, Chapter 11 provides in part that fire protection assessments can be imposed  
17 against all property for which a certificate of occupancy is issued, however, the Town intends for  
18 fire protection assessments to be imposed against all property, including vacant parcels.

19  
20 **BE IT ENACTED BY THE PEOPLE OF THE TOWN OF WINDERMERE**

21  
22 **Section 1. Amendments to the Town of Windermere’s Code of Ordinances.** Section 11-2 of  
23 the Town of Windermere’s Code of Ordinances is hereby revised to remove the definition of  
24 “certificate of occupancy” as indicated by the following strike-through language:

25  
26 **Sec. 11-2. - Definitions.**

27  
28 As used in this chapter, the following words, terms and phrases shall have the following  
29 meanings, except where the context clearly indicates a different meaning:

30 Assessed property means all parcels of land included on the non-ad valorem assessment roll  
31 approved by the town council as set forth in section 11-5.

32 ~~Certificate of occupancy means the written certificate issued by the town that a building is~~  
33 ~~ready for occupancy for its intended use. For the purpose of this chapter, a set up or tie down~~  
34 ~~permit or its equivalent issued for a mobile home is considered a certificate of occupancy.~~

35 Fire protection assessed cost means the amount determined by the town council to be  
36 assessed in a fiscal year to fund all or a portion of the operating, capital, and debt-service costs to  
37 be incurred by the town in making available and providing fire-rescue services to assessed  
38 property, which may include, but is not limited to, the following types of costs:

- 39 (1) The cost of physical construction, reconstruction or completion of a fire protection  
40 facility or improvement;
- 41 (2) The costs incurred in an acquisition or purchase of a capital asset;
- 42 (3) The cost of all labor, materials, machinery, and equipment;
- 43 (4) The cost of fuel, parts, supplies, maintenance, repairs, and utilities;

- 44 (5) The cost of computer services, data processing, and communications;
- 45 (6) The cost of land and interests therein, including leases, property rights, easements, and
- 46 franchises of any nature whatsoever;
- 47 (7) The cost of indemnity or surety bonds and premiums for insurance;
- 48 (8) The cost of salaries, volunteer pay, workers' compensation insurance, or other
- 49 employment benefits;
- 50 (9) The cost of uniforms, training, and travel and per diem;
- 51 (10) The cost of construction plans and specifications, surveys, and estimates of costs;
- 52 (11) The cost of engineering, financial, legal, and other professional services;
- 53 (12) The cost of compliance with contracts entered into by the town to provide fire rescue
- 54 services;
- 55 (13) Costs associated with the structure, implementation, collection, and enforcement of the
- 56 fire protection assessments, including service charges of the tax collector or property
- 57 appraiser and amounts necessary to offset discounts received for early payment of fire
- 58 protection assessments pursuant to the Uniform Assessment Collection Act;
- 59 (14) Other costs and expenses necessary or incidental to the acquisition, provision, or
- 60 construction of fire rescue services, facilities, or programs, and other expenses as may
- 61 be necessary or incidental to related financings authorized by the town council by
- 62 subsequent resolution; and
- 63 (15) A reasonable amount for contingency and anticipated delinquencies and uncollected fire
- 64 protection assessments.

65 Fire protection assessment means a special assessment imposed by the town council against  
66 non-government property to fund all or a portion of the cost of making available and providing  
67 fire-rescue services.

68 Fire-rescue services means the following municipal services provided and made available by  
69 the town to persons and property within its boundaries:

- 70 (1) Fighting fires;
- 71 (2) Protecting against fires;
- 72 (3) Reviewing applications for permits to improve property for compliance with fire codes;
- 73 (4) Reviewing and inspecting completed improvements to property for compliance with fire
- 74 codes;
- 75 (5) Carrying out other necessary and useful operations and activities in connection with the
- 76 administration and enforcement of state and local fire codes and other fire-safety
- 77 regulations and requirements;
- 78 (6) Undertaking public education regarding fire safety;
- 79 (7) Providing arson investigation and prevention;
- 80 (8) Providing first-response medical services;

81 (9) Providing all other appropriate fire related emergency services; and

82 (10) Providing all other appropriate fire related non-emergency services.

83 Fire protection service charge means a charge imposed by the town council against  
84 government property to fund all or a portion of the cost of making available and providing fire-  
85 rescue services to government property.

86 Fiscal year means the period commencing October 1st of each year and continuing through  
87 the next succeeding September 30th, or such other period as may be prescribed by law as the  
88 fiscal year for the town.

89 Government property means real property owned by the United States of America or any  
90 agency or instrumentality thereof, a sovereign state or nation, the State of Florida or any agency  
91 or instrumentality thereof, a county, a municipal corporation, a school board, a special district as  
92 defined in F.S. § 189.403, or any other public-sector agency or instrumentality where the  
93 property is immune or exempt from assessment by the town for benefit received.

94 Non-ad valorem assessment roll means a special-assessment roll levying fire protection  
95 assessments in the manner prescribed in this chapter.

96 Non-government property means all property that is not government property.

97 Owner means the person shown on the tax roll as the owner of assessed property.

98 Person means an individual, partnership, corporation, company, organization, association, or  
99 other firm or legal entity, whether singular or plural, masculine, or feminine, as the context may  
100 require.

101 Property appraiser means the Orange County Property Appraiser.

102 Tax collector means the Orange County Tax Collector.

103 Tax roll means the tax-assessment roll created and maintained by the property appraiser for  
104 the purpose of ad valorem taxes levied against real property.

105 Town manager means the town manager of the Town of Windermere.

106 Uniform Assessment-Collection Act means F.S. § 197.3632 and 197.3635 or any successor  
107 statutes, authorizing the collection of non-ad valorem assessments on the same bill as ad  
108 valorem taxes, and administrative rules promulgated thereunder.

109

110 **Section 2. Amendments to the Town of Windermere's Code of Ordinances.** Section 11-11  
111 of the Town of Windermere's Code of Ordinances is hereby deleted in its entirety as indicated by  
112 the following strike-through language:

113

114 ~~Sec. 11-11. – Interim assessments.~~

115

116 ~~An interim fire protection assessment may be imposed against all property for which a certificate~~  
117 ~~of occupancy is issued after the adoption of the non-ad valorem assessment roll. The amount of~~  
118 ~~the interim fire protection assessment shall be calculated upon a monthly rate, which shall be~~  
119 ~~one-twelfth of the annual rate for such property computed in accordance with the assessment rate~~  
120 ~~for the fiscal year for which the interim fire protection assessment is being imposed. Such~~

121 monthly rate shall be imposed for each full calendar month remaining in the fiscal year. Issuance  
122 of the certificate of occupancy without the payment in full of the interim fire protection  
123 assessment shall not relieve the owner of such property of the obligation of full payment. Any  
124 interim fire protection assessment not collected prior to the issuance of the certificate of  
125 occupancy may be collected pursuant to the Uniform Assessment Collection Act or by any other  
126 method authorized by law. Any interim fire protection assessment shall be deemed due and  
127 payable on the date the certificate of occupancy was issued and shall constitute a lien against  
128 such property as of that date. Said lien shall be equal in rank and dignity with the liens of the  
129 state, county, district or municipal taxes and special assessments, and superior in rank and  
130 dignity to all other liens, encumbrances, titles and claims in and to or against the real property  
131 involved and shall be deemed perfected upon the issuance of the certificate of occupancy.  
132

133 **Section 3. Severability.** If any provision or portion of this ordinance is declared by a court of  
134 competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining  
135 provisions and portions of this ordinance shall remain in full effect.  
136

137 **Section 4. Codification.** The provisions of this Ordinance shall become and be made a part of  
138 the Town of Windermere's Land Development Code.  
139

140 **Section 5. Effective Date.** This Ordinance takes effect immediately upon its enactment.  
141

142 ENACTED this 8<sup>th</sup> day of September 2015, at a regular meeting of the Town Council of  
143 the Town of Windermere, Florida.  
144

145  
146 Town of Windermere, Florida  
147 by: Town Council  
148  
149 by: [Signature]  
150 Gary Bruhn, Mayor  
151

152 Attest:  
153 [Signature]  
154  
155 Dorothy Burkhalter, CMC  
156 Town Clerk  
157

158  
159 First reading: August 11, 2015  
160 Second reading: September 8, 2015  
161  
162

