

ORDINANCE NO. 13-48

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BAY COUNTY, FLORIDA, AMENDING THE BAY COUNTY CODE, CHAPTER 15, ARTICLE VI, EMERGENCY SERVICES, TO ADOPT SECTION 15-112, EMERGENCY REPAIRS OF PRIVATE ROADS OR BRIDGES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED by the Board of County Commissioners of Bay County, Florida as follows:

SECTION 1. EMERGENCY REPAIRS OF PRIVATE ROADS OR BRIDGES. Section 15-112, Emergency Repairs of Private Roads or Bridges, is adopted as follows:

- (a) Findings. Pursuant to Art. VI, Emergency Services, Section 15-101 et al, and Section 252.50, Florida Statutes, the Board of County Commission declares that an emergency exists whenever unforeseen or sudden conditions cause damage to or destruction of private roads or bridges that prohibits the access or movement of fire or emergency medical service vehicles.
- (b) The Board further declares that alleviating such emergencies to provide access for emergency vehicles serves the public interest by promoting safe and efficient provision of emergency services to the citizens of Bay County.
- (c) Authorization and procedure. The Board of County Commissioners authorizes the Chief of Emergency Services to determine whether the damage to a particular private road or bridge creates an emergency, and if so to take remedial measures to repair the road or bridge in order to provide for the access or movement of emergency vehicles. The Board of County Commissioners authorizes the expenditure of public funds to remedy the emergency. The Department of Public Works shall assist the Chief with the remedial measures. The Chief shall as soon as practical provide written notification to the Board of County Commissioners regarding the nature of such emergency and any remedial actions taken.
- (d) Repayment. The repayment of costs to remedy the emergency shall be borne by the property owner of the road or the individuals benefiting from the remedy. Bay County reserves the right to collect the costs of the remedial action through any legal means available to it, including but not limited to the creation of an assessment and assessment area as provided by this Code.

SECTION 2. SEVERABILITY.

It is hereby declared to be the intent of the Board of County Commissioners of Bay County that if any section, subsection, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 3. INCLUSION IN CODE.

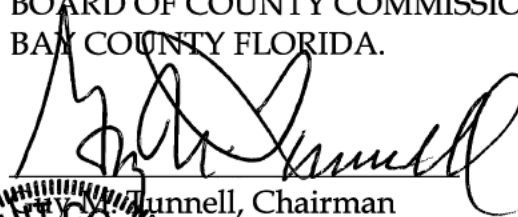
This Ordinance shall become and be made a part of the Code of Bay County, Florida. Sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section", "article" or other appropriate designation.

SECTION 4. EFFECTIVE DATE.

A certified copy of this ordinance as enacted shall be filed by the Clerk of the Board with the office of the Secretary of State of the State of Florida within ten (10) days after enactment, and this ordinance shall take effect in accordance with Section 125.66(2), Florida Statutes.

DULY ADOPTED in regular session this 3 day of December 2013.

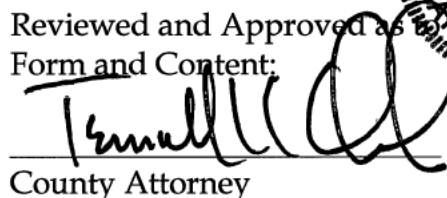
BOARD OF COUNTY COMMISSIONERS
BAY COUNTY FLORIDA.


Tunnell, Chairman

ATTEST:


Bill Kinsaul, Clerk

Reviewed and Approved as to
Form and Content:


County Attorney

