

SUMTER COUNTY ORDINANCE NO. 2023-

AN ORDINANCE OF THE SUMTER COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING CHAPTER 8 EMERGENCY SERVICES, ARTICLE I IN GENERAL, SECTION 8-3 FIRE AND EMERGENCY MEDICAL SERVICES DIVISION; PROVIDING FOR CONFLICTS AND SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section (1)(f) of the Florida Constitution and Section 125.01, Florida Statutes, grant Sumter County Board of County Commissioners broad home rule authority to adopt ordinances to provide for health, safety and welfare of the general public; and,

WHEREAS, the Board of County Commissioners of Sumter County adopted the Sumter County Code of Ordinances, which serve as the laws and regulations of Sumter County; and,

WHEREAS, the Board adopted an interlocal service boundary agreement with each of Sumter County's five municipalities to coordinate or consolidate services; and

WHEREAS, the sub agreements for building permitting and inspection services as well as fire services delegates the fire plan review and inspections to the Board; and

WHEREAS, the Board provides annual fire inspections of businesses through its designated fire service providers; and

WHEREAS, Florida Statutes §633.208 requires each county to enforce the Florida Fire Prevention Code as promulgated in Chapter 69A-60, Florida Administrative code; and

WHEREAS, Florida Statutes §125.56(2) allows the Board to provide a schedule of fees to help defer the costs of annual inspections and enforcement of the Florida Building Code and the Florida Fire Prevention Code; and

WHEREAS, subsection (d) of Section 8-3, of the Sumter County Code of Ordinances, provides for the establishment of user fees and related charges for services performed or rendered by the designated fire service providers operating within the jurisdiction of Sumter County, Florida; and

WHEREAS, this Resolution establishes the fee schedule for properties required to receive Annual Fire Inspection and a fee schedule for Hazardous Materials Response; and

WHEREAS, it has been determined that a schedule of fees for functions performed under the Florida Fire Prevention Code are necessary in order to recoup the expenses associated with providing those services and performing these functions;

WHEREAS, the Board of County Commissioners of Sumter County, after the appropriate publication of notice of its intention to amend its code enforcement regulations through adoption of this Ordinance, and after having a public hearing on the amendments, determined that in consideration of the health, safety and welfare of its citizens, it is in the best interests of Sumter County, Florida to approve this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY the Board of County Commissioners of Sumter County, Florida, as follows:

SECTION 1. PURPOSE AND INTENT.

This Ordinance seeks to amend Chapter 8 Emergency Services, Article I In General, Section 8-3 Fire and Emergency, and said language is incorporated herein by reference. The legislative findings in support of the purpose and intent of this Ordinance are contained in the above Whereas clauses, which are incorporated herein, *in haec verba*.

SECTION 2. AUTHORITY.

Pursuant to Article VIII, Section I of the Florida Constitution and Sections 125.01 and 125.66 of the Florida Statutes, and Chapter 163, Florida Statutes the Board of County Commissioners of Sumter County Board has all powers of local self-government to perform county functions and render county services and facilities except when prohibited by law, including the authority to amend its Code of Ordinances, and to establish code enforcement procedures.

SECTION 3. AMENDING CHAPTER 8 EMERGENCY SERVICES, ARTICLE I IN GENERAL, SECTION 8-3 FIRE AND EMERGENCY MEDICAL SERVICES DIVISION.

Sec. 8-3. Fire and emergency medical services

- (a) *Creation.* There is hereby established Fire and Emergency Medical Services in Sumter County delivered through the Board of Sumter County Commissioners designated agency(ies). The agency(ies) shall be the provider of fire suppression, hazardous materials response, extrication, rescue, basic and advanced life support, and basic and advanced life support transport services in the geographical limits of Sumter County, Florida.
- (b) *Chief.* There is hereby established the position of chief for the designated agency(ies) providing fire and emergency medical services. The chief shall oversee, direct, and administer the operations of the designated agency(ies) except for new construction fire plan review and new construction fire inspections. The chief of the designated agency(ies) shall work closely with all state and federal agencies in protection of the public interest.
- (c) *Rates, user fees and related charges.* Rates, user fees and related charges for services performed or rendered by the designated agency(ies) operating within the

jurisdiction of Sumter County, Florida shall be established and set by resolution as approved and adopted by the Board of Sumter County Commissioners.

SECTION 4. CONFLICTS AND REPEALER.

This Ordinance shall be cumulative of all provisions of the Ordinances of Sumter County, Florida, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event all Ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 5. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 6. CODIFICATION

It is the intention of the Board of County Commissioners of Sumter County, and it is hereby ordained that the provisions of this ordinance shall be reflected and made a part of the Code of Ordinances of Sumter County, Florida, with the exception of Sections 1, 2, 4, 5, 6, and 7. The word "Ordinance," or similar words may be changed to "section," "article," or other appropriate word or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention. The Code codifier is granted liberal authority to rescind those sections of the Code declared null and void as set forth herein.

SECTION 7. EFFECTIVE DATE.

Once adopted by the Board of County Commissioners of Sumter County, this Ordinance shall become effective immediately upon adoption.

PASSED AND ADOPTED at a duly called session of the Sumter County Board of County Commissioners, this 19th day of September 2023.

**GLORIA HAYWARD
SUMTER COUNTY CLERK**

**BOARD OF COUNTY COMMISSIONERS,
SUMTER COUNTY, FLORIDA**

ATTEST:

Deputy Clerk

BY: _____
Craig A. Estep
Chairman

Approved as to form for the reliance of
the Sumter County Board of County
Commissioners, only:

Jennifer C. Rey, Esq.
The Hogan Law Firm, County Attorney