

**TOWN OF MALABAR  
ORDINANCE NO. 2007-05**

**AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR INCLUSION OF THE TOWN OF MALABAR IN THE BREVARD COUNTY LAW ENFORCEMENT MUNICIPAL SERVICES TAXING UNIT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Brevard County Law Enforcement Municipal Service Taxing Unit was created by Brevard County Ordinances 86-40 and 87-06 and amended by Brevard County Ordinance 2001-55, under the authority of Section 125.01, Florida Statutes.

**WHEREAS**, the boundaries of the Brevard County Law Enforcement Municipal Service Taxing Unit has been coterminous with all the unincorporated areas of the County.

**WHEREAS**, the Brevard County Law Enforcement Municipal Service Taxing Unit was created for the purpose of providing law enforcement services, operations and facilities within the boundaries of said unit and a tax not to exceed two (2) mills is levied on all real and other taxable property within the boundaries of the unit for the above-referenced purposes.

**WHEREAS**, the Town of Malabar does not provide law enforcement services and the Town Council and citizens of the Town of Malabar are desirous or receiving law enforcement services through the Brevard County Law Enforcement Municipal Services Taxing Unit.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, THAT:**

**Section 1. Participation in the Law Enforcement MSTU**

The Town Council of the Town of Malabar consents to participation in the Law Enforcement MSTU effective upon amendment of applicable Brevard County ordinances to include all property located within the municipal boundaries of the Town.

**Section 2. Severability**

In the event a court of competent jurisdiction shall hold or determine that any part of the this ordinance is invalid or unconstitutional, the remainder of the is Ordinance shall not be effected and it shall be presumed that the Town Council, Town of Malabar did not intend to enact such invalid or unconstitutional revision. It shall further be assumed that the Town Council would have enacted the remainder of this Ordinance without said invalid and unconstitutional revision, thereby causing said remainder to remain in full force and effect.

**Section 3. Effective Date**

This Ordinance shall become effective immediately upon its adoption.

The foregoing Ordinance was moved for adoption by Council member Moccia motion was seconded by Council member Dezman and upon being put to a vote, the vote was as follows:

Council Member Nancy Borton	<u>Aye</u>
Council Member Brian Vail	<u>Aye</u>
Council Member Charles D. (Chuck) McClelland	<u>Aye</u>
Council Member Roberta (Bobbi) Moccia	<u>Aye</u>
Council Member Patricia Dezman	<u>Aye</u>

This ordinance was then declared to be duly passed and adopted this 4<sup>th</sup> day of June 2007.

**TOWN OF MALABAR**

**BY:** Thomas M. Eschenberg

Mayor Thomas M. Eschenberg,  
Chair

First Reading: 05/21/2007

Second Reading: 06/04/2007

ATTEST:

Susan Kabana

Susan Kabana, CMC  
Town Clerk/Treasurer

Approved as to form and content:

Karl W. Bohne, Jr.

Karl W. Bohne, Jr.  
Town Attorney