

ORDINANCE NO. 78-1

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING
MANATEE COUNTY ORDINANCE NO. 74-2 RELATING TO THE
INSTALLATION OF SANITARY SEWAGE SYSTEM CHANGEOVER
MECHANISMS AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. Manatee County Ordinance No. 74-2 is hereby amended by the addition of Section 4. c. (1). to read as follows:

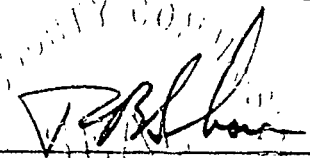
Section 4. c. (1). Sewer Specialty Licenses shall not be issued to new applicants or to licensees holding expired Sewer Specialty Licenses after the effective date of this Ordinance. Nothing contained in this Ordinance shall prohibit the renewal of any Sewer Specialty License which is properly presented for renewal by December 1 of each calendar year.

Section 2. This Ordinance shall take effect immediately upon the receipt of the official acknowledgment from the Office of the Secretary of State of the State of Florida that this Ordinance has been filed with that Office.

FILED
JAN 10 9 57 AM '78
BRUCE A. MATTERS
SECRETARY OF STATE

PASSED AND DULY ADOPTED by the Board of County Commissioners of Manatee County, Florida, this the 3rd day of January, 1978.

ATTEST: R. B. SHORE
Clerk of the Circuit Court



COUNTY OF MANATEE, FLORIDA
By its Board of County Commissioners

By: 
Chairman

EFFECTIVE DATE: 1/12/78

LAW OFFICES
MANN AND FAY
CHARTERED
1400 FOURTH AVENUE, WEST
BRADENTON, FLORIDA 33505

January 20, 1978

W. ROBERT MANN
TRIAL PRACTICE
PERSONAL INJURY AND WRONGFUL DEATH
WORKMEN'S COMPENSATION
GENERAL PRACTICE

E. N. FAY, JR.
ESTATE PLANNING AND ADMINISTRATION
REAL PROPERTY LAW
CORPORATION AND BUSINESS LAW
GENERAL PRACTICE

DONALD PAUL GREIWE
TRIAL PRACTICE
PERSONAL INJURY AND WRONGFUL DEATH
ESTATE PLANNING AND ADMINISTRATION
GENERAL PRACTICE

DAVID W. MINER

P. O. BOX 959
TELEPHONE 747-3761
AREA CODE 813

Board of County Commissioners
of Manatee County, Florida
Court House
Bradenton, Florida 33505

Re: Ordinance No. 78-1 relating to the Installation Of Sanitary
Sewage System Changeover Mechanisms.

Gentlemen:

The above-identified Ordinance was passed and duly adopted by the Board of County Commissioners on January 3, 1978, providing that it shall become effective immediately upon the receipt of the official acknowledgment from the office of the Secretary of State of the State of Florida that the Ordinance had been filed with that office. Later that same week, we received two certified copies of said Ordinance and transmitted them to the Florida Department of State by a letter dated January 6, 1978, for filing with the office of the Secretary of State, requesting that one certified copy of said Ordinance with the official filing date with the office of the Secretary of State stamped thereon be returned to this office.

Nancy Kavanaugh as Chief of the Bureau of Laws with the office of the Secretary of State advised this office that the Ordinance had been filed with the Secretary of State as of January 10, 1978, and that a certified copy of said Ordinance with said information stamped thereon was being transmitted to this office for filing with the County. Inadvertently the certified copy of the Ordinance enclosed in said letter from the office of the Secretary of State did not have any notations thereon, and in a letter dated January 12, 1978, we returned the certified copy of said Ordinance to the Department of State to have this matter corrected.

We received on January 20, 1978, from the office of the Secretary of State a certified copy of said Ordinance stamped or marked to indicate that it had been filed with the Secretary of State on January 10, 1978, at 9:57 a.m. The effect of this is that we received notice by letter on January 12, 1978,

Board of County Commissioners
of Manatee County, Florida
January 20, 1978
Page Two

that the Ordinance had been duly filed and we received both by letter and by notification on a certified copy of said Ordinance on January 20, 1978, that said Ordinance had been filed. The issue is whether or not this Ordinance became effective January 12, or January 20, 1978. We are of the opinion that this Ordinance became effective on January 12, 1978, because that is the date this office as the attorneys and agent for the County obtained receipt from the office of the Secretary of State acknowledging that the Ordinance had been filed for record in that office. If the words "official acknowledgment" were officially or judicially construed to require that the official acknowledgment be the stamped information upon a certified copy of the Ordinance, then it is possible that this Ordinance may not have taken effect until January 20, 1978.

Enclosed is the certified copy of Ordinance No. 78-1 showing that it was filed with the Secretary of State on January 10, 1978, and the original letter from the Office of the Secretary of State to this office dated January 10, 1978, showing that it was received by this office on both January 12 and 20, 1978.

Very truly yours,

E. N. Fay, Jr.

ENF/tcs
Enclosures
CC: Mr. R. B. Shore

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Secretary of State

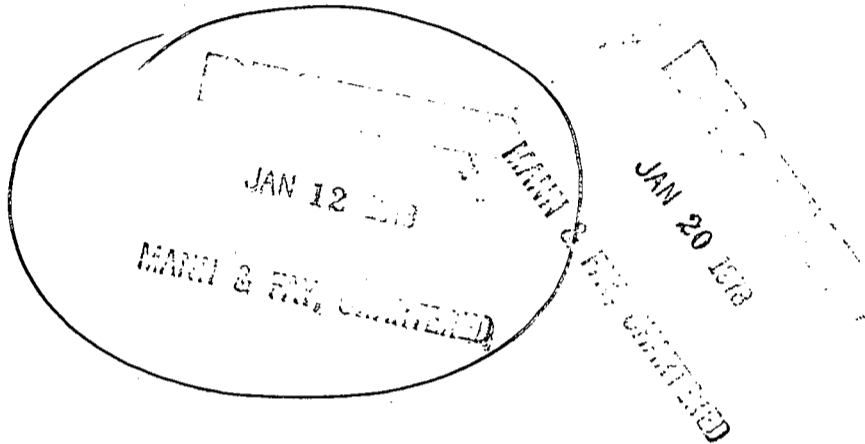
STATE OF FLORIDA
THE CAPITOL
TALLAHASSEE 32304

BRUCE A. SMATHERS
SECRETARY OF STATE

MARY L. SINGLETON
Director, Division of Elections
904/488-7690

January 10, 1978

E. N. Fay, Jr., Esquire
Manatee County Attorney
Post Office Box 959
Bradenton, Florida 33505



Dear Mr. Fay:

Pursuant to the provisions of Section 125.66 Florida Statutes, this will acknowledge:

1 Receipt of your letter/s of January 6 and certified copies of Manatee County Ordinance/s No./Nos. 78-1

1. Receipt of an original/l's and certified copy/ies of County Ordinance/s No. /Nos.

1. Receipt of County Ordinance/s relative to:

2. We have filed this/these ordinance/s in this office January 10, 1978.

2. We have numbered this ordinance/s and was/were filed in this office 1977.

Cordially,

(Mrs.) Nancy Kavanaugh
Chief, Bureau of Laws

NK/mb

P.S. We are returning the duplicate copy showing the filing date for your records.