

ORDINANCE NO. 2000-16

AN ORDINANCE OF THE CITY OF HALLANDALE BEACH, FLORIDA, MODIFYING ORDINANCE NO. 96-15 RELATING TO SPECIAL ASSESSMENTS FOR EMERGENCY MEDICAL SERVICES; AUTHORIZING THE IMPOSITION OF FIRE PROTECTION ASSESSMENTS AGAINST PROPERTY THROUGHOUT THE CITY; PROVIDING FOR THE CONTINUED USE OF THE UNIFORM METHOD OF COLLECTION; PROVIDING THAT FIRE ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY AND ARE SUBJECT TO FORECLOSURE; PROVIDING FOR CONFLICT AND SEVERABILITY

Whereas, the City enacted Ordinance 96-15, to specially assess benefitted properties for the provision of emergency medical services, and

Whereas, the City's Fire Department provides its residents with fire prevention and suppression services in addition to emergency medical services, and

Whereas, fire prevention and suppression services provide a special benefit to property by protecting the value of improvements and structures, by lowering the cost of fire insurance on the properties and by containing the spread of fire from vacant property to structures and occupants of improved property, and

Whereas, Chapter 166, Florida Statutes, and Section 170.201(1), Florida Statutes, authorize the City to levy and collect special assessments to fund fire protection services,

Whereas, apportioning fire protection services based upon historical demand by a particular category of property is a

fair and reasonable method of apportioning the special benefit received by each property, and

Whereas, it is most practical to continue using the Uniform Method of Collection to levy, collect and enforce payments of the fire protection special assessment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:

SECTION 1. The foregoing whereas clauses are true and correct and constitute specific legislative finding of the Hallandale Beach City Commission.

SECTION 2. Section 10-4 of Chapter 10, Finance and Property, of the Code of Ordinances, is amended to read:

Sec. 10-4. Special assessments for constructions, etc., of sewers, sidewalks, streets and for the provision of Services.

(a) Authority of city to make improvements, and assess benefits. The city commission shall have power to order the paving, grading, curbing, repaving, macadamizing, remacadamizing, laying out, opening, widening, beautifying, and otherwise improving and maintaining streets, alleys, avenues, boulevards, lanes, sidewalks and other public highways or any parts thereof; to order the construction of sanitary sewers, storm sewers, drains, including the necessary appurtenances thereto; to provide for emergency medical services; to provide for fire protection services; and to provide for the payment for the whole or any part of the cost of said improvements or services by levying and collecting

special assessments upon abutting, adjoining and contiguous or other specially benefited property.

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SECTION 3. The total annual estimated cost for the provision of fire protection services to be paid through the levy and collection of special assessments against all property within the City, is \$850,768, which represents 13.45 percent of the total fire department projected budget for the year 2000-2001.

SECTION 4. To adequately fund fire protection services within the City, on an annual basis, properties are hereby assessed according to use and the following fair and reasonable method of apportionment:

Residential	<u>\$27.78 per unit</u>
Commercial	<u>\$4.33 per 100 square feet</u>
Office	<u>\$3.06 per 100 square feet</u>
Warehouse/Factory	<u>\$.13 per 100 square feet</u>
Amusement	<u>\$2.58 per 100 square feet</u>
Parimutuals	<u>\$5,903.90 per facility</u>
Institutional	<u>\$8.11 per 100 square feet</u>

Vacant land, tax-exempt governmental properties such as the U.S. Post Office, schools, county and municipal properties, and religious institutions, are exempt from assessment.

SECTION 5. The assessment roll is on file with the City Clerk and available for public inspection. The assessment roll delineates the properties and uses benefited and the amount of the assessment per parcel of property.

SECTION 6. The assessment roll is hereby approved and the City Commission finds and determines that the properties assessed are specially benefited by the provision of or availability of fire protection services and that the assessment for each parcel of property is in proportion to the benefits derived therefrom.

SECTION 7. A public hearing will be held on September 14, 2000, in the City Commission Chambers, City Hall, 400 S. Federal Highway, Hallandale, Florida at 10:30 a.m., on the final adoption of the assessment roll and the City Commission will hear any testimony and receive any written objections and may adjust the assessment roll as to any property at that time.

SECTION 8. In accordance with Section 8 of Ordinance 96-15, the City shall continue to utilize the uniform method for levy, collection and enforcement of the fire protection assessment, as set forth in Chapter 197, Florida Statutes.

SECTION 9. Upon adoption of this ordinance and the assessment roll, the Mayor shall certify the roll to the Broward County Department of Finance and Administrative Services. Up to ten (10) days prior to such certification, the City Manager is authorized to alter the roll to correct any errors or omissions.

SECTION 10. Prior to the delivery of the assessment roll to the Broward County Department of Finance and Administrative Services, in accordance with Section 197.3632, Florida Statutes, the City Manager is authorized at any time, upon his

own initiative or in response to a timely filed petition from the owner of any property subject to the Assessment, to reclassify property or correct any error in applying the Assessment apportionment method to any particular parcel of property not otherwise requiring the provision of notice pursuant to Section 197.3632(4), Florida Statutes. Any such correction shall be considered valid ab initio and shall in no way affect the enforcement of the Assessment imposed under the provisions of this ordinance. All requests from affected property owners for any such changes, modifications or corrections shall be referred to and processed by the City Manager and not the Property Appraiser.

After delivery of the assessment roll to the Broward County Department of Finance and Administrative Services, in accordance with Section 197.3632, Florida Statutes, any changes, modifications, or corrections thereto shall be made in accordance with the procedures applicable to correcting errors and insolvencies on the tax roll.

SECTION 11. No part of error or omission on the part of the Property Appraiser, Broward County Department of Finance and Administrative Services, City Commission, or City employee shall operate to release or discharge any obligation for payment of the Fire Protection Assessment.

SECTION 12. When a Fire Protection Assessment should have been imposed under this ordinance against a parcel of property specially benefited by the provision or availability of Fire Protection Services, but that property was omitted

from the Assessment Roll or was not listed on the tax roll, the City Commission may, upon provision of a notice by mail provided to the owner of the omitted parcel in the manner and form provided in Section 197.3632(4), Florida Statutes, impose the applicable Assessment for the fiscal year in which such error is discovered, in addition to the applicable Assessment due for the prior two fiscal years.

SECTION 13. The assessments contained herein are annual assessments and shall be collected by the Broward County Department of Finance and Administrative Services on an annual basis as non-ad valorem assessments pursuant to Sections 197.3632 and 197.3635, Florida Statutes, without the need for the enactment of any annual ordinance or resolution. The ten year term limitation for special assessments as set forth in Section 10-4(a)(4), of the Code of Ordinances, is inapplicable to the Fire Protection Services Assessments levied by this Ordinance.

SECTION 14. All assessments levied by this Ordinance shall be subject to all the collection, payment and penalty provisions of Chapter 197, Florida Statutes, including provisions relating to discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, and the issuance and sale of tax certificates and tax deeds for nonpayment. Alternatively, the City may collect and enforce this assessment by using the provisions contained in Section 10-4 of the City Code.

SECTION 15. The total amount of the fire protection services assessment, as contained in Section 3 herein and the amount assessed against each parcel of property, as set forth in Section 4 herein, may be modified annually by the City Commission by Resolution.

SECTION 16. In accordance with SMM Properties, Inc. v. City of N. Lauderdale, 2000 WL 763620 (Fla. 4th DCA 2000), the funds collected by this assessment shall be used for fire protection services only and not for emergency medical services. Ordinance 96-15 is modified accordingly.

SECTION 17. All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION 18. In the event that any section or provision of this ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

PASSED AND ADOPTED on 1st reading August 1, 2000.

PASSED AND ADOPTED on 2nd reading September 14, 2000.

EFFECTIVE DATE September 24, 2000.

ATTEST:

MAYOR-COMMISSIONER

CITY CLERK

