

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

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

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

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

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

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

13 (a) Authority of city to make improvements, and assess
14 benefits. The city commission shall have power to order the
15 paving, grading, curbing, repaving, macadamizing,
16 remacadamizing, laying out, opening, widening, beautifying,
17 and otherwise improving and maintaining streets, alleys,
18 avenues, boulevards, lanes, sidewalks and other public
19 highways or any parts thereof; to order the construction of
20 sanitary sewers, storm sewers, drains, including the necessary
21 appurtenances thereto; to provide for emergency medical
22 services; to provide for fire protection services; and to
23 provide for the payment for the whole or any part of the cost
24 of said improvements or services by levying and collecting
25 special assessments upon abutting, adjoining and contiguous or
26 other specially benefited property.

26 * * *

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

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

11 Residential\$27.78 per unit
12 Commercial\$4.33 per 100 square feet
13 Office\$3.06 per 100 square feet
14 Warehouse/Factory\$.13 per 100 square feet
15 Amusement\$2.58 per 100 square feet
16 Parimutuals\$5,903.90 per facility
17 Institutional\$8.11 per 100 square feet

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

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

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

4 SECTION 7. A public hearing will be held on September
5 14, 2000, in the City Commission Chambers, City Hall, 400 S.
6 Federal Highway, Hallandale, Florida at 10:30 a.m., on the
7 final adoption of the assessment roll and the City Commission
8 will hear any testimony and receive any written objections and
9 may adjust the assessment roll as to any property at that
10 time.

11 SECTION 8. In accordance with Section 8 of Ordinance
12 96-15, the City shall continue to utilize the uniform method
13 for levy, collection and enforcement of the fire protection
14 assessment, as set forth in Chapter 197, Florida Statutes.

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

20 SECTION 10. Prior to the delivery of the assessment roll
21 to the Broward County Department of Finance and Administrative
22 Services, in accordance with Section 197.3632, Florida
23 Statutes, the City Manager is authorized at any time, upon his
24 own initiative or in response to a timely filed petition from
25 the owner of any property subject to the Assessment, to
26 reclassify property or correct any error in applying the

1 Assessment apportionment method to any particular parcel of
2 property not otherwise requiring the provision of notice
3 pursuant to Section 197.3632(4), Florida Statutes. Any such
4 correction shall be considered valid ab initio and shall in no
5 way affect the enforcement of the Assessment imposed under the
6 provisions of this ordinance. All requests from affected
7 property owners for any such changes, modifications or
8 corrections shall be referred to and processed by the City
9 Manager and not the Property Appraiser.

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

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

21 SECTION 12. When a Fire Protection Assessment should
22 have been imposed under this ordinance against a parcel of
23 property specially benefited by the provision or availability
24 of Fire Protection Services, but that property was omitted
25 from the Assessment Roll or was not listed on the tax roll,
26 the City Commission may, upon provision of a notice by mail
27 provided to the owner of the omitted parcel in the manner and

1 form provided in Section 197.3632(4), Florida Statutes, impose
2 the applicable Assessment for the fiscal year in which such
3 error is discovered, in addition to the applicable Assessment
4 due for the prior two fiscal years.

5 SECTION 13. The assessments contained herein are annual
6 assessments and shall be collected by the Broward County
7 Department of Finance and Administrative Services on an annual
8 basis, as non-ad valorem assessments pursuant to Sections
9 197.3632 and 197.3635, Florida Statutes, without the need for
10 the enactment of any annual ordinance or resolution. The ten
11 year term limitation for special assessments as set forth in
12 Section 10-4(a)(4), of the Code of Ordinances, is inapplicable
13 to the Fire Protection Services Assessments levied by this
14 Ordinance.

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

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

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

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

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

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

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

19 EFFECTIVE DATE September 24, 2000.

20 ATTEST:

21 Ann L. Jasper
22 CITY CLERK

23 Mayor-Commissioner
MAYOR-COMMISSIONER

	Vote AYE/NAY
A. Lerner	<u>ABSENT</u>
J. Cooper	<u>✓</u>
A. Rosenberg	<u>✓</u>
D. Ross	<u>✓</u>
J. Scavo	<u>✓</u>

24 AB-Absent

25 *Abstain-Conflict of Interest
26 forms to be filed.