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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 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.

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

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

18 EFFECTIVE DATE September 24, 2000.



MAYOR-COMMISSIONER

ATTEST:

21   
22 CITY CLERK

Vote  
AYE/NAY

A. Lenner	<u>ABSENT</u>
J. Cooper	<u>✓</u>
A. Rosenberg	<u>✓</u>
D. Ross	<u>✓</u>
J. Scavo	<u>✓</u>

AB-Absent  
\*Abstain-Conflict of Interest  
forms to be filed.