

ORDINANCE NO. 80-5

AN ORDINANCE AMENDING HERNANDO COUNTY ORDINANCE NO. 73-12 TO ADD PART II, TO BE KNOWN AS THE "DISTRICT ANNEXATION PROVISION", PROVIDING FOR DEFINITIONS; ESTABLISHING A PROCEDURE FOR THE ANNEXATION OF ADDITIONAL AREAS INTO THE BOUNDARIES OF THE SPRING HILL FIRE AND RESCUE DISTRICT; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS AS FOLLOWS:

Section 1: Hernando County Ordinance No. 73-12 and all amendments thereto, being an ordinance creating the Spring Hill Fire and Rescue District, is hereby amended by adding this Ordinance as Part II of said Hernando County Ordinance No. 73-12, and all amendments thereto.

Section 2: Short Title. This part shall be known and may be cited as the "District Annexation Provision".

Section 3. Definitions. As used in this chapter, the following words and terms shall have the following meanings unless some other meaning is plainly indicated:

(1) "Annexation" means the addition of real property to the boundaries of such addition making such real property in every way a part of the district.

(2) "District" means the Spring Hill Fire and Rescue District.

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(3) "Newspaper of general circulation" means a newspaper printed in the language most commonly spoken in the area within which it circulates, which is readily available for purchase by all inhabitants in its area of circulation, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper whose primary function is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

(4) "Parties affected" means any persons or firms owning property in, or residing in the district or owning property that is proposed for annexation to the district or any governmental unit with jurisdiction over such area.

(5) "Qualified voter" means any person registered to vote in accordance with law.

(6) "Sufficiency of petition" means the verification of the signatures and addresses of all signers of a petition with the voting list maintained by the county supervisor of elections and certification that the number of valid signatures represents the required percentage of the total number of qualified voters in the area affected by a proposed annexation.

(7) "Contiguous" means that a substantial part of a boundary of the territory sought to be annexed into the district is coterminous with a part of the boundary of the district. The separation of the territory sought to be annexed from the district by a right-of-way for a highway, road, railroad, canal, or utility or by a body of water, a watercourse, or other minor geographical division of a similar nature, running parallel with and between the territory sought to be annexed and the district, shall not prevent annexation under this act, provided the presence of such a division does not, as a practical matter, prevent the territory sought to be annexed and the district from becoming a unified whole. However, nothing herein shall be construed to allow local rights-of-way, utility easements, railroad rights-of-way, or like entities to be annexed in a corridor fashion to gain

continuity, and when any provision or provisions of special law or laws prohibit the annexation of territory that is separated from the annexing municipality by a body of water or watercourse, then that law shall prevent annexation under this act.

(8) "Compactness" means concentration of a piece of property in a single area and precludes any action which would create enclaves, pockets, or finger areas in serpentine patterns. Any annexation proceeding in any county in the state shall be designed in such a manner as to ensure that the area shall be reasonably compact.

Section 4: Annexation procedures. The district may annex contiguous, compact, unincorporated territory in the following manner:

(1) A resolution proposing to annex an area of contiguous, compact, unincorporated territory shall be adopted by the governing body of the district and then by the Hernando County Board of County Commission. Each such resolution shall propose only one reasonably compact area to be annexed. However, prior to the resolution becoming effective, a referendum on annexation shall be held as set out below, and, if approved by the referendum, the resolution shall become effective 10 days after the referendum or as otherwise provided in the resolution, but not more than 1 year following the date of the referendum.

(2) Following the final adoption of the resolution by the governing body of the district and the Hernando County Board of County Commission, the resolution shall be submitted to a separate vote of the registered electors of the district and of the area proposed to be annexed. The referendum on annexation shall be called and conducted and the expense thereof paid by the District.

(a) The referendum on annexation shall be held at the next regularly scheduled election following the final adoption of the resolution or at a special election called for the purpose of holding the referendum. However, the referendum, whether held at a regularly scheduled election or at a special election, shall not be held sooner than 30 days following the final adoption of the resolution.

(b) There shall be published notice of the referendum on annexation at least once a week for the 4 consecutive weeks immediately preceding the date of the referendum in a newspaper of general circulation in the area in which the referendum is to be held. The notice shall give the time and places for the referendum and a description of the area proposed to be annexed. The description shall be by metes and bounds and shall include a map clearly showing such area.

(c) On the day of the referendum on annexation there shall be prominently displayed at each polling place a copy of the ordinance of annexation and a description of the property proposed to be annexed. The description shall be by metes and bounds and shall include a map clearly showing such area.

(d) Ballots or mechanical voting devices used in the referendum on annexation shall offer the choice "For annexation of property described in resolution number... of the Spring Hill Fire and Rescue District" and "Against annexation of property described in resolution number... of the Spring Hill Fire and Rescue District" in that order.

(e) If there is a separate majority vote for annexation in the district and in the area proposed to be annexed, the resolution shall become effective on the effective date specified therein. If there is a majority vote against annexation in either the district or in the area proposed to be annexed or in both, the ordinance shall not become effective, and the area proposed to be annexed shall not be the subject of an annexation resolution by the district for a period of 1 year from the date of the referendum on annexation.

(3) Any improved parcel of land which is owned by one individual, corporation, or legal entity, or owned collectively by one or more individuals, corporations, or legal entities, proposed to be annexed under the provisions of this ordinance shall not be severed, separated, divided, or partitioned by the provisions of said ordinance, but shall, if intended to be annexed, or if annexed, under the provisions of this act, be

annexed in its entirety and as a whole. The owner of such property may waive the requirements of this subsection if such owner does not desire all of his tract or parcel included in such annexation.

(4) If the area proposed to be annexed is predominantly owned by individuals, corporations, or legal entities who are not registered electors of the area proposed to be annexed, such area shall not be annexed unless a majority of such individuals, corporations, or legal entities consent to such annexation.

Section 5: Voluntary annexation.

(1) The owner or owners of real property in an unincorporated area of a county which is contiguous to the district and reasonably compact may petition the governing body of said district and the Hernando County Board of County Commission that said property be annexed to the district.

(2) Upon determination by the governing body of the district and the Hernando County Board of County Commission that the petition bears the signatures of all owners of property in the area proposed to be annexed, the governing bodies may at any regular meeting, adopt a resolution to annex said property and redefine the boundary lines of the district to include said property. Said resolution shall be passed after same has been published once a week for 4 consecutive weeks in some newspaper in such area, if no newspaper is published in said area, then in a newspaper published in the same county; and if no newspaper published in said county then at least three printed copies of said resolution shall be posted for 4 consecutive weeks at some conspicuous place in said area.

(3) A resolution adopted hereunder shall be filed with the Clerk of the Circuit Court of the county.

(4) Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves.

Section 6: Annexation limited to a single county.

In order for an annexation proceeding to be valid for the purposes of this ordinance, the annexation must take place within the boundaries of a single county.

Section 7: Apportionment of debts and taxes in annexa-

tions or contractions. The area annexed to the district shall be subject to the taxes and debts of the district upon the effective date of the annexation. However, the annexed area shall not be subject to district ad valorem taxation for the current year if the effective date of the annexation falls after the Board of County Commission levies such tax.

Section 8: Effects of annexations or contractions. An area annexed to a municipality shall be subject to all laws, ordinances, and regulations in force in the district and shall be entitled to the same privileges and benefits as other parts of the district upon the effective date of the annexation.

Section 9: Appeal on annexation or contraction. No later than 30 days following the passage of this ordinance, any party affected who believes that he will suffer material injury by reason of the failure to comply with the procedures set forth in this ordinance for annexation or to meet the requirements established for annexation as they apply to his property may file a petition in the circuit court for the county in which the district is located seeking review by certiorari pursuant to s. 120.31.

Section 10: Effective Date. This Ordinance shall become effective as provided by law.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By  _____
JOHN H. McQUEEN, CHAIRMAN

Attest  _____
HAROLD WILLIAM BROWN, CLERK

