

ORDINANCE NO. 84-12

AN ORDINANCE CREATING A MUNICIPAL SERVICE TAXING UNIT TO BE KNOWN AS THE "BRAEWOOD MUNICIPAL STREET LIGHTING SERVICE UNIT"; PROVIDING THAT THE PURPOSE OF THE UNIT IS TO PROVIDE STREET LIGHTING IN OR DOING BUSINESS WITHIN SAID UNIT; PROVIDING FOR THE CREATION, MAINTENANCE AND OPERATION OF STREET LIGHTING SYSTEM WITHIN SAID UNIT; PROVIDING FOR THE BOUNDARIES OF SAID UNIT; PROVIDING FOR THE LEVY OF AN EQUITABLE PER LOT SERVICE CHARGE; PROVIDING A METHOD OF LEVY, COLLECTION AND ENFORCEMENT OF THE AFORESAID SERVICE CHARGE; PROVIDING FOR THE ADMINISTRATION OF SAID UNIT; PROVIDING FOR THE ADOPTION OF RULES AND REGULATIONS FOR THE OPERATION OF SAID UNIT; PROVIDING THAT THE SAID UNIT SHALL BE UNDER THE CONTROL OF THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Hernando County, Florida, as follows:

SECTION I. FINDINGS OF FACT AND PURPOSE

It is hereby found by the Board of County Commissioners of Hernando County, Florida, that street lighting is an essential service for the benefit of the health, safety and welfare of the public. It is further the finding of the Board of County Commissioners that the Legislature has in Section 125.01 (1) (q), Florida Statutes, provided for the creation of municipal service taxing and benefit unit as a taxing vehicle to grant to all counties that taxing flexibility to levy special service charges within the limits fixed for municipal purposes for the furnishing of municipal services within those areas receiving the benefit of such municipal services in order to solve the controversy of double taxation between residents of the incorporated and unincorporated areas. It is the purpose of this Ordinance to create a County Municipal Service Taxing Unit for the purpose of creating, establishing, maintaining and operating a street lighting system within the areas described in Exhibit "A", attached hereto and made a part hereof by reference.

SECTION II. CREATION OF UNIT

For the purpose of creating, establishing, maintaining and operating a street lighting system within the area described herein, there is hereby created a Municipal Service Taxing Unit to be known as the "BRAEWOOD MUNICIPAL STREET LIGHTING SERVICE

UNIT", which shall be all the property within the boundaries described in Exhibit "A", attached hereto and made a part hereof by reference, located in Hernando County, Florida.

SECTION III. GOVERNING BODY

The Governing Body of the BRAEWOOD MUNICIPAL STREET LIGHTING SERVICE UNIT shall be the Board of County Commissioners of Hernando County, Florida.

SECTION IV. ADMINISTRATION

- A. The BRAEWOOD MUNICIPAL STREET LIGHTING SERVICE UNIT shall be administered in accordance with the policies and procedures adopted by the Board of County Commissioners for the administration of all County departments, divisions and operations.
- B. The BRAEWOOD MUNICIPAL STREET LIGHTING SERVICE shall have the following duties:
1. Establish, maintain and operate such street lighting as is necessary to implement the purposes of this Ordinance.
 2. Provide street lighting service to improved and unimproved property within the benefited area.
- C. The County Administrator shall be responsible for administering the BRAEWOOD MUNICIPAL STREET LIGHTING SERVICE UNIT and shall be responsible for the following to the extent necessary to implement the purposes of this Ordinance:
1. Negotiate and recommend to the County Commission contracts for installing and providing street lighting.
 2. Negotiate and recommend to the County Commission contracts for purchase of such capital equipment as are necessary.
 3. Establish rules and regulations for the administration of the unit, not inconsistent with County policy or administrative rule.
 4. Negotiate contracts with power companies for

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HAROLD W. BROWN, CLERK
HERNANDO COUNTY, FLA.

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the purpose of providing street lighting.

- 5. Hire such personnel as are necessary to implement the purposes of this Ordinance.
- 6. Perform such other acts as are necessary to implement the purposes of this Ordinance to the extent consistent herewith.

D. The powers to be exercised by the BRAEWOOD MUNICIPAL STREET LIGHTING SERVICE UNIT are specifically made subject to all applicable State and County laws.

SECTION V. ASSESSMENTS, LEVY AND LIEN PROVISIONS

It being recognized that the value of the benefits accrued by virtue of this Ordinance directly benefits equally all lots within the Unit, the County Commission is hereby authorized to levy an annual service charge against each lot within the unit for the purposes set forth herein for each year.

SECTION VI. REPEAL

Any Ordinance in conflict with this Ordinance is hereby repealed to the extent of the conflict.

SECTION VII. SEVERABILITY

It is declared to be the intent of the Board of County Commissioners of Hernando County, Florida, that if any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall be construed as not having contained said section, subsection, sentence, clause or provision, and shall not be affected by such holding.

SECTION VIII. EFFECTIVE DATE

A certified copy of this Ordinance shall be filed in the Office of the Secretary of State by the Clerk of the Board within ten (10) days after adoption of this Ordinance, and shall take effect on _____, 1984, inclusive.

ADOPTED THIS 7th day of August, 1984, A.D.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

Attest Gail Donato, Deputy Clerk
HAROLD WILLIAM BROWN, CLERK

By Henry D. Hebert
HENRY D. HEBERT, CHAIRMAN

