

ORDINANCE NO. 88- 13

AN ORDINANCE OF HERNANDO COUNTY PROVIDING THAT THE CODE OF ORDINANCES, HERNANDO COUNTY, FLORIDA, BE AMENDED BY REVISING SECTIONS 24-171, 24-172, 24-174 AND 24-175 OF SAID CODE; PROVIDING THAT ORCHARD PARK SUBDIVISION MUNICIPAL STREET LIGHTING SERVICE BE SPECIFICALLY AMENDED TO INCORPORATE ADDITIONAL PROPERTIES FOR INCLUSION IN THE MUNICIPAL SERVICE TAXING UNIT; PROVIDING A DATE THE ASSESSMENT CONSTITUTES A LIEN; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

88 MAY 16 PM 2:46

FILED

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

SECTION I. That section 24-171 of the Code of Ordinances, Hernando County, Florida, be amended so that such section shall read as follows:

"SECTION 24-171. Findings of fact and purpose.

It is hereby found by the board of county commissioners that a lighting system 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 units as taxing vehicles 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 in order to solve the controversy of double taxation between residents of the incorporated and unincorporated area. It is the purpose of this division to create a county municipal service taxing unit for the purpose of creating, establishing, maintaining and operating a lighting system within the areas described in Exhibit "A", attached hereto and made a part hereof by reference."

SECTION II. That section 24-172 of the Code of Ordinances, Hernando County, Florida, be amended so that such section shall read as follows:

"SECTION 24-172. Creation of unit.

For the purpose of creating, establishing, maintaining and operating a lighting system within the area described herein, there is hereby created a municipal service taxing unit to be known as the "Orchard Park Subdivision Municipal 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."

SECTION III. That section 24-174 of the Code of Ordinances, Hernando County, Florida, be amended so that such section shall read as follows:

"SECTION 24-174. Administration.

(a) The service unit created by this division 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 service unit created by this division shall have the following duties:

(1) Establish, maintain and operate such lighting system as is necessary to implement the purposes of this division.

(2) Provide lighting system service to improved and unimproved property within the benefited area.

(c) The county administrator shall be responsible for administering the service unit created by this division and shall be responsible for the following to the extent necessary to implement the purpose of this division:

(1) Negotiate and recommend to the county commission contracts for installing and providing a lighting system.

(2) Negotiate and recommend to the county commission contracts for purchase of such capital equipment as 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 the purpose of providing a lighting system.
 - (5) Hire such personnel as are necessary to implement the purposes of this division.
 - (6) Perform such other acts as are necessary to implement the purposes of this division to the extent consistent herewith.
- (d) The powers to be exercised by the service unit created by this division are specifically made subject to all applicable state and county laws."

SECTION IV. That section 24-175 of the Code of Ordinances, Hernando County, Florida, be amended so that such section shall read as follows:

"Section 24-175 Assessments, levy and lien provisions.

It being recognized that the value of the benefits accrued by virtue of this division directly benefits equally all lots within the unit created by this division, 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. The service charge imposed hereunder shall constitute a lien on all real property of the unit as of October 1 of each year."

SECTION V. Inclusion in the code.

It is the intention of the board of county commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "ordinance" may be changed to "section", "article", or other appropriate designation.

SECTION VI. Severability.

It is declared to be the intent of the board of county commissioners that if any section, subsection, clause, sentence, phrase or provision of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this ordinance.

SECTION VII. Effective Date.

This ordinance shall take effect immediately upon receipt of official acknowledgement from the office of the Secretary of State of Florida that this ordinance has been filed with said office.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular Session this 11th day of May, 1988.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

(SEAL)

Attest:

Karen Nicolari

By:


DAVID D. RUSSELL, Sr.,
Chairman

EXHIBIT "A"

ORCHARD PARK

Orchard Park, Units 1 & 2, according to the plat recorded in P.B. 19, Pages 82 & 83, and P.B. 22, Pages 40-41, public records of Hernando County, Florida.