

ORDINANCE NO. 88-14

AN ORDINANCE OF HERNANDO COUNTY, FLORIDA, PROVIDING FOR THE REPEAL OF SECTIONS 24-201, 24-202, 24-203, 24-204, AND 24-205 OF THE CODE OF ORDINANCES, HERNANDO COUNTY, FLORIDA, PERTAINING TO BERKELEY MANOR PHASE I MUNICIPAL FIRE HYDRANT SERVICE TAXING UNIT AND DECLARING SAME TO BE NULL AND VOID AND OF NO EFFECT; REPLACING SAID SECTIONS IN THEIR ENTIRETY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY AND PROVIDING FOR 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, AS FOLLOWS:

SECTION I. That Sections 24-201, 24-202, 24-203, 24-404 and 24-205 of the Code of Ordinances, Hernando County, Florida, be repealed and replaced as follows:

"SECTION 24.201. Findings of fact and purpose.

It is hereby found by the board of county commissioners of Hernando County, Florida, that fire hydrants and a lighting system are essential services 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 fire hydrants and a lighting system within the area described in Exhibit "A", attached hereto and made a part hereof by reference."

"SECTION 24-202. Creation of unit.

For the purpose of creating, establishing, maintaining and operating fire hydrants and a lighting system within the area described herein, there is hereby created a Municipal Service Taxing Unit to be known as the "Berkeley Manor Municipal Service Taxing Unit", which shall be all the property located in Hernando County, Florida within the boundaries described in Exhibit "A", attached hereto and made a part hereof by reference."

"SECTION 24-203. Governing body.

The governing body of the Berkeley Manor Municipal Service Taxing Unit shall be the board of county commissioners of Hernando County, Florida."

"SECTION 24-204. Administration

(a) The Berkeley Manor Municipal Service Taxing 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 Berkeley Manor Municipal Service Taxing Unit shall have the following duties:

(1) To establish, maintain and operate such fire hydrants and a lighting system as necessary to implement the purpose of this ordinance.

(2) To provide fire hydrants and a lighting system to improved and unimproved property within the benefitted area.

(c) The County Administrator shall be responsible for administering the Municipal Service Taxing Unit and shall be responsible for the following to the extent necessary to implement the purpose of this ordinance:

(1) Negotiate and recommend to the board of county commissioners contracts for installing and providing fire hydrants and a lighting system.

- (2) Negotiate and recommend to the board of county commissioners 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 companies for the purpose of providing fire hydrants and a lighting system.
- (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 Berkeley Manor Municipal Service Taxing Unit are specifically made subject to all applicable state and county laws."

"SECTION 24-205. 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. The service charge imposed hereunder shall constitute a lien on all real property of the unit as of October 1st of each year."

SECTION II. Repeal

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION III. 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 IV. Severability

It is declared to be the intent of the board of county commissioners of Hernando County, Florida, 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 V. 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.

ADOPTED THIS 11th DAY OF May, 1988, A.D.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By:


DAVID D. RUSSELL, SR., CHAIRMAN

Attest:


KAREN NICOLAI, CLERK OF COURT

EXHIBIT "A"

BERKELEY MANOR

Berkeley Manor as per the plat thereof recorded in Plat Book 17, Page 18, public records of Hernando County, Florida;

and

Berkeley Manor, Phase I, as per plat thereof recorded in Plat Book 17, Page 74, public records of Hernando County, Florida;

and

Berkeley Manor, Blocks 19 & 20, as recorded in Plat Book 20, Page 15, public records of Hernando County, Florida.