

ORDINANCE NO. 86-22

AN ORDINANCE CREATING A MUNICIPAL SERVICE TAXING UNIT TO BE KNOWN AS THE "BERKELEY MANOR PHASE I MUNICIPAL SERVICE TAXING UNIT, (FIRE HYDRANTS)"; PROVIDING FOR THE PURPOSE OF THE UNIT; PROVIDING FOR THE CREATION, MAINTENANCE, AND OPERATION OF FIRE HYDRANTS SYSTEM WITHIN SAID UNITS; PROVIDING FOR THE BOUNDARIES OF SAID UNIT; PROVIDING FOR THE LEVY AND COLLECTION OF A PER LOT SERVICE CHARGE; PROVIDING FOR ENFORCEMENT; PROVIDING FOR ADMINISTRATION; PROVIDING FOR THE ADOPTION OF OPERATIONAL RULES AND REGULATIONS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING FOR 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 fire hydrants are 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 fire hydrant 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 lighting system within the area described herein, there is hereby created a Municipal Service Taxing Unit to be known as the "BERKELEY MANOR PHASE I MUNICIPAL SERVICE TAXING UNIT", (FIRE HYDRANTS) 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 III. GOVERNING BODY

SECRETARY OF STATE
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L.P.

The Governing Body of the BERKELEY MANOR PHASE I MUNICIPAL SERVICE TAXING UNIT (FIRE HYDRANTS) shall be the Board of County Commissioners of Hernando County, Florida.

SECTION IV. ADMINISTRATION

- A. The BERKELEY MANOR PHASE I MUNICIPAL SERVICE TAXING UNIT (FIRE HYDRANTS) 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 PHASE I MUNICIPAL SERVICE TAXING UNIT (FIRE HYDRANTS) shall have the following duties:
1. To establish, maintain and operate such fire hydrants as is necessary to implement the purposes of this Ordinance.
 2. To provide fire hydrants to improved and unimproved property within the benefited area.
- C. The County Administrator shall be responsible for administering BERKELEY MANOR PHASE I MUNICIPAL SERVICE TAXING UNIT (FIRE HYDRANTS) 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.
 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 power companies for the purpose of providing fire hydrants.
 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 BERKELEY MANOR PHASE I MUNICIPAL SERVICE TAXING UNIT (FIRE HYDRANTS) 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. The service charge imposed hereunder shall constitute a lien on all real property of the unit as of January 1 of each year.

SECTION VI. REPEAL

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

SECTION VII. 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 VIII. 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 IX. EFFECTIVE DATE

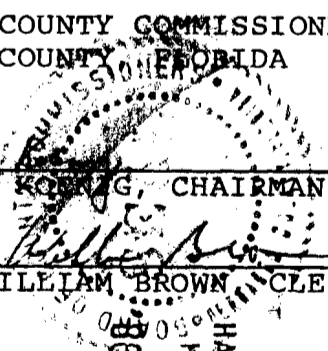
A certified copy of this Ordinance shall be filed in the Office of the Secretary of State by the Clerk of the Board within ten (10) days after adoption of this Ordinance, said Ordinance shall take effect of October 28, 1986, inclusive.

ADOPTED THIS 28th day of October 1986, A.D.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By: William Koenig
WILLIAM KOENIG, CHAIRMAN

Attest: Harold W. Brown
HAROLD WILLIAM BROWN, CLERK



FILED FOR RECORD
HAROLD WM. BROWN, CLERK
HERNANDO COUNTY, FLORIDA
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EXHIBIT "A"

Berkeley Manor Phase I as recorded in Plat Book 17, Page 75 in the Public Records of Hernando County, Florida.