

ORDINANCE NO. 77- 8

AN ORDINANCE PROVIDING FOR A SHORT TITLE, TO BE KNOWN AS THE "HERNANDO COUNTY FIRE HYDRANT ASSESSMENT ORDINANCE"; PROVIDING FOR FIRE HYDRANT INSTALLATION; PROVIDING FOR THE PAYMENT OF SAID INSTALLATION BY BENEFITED PROPERTY OWNERS; REQUIRING A PETITION OF FIFTY PERCENT (50%) OF THE BENEFITED PROPERTY OWNERS TO IMPLEMENT ASSESSMENT PROCEDURES; PROVIDING FOR THE ADOPTION OF A RESOLUTION AUTHORIZING FIRE HYDRANT INSTALLATIONS; REQUIRING ADVERTISED PUBLIC HEARINGS TO GRANT OR DENY THE PETITION; PROVIDING FOR PUBLIC HEARINGS CONFIRMING SAID RESOLUTION; PROVIDING FOR PROCEDURAL REQUIREMENTS FOR THE CONDUCT OF SAID PUBLIC HEARINGS; PROVIDING FOR THE ADOPTION OF AN ASSESSMENT ROLL; PROVIDING FOR A PROCEDURE FOR PUBLIC HEARING ON SAID ASSESSMENT ROLL AND EQUALIZATION OF SAME; PROVIDING FOR CONSTRUCTION OF FIRE HYDRANT IMPROVEMENTS; PROVIDING FOR CREATION AND FORECLOSURE OF ASSESSMENT LIENS; AUTHORIZING ASSESSMENT BONDS AND ASSESSMENT BOND ANTICIPATION NOTES; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Board of County Commissioners has received several requests from property owners that Hernando County devise a method whereby property owners can be provided fire hydrants for property protection and whereby such property owners may request that the improvement assessed against all benefiting property owners; and

WHEREAS, the Board of County Commissioners of Hernando County have determined that a procedure to allow fire hydrant installations to be paid by assessments paid by all benefiting property owners will result in special benefits to said benefiting property owners and will allow Hernando County to provide fire hydrant improvements that would not presently be available other County revenues;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Hernando County;

1. SHORT TITLE. This ordinance shall be known as and may be referred to as the "Hernando County Fire Hydrant Improvement Assessment Ordinance."

2. PROCEDURE. Upon receipt of a petition signed by at least 50% of the registered voters within an area in the unincorporated areas of Hernando County stating that said registered voters desire the Board of County Commissioners of Hernando County to implement procedures to provide the requested fire hydrant installations with the cost to be paid by assessments of all benefited property owners, the Board of County Commissioners shall implement the following procedures:

(a) The Board of County Commissioners shall fix the date of a public hearing on the petition. Notice of the hearing shall be given by publishing a notice of the hearing once in a newspaper of general circulation in Hernando County at least seven (7) days prior to the date of the hearing.

(b) Notice referred to above shall specify the areas to be served by said project, the type of improvement to be made, the estimated cost of the fire hydrant improvement and the proposed method or alternative methods for the payment of the cost of the fire hydrant.

(c) The Board of County Commissioners shall consider all comments and information provided at the public hearing and all other information deemed relevant by the Board and shall grant or deny the petition. If the petition is not granted, a similar petition may not be re-presented to the Board of County Commissioners for a period of six (6) months. If the petition is granted, the Board of County Commissioners shall by motion duly made, passed and recorded in the minutes of the meeting, authorize commencement of the project specifying the areas to be benefited by the project, the cost of the project and the method of payment of such costs and any other special instructions or conditions imposed by the Board.

(d) Upon passage of the motion authorizing commencement of the project, an assessment roll showing the properties to be assessed in accordance with the method of assessment provided for by the Board shall be prepared by the County Engineer and filed in the minutes of the Board of County Commissioners. The assessment roll shall show at least the following information: The lots and lands assessed, the amount of assessment against each lot or parcel of land and if the assessment is to be paid in installments, the number of annual installments in which the assessment is divided shall be entered and shown upon the assessment roll.

(e) Upon completion of the assessment roll, each benefited property owner shall be mailed a notice of the assessment, stating the amount of the assessment and the method and time of payment. There shall also be mailed therewith, a notice specifying a date and

time at which property owners may appear before the Board of County Commissioners to present any complaints relative to the assessments.

(f) After hearing any complaints of any property owners, the Board of County Commissioners may equalize, adjust or otherwise alter any assessments so as to insure the fairness of the assessment and so as to insure that no undue hardships are created. At the conclusion of the hearing, the assessments shall be recorded by the Clerk of the Board in a special book to be known as the "Fire Hydrant Improvement Lien Book" and in the official records of Hernando County maintained by the Clerk of the Circuit Court and such record of the lien shall constitute prima facie evidence of its validity.

(g) The assessments shall be payable at the time and in the manner stated in the Board's motion authorizing commencement of the project and said special assessments shall remain liens, co-equal with the lien of all state, county, district and municipal taxes, superior in dignity to all of the liens, title and claims, until paid. Any assessment not paid when due and payable shall have added thereto interest at the rate of one percent (1%) per month until paid.

(h) Upon the failure of any assessment to be paid within one (1) year of the date due and payable, the Board of County Commissioners shall cause the necessary legal proceedings to be brought by the County Attorney to foreclose the assessment lien including penalties, court costs and reasonable attorney's fees assessed as a part of the foreclosure proceeding. The foreclosure proceeding shall be prosecuted to a sale and conveyance of the property involved in said proceeding as now provided by law in suits to foreclose mortgages.

3. EFFECTIVE DATE. This ordinance shall take force and effect as provided by law.


ADOPTED in Regular Session this 20th day of September, 1977.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By


CHARLES R. SMITH, CHAIRMAN

Attest


HAROLD WILLIAM BROWN, CLERK