

ORDINANCE NO. 190-09-130

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA, ADOPTING, APPROVING, CERTIFYING AND RE-IMPOSING THE UNIFORM METHOD FOR COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE INCORPORATED AREA OF THE CITY OF LAUDERHILL ON THE ANNUAL TAX BILL FOR ALL COSTS AND FEES INCURRED BY THE CITY TO PROVIDE SELF-HELP REMEDIES FOR NUISANCE ABATEMENT VIOLATIONS OF CITY CODE CHAPTER 10 RELATIVE TO GARBAGE, TRASH, UNSANITARY AND UNSIGHTLY CONDITIONS WHERE VIOLATORS FAIL TO TIMELY PAY BY SEPTEMBER 30TH; PROVIDING FOR ANNUAL BILLING FOR SUCH NON-AD VALOREM ASSESSMENTS, AS APPLICABLE, ON THE INDIVIDUAL VIOLATORS` BROWARD COUNTY ANNUAL TAX BILL; DECLARING NUISANCE ABATEMENT ASSESSMENT COSTS FOR THE FISCAL YEAR 2020; PROVIDING FOR IMPOSITION OF ANNUAL BILLING ON THE TAX BILL FOR ALL RELATED COSTS AND FEES FOR THOSE AREAS; STATING A NEED FOR SUCH LEVY TO COVER THE ACTUAL COSTS AND FEES FOR SERVICES; ALLOWING FOR INCREASES EQUIVALENT TO THE ACTUAL COSTS CHARGED BY THE SERVICE PROVIDER; PROVIDING FOR THE MAILING OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission previously expressed its intent to use the uniform method for collecting non-ad valorem special assessments for all costs and fees incurred by the City to provide self-help remedies for nuisance abatement violations of City Code, Chapter 10 relative to garbage, trash, unsanitary and unsightly conditions where violators fail to timely pay by September 30th to be billed solely to the individual violators within the incorporated area of the City of Lauderhill as authorized by Section 197.3632 of the Florida Statutes, as amended, because this method would allow such special assessments to be collected annually, in the same manner as provided for ad valorem taxes via the Original Intent Resolution No. 12R-02-11; and

WHEREAS, the City of Lauderhill Code of Ordinances, Section 10-15(i) authorizes the imposition of said non-ad valorem special assessments upon the specific property of a violator who has failed to timely pay the invoice for nuisance abatement services rendered by the City; and

WHEREAS, on July 24, 2013, the City Commission approved the Preliminary Rate Resolution No. 13R-07-145 setting forth the estimated assessments relative to nuisance abatement services on designated parcels of land that were in violation and who had failed to timely pay; and

WHEREAS, the City Commission seeks to impose these assessments for nuisance abatement services via this Resolution and the corresponding Ordinance which approve the imposition of the uniform method of collection and the collection of the costs which are proposed to be passed on first reading on September 12, 2013 and on second reading on September 26, 2013; and

WHEREAS, individual notice of the duly advertised public hearing was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 prior to the public hearing for the adoption of this Resolution No. 13R-09-201 and first reading of the corresponding Ordinance No. 120-09-143 on September 12, 2013 via the TRIM notice that was sent by the Broward County Property Appraiser`s Office, and notice was also published in the newspaper; and

WHEREAS, no written objections were received from any residents regarding the certification and imposition of the annual tax assessments; however, any residents that were present were heard at the Public Hearing held on September 12, 2013 prior to the passage of the Resolution and first reading of the Ordinance, with the second reading of the Ordinance held on September 26, 2013; and

WHEREAS, individual notice of the duly advertised public hearing was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 prior to the public hearing for the adoption of Resolution No. 14R-09-199 and first reading of the corresponding Ordinance No. 140-09-145 on September 15, 2014 via the TRIM notice that was sent by the Broward County Property Appraiser`s Office, and notice was also published in the newspaper; and

WHEREAS, no written objections were received from any residents regarding the certification and imposition of the annual tax assessments; however, any residents that were present were heard at the Public Hearing held on September 15, 2014 prior to the passage of the Resolution and first reading of the Ordinance, with the second reading of the Ordinance held on September 29, 2014; and

WHEREAS, individual notice of the duly advertised public hearing was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 prior to the public hearing for the adoption of this Resolution No. 15R-09-205 and first reading of the corresponding Ordinance No. 150-09-140 on September 11, 2015 via the TRIM notice that was sent by the Broward County Property Appraiser`s Office, and notice was also published in the newspaper; and

WHEREAS, no written objections were received from any residents regarding the certification and imposition of the annual tax assessments; however, any residents that were present were heard at the Public Hearing held on September 11, 2015 prior to the passage of the Resolution and first reading of the Ordinance, with the second reading of the Ordinance held on September 21, 2015; and

WHEREAS, individual notice of the duly advertised public hearing was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 prior to the public hearing for the adoption of this Resolution No. 16R-09-193 and first reading of the corresponding Ordinance No. 160-09-138 on September 14, 2016 via the TRIM notice that was sent by the Broward County Property Appraiser`s Office, and notice was also published in the newspaper; and

WHEREAS, no written objections were received from any residents regarding the certification and imposition of the annual tax assessments; however, any residents that were present were heard at the Public Hearing held on September 14, 2016 prior to the passage of the Resolution and first reading of the Ordinance, with the second reading of the Ordinance held on September 28, 2016; and

WHEREAS, individual notice of the duly advertised public hearing was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 prior to the public hearing for the adoption of this Resolution No. 17R-09-234 and first reading of the corresponding Ordinance No. 170-09-138 on September 13, 2017 via the TRIM notice that was sent by the Broward County Property Appraiser`s Office, and notice was also published in the newspaper; and

WHEREAS, no written objections were received from any residents regarding the certification and imposition of the annual tax assessments; however, any residents that were present were heard at the Public Hearing held on September 13, 2017 prior to the passage of the Resolution and first reading of the Ordinance, with the second reading of the Ordinance held on September 25, 2017; and

WHEREAS, individual notice of the duly advertised public hearing was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 prior to the public hearing for the adoption of this Resolution No. 18R-09-189 and first reading of the corresponding Ordinance No. 180-09-137 on September 12, 2018 via the TRIM notice that was sent by the Broward County Property Appraiser`s Office, and notice was also published in the newspaper; and

WHEREAS, no written objections were received from any residents regarding the certification and imposition of the annual tax assessments; however, any residents that were present were heard at the Public Hearing held on September 12, 2018 prior to the passage of the Resolution and first reading of the Ordinance, with the second reading of the Ordinance held on September 26, 2018; and

WHEREAS, individual notice of the duly advertised public hearing was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 prior to the public hearing for the adoption of this Resolution No. 19R-09-184 and first reading of the corresponding Ordinance No. 190-09-130 on September 12, 2019 via the TRIM notice that was sent by the Broward County Property Appraiser`s Office, and notice was also published in the newspaper; and

WHEREAS, no written objections were received from any residents regarding the certification and imposition of the annual tax assessments; however, any residents that were present were heard at the Public Hearing held on September 12, 2019 prior to the passage of the Resolution and first reading of the Ordinance, with the second reading of the Ordinance held on September 26, 2019;

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

SECTION 1. That commencing with the Fiscal Year beginning on October 1, 2019, and with the Annual Tax Bill mailed each Fiscal Year thereafter, the City of Lauderhill will continue to use the uniform method of collecting non-ad valorem assessments authorized in Section 197.3632 of the Florida Statutes, as amended, for collecting non-ad valorem assessments for the cost and fees incurred by the City to self-help and remedy nuisance abatement violations. Such non-ad valorem assessments shall be levied within the incorporated area of the City of Lauderhill only as applicable *solely* upon the property of those violators who have failed to timely pay their invoice for nuisance abatement services rendered by, or on behalf of, the City. A map and/or legal description of the area subject to this assessment is attached hereto as Exhibit "A" and incorporated herein by reference thereto.

SECTION 2. The City of Lauderhill hereby declares the nuisance abatement assessed costs for Fiscal Year 2020 and determines that the levy of such assessments is needed to fund the costs and fees incurred by the City to self-help and remedy nuisance abatement violations. The amount to be assessed will be determined on an individual case by case basis depending upon the services necessary to remedy the nuisance abatement violation. Only costs and fees incurred by the City and permitted by City Code will be assessed. The rates to be assessed are attached hereto as Exhibit "B" and incorporated herein by reference thereto. The proposed estimated rates were fully disclosed at the Public Hearings on July 9, 2019 were in the estimated amount of total revenue to be collected of \$51,430.39. The final rates were fully disclosed on September 12, 2019, and September 26, 2019 which equal total revenue to be collected in the amount of \$49,101.61.

SECTION 3. The assessment for each parcel will be billed through the Broward County Property Appraiser's Office, via the Ad Valorem Tax Bill and collected through the Broward County Revenue Collections Division, as authorized by Florida Statutes, Section 197.3632. Failure to pay the assessments will cause a Tax Certificate to be issued against the property, which may result in the loss of title.

SECTION 4. The City of Lauderhill previously certified the Non-Ad Valorem Assessment Roll via Resolution No. 19R-09-184 which was passed at the Public Hearing on September 12, 2019.

SECTION 5. Upon adoption, the City Clerk is hereby directed to send a copy of this Ordinance to the Florida Department of Revenue, the Broward County Department of Revenue Collection, and the Broward County Property Appraiser.

SECTION 6. All ordinances or parts of ordinances, all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed as to the extent of such conflict.

SECTION 7. Should this Ordinance or any part thereof be declared invalid by a Court of competent jurisdiction, the invalidity of any part of this Ordinance shall not otherwise affect the validity of the remaining provisions of this Ordinance, which shall be deemed to have been enacted without the invalid provision.

Section 8. This Ordinance shall take effect upon its passage and adoption.

DATED this ____ day of _____, 2019.

PASSED on first reading this ____ day of _____, 2019.

PASSED AND ADOPTED on second reading this ____ day of _____,
2019.

PRESIDING OFFICER

ATTEST:

CITY CLERK

	FIRST READING	SECOND READING
MOTION	_____	_____
SECOND	_____	_____
M. BATES	_____	_____
H. BERGER	_____	_____
R. CAMPBELL	_____	_____
D. GRANT	_____	_____
K. THURSTON	_____	_____