

ORDINANCE NO. 190-09-129

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 THE COSTS AND FEES OF PROVIDING GARBAGE, REFUSE AND RECYCLING SERVICES ONLY TO THOSE DESIGNATED AREAS MORE COMMONLY KNOWN AS ST. GEORGE, WEST KEN LARK, BROWARD ESTATES, AND THE SWAP SHOP; DECLARING A GARBAGE ASSESSED COST FOR THE FISCAL YEAR 2020; PROVIDING FOR RE-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 the cost of providing garbage, refuse and recycling services areas property 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. 07R-01-31 on February 26, 2007; and

WHEREAS, the City Commission imposed these special assessments for the annual cost of providing garbage, refuse and recycling services to the annexed areas via Resolution No. 07R-09-192, the Final Resolution Approving and Certifying the Uniform Method for Collecting the Non-Ad Valorem Special Assessments and the Certified Assessment Roll, on September 12, 2007; and

WHEREAS, the City Commission re-imposed the uniform method for collecting non-ad valorem special assessments for the costs and fees of providing garbage, refuse and recycling services only to those annexed areas who are serviced by All Service Refuse, Inc. and certified the final assessment roll on following the duly noticed public hearing on September 8, 2008 via the adoption of Resolution No. 08R-09-192; and

WHEREAS, Ordinance No. 08O-09-154 declaring the garbage assessed cost for the Fiscal Year 2009 and re-imposing the uniform method for collection of the non-ad valorem special assessment for the costs and fees of providing garbage, refuse and recycling services only to those annexed areas who are serviced by All Service Refuse, Inc. was approved on first reading on September 8, 2008 at the duly noticed meeting and public hearing and on adopted on second reading on September 29, 2008; and

WHEREAS, the City Commission re-imposed the uniform method for collecting non-ad valorem special assessments for the costs and fees of providing garbage, refuse and recycling services only to those annexed areas who are serviced by All Service Refuse, Inc. and Certified the final assessment roll following the duly noticed public hearing on September 14, 2009 via

Resolution No. 09R-09-163; and

WHEREAS, Ordinance No. 09O-09-135 declared the garbage assessed cost for the Fiscal Year 2010 and re-imposed the uniform method for collection of the non-ad valorem special assessment for the costs and fees of providing garbage, refuse and recycling services only to those annexed areas who are serviced by All Service Refuse, Inc. on first reading on September 14, 2009 at the duly noticed meeting and public hearing and on second reading on September 29, 2009; and

WHEREAS, individual notice was sent to each owner regarding the public hearing on September 14, 2009 via the TRIM notice that was sent by the Broward County Property Appraiser's Office as well as publication in the newspaper; and

WHEREAS, no written objections were received from residents regarding the intent to re-impose the annual tax assessments and residents complaints, if any, were heard at the Public Hearing held on September 14, 2009 and September 29, 2009; and

WHEREAS, the City Commission re-imposed the uniform method for collecting non-ad valorem special assessments for the costs and fees of providing garbage, refuse and recycling services only to those designated areas and to certified the final assessment roll following the duly noticed public hearing on September 13, 2010 via Resolution No. 10R-09-174; and

WHEREAS, Ordinance No. 10O-09-149 declared the garbage assessed cost for the Fiscal Year 2011 and re-imposed the uniform method for collection of the non-ad valorem special assessment for the costs and fees of providing garbage, refuse and recycling services to the designated areas on first reading on September 13, 2010 at the duly noticed meeting and public hearing and on second reading on September 27, 2010; and

WHEREAS, individual notice was sent to each owner regarding the public hearing on September 13, 2010 via the TRIM notice that was sent by the Broward County Property Appraiser's Office as well as publication in the newspaper; and

WHEREAS, no written objections were received from residents regarding the intent to re-impose the annual tax assessments and residents complaints, if any, were heard at the Public Hearing held on September 13, 2010 and September 27, 2010; and

WHEREAS, Ordinance No. 11O-09-165 declared the garbage assessed cost for Fiscal Year 2012 and re-imposed the uniform method for collection of the non-ad valorem special assessment for the costs and fees of providing garbage, refuse and recycling services only to those designated areas on first reading on September 14, 2011 at the duly noticed meeting and public hearing and on second reading on September 28, 2011; and

WHEREAS, individual notice was sent to each owner regarding the public hearing on September 14, 2011 via the TRIM notice that was sent by the Broward County Property Appraiser's Office as well as publication in the newspaper; and

WHEREAS, no written objections were received from residents regarding the intent to re-impose the annual tax assessments and residents complaints, if any, were heard at the Public Hearing held on September 14, 2011 and September 28, 2011;

WHEREAS, Ordinance No. 12O-09-141 declared the garbage assessed cost for Fiscal Year 2013 and re-imposed the uniform method for collection of the non-ad valorem special assessment for the costs and fees of providing garbage, refuse and recycling services only to those designated areas on first reading on September 12, 2012 at the duly noticed meeting and public hearing and on second reading on September 28, 2012; and

WHEREAS, individual notice was sent to each owner regarding the public hearing on September 12, 2012 via the TRIM notice that was sent by the Broward County Property Appraiser's Office as well as publication in the newspaper; and

WHEREAS, no written objections were received from residents regarding the intent to re-impose the annual tax assessments and residents complaints, if any, were heard at the Public Hearing held on September 12, 2012 and September 28, 2012;

WHEREAS, this Ordinance No. 13O-09-142 declared the garbage assessed cost for Fiscal Year 2014 and re-imposed the uniform method for collection of the non-ad valorem special assessment for the costs and fees of providing garbage, refuse and recycling services only to those designated areas on first reading on September 12, 2013 at the duly noticed meeting and public hearing and on second reading on September 26, 2013; and

WHEREAS, individual notice was sent to each owner regarding the public hearing on September 12, 2013 via the TRIM notice that was sent by the Broward County Property Appraiser's Office as well as publication in the newspaper; and

WHEREAS, no written objections were received from residents regarding the intent to re-impose the annual tax assessments and residents complaints, if any, were heard at the Public Hearing held on September 12, 2013 and September 26, 2013; and

WHEREAS, the proposed estimated rate for Fiscal Year 2015 of \$189.58 was passed on July 21, 2014 via Resolution 14R-07-159; and

WHEREAS, individual notice was sent to each owner regarding the public hearing on September 15, 2014 via the TRIM notice that was sent by the Broward County Property Appraiser's Office as well as publication in the newspaper; and

WHEREAS, no written objections were received from residents regarding the intent to re-impose the annual tax assessments and residents complaints, if any, were heard at the Public Hearing held on September 15, 2014 and September 29, 2014; and

WHEREAS, this Ordinance proposed a lower estimated rate for Fiscal Year 2015 of \$188.51; and

WHEREAS, individual notice was sent to each owner regarding the public hearing on September 11, 2015 via the TRIM notice that was sent by the Broward County Property Appraiser's Office as well as publication in the newspaper; and

WHEREAS, no written objections were received from residents regarding the intent to re-impose the annual tax assessments and residents complaints, if any, were heard at the Public Hearing held on September 11, 2015 and September 21, 2015; and

WHEREAS, the preliminary estimated rate of \$187.13 was passed via Resolution 15R-07-165 on July 13, 2015; and

WHEREAS, Ordinance 150-09-139 approved an *amended* lower final rate for Fiscal Year 2016 of \$184.75; and

WHEREAS, Ordinance No. 160-09-137 declared an increased garbage assessed cost for Fiscal Year 2017 and re-imposes the uniform method for collection of the non-ad valorem special assessment for the costs and fees of providing garbage, refuse and recycling services only to those designated areas on first reading on September 14, 2016 at the duly noticed meeting and public hearing and on second reading on September 28, 2016; and

WHEREAS, individual notice was sent to each owner regarding the public hearing on September 14, 2016 via the TRIM notice that was sent by the Broward County Property Appraiser's Office as well as publication in the newspaper; and

WHEREAS, no written objections were received from residents regarding the intent to re-impose the annual tax assessments and residents' complaints, if any, were heard at the Public Hearing held on September 14, 2016 and September 28, 2016; and

WHEREAS, Ordinance No. 170-09-137 declared an increased garbage assessed cost for Fiscal Year 2018 and re-imposes the uniform method for collection of the non-ad valorem special assessment for the costs and fees of providing garbage, refuse and recycling services only to those designated areas on first reading on September 13, 2017 at the duly noticed meeting and public hearing and on second reading on September 25, 2017; and

WHEREAS, individual notice was sent to each owner regarding the public hearing on September 13, 2017 via the TRIM notice that was sent by the Broward County Property Appraiser's Office as well as publication in the newspaper; and

WHEREAS, no written objections were received from residents regarding the intent to re-impose the annual tax assessments and residents' complaints, if any, were heard at the Public Hearing held on September 13, 2017 and September 25, 2017; and

WHEREAS, Ordinance No. 180-09-136 declared an increased garbage assessed cost for Fiscal Year 2019 and re-imposed the uniform method for collection of the non-ad valorem special assessment for the costs and fees of providing garbage, refuse and recycling services only to those designated areas on first reading on September 12, 2018 at the duly noticed meeting and public

hearing and on second reading on September 26, 2018; and

WHEREAS, individual notice was sent to each owner regarding the public hearing on September 12, 2018 via the TRIM notice that was sent by the Broward County Property Appraiser's Office as well as publication in the newspaper; and

WHEREAS, no written objections were received from residents regarding the intent to re-impose the annual tax assessments and residents' complaints, if any, were heard at the Public Hearing held on September 12, 2018 and September 26, 2018; and

WHEREAS, this Ordinance No. 19O-09-129 proposes an increased garbage assessed cost for Fiscal Year 2019 and re-imposes the uniform method for collection of the non-ad valorem special assessment for the costs and fees of providing garbage, refuse and recycling services only to those designated areas on first reading on September 12, 2019 at the duly noticed meeting and public hearing and on second reading on September 26, 2019; and

WHEREAS, individual notice was sent to each owner regarding the public hearing on September 12, 2019 via the TRIM notice that was sent by the Broward County Property Appraiser's Office as well as publication in the newspaper; and

WHEREAS, no written objections were received from residents regarding the intent to re-impose the annual tax assessments and residents' complaints, if any, were heard at the Public Hearing held on September 12, 2019 and 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 associated with providing garbage, refuse and recycling services *only* for those areas more commonly known as St. George, West Ken Lark, Broward Estates and the Swap Shop. Such non-ad valorem assessments shall be re-imposed and levied within the incorporated area of the City of Lauderhill *only* to the designated areas on the annual tax bill. Any and all delinquent amounts owed for such services rendered from unpaid prior monthly billing will appear on the tax bill as a lump sum due, if applicable. 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 garbage assessed cost for Fiscal Year 2019 and determines that the levy of such assessments is needed to fund the actual costs and fees to provide garbage, refuse and recycling services within the incorporated area of the City *only* to the designated areas. The rates to be assessed are attached hereto as Exhibit "B" and incorporated herein by reference thereto. The rate of \$299.00 was fully disclosed at the Public Hearings on September 12, 2019, and September 26, 2019. The proposed estimated rate was passed via Resolution 19R-07-143 on July 9, 2019. Only those actual rates charged by the Service

Provider will be assessed.

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-09-183 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

