

ORDINANCE NO. 2009-

1
2
3 AN ORDINANCE OF THE CITY OF HALLANDALE BEACH, FLORIDA
4 PERTAINING TO PUBLIC HEALTH AND SAFETY; AMENDING
5 CHAPTER 14 "MINIMUM PROPERTY MAINTENANCE AND
6 OCCUPANCY CODE" BY CREATING ARTICLE IV, "LOT
7 MAINTENANCE AND CLEAN UP" IN ORDER TO REQUIRE THE
8 CLEAN-UP OF PROPERTY UNDER CERTAIN CONDITIONS;
9 PROVIDING THE PURPOSE AND INTENT OF THE REVISION
10 PROVIDING DEFINITIONS; DECLARING CERTAIN CONDITIONS ON
11 LOTS, PARCELS, AND TRACTS WITHIN THE CITY BOUNDARIES TO
12 BE A NUISANCE; PROHIBITING THE ACCUMULATION OF TRASH,
13 JUNK, OR DEBRIS, LIVING AND NONLIVING PLANT MATERIAL,
14 AND STAGNANT WATER; PROHIBITING THE EXCESSIVE GROWTH
15 OF GRASS, WEEDS, BRUSH, AND OTHER OVERGROWTH;
16 PROHIBITING THE KEEPING OF FILL ON PROPERTY THAT
17 RESULTS IN CERTAIN CONDITIONS; PROHIBITING CERTAIN
18 CONDITIONS THAT CONSTITUTE AN IMMINENT THREAT TO
19 PUBLIC HEALTH; AUTHORIZING THE CITY TO UNDERTAKE
20 IMMEDIATE ABATEMENT AND REMEDY OF IMMINENT PUBLIC-
21 HEALTH THREATS; PROVIDING FOR ENFORCEMENT OF
22 VIOLATIONS; REQUIRING NOTICES TO OWNERS AND, IF
23 APPLICABLE, AGENTS, CUSTODIANS, LESSEES, AND
24 OCCUPANTS OF PROPERTY IN VIOLATION OF THIS ARTICLE;
25 PROVIDING FOR APPEALS OF VIOLATION NOTICES; AUTHORIZING
26 THE IMPOSITION AND LEVY OF SPECIAL ASSESSMENTS IF COSTS
27 ARE INCURRED BY THE CITY AND NOT REIMBURSED BY THE
28 PROPERTY OWNER AND, IF APPLICABLE, THE PROPERTY AGENT,
29 CUSTODIAN, LESSEE, OR OCCUPANT; REQUIRING NOTICES OF
30 ASSESSMENT; CREATING ASSESSMENTS FOR THE COST OF LOT
31 CLEAN-UP; ESTABLISHING THE CITY AS A SPECIAL ASSESSMENT
32 DISTRICT; AUTHORIZING THE LEVY OF NON-AD VALOREM
33 ASSESSMENTS IN CONNECTION WITH VIOLATIONS OF THIS
34 ARTICLE; PROVIDING FOR THE COLLECTION OF NON-AD
35 VALOREM ASSESSMENTS; AUTHORIZING AN AGREEMENT WITH
36 THE BROWARD COUNTY PROPERTY APPRAISER AND TAX
37 COLLECTOR; AUTHORIZING AND REQUIRING THE ADOPTION OF A
38 RESOLUTION REGARDING THE CITY'S USE OF THE UNIFORM
39 METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS;
40 PROVIDING FOR ANNUAL NON-AD VALOREM ASSESSMENT
41 ROLLS; PROVIDING TRANSITION PROVISIONS AND RATIFYING
42 ASSESSMENTS TO RECOVER COSTS INCURRED BY THE CITY TO
43 REMEDY VIOLATIONS PRIOR TO THE ORDINANCE'S ENACTMENT;
44 REPEALING ALL ORDINANCES INCONSISTENT WITH THIS
45 ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN
46 EFFECTIVE DATE.

47
48 *Whereas*, the City Commission has determined that many properties in the City,
49 primarily those that have been abandoned because of pending mortgage foreclosures,
50 have accumulations of junk, trash, debris, living and nonliving plant material, stagnant

51 water, excessive overgrowth of weeds, grass, and other objectionable, unsightly or
52 unsanitary materials.

53 **Whereas**, by enactment of this ordinance the City prohibits (i) the existence of
54 excessive accumulations or untended growths of weeds, undergrowth, or other dead or
55 living plant life, stagnant water, rubbish, debris, trash, and all other objectionable,
56 unsightly, or unsanitary matter upon any lot, tract or parcel, (ii) conditions conducive to
57 the infestation or inhabitation of rodents, vermin, or wild animals, (iii) conditions
58 conducive to the breeding of mosquitoes, and (iv) untended property that threatens or
59 endangers the health, safety, or welfare of City residents or adversely affects or impairs
60 the economic welfare of adjacent property.

61 **Whereas**, these prohibited conditions are declared public nuisances, and the
62 failure of a property owner to abate and terminate the public nuisance results in (i) the
63 “clean-up” of the property by the City and (ii) the imposition of a non-ad valorem special
64 assessment on the property if the City is not timely reimbursed for the cost of the “clean-
65 up”.

66 **Whereas**, the City has the authority to use the uniform method for the levy,
67 collection, and enforcement of non-ad valorem assessments as set forth in Chapter 197
68 of Florida Statutes.

69 **Whereas**, if not timely paid, the non-ad valorem assessment for clean-up of a lot
70 will be included on the property owner’s annual tax bill, to be paid at the same time that
71 yearly ad-valorem taxes are paid.

72 **Whereas**, if the non-ad valorem assessment is not paid timely, a lien may also
73 be recorded against the property.

74 **Whereas**, the City Commission now intends to amend its Code of Ordinances to
75 (i) prohibit the nuisances that arise when property is allowed to deteriorate as described
76 herein, (ii) provide for clean-up of the property and abatement of the nuisance, (iii)
77 provide for assessment of property where the City undertakes the clean-up, and (iv)
78 authorize the use of the uniform method for the imposition and collection of non-ad
79 valorem assessments against those properties.

80 **NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
81 **CITY OF HALLANDALE BEACH, FLORIDA:**

82 **SECTION 1.** That the Code of City of Hallandale Beach shall be and is hereby
83 amended, more specifically, amending Chapter 14 “Minimum Property Maintenance and
84 Occupancy Code” by creating Article IV, “Lot Maintenance and Clean Up” to read as
85 follows:

86 **Article IV. LOT MAINTENANCE AND CLEAN UP**

87 **Sec. 14-90 Purpose and Intent.**

88 (The purpose and intent of this section is to prohibit the following:

- 89 a) accumulation of trash, junk, or debris, living and
90 nonliving plant material, and stagnant water,
- 91 b) excessive and untended growth of grass, weeds, brush,
92 branches, and other overgrowth, and
- 93 c) the existence of all other objectionable, unsightly or
94 unsanitary matter, materials, and conditions on property, whether
95 improved or unimproved.
- 96 d) property being inhabited by, or providing a habitat for
97 rodents, vermin, reptiles, or other wild animals
- 98 e) property providing a breeding place for mosquitoes.
- 99 f) property being a place, or being reasonably conducive to
100 serving as a place, for illegal or illicit activity.
- 101 g) property threatening or endangering the public health,
102 safety or welfare of City residents.
- 103 h) property reasonably believed to cause currently, or
104 potentially to cause in the future, ailments or disease.
- 105 i) property adversely affecting and impairing the economic
106 value or enjoyment of surrounding or nearby property.

107 **14-91 Definitions.**

108 These words, terms and phrases, when used in this section, will
109 mean the following:

110 “Actual cost” means the actual cost to the City, and if by contract
111 the amount plus interest, if any, as invoiced by an independent,
112 private contractor for terminating and abating a violation of this
113 section on a lot, tract, or parcel, plus the cost of serving notice of
114 the violation, obtaining title information on the property, and all other
115 identifiable costs incurred by the City in the clean-up of the lot, tract,
116 or parcel.

117 “Compatible electronic medium or media” means machine-readable
118 electronic repositories of data and information, including, but not
119 limited to, magnetic disk, magnetic tape, and magnetic diskette
120 technologies, which provide without modification that the data and
121 information therein are in harmony with and can be used in concert
122 with the data and information on the ad valorem tax roll keyed to the
123 property identification number used by the Broward County
124 Property Appraiser.

125 “Compost bin” means a container designed for the purpose of
126 allowing nonliving plant material to decompose for use as fertilizer.

127 For purposes of this article, any such compost bin shall be
128 constructed of wire, wood lattice or other material which allows air
129 to filter through the structure. A compost bin shall not exceed an
130 area of sixty-four square feet or a height of five feet.

131 “Excessive growth” means grass, weeds, rubbish, brush, branches,
132 or undergrowth that has reached a height of eight inches or more.

133 “Fill” means material such as dirt that is imported and deposited on
134 property by artificial means.

135 “Grass, weeds, or brush” means grass or weeds or brush that,
136 when allowed to grow in a wild and unkempt manner, will reach a
137 height of eight inches or more. This definition does not include
138 bushes, shrubs, trees, vines, flowering plants, and other living plant
139 life typically used and actually being used for landscaping purposes.

140 “Imminent public-health threat” means the condition of a lot, tract, or
141 parcel of land that, because of the accumulation of trash, junk, or
142 debris, such as broken glass, rusted metal, automotive and
143 appliance parts, some of which may contain chemicals, such as
144 freon, oils, fluids, or the like, may cause injury or disease to humans
145 or contaminate the environment, or the condition of a lot, tract or
146 parcel that, because of the excessive growth of grass, weeds, or
147 brush, can harbor criminal activity, vermin, or disease.

148 “Levy” means the imposition of a non-ad valorem assessment
149 against property found to be in violation of this section.

150 “Non-ad valorem assessment” means a special assessment that is
151 not based upon millage and that can become a lien against a
152 homestead as permitted in Section 4 of Article X of the Florida
153 Constitution.

154 “Non-ad valorem assessment roll” means the roll prepared by the
155 City and certified to the Broward County Property Appraiser Tax
156 Collector, as appropriate under Florida law, for collection.

157 “Non living plant material” means nonliving vegetation such as
158 leaves, grass cuttings, shrubbery cuttings, tree trimmings and other
159 material incidental to attending the care of lawns, shrubs, vines and
160 trees.

161 “Property” means a lot or tract or parcel of land and the adjacent
162 unpaved and ungraded portion of the right-of-way, whether such lot
163 or tract or parcel is improved or unimproved.

164 “Trash, junk, or debris” mean waste material, including, but not
165 limited to, putrescible and nonputrescible waste, combustible and
166 non-combustible waste, and generally all waste materials such as
167 paper, cardboard, tin cans, lumber, concrete rubble, glass, bedding,

168 crockery, household furnishings, household appliances, dismantled
169 pieces of motor vehicles or other machinery, rubber tires, and
170 rusted metal articles of any kind.

171 **14-92 Declaration of nuisance and menace.** The (i) accumulation
172 of trash, junk, or debris, living and nonliving plant material, or
173 stagnant water upon property, (ii) the excessive growth of grass,
174 weeds, brush, branches, and other overgrowth upon property, and
175 (iii) the keeping of fill in a unsafe and unsanitary manner is declared
176 to be a nuisance and menace to the public health, safety, and
177 welfare of the citizens of the City for the following reasons:

178 a) The aesthetic appearance of property preserves the
179 value of other properties within the City.

180 b) The (i) accumulation of trash, junk, or debris, nonliving
181 plant material, or stagnant water, (ii) the excessive growth of grass,
182 weeds, brush, branches, and other overgrowth, and (iii) the
183 keeping of fill in an unsafe and unsanitary manner is dangerous,
184 unhygienic, unhealthy, visually unpleasant to the reasonable
185 person of average sensibilities, and a visual nuisance because it
186 depreciates, or potentially can depreciate, the value of neighboring
187 property, that unless addressed properly in this Code of
188 Ordinances, City taxpayers could be and would be required to pay
189 the cost of cleaning up such properties, and such clean-ups would
190 have to be undertaken by the City several times a year, in some
191 cases for the same properties.

192 **14-93 Accumulation of trash, junk, or debris, living and**
193 **nonliving plant material, and stagnant water.**

194 a) Every owner and, if applicable, every agent, custodian,
195 lessee, or occupant of property shall reasonably regulate and
196 effectively control accumulations of trash, junk, or debris, living and
197 nonliving plant material, and stagnant water (i) on the property, and
198 (ii) that portion of the adjoining public right-of-way between the
199 property and the paved or graded street.

200 b) The following uses are permissible:

201 1. Storage of trash, junk, debris, and living and nonliving
202 plant material in garbage cans that comply with
203 applicable ordinances relating to solid-waste
204 collection.

205 2. The storage of nonliving plant material in compost
206 bins, except that no property may have more than two
207 compost bins.

208 3. Keeping wood on the property for use as fire or fuel,
209 provided, such wood shall be piled, stacked, bundled,

210 or corded and the area surrounding the piles, stacks,
211 bundles, or cords shall be free of excessive growth of
212 grass, weeds, brush, branches, and other overgrowth.

213 **14-94 Excessive growth of grass, weeds, brush, and other**
214 **overgrowth.** Every owner and, if applicable, every agent,
215 custodian, lessee, or occupant of property shall reasonably regulate
216 and effectively control the excessive growth of grass, weeds, brush,
217 and other overgrowth (i) on the property, and (ii) that portion of the
218 adjoining public right-of-way between the property and the paved or
219 graded street. Excessive growth of grass, weeds, brush, and other
220 overgrowth that exceeds the height limitations as provided for in
221 section 13-37 (b) of this Code, as may be amended from time to
222 time, is prohibited.

223 Vegetative growth that is a mature Florida ecological community, as
224 defined by the Soils Conservation Service in its publication entitled
225 26 Ecological Communities in Florida, or any similar successor
226 publication, is not prohibited by this section. However, in the event
227 this vegetative growth constitutes an imminent public health threat,
228 it shall be removed upon the order of the City Manager.

229 **14-95 Keeping of fill on property.** Every owner and, if applicable,
230 every agent, custodian, lessee, or occupant of property shall
231 reasonably regulate and effectively control the property so as to
232 prevent the keeping of fill on it to prevent the creation of (i) a habitat
233 for rodents, vermin, reptiles, or other wild animals, (ii) breeding
234 ground for mosquitoes, (iii) a place conducive to illegal activity, (iv)
235 a place that threatens or endangers the public health, safety or
236 welfare of City residents, (v) a place that is reasonably believed to
237 cause currently, or potentially to cause in the future, ailments or
238 disease, or (vi) a condition on the property that adversely affects
239 and impairs the economic value or enjoyment of surrounding or
240 nearby property.

241 **14-96 Imminent public-health threat.** An (i) accumulation of trash,
242 junk, debris, living and nonliving plant material, or stagnant water,
243 (ii) excessive growth of grass, weeds, brush, or other overgrowth, or
244 (iii) the keeping of fill on property that presents an imminent public-
245 health threat may be remedied by the City immediately without
246 notice to the owner or, if applicable, the agent, custodian, lessee, or
247 occupant. The City Manager shall determine whether, under the
248 provisions of this section, an imminent public-health threat exists.

249 After-the-fact notice will be provided by the City to the owner and, if
250 applicable, the agent, custodian, lessee, or occupant within a
251 reasonable time after the abatement. After-the-fact notice shall be
252 sent as set forth in section 14-97 below, and the owner and, if
253 applicable, the agent, custodian, lessee, or occupant shall have
254 fifteen (15) days from the date notice is received to (i) reimburse the
255 City or (ii) appeal the City Manager's determination to the City

256 Commission that an imminent public-health threat existed on the
257 property.

258 **14-97 Enforcement.**

259 (a) *Violations.* Failure or refusal by the owner and/or, if applicable,
260 the agent, custodian, lessee or occupant of property to comply with
261 the requirements of sections 14-93, 14-94, and/or 14-95 is a
262 violation of this Ordinance. The existence of an imminent public-
263 health threat on a property is a violation of this Ordinance.

264 (b) *Notice of violation.* Whenever the City Manager or her designee
265 determines there is a violation of this section, the City Manager
266 shall serve, or cause to be served, a “notice of violation” on the
267 owner and, if applicable, the agent, custodian, lessee, or occupant
268 of the property. The “notice of violation” shall direct the owner and,
269 if applicable, the agent, custodian, lessee, or occupant to terminate
270 and abate the violation within twenty calendar days of the date the
271 “notice is received.” If the “notice of violation” pertains to an
272 imminent public-health threat abated by the City, the notice shall
273 direct the owner and, if applicable, the agent, custodian, lessee, or
274 occupant to pay to the City the cost of such abatement.

275 If the notice of violation is sent or delivered to the owner and the
276 owner’s agent, custodian, lessee, or occupant, they shall be jointly
277 and severally responsible to remedy the violation.

278 (c) *Notice is received.* The “notice of violation” shall be sent by
279 United States certified mail with a return receipt requested. “Notice
280 is received” on the date the owner or, if applicable, the agent,
281 custodian, lessee, or occupant of the property initials or otherwise
282 indicates receipt of the notice on the return receipt.

283 In the event that certified-mail delivery cannot be accomplished,
284 and after reasonable search by the City for such owner or, if
285 applicable, the agent, custodian, lessee, or occupant of the
286 property, or if the notice is not accepted or is returned to the City, a
287 physical posting of the “notice of violation” on the property shall be
288 deemed the date the “notice of violation” is received.

289 (d) *Form of notice.* The notice shall be in substantially the following
290 form:

291 **NOTICE OF VIOLATION**

292 Name of owner:
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297 Address of owner:
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Name of agent, custodian, lessee, or occupant (if applicable):

Address of agent, custodian, lessee, or occupant (if applicable):

Our records indicate that you are the owner, agent, custodian, lessee or occupant of the following property in the City of Hallandale Beach, Florida:

[description of property]

An inspection of this property discloses, and I have found and determined, that a public nuisance exists on this property. This public nuisance violates [description of section violated] of the Code of Ordinances of the City of Hallandale Beach, Florida in that:

[description of the violation in this section]

YOU ARE HEREBY NOTIFIED THAT IF, WITHIN TWENTY DAYS (20) FROM THE DATE OF THIS NOTICE,

a. THE VIOLATION DESCRIBED ABOVE IS NOT REMEDIED AND ABATED, OR

b. THIS VIOLATION NOTICE HAS NOT BEEN TIMELY APPEALED, AS SET FORTH IN SUBSECTION 14-98 OF THE CITY'S CODE OF ORDINANCES, THE CITY WILL CAUSE THE VIOLATION TO BE REMEDIED, AND THE COSTS INCURRED BY THE CITY IN CONNECTION WITH THE CLEANUP WILL BE ASSESSED AGAINST THE PROPERTY. To appeal this notice of violation, you must file your notice of appeal no later than 15 days after receipt of this notice with the City Clerk.

City of Hallandale Beach

By: _____
Title: _____

If the notice is an after-the-fact notice of an imminent public-health threat, the capitalized portions shall be deleted and, in their place, the information required in section 14-101 (a) through (f) regarding levy of assessment on the property for the costs of abatement incurred by the City shall be substituted.

348 **14-98 Appeals.** Within fifteen (15) days after notice is received, the
349 owner or, if applicable, the agent, custodian, lessee, or occupant of
350 the property may appeal to the City Commission that a “notice of
351 violation” is not warranted for the property or that the property did
352 not pose an imminent public-health threat that required immediate
353 cleanup.

354 (a) *Content of Appeal.* The owner or, if applicable, the agent,
355 custodian, lessee, or occupant of the property must appeal the
356 notice of violation by written notice to the City Clerk. The written
357 notice must be accompanied by a reasonable filing fee, as
358 determined by the City Clerk, and shall be either hand delivered to
359 the City Manager, or mailed to the City Clerk and postmarked,
360 within the fifteen-day (15) period after notice is received.

361 Upon timely receipt, the City Manager will schedule the appeal for a
362 public hearing before the City Commission. At the public hearing,
363 the appellant shall be afforded due process and may present such
364 evidence as is probative of the appellant’s case. The City Manager
365 or other City staff shall present such evidence as is probative of the
366 alleged violation. Members of the public shall be afforded the
367 opportunity to present germane testimony and evidence.
368 Thereafter, the hearing shall be closed and the City Commission
369 shall rule on the appeal.

370 (b) *Unsuccessful appeal.* If the appeal is unsuccessful, the property
371 must be “cleaned up” and the violation remedied and removed
372 within fifteen days (15) from the date of the City Commission’s
373 decision.

374 **14-99 Special assessment imposed.** In the event an appeal is
375 not made within fifteen days (15) after notice is received and the
376 violation is not remedied, or a timely appeal is made, but is
377 unsuccessful and the violation is not remedied, the City may
378 undertake such action as is necessary or useful to remedy the
379 violation. The costs incurred by the City to remedy the violation,
380 including the actual cost of clean-up, all administrative expenses,
381 and all other identifiable costs incurred by the City, shall be
382 assessed against the property as authorized by Section 14-101. All
383 assessments shall be paid in full no later than the close of City
384 business on the twentieth (20th) business day after the property
385 owner has received notice of the assessment. Thereafter, the
386 unpaid amount of the assessment will accrue interest at the rate of
387 10% per annum or at the maximum rate allowed by law, whichever
388 is less.

389 **14-100 Notice of assessment.** Upon completion of the actions
390 undertaken by the City to remedy the violation on the property, the
391 City shall notify in writing the owner and, if applicable, the agent,
392 custodian, lessee, or occupant that a special assessment has been
393 imposed on the property. The notice shall be delivered to the

394 owner and, if applicable, the agent, custodian, lessee, or occupant
395 in the manner set forth for delivery of the notice of violation in
396 section 14-97.

397 The notice of assessment shall set forth the following:

398 a) A description of the violation, a description of the
399 actions taken by the City to remedy the violation, and the fact that
400 the property has been assessed for the costs incurred by the City
401 to remedy the violation.

402 b) The aggregate amount of such costs and an itemized
403 list of such costs.

404 c) The intent of the City to record the assessment as a lien
405 against the property if not paid timely, within the period of twenty
406 business days as set forth in section 14-99.

407 d) The intent of the City to place the assessment on the
408 tax roll as a non-ad valorem assessment if not paid by the following
409 December 1.

410 e) The potential for the property to be subject to the sale of
411 a tax certificate, bearing interest by law at a rate as high as 18%
412 per annum, if the non-ad valorem assessment is not paid as part of
413 the tax bill on the property.

414 f) The potential for the property to be sold and conveyed
415 by tax deed if the tax certificate is not redeemed by payment of the
416 non-ad valorem assessment in full, plus interest, as required by
417 Florida law.

418 **14-101 Assessments for lot maintenance and clean-up.**

419 **a) Establishment of special assessment district.** The City of
420 Hallandale Beach in its entirety, as its City boundaries exist on the
421 date of enactment of this article and as they may be expanded or
422 contracted from time to time, is hereby declared a special-
423 assessment district for the purposes of abating and remedying
424 violations of this article. Individual properties within the City's
425 boundaries, as they may exist from time to time, may be assessed
426 for the costs incurred by the City in abating and remedying
427 violations of this article.

428 **b) Levy of non-ad valorem assessments.** There is hereby
429 levied, and the City Commission is authorized to levy from time to
430 time, a non-ad valorem assessment against each and every
431 property in the City (i) on which there occurs or has occurred a
432 violation of this article, (ii) the City undertakes or has undertaken
433 action pursuant to this article to abate and/or remedy the violation
434 and, thereby, incurs or has incurred costs, and (iii) the property

435 owner and, if applicable, the agent, custodian, lessee, or occupant
436 of the property fails or refuses or has failed or refused, for whatever
437 reason, to pay timely the amount owed to the City under this article
438 for the costs incurred by the City in carrying out such abatement
439 and remedy.

440 **c) Collection of non-ad valorem assessments.** The City
441 Commission elects to use the uniform method to impose and collect
442 non-ad valorem assessments against properties on which violations
443 of this article occur or have occurred. The non-ad valorem
444 assessments collected pursuant to this section will be included in
445 the combined notice for ad-valorem taxes and non-ad valorem
446 assessments as provided in section 197.3635 of Florida Statutes.
447 Non-ad valorem assessments collected pursuant to this section are
448 subject to all collection provisions in section 197.3632 of Florida
449 Statutes, including provisions relating to discount for early payment,
450 prepayment by installment method, deferred payment, penalty for
451 delinquent payment, and issuance and sale of tax certificates and
452 tax deeds for nonpayment.

453 **d) Agreement to reimburse the Broward County Property**
454 **Appraiser and the Broward County Tax Collector.** In order to
455 use the uniform method for the levy, collection, and enforcement of
456 the non-ad valorem assessments, the City is authorized to enter
457 into a written agreement with the Broward County Property
458 Appraiser and the Broward County Tax Collector providing for the
459 reimbursement of their costs incurred in the administration and
460 collection of the non-ad valorem assessments levied under this
461 section.

462 **e) Adoption of a resolution.** The City Commission will adopt a
463 resolution at a public hearing prior to January 1, 2010 or if agreed
464 by the property appraiser, tax collector, and the City by March 1, in
465 accordance with subsection 197.3632(3)(a) of the Florida Statutes
466 (2009), which resolution shall state the following:

467 1) The City's intent to use the uniform method of collecting
468 non-ad valorem assessments.

469 2) The City's need for the imposition of the non-ad valorem
470 assessments.

471 3) The entire City is declared a special-assessment district,
472 with individual properties being subject to the non-ad valorem
473 assessment from time to time if and when violations of this article
474 occur.

475 4) Publish in a newspaper of general circulation four (4)
476 weeks preceding the hearing of the boundaries of the local
477 government of the properties subject to levy.

478 5) The City shall send a copy of the Resolution by January
479 10, 2010, or March 10, 2010 if agreed by the property appraiser, tax
480 collector, and the City.

481 The City will comply with all statutory notice prerequisites set forth
482 in Section 197.3632 of Florida Statutes (2009).

483 **f) Annual non-ad valorem assessment roll.** Each year, the
484 City Commission will approve a non-ad valorem assessment roll at
485 a public hearing between January 1 and September 15. The non-
486 ad valorem assessment roll will be comprised of properties that
487 have had levied against them non-ad valorem assessments under
488 this section, and such assessments have not otherwise been paid
489 in full prior to approval of the roll.

490 The City Clerk is authorized and directed each year (i) to prepare
491 the notice that must be provided as required by subsection
492 197.3632(4)(b) of Florida Statutes, and (ii) to prepare and publish
493 the newspaper notice required by subsection 197.3632(4)(b) of
494 Florida Statutes.

495 The notice to be sent by first-class mail will be sent to each person
496 owning property that will be on the non-ad valorem assessment roll
497 and will include the following:

498 1) The purpose of the assessment;

499 2) The total amount to be levied against the parcel, which
500 includes the actual cost incurred by the City;

501 3) A statement that failure to pay the assessment will cause a
502 tax certificate to be issued against the property, which may result in
503 a loss of title;

504 4) A statement that all affected property owners have a right
505 to appear at the hearing and to file written objections with the local
506 governing board within 20 days of the notice; and

507 5) The date, time, and place of the hearing.

508 Upon its approval by City Commission, the non-ad valorem
509 assessment roll will be certified to the tax collector as required by
510 law.

511 **Section 2.** Non-ad valorem assessments to recover actual costs incurred by the
512 City in remedying violations of this article of the Code of Ordinances prior to the effective
513 date of this ordinance may be levied against the affected properties and, if not timely
514 paid in full, may be placed on a non-ad valorem assessment roll at the next available
515 opportunity. All actions taken by City officials and employees to that end are ratified and
516 confirmed herewith.

517 **Section 3.** That all ordinances or parts of ordinances inconsistent or in conflict
518 with the provisions of this Ordinance are hereby repealed.

519 **Section 4.** If a provision of this ordinance is held invalid or unconstitutional in
520 judicial proceedings, the holding shall not affect other provisions that can be given effect.
521 To that end, this ordinance is declared to be severable.

522 **Section 5.** This ordinance takes effect immediately upon its adoption.

523 PASSED ON FIRST READING THIS _____ DAY OF _____, 2009.

524

525 ADOPTED ON SECOND READING THIS _____ DAY OF _____, 2009.

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MAYOR-COMMISSIONER

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533 ATTEST:

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CITY CLERK

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