

**ORDINANCE NO. 99-17**

**AN ORDINANCE OF HERNANDO COUNTY, FLORIDA; MAKING CERTAIN LEGISLATIVE FINDINGS; IMPOSING INTERIM DISPOSAL ASSESSMENTS UPON ISSUANCE OF CERTAIN CERTIFICATES OF OCCUPANCY; PROVIDING A PRESCRIBED METHOD OF COLLECTION AND ALTERNATIVE METHODS OF COLLECTION; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY, INCLUSION INTO THE CODE AND AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ORDAINED BY THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS, AS FOLLOWS:**

**SECTION 1. FINDINGS**

It is hereby ascertained, determined, and declared that:

A. Chapter 14, Article II, Division 3, of the Hernando County Code of Ordinances contains a determination that a solid waste assessment unit imparts special benefits upon the real property within such unit for which annual Disposal Assessments are authorized, imposed, and collected pursuant to procedures set forth therein, and the Board of County Commissioners hereby ratifies and confirms that determination;

B. The Board of County Commissioners desires to specify that interim Disposal Assessments may be imposed and collected at the time of issuance of certain Certificates of Occupancy in order to ensure that all improved property which is specifically benefitted by a solid waste assessment unit shall be required to share equitably in the cost of providing such special benefits, notwithstanding the inclusion or noninclusion of such specially benefitted improved property in any Year's annual Disposal Assessment roll as an improved property; and

C. Annual Disposal Assessments, including any outstanding and unpaid interim assessments, should be collected pursuant to the uniform method provided in the Uniform Assessment Collection Act as codified in Florida Statutes, or by such other alternative

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methods as may be authorized by law or ordinance.

## **SECTION 2. DEFINITIONS**

For purposes of this ordinance, the definitions set forth in Section 14-64.12, Hernando County Code of Ordinances shall apply to the terms used herein. In addition to those definitions, the following phrases as used herein shall have the following meanings:

A. "Certificate of Occupancy" means the written certification issued by the County that a building is ready for occupancy for its intended use. For purposes of this ordinance, a set up or tie down permit or its equivalent issued for a mobile home shall be considered a Certificate of Occupancy.

B. "Uniform Assessment Collection Act" means sections 197.3632 and 197.3635, Florida Statutes (1997), or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

## **SECTION 3. INTERIM ASSESSMENTS**

An interim Disposal Assessment shall be imposed against all property for which a Certificate of Occupancy is issued after the adoption of the Annual Rate Resolution, if such property is not on the current year's annual Disposal Assessment Roll and the use of the property pursuant to the Certificate of Occupancy is such as would qualify the property for inclusion on such Roll if the use had existed in the prior Year upon which such Roll is based. The amount of the interim Disposal Assessment shall be calculated upon a monthly rate, which shall be one-twelfth of the annual rate for such property computed in accordance with the Annual Rate Resolution for the year in which the Certificate of

Occupancy is issued. Such monthly rate shall be imposed for each full calendar month remaining in the year. In addition to the monthly rate, any applicable interim Disposal Assessment shall also include an estimate of the subsequent year's Disposal Assessment. No Certificate of Occupancy shall be issued until full payment of any applicable interim Disposal Assessment is received by the County Utilities Department. Issuance of the Certificate of Occupancy without the payment in full of any applicable interim Disposal Assessments shall not relieve the owner of such property of the obligation of full payment. Any applicable interim Disposal Assessment not collected prior to the issuance of the Certificate of Occupancy may be collected pursuant to the Uniform Assessment Collection Act as provided in Section 4 of this ordinance or by any other method authorized by law or ordinance. Any interim Disposal Assessment shall be deemed due and payable on the date the Certificate of Occupancy was issued and shall constitute a lien against such property as of the date. Said lien shall be equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments, and superior in rank and dignity to all other liens, encumbrances, titles and claims in and to or against the real property involved and shall be deemed perfected upon the issuance of the Certificate of Occupancy.

#### **SECTION 4. METHOD OF COLLECTION**

A. Unless otherwise directed by the Board, the annual Disposal Assessments and any outstanding and unpaid interim Disposal Assessments shall be collected pursuant to the uniform method provided in the Uniform Assessment Collection Act, and the County shall comply with all applicable provisions of the Uniform Assessment Collection Act. Any hearing or notice required by this ordinance may be combined with any other hearing or

notice required by the Uniform Assessment Collection Act or other provision of law.

B. The amount of an annual Disposal Assessment to be collected using the uniform method pursuant to the Uniform Assessment Collection Act for any specific parcel of benefitted property may include an amount equivalent to the payment delinquency including any interim Disposal Assessment, delinquency fees and recording costs for a prior year's assessment for a comparable service, facility, or program provided (1) the collection method used in connection with the prior year's assessment or interim assessment did not employ the use of the uniform method of collection authorized by the Uniform Assessment Collection Act, (2) notice is provided to the owner as required under the Uniform Assessment Collection Act, and (3) any lien on the affected parcel for the prior year's assessment or interim assessment is supplanted and transferred to such annual Disposal Assessment upon certification of a non-ad valorem roll to the Tax Collector by the County.

#### **SECTION 5. ALTERNATIVE METHOD OF COLLECTION**

In lieu of utilizing the Uniform Assessment Collection Act, the Board may elect to collect the annual Disposal Assessments by any other method which is authorized by law or ordinance.

#### **SECTION 6. APPLICABILITY**

This ordinance and the Board's authority to impose assessments pursuant hereto shall be applicable throughout the unincorporated area of the County and throughout the incorporated area of any municipality within which any property is now or may hereafter be made subject to collection of disposal assessments by the County.

**SECTION 7. ALTERNATIVE METHOD**

A. This ordinance shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to power conferred by other laws or ordinances, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence. This ordinance, being necessary for the welfare of the inhabitants of the County, shall be liberally construed to effect the purposes hereof.

B. Nothing herein shall preclude the Board from directing and authorizing, by resolution, the combination with each other of (1) any supplemental or additional notice deemed proper, necessary, or convenient by the County, (2) any notice required by this ordinance, or (3) any notice required by law, including the Uniform Assessment Collection Act.

**SECTION 8. SEVERABILITY**

The provisions of this ordinance are severable; and if any section, subsection, sentence, clause, or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this ordinance shall not be affected thereby.

**SECTION 9. 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 Chapter 14, Article II, Division 3, 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 10. EFFECTIVE DATE**

The Clerk shall file a certified copy of this ordinance with the Department of State within ten (10) days of its adoption. This ordinance shall take effect on the first day of the month immediately following the last day of the month in which this ordinance is filed with the Department of State, except that no interim Disposal Assessment as provided for herein shall be due or payable with respect to a certificated improvement for which a building permit was issued prior to the effective date of this ordinance.

**ADOPTED BY THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS** in Regular Session this 10th day of August, 1999.

**BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA**

Attest:

*Karen Nicolai*

**KAREN NICOLAI**  
Clerk

By:

*Pat Novy*

**PAT NOVY**  
Chairman

