

ORDINANCE NO.: 2003-0 7

AN ORDINANCE OF HERNANDO COUNTY, FLORIDA, PROVIDING FOR THE CREATION OF THE HERNANDO COUNTY STORMWATER MANAGEMENT MUNICIPAL SERVICE TAXING UNIT, WHICH PROVIDES FOR STORMWATER MANAGEMENT; PROVIDING FOR FINDINGS OF FACT AND PURPOSE; PROVIDING FOR THE BOUNDARIES OF THE UNIT; PROVIDING FOR A STORMWATER MANAGEMENT PROGRAM; PROVIDING FOR A BUDGET; PROVIDING FOR ADMINISTRATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. FINDINGS OF FACT AND PURPOSE

- (a) The county maintains a system of stormwater and surface water management facilities, including but not limited to inlets, conduits, manholes, channels, ditches, drainage easements, retention and detention basins, infiltration facilities, and other components as well as natural waterways.
- (b) Those elements of the county stormwater and surface water management system that provide for the collection, storage, treatment, and conveyance of stormwater are of benefit and provide services to all property within the unincorporated area of the county.
- (c) Existing stormwater management facilities may require expansion and recapitalization.
- (d) Water quality is degrading because of erosion and the discharge of nutrients, metals, oil, grease, and other substances into and through the stormwater system.
- (e) Public health, safety, and welfare are adversely affected by poor water quality and flooding resulting from inadequate stormwater management practices.
- (f) All real property in the unincorporated area of the County either uses or benefits from the presence and operation of the stormwater management system.
- (g) Use of the stormwater management system is dependent on factors that influence runoff, including land use and impervious area.
- (h) Flood plain analysis and mapping is important to all areas of Hernando County because of coastal areas and the county's numerous lakes, rivers, wetlands and low-lying areas.

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(i) Pursuant to Florida Constitution, article VIII, section 1, and Chapter 125, Florida Statutes, the county has all powers of local self-government to perform county functions and to render services in a manner not inconsistent with general law and such power may be exercised by the enactment of county ordinances.

(j) Section 403.0893, Florida Statutes, specifically authorizes and encourages local governments to provide stormwater management services and create stormwater utilities and collect revenue sufficient to plan, construct, operate and maintain stormwater management systems; and applicable federal government requirements mandate that state and local governments monitor and control discharge of pollutants, including but not limited to stormwater.

(k) New and dedicated funding for the stormwater management program of the county is needed, and the creation of a stormwater management utility municipal services taxing unit is the most equitable method of providing this funding, pursuant to authority specifically granted under s. 125.01(1)(q), Florida Statutes.

(l) Local natural resource features can be protected and enhanced as part of the stormwater management utility program.

SECTION 2. CREATION AND BOUNDARIES OF UNIT

The Hernando County Stormwater Management Municipal Service Taxing Unit ("Unit") is hereby created for the purpose of funding the operations of an stormwater management system within the unincorporated area of Hernando County, provided however that any municipality which specifically consents by ordinance to be included in the Unit shall be deemed to be included upon the effective date of such municipal ordinance.

SECTION 3. STORMWATER MANAGEMENT PROGRAM

There is hereby established a stormwater management program, which shall be the operational means of implementing and otherwise carrying out the functional requirements of the County's stormwater management system. The Board of County Commissioners ("Board") shall adopt and maintain a stormwater master plan to provide direction for the stormwater management program, which adopted plan shall set forth authorized uses of funds budgeted pursuant to the terms of this ordinance. The stormwater master plan shall address improvements in the following areas: protection of life and public health; protection of property; protection and treatment of surface water resources, both tidal and fresh; and protection of groundwater with emphasis on conserving longterm water supplies. The stormwater management program shall provide administration, management services, public education and information, and operation and maintenance of the County's capital facilities for stormwater management; studies, mapping and other similar programs; regulation of drainage; and repairs, replacements, improvements and extensions of the County's capital facilities for stormwater

management. The stormwater management program shall place emphasis on the achievement of maximum efficiency through identifying programs and funding sources which are complementary to other regional State and federal programs. The Stormwater Program Director as designated by the County Administrator shall be responsible for administration of the stormwater management program.

SECTION 4. BUDGET AND MILLAGE

The Board shall annually adopt the budget for the Unit pursuant to Chapter 129, Chapter 200, Florida Statutes, and any other applicable provision of statutory law, as such Chapters and provisions may be amended from time to time. The Board shall establish the ad valorem rate for this Unit by resolution pursuant to the provisions of the Florida Statutes.

SECTION 5. DUTIES OF THE BOARD OF COUNTY COMMISSIONERS

The Board shall have the discretion to fund stormwater management within the Unit up to the limits established by the Florida Constitution and Florida Statutes. Besides funding stormwater management by a Unit, other methods of funding may be used as allowed by law. The Board has full authority to levy ad valorem taxes up to the limits permitted by the Florida Constitution and the laws of Florida and to use the funds for the operation of the Unit.

SECTION 6. CAPITAL RESERVES

The Board is empowered to set up reserves in the budget for stormwater management in excess of its estimated expenditures for any fiscal year, for the purpose of creating reasonable reserves for the purchase of equipment and making other necessary capital expenditures or for any other lawful purposes for which reserves may be used.

SECTION 7. CONSENT OF MUNICIPALITIES

The provisions of this ordinance creating a Unit shall not be effective within any municipality in Hernando County unless and until such municipality consents by ordinance in accordance with the provisions of Section 125.01(1)(q), Florida Statutes, as it may be amended from time to time, to the imposition of the Unit within the municipality.

SECTION 8. SEVERABILITY

It is declared to be the intent of the Board that if any section, subsection, clause, sentence, phrase, or provision of this ordinance is for any reason held unconstitutional or

invalid, the invalidity thereof shall not affect the validity of the remaining portions of this ordinance.

SECTION 9. INCLUSION IN THE CODE

It is the intention of the Board and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Hernando County Code of Ordinances. 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

This ordinance shall take effect upon being filed with the Department of State.

ADOPTED in Regular Session this 25th day of March, 2003.

(SEAL)


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

Attest:


KAREN NICOLAI


Clerk

By:


MARY E. WHITEHOUSE

Chairperson

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY  3/17/03
County Attorney's Office