

ORDINANCE NO.: 2009-08

AN ORDINANCE AMENDING SECTION 24-40.2 OF THE HERNANDO COUNTY CODE OF ORDINANCE; REDUCING THE PERCENTAGE OF PROPERTY OWNERS NECESSARY TO PETITION TO INITIATE A SPECIAL ASSESSMENT OR MUNICIPAL SERVICE BENEFIT UNIT (MSBU) FROM TWO-THIRDS OF THE OWNERS TO SIXTY PERCENT OF THE OWNERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is the intent of the Board of County Commissioners to amend the Hernando County Code of Ordinance to reduce the percentage of owners necessary to petition to initiate a special assessment or municipal service benefit unit (MSBU) from two-thirds of owners to sixty percent of the owners.

NOW THEREFORE:

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

SECTION 1. Amending Code Section 24-40.2 (Power of the board of county commissioners to provide for special assessments). Code Section 24-40.2 (Power of the board of county commissioners to provide for special assessments) is amended to read as follows, with underlined matter added and struck-through matter deleted:

Sec. 24-40.2. Power of the board of county commissioners to provide for special assessments.

(a) The board is hereby empowered to provide for the following kinds of improvements (hereafter "improvements") by levying and collecting in the unincorporated areas of the county special assessments on the real property specifically benefitted thereby:

- (1) The construction, reconstruction, repair, paving, repaving, surfacing, widening, guttering, lighting and draining of streets, boulevards, roads, alleys and sidewalks.
- (2) The construction, reconstruction, repair, renovation, excavation, dredging, grading, stabilization and upgrading of greenbelts; swales; culverts; sanitary sewers; storm outfalls; canals; primary, secondary, and tertiary drains; waterbodies; marshlands; natural areas; and all or part of a comprehensive stormwater management system, including the

1 necessary appurtenances and structures thereto, and including, but not
2 limited to, dams, weirs and pumps;

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4 (3) The construction or reconstruction of water and/or sewer mains,
5 laterals, and other distribution facilities, including the necessary
6 appurtenances thereto;

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8 (4) The draining and reclamation of wet, low, or overflowed lands; and

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10 (5) The construction, reconstruction and repair of seawalls and other
11 structures for the prevention or control of erosion.

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13 (b) (1) The board may include in the assessments all or any of the cost of the
14 improvements, whether incurred before or after the improvements are
15 authorized by the board. The cost of the improvements may include,
16 without limitation, construction or reconstruction; the cost of property,
17 rights, easements and franchises; financing charges and interest
18 payable; or discounts and the like provided in connection with
19 financing the cost of the improvements; the cost of plans,
20 specifications, surveys, title assurances and estimates of any kind; the
21 cost of engineering, design, construction and acquisition of
22 improvements; salaries, reasonable overhead, and administrative
23 expenses of county staff and officials; expenses necessary or incident
24 to determining the feasibility or practicability of the improvement; and
25 such other expenses as may be necessary or incident to the planning,
26 financing, or construction of improvements as herein authorized.

27
28 (2) When the board determines that an unpaved county road, street,
29 boulevard or alley should be paved, the board may levy and collect
30 special assessments on the real property specially benefitted thereby,
31 with such assessments to be based upon the total project cost less the
32 actual maintenance costs expended by the County on the road, street,
33 boulevard or alley for the prior seven (7) consecutive fiscal years,
34 apportioned among benefitted lots or parcels of property. For purposes
35 of this paragraph, "total project cost" shall be synonymous with the cost
36 of improvements as that term is used in paragraph (b)(1) hereof.

37
38 (c) Special assessments, as authorized herein, may be levied only on real property
39 benefitted thereby, and each such assessment shall not exceed the value of the benefit
40 received by the specially assessed property. The special assessments made against each
41 specifically benefitted property shall be based upon an apportionment among all such
42 properties of the total cost of the improvement as identified by the board or, as to

1 improvements described in paragraph (b)(2) above, based on apportionment of the project
2 cost pursuant to the terms of that paragraph, which apportionment shall be as deemed just
3 and equitable by the board in each case, and shall be reflected in the special assessment roll.
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5 (d) The board may consider authorizing improvements and special assessments
6 therefor as provided herein, either:
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8 (1) Upon its own, identifying the nature and extent of the improvements to
9 be considered; or
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11 (2) When a petition requesting the same and describing the nature and
12 extent of the improvements to be considered, if presented by at least
13 ~~two-thirds~~ sixty percent (60%) of the owners of property to be
14 specifically benefitted.
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16 **SECTION 2. Severability.**

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18 It is declared to be the intent of the Board of County Commissioners that if any
19 section, subsection, clause, sentence, phrase, or provision of this ordinance is for any reason
20 held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the
21 remaining portions of this ordinance.
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23 **SECTION 3. Inclusion in the Code.**

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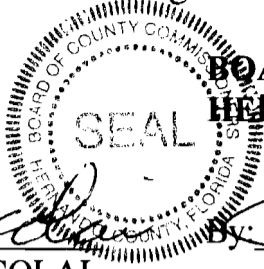
25 It is the intention of the Board of County Commissioners of Hernando County,
26 Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be
27 made a part of the Code of Ordinances of Hernando County, Florida. To this end, any
28 section or subsection of this Ordinance may be renumbered or relettered to accomplish such
29 intention, and the word "ordinance" may be changed to "section, "article," or other
30 appropriate designation.
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32 **SECTION 4. Effective date.**

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34 This ordinance shall take effect immediately upon filing with the office of the
35 Secretary of State of Florida.
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1 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
2 **HERNANDO COUNTY** in Regular Session this 11th day of August, 2009.



BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

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8 Attest:

Karen Nicolai
KAREN NICOLAI

CLERK

I hereby certify that the foregoing is a true and correct copy of the original.
Karen Nicolai, Clerk Circuit Court, Hernando County, Florida:

By _____ D.C.

David D. Russell, Jr.
DAVID D. RUSSELL, JR.

CHAIRMAN

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19 **Approved as to Form and**
20 **Legal Sufficiency**

21
22 By:

Geoffrey P. Kirk
Geoffrey P. Kirk

Assistant County Attorney