

ORDINANCE NO.: 98- 27

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**AN ORDINANCE REPEALING ORDINANCE NO. 86-23, CODIFIED AS DIVISION 1 OF ARTICLE II, CHAPTER 24, CODE OF ORDINANCES OF HERNANDO COUNTY; AMENDING ORDINANCE 90-1, AS CODIFIED AT DIVISION 3, ARTICLE II, CHAPTER 24, HERNANDO COUNTY CODE OF ORDINANCES, TO PROVIDE A METHOD OF EQUITABLE APPORTIONMENT FOR PROPERTIES SPECIALLY BENEFITTED BY ASSESSMENTS FOR CERTAIN ROAD IMPROVEMENTS; PROVIDING THAT SUCH METHOD SHALL BE SUPPLEMENTAL TO OTHER PROCEDURES FOR LEVY OF SPECIAL ASSESSMENTS; PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE CODE, AND FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Hernando County Code of Ordinances contains several different procedures and mechanisms for authorizing special assessments for road improvements; and

**WHEREAS**, the Hernando County Board of County Commissioners finds and determines that the most recent expression of legislative county policy should be deemed to be controlling and prior inconsistent ordinance provisions should be repealed; and

**WHEREAS**, the Board further finds and determines that special assessments for certain road improvements should be based upon total project costs less certain maintenance as set forth herein, as a matter of fairness and equity to benefitted property owners;

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

**SECTION 1. REPEAL OF SECTIONS 1 AND 2, ORDINANCE NO. 86-23, AS CODIFIED AT DIVISION 1, ARTICLE II, CHAPTER 24, HERNANDO COUNTY CODE OF ORDINANCES**

Sections 1 and 2, Ordinance No. 86-23, as codified at DIVISION 1, ARTICLE II, Chapter 24, Hernando County Code of Ordinances, should be and are hereby repealed in their entirety.

**SECTION 2. POWER OF THE BOARD OF COUNTY COMMISSIONERS TO PROVIDE FOR SPECIAL ASSESSMENTS**

Section 24-40.2, Hernando County Code of Ordinances, as derived from Section 2 of Ordinance No. 90-1, is hereby amended to read as follows:

(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 benefited 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 necessary appurtenances and structures thereto, and including, but not limited to dams, weirs and pumps;
- (3) The construction or reconstruction of water and/or sewer mains, laterals, and other distribution facilities, including the necessary appurtenances thereto;
- (4) The draining and reclamation of wet, low, or overflowed lands; and
- (5) The construction, reconstruction and repair of seawalls and other structures for the prevention or control of erosion.

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

- (b) (2) When the Board determines that an unpaved county road, street, boulevard or alley should be paved, the Board may levy and collect special assessments on the real property specially benefitted thereby, with such assessments to be based upon the total project cost less the actual maintenance costs expended by the County on the road, street, boulevard or alley for the prior seven (7) consecutive fiscal years, apportioned among benefitted lots or parcels of property. For purposes of this paragraph, "total project cost" shall be synonymous with the cost of improvements as that term is used in paragraph (b)(1) hereof.
- (c) Special assessments, as authorized herein, may be levied only on real property benefitted thereby, and each such assessment shall not exceed the value of the benefit received by the specially assessed property. The special assessments made against each specifically benefitted property shall be based upon an apportionment among all such properties of the total cost of the improvement as identified by the Board or, as to improvements described in paragraph (b)(2) above, based on apportionment of the project cost pursuant to the terms of that paragraph, which apportionment shall be as deemed just and equitable by the Board in each case, and shall be reflected in the special assessment roll.
- (d) The Board may consider authorizing improvements and special assessments therefor as provided herein, either:
- (1) Upon its own, identifying the nature and extent of the improvements to be considered; or
  - (2) When a petition requesting the same and describing the nature and extent of the improvements to be considered, if presented by at least two-thirds of the owners of property to be specifically benefitted."

### **SECTION 3. ASSESSMENT METHOD SUPPLEMENTAL**

It is declared to be the intent of the Board of County Commissioners that the method of calculating and apportioning assessments provided herein shall be supplemental to any other methods provided in ordinances not expressly repealed or amended hereby.

### **SECTION 4. SEVERABILITY**

It is declared to be the intent of the Board of County Commissioners 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 5. 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 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 work "ordinance" may be changed to "section", "article", or other appropriate designation.

**SECTION 6. EFFECTIVE DATE**

This Ordinance shall become effective upon receipt of official acknowledgment from the Secretary of State that said Ordinance has been filed.

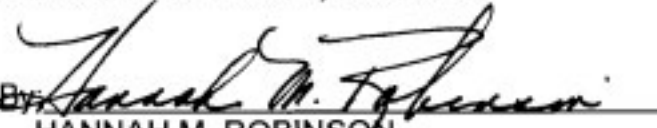
**ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS** in Regular Session this 13th day of October, 1998, A.D.

Attest:

  
KAREN NICOLAI  
Clerk

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

By:

  
HANNAH M. ROBINSON  
Chairwoman