

ORDINANCE NO. C-20-18

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RELATING TO THE PROVISION OF STORMWATER MANAGEMENT PROGRAM TO CONSTRUCT, RECONSTRUCT, REPAIR, IMPROVE AND EXTEND STORMWATER MANAGEMENT SYSTEMS THROUGHOUT THE INCORPORATED AREAS OF FORT LAUDERDALE, FLORIDA; AMENDING CHAPTER 28, WATER, WASTEWATER AND STORMWATER OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO AUTHORIZE THE IMPOSITION AND COLLECTION OF STORMWATER MANAGEMENT PROGRAM ASSESSMENTS AGAINST PROPERTY; PROVIDING CERTAIN DEFINITIONS; ESTABLISHING A PROCEDURE FOR IMPOSING STORMWATER MANAGEMENT PROGRAM ASSESSMENTS; PROVIDING THAT STORMWATER MANAGEMENT PROGRAM ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF ASSESSMENT ROLL; PROVIDING THAT THE LIEN FOR A STORMWATER MANAGEMENT PROGRAM ASSESSMENT COLLECTED PURSUANT TO SECTIONS 197.3632 AND 197.3635, FLORIDA STATUTES, UPON PERFECTION SHALL ATTACH TO THE PROPERTY ON THE PRIOR JANUARY 1, THE LIEN DATE FOR AD VALOREM TAXES; PROVIDING THAT A PERFECTED LIEN SHALL BE EQUAL IN RANK AND DIGNITY WITH THE LIENS OF ALL STATE, COUNTY, DISTRICT OR MUNICIPAL TAXES AND ASSESSMENTS AND SUPERIOR IN DIGNITY TO ALL OTHER PRIOR LIENS, MORTGAGES, TITLES AND CLAIMS; PROVIDING A PROCEDURE FOR COLLECTION OF STORMWATER ASSESSMENTS; PROVIDING A MECHANISM FOR THE IMPOSITION OF ASSESSMENTS ON GOVERNMENT PROPERTY; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Section 28-191 "Authority and general provisions", of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to read as follows:

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

Sec. 28-191. - Authority and general provisions.

- (a) The city is authorized by the Florida Constitution and the provisions of F.S. Ch. 166 and § 403.0893 to construct, reconstruct, repair, improve and extend stormwater management systems and to establish just and equitable rates, fees and charges for the services and facilities provided by the system. This ordinance shall be known and may be cited as the Stormwater Management Program (SMP) Ordinance of the City of Fort Lauderdale.
- (b) The city is hereby authorized to impose a stormwater management program assessment to fund the planning, construction, operation, maintenance, and administration of a public stormwater management system upon benefited parcels at a rate of assessment based on the special benefit accruing to such parcel from the provision of a stormwater management system. All stormwater management program assessments shall be imposed in conformity with the procedures set forth in this Chapter 28.

SECTION 2. That Section 28-192 "Findings of fact and statement of purpose", of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to read as follows:

Sec. 28-192. - Findings of fact and statement of purpose.

- (a) The city operates and maintains a system of storm 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 city storm and surface water management system that provides for the collection, storage, treatment and conveyance of stormwater are of benefit and provide services to all property within the city.
- (c) The cost of operating and maintaining the stormwater management system and the financing of existing and future repairs, replacements, improvements, and extensions thereof should, to the extent practicable, be allocated in relationship to the benefits enjoyed and services received therefrom.
- (d) Due to the age of the existing infrastructure, rehabilitation and replacement of some portions may be required.

- (e) Water quality is degraded because of erosion and the discharge of nutrients, metals, oil, grease and other substances into and through the stormwater system.
- (f) Public health, safety and welfare are adversely affected by poor water quality and flooding resulting from inadequate stormwater management practices.
- (g) Real property either uses or benefits from the presence and operation of the stormwater management system.
- (h) Florida local governments have authority to establish a stormwater management program and levy a stormwater management program assessment pursuant to the home rule powers provided in the Article VIII, Section 2(b), Florida Constitution and F.S. Chs. 166 and 403, through which the city commission has all powers of local self-government to perform municipal functions and to render municipal services in a manner not inconsistent with law, and such power may be exercised by the enactment of city ordinances.
- (i) The Florida legislature, through the adoption of F.S. § 403.0893, specifically authorizes and encourages local governments to provide stormwater management services as a utility function for which service charges may be levied.
- (j) New and dedicated funding for the stormwater management program of the city is needed, and the levy of a stormwater management utility fee is the most equitable method of providing this funding.
- (k) The federal Clean Water Act and implementing regulations adopted by the federal Environmental Protection Agency (EPA), requires permitting of certain municipal separate stormwater systems to ensure that minimum water quality standards are met.
- (l) The establishment of a stormwater management plan now will mitigate the impact of costs ultimately imposed upon local governments through the adoption by the EPA of permitting standards for separate municipal stormwater systems.
- (m) Adoption of a stormwater management program will generate revenues needed to implement the level of service standards contained in the city's comprehensive plan drainage element and the capital improvement element which were adopted in conformance with the requirements of F.S. Ch. 163.

(n) Local natural resource features such as wetlands, lakes and groundwater supplies can be protected and enhanced as part of the stormwater management program.

(o) A significant portion of the City's stormwater capital investments and operational activities is concentrated in managing stormwater, ocean and tidal forces effects on the roadway network.

(p) Trip generation rates provide a clear and defensible mechanism by which the City can assess stormwater fees in proportion to the benefit received by use of the roadway network.

(q) The Florida legislature, through the adoption of F.S. § 403.0893, specifically authorizes local governments to create stormwater management system benefit areas and the assessment of all property owners within said area a per acreage fee to fund the planning, construction, operation, maintenance, and administration of a public stormwater management system for the benefited area.

(r) The city commission may exercise any governmental, corporate, or proprietary power for a municipal purpose except when expressly prohibited by law, and the city commission may legislate on any subject matter on which the Florida Legislature may act, except those subjects described in (a), (b), (c), and (d) of F.S. 166.021(3). The subject matter of paragraphs (a), (b), (c) and (d) of F.S. § 166.021(3) are not relevant to the imposition of assessments related to the stormwater management program of the city.

(s) The purpose of this Article IV, Chapter 28 of the Code of Ordinances is to:

(1) create and establish a stormwater management program, which will be the operational means of implementing and carrying out the functional requirements of the stormwater management system; and

(2) provide procedures and standards for the imposition of stormwater management program assessment pursuant to F.S. Section 403.0893 and under the general home rule powers of a municipality to impose special assessments; and

(3) authorize a procedure for the funding of the stormwater management program providing special benefits to property within the city; and

(4) legislatively determine the special benefit provided to assessed property from the provision of the stormwater management program.

(t) The stormwater management program assessments to be imposed using the procedures provided in this Article IV shall constitute non-ad valorem assessments within the meaning and intent of the Uniform Assessment Collection Act.

(u) The stormwater management program assessments to be imposed using the procedures provided in this Article IV are imposed by the city commission, not the Broward County Board of County Commissioners, Property Appraiser or Tax Collector. The duties of the property appraiser and tax collector under the provisions of this Article IV and the Uniform Assessment Collection Act are ministerial.

SECTION 3. That Section 28-193 “Definitions”, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to read as follows:

Sec. 28-193. - Definitions.

Unless specifically defined below, words or phrases shall be interpreted so as to give them the meaning they have in common usage and to give this article its most effective application.

Annual Assessment Resolution means the resolution described in Section 28-207 hereof, approving an Assessment Roll for a specific Fiscal Year.

Assessed Property means all Parcels included on the Assessment Roll that receive a special benefit from the provision of Stormwater Management Program identified in the Initial Assessment Resolution or a subsequent Final Assessment Resolution.

Assessment means a special assessment imposed by the City pursuant to this Ordinance to fund the Stormwater Management Program.

Assessment Bill means a statement provided to the owner of each affected parcel of property within the Stormwater Management System Benefit Area indicating the specified amount owed further described in Sections 28-212 (A) and 28-213(A) hereof.

Assessment Roll means the special assessment roll relating to a Stormwater Management Program Assessment approved by a Final Assessment Resolution pursuant to Section 28-206 hereof.

Assessment Unit means the unit or criteria utilized to determine the Assessment for each parcel of property, as set forth in the Initial Assessment Resolution. Assessment Units may include, by way of example only and not limitation, one or a combination of the following: front footage, platted lots or parcels of record, land area, improvement area, equivalent residential connections, permitted land use, trip generation rates, rights to future trip generation capacity under applicable concurrently management regulations, property value or any other physical characteristic or reasonably expected use of the property that is related to the Stormwater Management Program to be funded from proceeds of the Assessment.

Category I means any lot or parcel developed exclusively for residential purposes limited to, single-family homes, manufactured homes, multifamily, apartment buildings and condominiums designed to accommodate three (3) or fewer dwelling units.

Category II means any developed lot or parcel not in Category I or Category III, as defined herein.

Category III means property which is undeveloped or not significantly altered from its natural state by the addition of improvements such as buildings, structures, impervious surfaces, changes of grade, or landscaping, including but not limited to, vacant property, parks, airports, golf courses and well fields. For purposes of this article, a property shall be considered developed upon issuance of a certificate of occupancy, or upon completion of construction or final inspection if no such certificate is issued.

City shall mean the City of Fort Lauderdale, Florida.

Director shall mean the director of the public works department or designee.

DOR code means the numeric code designation for classification and subclassification of property promulgated by the Florida Department of Revenue in the Florida Administrative Code.

Dwelling unit means any residential space identified for habitation by members of a single housekeeping unit.

Final Assessment Resolution means the resolution described in Section 28-206 hereof, which shall confirm, modify or repeal the Initial Assessment Resolution and which shall be the final proceeding for the imposition of an Assessment.

Fiscal Year means that period commencing October 1st of each year and continuing through the next succeeding September 30th, or such other period as may be prescribed by law as the fiscal year for the City.

Government Property means property owned by the United States of America, a sovereign state or nation, the State of Florida, a county, a special district, a municipal corporation, or any of their respective agencies or political subdivisions, and used for governmental purposes.

Gross acre shall mean the amount of area contained in a parcel as measured by the Broward County Property Appraiser.

Impervious area shall mean any part of any parcel of land that has been modified to reduce the land's natural ability to absorb and hold rainfall.

Initial Assessment Resolution means the resolution described in Section 28-202 hereof, which shall be the initial proceeding for the imposition of an Assessment.

Ordinance means this stormwater management program ordinance.

Property Appraiser means the Broward County Property Appraiser.

Resolution of Intent shall mean the resolution expressing the City Commission's intent to collect Assessments on the ad valorem tax bill required by the Uniform Assessment Collection Act.

Stormwater management plan shall mean a plan for receiving, storing, transporting and treating storm and surface waters within the city stormwater management system.

Stormwater Management Program Cost shall mean the costs of planning, construction, operation, maintenance, and administration of a public stormwater management system for the benefited area.

Stormwater runoff shall mean that part of precipitation that travels over natural, altered or improved surfaces to any stream, channel, canal, river, the Intracoastal Waterway, impoundment area or city owned and maintained rights-of-way.

Stormwater management system shall include all natural and manmade elements used to convey stormwater to a suitable location internal or external to the boundaries of the city. The stormwater management system includes, but is not limited to, all pipes, channels, streams, ditches,

wetlands, sinkholes, detention/retention basins, ponds and other stormwater conveyance and percolation or treatment facilities.

Stormwater Management System Benefit Area means the area that includes the parcels designated by the city to receive the benefit of and be assessed for stormwater management program in accordance with the provisions of this Article.

Tax Collector shall mean the Department of Finance and Administrative Services as described in Section 3.06 of the Broward County Charter.

Trip means the estimated peak hour and daily site traffic volumes for a particular land use.

Trip generation shall mean the number of peak trips generated by a parcel according to its department of revenue land use code and Institute of Transportation Engineers (ITE) trip generation rate.

Uniform Assessment Collection Act shall mean Sections 197.3632 and 197.3635, Florida Statutes, 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 4. That Section 28-195 “Stormwater management utility fee”, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to read as follows:

Sec. 28-195. - Stormwater management utility fee.

A stormwater fee is hereby imposed upon each and every lot and parcel within the city for services and facilities provided by the stormwater management program. For purposes of imposing the stormwater fee, all lots and parcels within the city shall be classified by ~~into~~:

(a) one of the following three (3) customer categories:

Category I—As defined herein.

Category II—As defined herein.

Category III—As defined herein.

and

(b) a DOR code assigned to the parcel and recorded in the most current Broward County Property Appraisers tax roll.

SECTION 5. That Section 28-196 “Property classification; customer category”, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to read as follows:

Sec. 28-196. - Property classification; customer category.

The director shall determine and assign to each and every lot and parcel within the city a customer category and DOR code as defined in this article.

SECTION 6. That Section 28-197 “Stormwater management program rates.”, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to read as follows:

Sec. 28-197. - Stormwater management program rates.

The stormwater management program rates shall be established in the Annual Assessment Resolution adopted for each Fiscal Year approving the Assessment Roll for such Fiscal Year.as follows:

<u>Customer Category</u>	<u>Monthly Stormwater Management Rate 28-197</u>
	<u>Effective 10/1/2019</u>
<u>Category I — Per unit —</u>	<u>\$14.00</u>
<u>Category II — Per acre —</u>	<u>\$141.12</u>
<u>Category III — Per acre —</u>	<u>\$44.73</u>

SECTION 7. That Section 28-198 - "Billing and payment; penalties.", of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to read as follows:

Sec. 28-198. - Billing and payment; penalties.

- (a) Bills or statements for the stormwater utility fee not levied through the stormwater management program assessment shall be rendered monthly, in accordance with the regular utility billing cycle, by the utility billing division of the city for all properties subject to the fee. Bills shall be payable at the same time and in the same manner and subject to the same penalties as set for water in sections 28-188 and 28-190 of the Code of Ordinances. Any unpaid stormwater fees shall constitute a lien against the property, which lien shall be prior to all other liens on such property except the liens of state, county and municipal taxes and shall be on a parity with the lien of such state, county and municipal taxes. Such lien, when delinquent for more than thirty (30) days, may be foreclosed by the city in the manner provided by the laws of Florida for the foreclosure of mortgages on real property.
- (b) For properties normally receiving monthly municipal service bills for other services, the stormwater utility fee ~~shall~~ may be included in the monthly utility bill rendered to the established customer.
- (c) For properties not receiving monthly municipal service bills for other services, the bill or statement for the stormwater utility fee ~~shall~~ may be sent to the property owner as determined from the property appraiser tax rolls. In such cases, the utility billing division may render an annual bill or render a special monthly municipal service bill at the option of the property owner.
- (d) The owner of a property is ultimately responsible for all fees imposed under this article.
- (e) Persons owning property annexed into the City of Fort Lauderdale shall commence payment of the stormwater utility fees after the first year following the date of annexation.

SECTION 8. That Section 28-199 "Adjustment of customer category or rate based upon property characterization or size.", of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to read as follows:

Sec. 28-199. - Adjustment of customer category or rate based upon property characterization or size.

- (a) Requests for adjustment of the assigned customer category or rate paid shall be submitted to the public works department, on the form provided by them and shall set forth in detail the grounds upon which relief is sought. The city manager shall have the authority to administer the procedures and standards and review criteria for the adjustment of category or fees as established herein. The public works department may provide technical assistance and input to the city manager's office in the adjustment process. No adjustment or credit shall be given for the installation of facilities required by city or county development codes or state stormwater rules. The following procedures shall apply to all adjustment requests:
- (1) Adjustment requests will be reviewed by the city within a four-month period from the date a completed application including all required documentation that is needed to support the application has been submitted to the public works department. Adjustments resulting from such request shall be retroactive to the date the application is complete including submission of all documentation but, in any case, shall not exceed one (1) year.
 - (2) Anyone requesting an adjustment shall be required to provide information along with their application which shall include, but shall not be limited to, survey data and engineering reports, performed by either a registered professional land surveyor currently registered in the State of Florida or a professional engineer currently registered in the State of Florida where appropriate to support their request. Failure to provide such information within four (4) months of date of application form may result in the denial of the adjustment request.
 - (3) Adjustments to the stormwater management fee to be paid shall be made upon the granting of the adjustment request, in writing, by the city manager or designee. Denials of adjustment requests shall be made in writing by the city manager or designee.
 - (4) During the period of time that a request for adjustment is made, all fees must be paid and the applicant for an adjustment must be current on the date the application is made. (b) Category I customers shall be permitted to request a change in category only.

SECTION 9. That Section 28-201 - Creation of Stormwater Management System Benefit Areas, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby created to read as follows:

Sec. 28-201. - CREATION OF STORMWATER MANAGEMENT SYSTEM BENEFIT AREAS.

The City Commission is hereby authorized to create Stormwater Management System Benefit Areas or Subarea in accordance with the procedures set forth herein. Each Stormwater Management System Benefit Area shall encompass only that property specially benefitted by the Stormwater Management Program proposed for funding from the proceeds of Assessment to be imposed therein. Either the Initial Assessment Resolution proposing each Stormwater Management System Benefit Area or the Final Assessment Resolution creating each Stormwater Management System Benefit Area shall include a description of the property to be included within the Stormwater Management System Benefit Area and specific legislative findings that recognize the special benefit from the Stormwater Management Program to property within the Stormwater Management System Benefit Area.

SECTION 10. That Section 28-202 - Initial Assessment Resolution”, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby created to read as follows:

Sec. 28.202. – INITIAL ASSESSMENT RESOLUTION.

The initial proceeding for creation of a Stormwater Management System Benefit Area and imposition of Assessments shall be the City Commission’s adoption of an Initial Assessment Resolution. The Initial Assessment Resolution shall (A) describe the property to be located within the proposed Stormwater Management System Benefit Area; (B) describe the Stormwater Management Program proposed for funding from proceeds of the Assessments; (C) estimate the Stormwater Management Program Cost; (D) describe with particularity the proposed method of apportioning the Stormwater Management Program cost among the parcels of property located within the proposed Stormwater Management System Benefit Area, such that the owner of any parcel of property can objectively determine the number of Assessment Units and the amount of the Assessment; (E) describe the provisions, if any, for acceleration and prepayment of the Assessment; (F) describe the provisions, if any, for reallocating the Assessment upon future subdivision or other changes in condition that affects the method of apportioning the Stormwater Management Program Cost; and (G) include specific legislative findings that recognize the fairness provided by the apportionment methodology.

SECTION 11. That Section 28-203 "Assessment Roll", of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby created to read as follows:

Sec. 28-203. – ASSESSMENT ROLL.

(A) The City Manager shall prepare a preliminary Assessment Roll that contains the following information:

(1) a summary description of each parcel of property (conforming to the description contained on the Tax Roll) subject to the Assessment;

(2) the name of the owner of record of each parcel, as shown on the Tax Roll;

(3) the number of Assessment Units attributable to each parcel;

(4) the estimated maximum annual Assessment to become due in any Fiscal Year for each Assessment Unit; and

(5) the estimated maximum annual Assessment to become due in any Fiscal Year for each parcel.

(B) Copies of the Initial Assessment Resolution and preliminary Assessment Roll shall be on file in the office of the City Clerk and open to public inspection. The foregoing shall not be construed to require that the Assessment Roll be in printed form if the amount of the Assessment for each parcel of property can be determined by use of a computer terminal available to the public.

SECTION 12. That Section 28-204 - Notice by Publication, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby created to read as follows:

Sec. 28-204. – NOTICE BY PUBLICATION. After filing the preliminary Assessment Roll in the office of the City Clerk, as required by Section 28-203(B) hereof, the City Clerk shall publish once in a newspaper of general circulation within the City a notice stating that at a public hearing of the City Commission will be held on a certain day and hour, not earlier than 20 calendar days from such publication, at which hearing the City Commission will receive written comments and hear testimony from all interested persons regarding creation of the Assessment Area and adoption of

the Final Assessment Resolution. The published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act.

SECTION 13. That Section 28-205 – Notice by Mail, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby created to read as follows:

Sec. 28-205 – NOTICE BY MAIL. In addition to the published notice required by Section 28-204, the City Clerk shall provide notice of the proposed Assessments by first class mail to the owner of each parcel of property subject to the Assessments. The mailed notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Notice shall be mailed at least twenty (20) calendar days prior to the hearing to each property owner at such address as is shown on the Tax Roll within ninety (90) days prior to the date of mailing. Notice shall be deemed mailed upon delivery thereof to the possession of the U.S. Postal Service. The City Clerk may provide proof of such notice by affidavit. Failure of the owner to receive such notice due to mistake or inadvertence shall not affect the validity of the Assessment Roll nor release or discharge any obligation for the payment of an Assessment imposed on such parcel by the City Commission pursuant to this Ordinance.

SECTION 14. That Section 28-206 – Adoption of Final Assessment Resolution, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby created to read as follows:

Sec. 28-206. ADOPTION OF FINAL ASSESSMENT RESOLUTION. At the time named in such notice, or such time to which an adjournment or continuance may be taken, the City Commission shall receive written objections and hear testimony of interested persons and may then, or at any subsequent meeting of the City Commission, adopt the Final Assessment Resolution which shall (A) create the Stormwater Management System Benefit Area; (B) confirm, modify or repeal the Initial Assessment Resolution with such amendments, if any, as may be deemed appropriate by the City Commission; (C) establish the maximum amount of an Assessment for each Assessment Unit; (D) approve the Assessment Roll, with such amendments as it deems just and right; and (E) determine the method of collection. Following adoption of the Final Assessment Resolution but prior to the date on which the Assessment Roll is certified for collection pursuant to Sec. 28-211 and Sec. 28-212 hereof, the City Commission may obtain a written legal opinion that the Assessments have been validly imposed from the Office of the City Attorney, an attorney-at-law or firm of attorneys of recognized standing in matters pertaining to local governmental law; provided however, that the failure to obtain such opinion shall not invalidate the Assessments or affect the factual findings made by the City Commission in connection therewith.

SECTION 15. That Section 28-207 - Annual Assessment Resolution, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby created to read as follows:

Sec. 28-207. ANNUAL ASSESSMENT RESOLUTION. During its budget adoption process and prior to September 15th of each year, the City Commission shall adopt an Annual Assessment Resolution for each Fiscal Year in which Assessments will be imposed to approve the Assessment Roll for such Fiscal Year. The Final Assessment Resolution shall constitute the Annual Assessment Resolution for the initial Fiscal Year. The Assessment Roll shall be prepared in accordance with the Initial Assessment Resolution, as confirmed or amended by the Final Assessment Resolution. If the proposed Assessment for any parcel of property exceeds the maximum amount established in the notice provided pursuant to Section 2.06 hereof or if an Assessment is imposed against property not previously subject thereto, the City Commission shall provide notice to the owner of such property in accordance with Sections 28-204 and 28-205 hereof and conduct a public hearing prior to adoption of the Annual Assessment Resolution. Failure to adopt an Annual Assessment Resolution during the budget adoption process for a Fiscal Year may be cured at any time.

SECTION 16. That Section 28-208 – Effect of Assessment Resolutions, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby created to read as follows:

Sec. 28-208. EFFECT OF ASSESSMENT RESOLUTIONS. The adoption of the Final Assessment Resolution shall be the final adjudication of the issues presented (including, but not limited to, the apportionment methodology, the rate of assessment, the adoption of the Assessment Roll and the levy and lien of the Assessments), unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of City Commission adoption of the Final Assessment Resolution. The Assessments for each Fiscal Year shall be established upon adoption of the Annual Assessment Resolution. The Assessment Roll, as provided by the Annual Assessment Resolution, shall be certified to the Tax Collector, or such other official as the City Commission by resolution deems appropriate.

SECTION 17. That Section 28-209 – Lien of Assessments, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby created to read as follows:

Sec. 28-209. LIEN OF ASSESSMENTS.

(A) Upon adoption of the Annual Assessment Resolution for each Fiscal Year, Assessments to be collected under the Uniform Assessment Collection Act shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien shall be deemed perfected upon adoption by the City Commission of the Annual Assessment Resolution and shall attach to the property included on the Assessment Roll as of the prior January 1, the lien date for ad valorem taxes.

(B) Upon adoption of the Final Assessment Resolution, Assessments to be collected under any alternative method of collection provided in Section 28-212 hereof shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien shall be deemed perfected on the date notice thereof is recorded in the Official Records of Broward County, Florida.

SECTION 18. That Section 28-210 – Revisions to Assessments, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby created to read as follows:

Sec. 28-210. REVISIONS TO ASSESSMENTS. If any Assessment made under the provisions of the Ordinance is either in whole or in part annulled, vacated or set aside by the judgment of any court, or if the City Commission is satisfied that any such Assessment is so irregular or defective that the same cannot be enforced or collected, or if the City Commission has failed to include any property on the Assessment Roll which property should have been so included, the City Commission may take all necessary steps to impose a new Assessment against any property benefitted by the Transportation Improvement, following as nearly as may be practicable, the provisions of this Ordinance and in case such second Assessment is annulled, the City Commission may obtain and impose other Assessments until a valid Assessment is imposed.

SECTION 19. That Section 28-211 – Method of Collection, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby created to read as follows:

Sec. 28-211. METHOD OF COLLECTION.

(A) Unless directed otherwise by the City Commission, Assessments (other than Assessments imposed against Government Property) shall be collected pursuant to the Uniform Assessment Collection Act, and the City shall comply with all applicable provisions thereof. The Resolution of Intent required by the Uniform Assessment Collection Act may be adopted either prior to or following the Initial Assessment Resolution; provided however, that the Resolution of Intent must be adopted prior to January 1 (or March 1 with consent of the Property Appraiser or Tax Collector) of the year in which the Assessments are first collected on the ad valorem tax bill. Any hearing or notice required by this Ordinance may be combined with any other hearing or notice required by the Uniform Assessment Collection Act.

(B) The amount of an Assessment to be collected using the uniform method pursuant to the Uniform Assessment Collection Act for any specific tax parcel may include an amount equivalent to the payment delinquency, 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 was not made pursuant to 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 tax parcel for the prior year's Assessment is supplanted and transferred to such current year's Assessment upon certification of the Assessment Roll to the Tax Collector by the City.

SECTION 20. That Section 28-212 – Alternative Method of Collection, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby created to read as follows:

Sec. 28-212. ALTERNATIVE METHOD OF COLLECTION. In lieu of using the Uniform Assessment Collection Act, the City may elect to collect the Assessment by any other method which is authorized by law or provided by this Section 28-212 as follows:

(A) The City shall provide Assessment Bills by first class mail to the owner of each affected parcel of property, other than Government Property. The bill or accompanying explanatory material shall include (1) a brief explanation of the Assessment, (2) a description of the Assessment Units used to determine the amount of the Assessment, (3) the number of Assessment Units attributed to the parcel, (4) the total amount of the parcel's Assessment for the appropriate period, (5) the location at which payment will be accepted, (6) the date on which the Assessment is due, and (7) a statement that the Assessment constitutes a lien against assessed property equal in rank and

dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments.

(B) A general notice of the lien resulting from imposition of the Assessments shall be recorded in the Official Records of Broward County, Florida. Nothing herein shall be construed to require that individual liens or releases be filed in the Official Records.

(C) The City shall have the right to appoint or retain an agent to foreclosure and collect all delinquent Assessments in the manner provided by law. An Assessment shall become delinquent if it is not paid within 30 days from the due date. The City or its agent shall notify any property owner who is delinquent in payment of an Assessment within 60 days from the date such Assessment was due. Such notice shall state in effect that the City or its agent will initiate a foreclosure action and cause the foreclosure of such property subject to a delinquent Assessment in a method now or hereafter provided by law for foreclosure of mortgages on real estate, or otherwise as provided by law.

(D) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any foreclosure action as described herein shall be included in any judgment or decree rendered therein. At the sale pursuant to decree in such action, the City may be the purchaser to the same extent as an individual person or corporation. The City may join in one foreclosure action the collection of Assessments against any or all property assessed in accordance with the provisions hereof. All delinquent property owners whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the City and its agents, including reasonable attorney fees, in collection of such delinquent Assessments and any other costs incurred by the City as a result of such delinquent Assessments including, but not limited to, costs paid for draws on a credit facility and the same shall be collectible as a part of or in addition to, the costs of the action.

(E) In lieu of foreclosure, any delinquent Assessment and the costs, fees and expenses attributable thereto, may be collected pursuant to the Uniform Assessment Collection Act; provided however, that (1) notice is provided to the owner in the manner required by law and this Ordinance, and (2) any existing lien of record on the affected parcel for the delinquent Assessment is supplanted by the lien resulting from certification of the Assessment Roll to the Tax Collector.

SECTION 21. That Section 28-213 – Government Property, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby created to read as follows:

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

Sec. 28-213. GOVERNMENT PROPERTY.

(A) If Assessments are imposed against Government Property, the City shall provide Assessment Bills by first class mail to the owner of each affected parcel of Government Property. The bill or accompanying explanatory material shall include (1) a brief explanation of the Assessment, (2) a description of the Assessment Units used to determine the amount of the Assessment, (3) the number of Assessment Units attributable to the parcel, (4) the total amount of the parcel's Assessment for the appropriate period, (5) the location at which payment will be accepted, and (6) the date on which the Assessment is due.

(B) Assessments imposed against Government Property shall be due on the same date as Assessments against other property within the Assessment Area and, if applicable, shall be subject to the same discounts for early payment.

(C) An Assessment shall become delinquent if it is not paid within 30 days from the due date. The City shall notify the owner of any Government Property that is delinquent in payment of its Assessment within 60 days from the date such Assessment was due. Such notice shall state in effect that the City will initiate a mandamus or other appropriate judicial action to compel payment.

(D) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any mandamus or other action as described herein shall be included in any judgment or decree rendered therein. All delinquent owners of Government Property against which a mandamus or other appropriate action is filed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the City, including reasonable attorney fees, in collection of such delinquent Assessments and any other costs incurred by the City as a result of such delinquent Assessments including, but not limited to, costs paid for draws on a credit facility and the same shall be collectible as a part of or in addition to, the costs of the action.

(E) As an alternative to the foregoing, an Assessment imposed against Government Property may be collected on the bill for any utility service provided to such Government Property. The City may contract for such billing services with any utility provider.

SECTION 22. PROCEDURAL IRREGULARITIES. Any irregularity in the proceedings in connection with the levy of any Assessment under the provisions of this Ordinance shall not affect the validity of the same after the approval thereof, and any Assessment as finally approved shall be competent and sufficient evidence that such Assessment was duly levied, that the Assessment was duly made and adopted, and that all other proceedings adequate to such Assessment were

duly had, taken and performed as required by this Ordinance; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby. Notwithstanding the provisions of this Section 22, any party objecting to an Assessment imposed pursuant to this Ordinance must file an objection with a court of competent jurisdiction within the time periods prescribed herein.

SECTION 23. RESPONSIBILITY FOR ENFORCEMENT. The City and its agent, if any, shall maintain the duty to enforce the prompt collection of all Assessments by the means provided herein. The duties related to collection of Assessments may be enforced at the suit of any holder of Obligations in a court of competent jurisdiction by mandamus or other appropriate proceedings or actions.

SECTION 24. SEVERABILITY. If any portion of this Ordinance is for any reason declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

SECTION 25. CONFLICTS. All Ordinances or parts of Ordinances previously adopted which are in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 26. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED FIRST READING this 2nd day of June, 2020.

PASSED SECOND READING this ____ day of June, 2020.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI

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