



Title - TO2247 - Nuisance Abatement Assessment Ordinance

Motion to adopt an Ordinance of the City of Tamarac, Florida **on second reading** pertaining to public health and safety; amending Chapter 9, entitled "Health, Sanitation and Nuisance"; creating Division V, to be entitled "Nuisance Abatement Procedures"; providing for purpose and intent; providing for definitions; declaring certain conditions on lots, parcels, and tracts within the City boundaries to be a public nuisance and threat to the health, safety and welfare of the citizens and residents of the City; prohibiting the accumulation of trash, junk, or debris, living and nonliving plant material, and stagnant water; prohibiting the excessive growth of grass, weeds, brush, and other overgrowth; prohibiting the keeping of fill on property that results in certain conditions; prohibiting certain conditions that constitute an imminent threat to public health; authorizing the city to undertake immediate abatement and remedy of imminent public health threats; providing for enforcement of violations; requiring notices to owners and, if applicable, agents, custodians, lessees, and occupants of property in violation of this article; providing for appeals of violation notices; authorizing the imposition and levy of special assessments if costs are incurred by the City and not reimbursed by the property owner and, if applicable, the property agent, custodian, lessee, or occupant; requiring notices of assessment; creating assessments for the cost of lot clean-up; establishing the City as a Special Assessment District; authorizing the levy of non-ad valorem assessments in connection with violations of this article; providing for the collection of non-ad valorem assessments; providing for annual non-ad valorem assessment rolls; providing transition provisions and ratifying assessments to recover costs incurred by the City to remedy violations prior to the Ordinance's enactment; providing for codification; providing for conflicts; providing for severability; providing an effective date.

PASSED ON FIRST READING APRIL 25, 2012

ATTACHMENTS:

Name:	Description:	Type:
1204003m Nuisance Abatement Assessment 13mi12.pdf	TO2247 - Nuisance Abatement Assessment - Memo	Cover Memo
TO2247 - Nuisance Abatement - Non Ad Valorem Special Assessments.doc	TO2247 - Corrected Ordinance	Ordinance

CITY OF TAMARAC
INTEROFFICE MEMORANDUM 12-04-003-M
COMMUNITY DEVELOPMENT DEPARTMENT

TO:	Michael C. Cernech, City Manager	DATE:	April 11, 2012 1 ST Revision – 04/12/2012
FROM:	Jennifer K. Bramley, Director of Community Development	RE:	Nuisance Abatement Assessment
		CASE#:	13-MI-12 TEMP ORD. #: 2247

RECOMMENDATION: The Director of Community Development recommends that the Mayor and City Commission approve on first reading amendments to Section 9-75 of the City's Code of Ordinances and set second reading for May 9, 2012

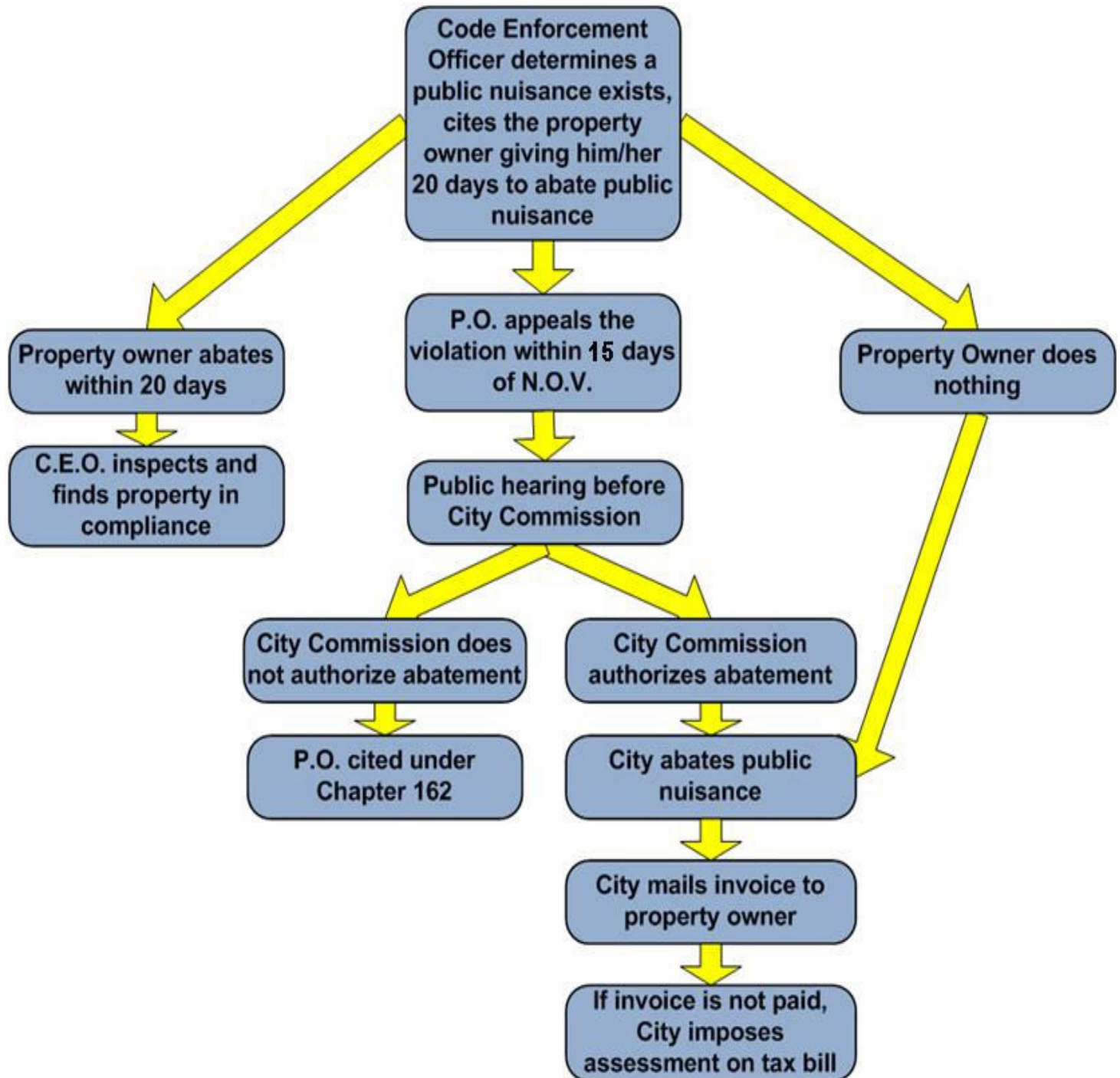
ISSUE: The City of Tamarac expends funds to abate public nuisances on a regular basis. The City recovers the funds by placing a lien on the property pursuant to Chapter 162 F.S. The proposed ordinance will allow for the imposition of a non-ad valorem special assessment for public funds spent on nuisance abatement if the City is not reimbursed by the property owner in a timely manner.

BACKGROUND: On February 8, 2012 the City Commission authorized staff to proceed with a Notice of Intent to use the Uniform Method of Collection for special assessments pertaining to nuisance abatements. A resolution was adopted on February 22, 2012 pertaining to the same. At this juncture the City must amend it's Code of Ordinances to (i) prohibit the nuisances that arise when property is allowed to deteriorate as described herein, (ii) provide for clean-up of the property and abatement of the nuisance, (iii) provide for assessment of property where the City undertakes the clean-up, and (iv) authorize the use of the uniform method for the imposition and collection of non-ad valorem assessments against those properties.

ANALYSIS: A public nuisance is considered to be primarily properties that have been abandoned because of pending mortgage foreclosures, have accumulations of junk, trash, debris, living and nonliving plant material, stagnant water, excessive overgrowth of weeds, grass, and other objectionable, unsightly or unsanitary materials. The City of Tamarac expends funds each year to abate public nuisances. The current public nuisance abatement process is regulated via Chapter 162 F.S. It is a time consuming process to establish that a public nuisance exists through the Special Magistrate and request that the Special Magistrate authorize the City to clean up the property. Once the nuisance is abated, it can take years for the City to recapture funds expended to abate public nuisances.

The proposed ordinance will allow for the abatement of public nuisances in a more expedient manner. After the public nuisance has been abated the property owner will have an opportunity to pay the costs incurred by the City as a result of the abatement. Should the property owner not pay, a lien will be recorded against the property. The assessment will be placed on the tax bill and will be paid within a year. The diagram below describes the process.

P.O. – Property Owner
C.E.O. Code Enforcement Officer



FISCAL IMPACT:

The proposed ordinance will provide for a uniform method of collection of funds spent by the City for abatement of public nuisances. As such, staff anticipates a net positive impact on the general fund should the City Commission adopt the proposed amendments.

City support of the proposed amendments is consistent with the City's Strategic Plan, Goals 2 and 5:

Goal 2

"The City of Tamarac will utilize financial management to develop and maintain a healthy financial environment, encouraging and supporting economic development and redevelopment".

Goal 5

"The City of Tamarac will provide resources, initiatives and opportunities to continually revitalize our community and preserve the environment".



Jennifer K. Bramley,
Director of Community Development

JKB/alg

Attachment: Temporary Ordinance No. 2247

CITY OF TAMARAC, FLORIDA

ORDINANCE NO. 2012-_____

AN ORDINANCE OF THE CITY OF TAMARAC, FLORIDA PERTAINING TO PUBLIC HEALTH AND SAFETY; AMENDING CHAPTER 9, ENTITLED "HEALTH, SANITATION AND NUISANCE"; CREATING DIVISION V, TO BE ENTITLED "NUISANCE ABATEMENT PROCEDURES"; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; DECLARING CERTAIN CONDITIONS ON LOTS, PARCELS, AND TRACTS WITHIN THE CITY BOUNDARIES TO BE A PUBLIC NUISANCE AND THREAT TO THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS AND RESIDENTS OF THE CITY; PROHIBITING THE ACCUMULATION OF TRASH, JUNK, OR DEBRIS, LIVING AND NONLIVING PLANT MATERIAL, AND STAGNANT WATER; PROHIBITING THE EXCESSIVE GROWTH OF GRASS, WEEDS, BRUSH, AND OTHER OVERGROWTH; PROHIBITING THE KEEPING OF FILL ON PROPERTY THAT RESULTS IN CERTAIN CONDITIONS; PROHIBITING CERTAIN CONDITIONS THAT CONSTITUTE AN IMMINENT THREAT TO PUBLIC HEALTH; AUTHORIZING THE CITY TO UNDERTAKE IMMEDIATE ABATEMENT AND REMEDY OF IMMINENT PUBLIC HEALTH THREATS; PROVIDING FOR ENFORCEMENT OF VIOLATIONS; REQUIRING NOTICES TO OWNERS AND, IF APPLICABLE, AGENTS, CUSTODIANS, LESSEES, AND OCCUPANTS OF PROPERTY IN VIOLATION OF THIS ARTICLE; PROVIDING FOR APPEALS OF VIOLATION NOTICES; AUTHORIZING THE IMPOSITION AND LEVY OF SPECIAL ASSESSMENTS IF COSTS ARE INCURRED BY THE CITY AND NOT REIMBURSED BY THE PROPERTY OWNER AND, IF APPLICABLE, THE PROPERTY AGENT, CUSTODIAN, LESSEE, OR OCCUPANT; REQUIRING NOTICES OF ASSESSMENT; CREATING ASSESSMENTS FOR THE COST OF LOT CLEAN-UP; ESTABLISHING THE CITY AS A SPECIAL ASSESSMENT DISTRICT; AUTHORIZING THE LEVY OF NON-AD VALOREM ASSESSMENTS IN CONNECTION WITH VIOLATIONS OF THIS ARTICLE; PROVIDING FOR THE COLLECTION OF NON-ADVALOREM ASSESSMENTS; PROVIDING FOR ANNUAL NON-AD VALOREM ASSESSMENT ROLLS; PROVIDING TRANSITION PROVISIONS AND RATIFYING ASSESSMENTS TO RECOVER COSTS INCURRED BY THE CITY TO REMEDY VIOLATIONS PRIOR TO THE ORDINANCE'S ENACTMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission has determined that many properties in the City, primarily those that have been abandoned because of pending mortgage foreclosures, have accumulations of junk, trash, debris, living and nonliving plant material, stagnant water, excessive overgrowth of weeds, grass, and other objectionable, unsightly or unsanitary materials; and

WHEREAS, by enactment of this ordinance the City prohibits (i) the existence of excessive accumulations or untended growths of weeds, undergrowth, or other dead or living plant life, stagnant water, rubbish, debris, trash, and all other objectionable, unsightly, or unsanitary matter upon any lot, tract or parcel, (ii) conditions conducive to the infestation or inhabitation of rodents, vermin, or wild animals, (iii) conditions conducive to the breeding of mosquitoes, and (iv) untended property that threatens or endangers the health, safety, or welfare of City residents or adversely affects or impairs the economic welfare of adjacent property; and

WHEREAS, these prohibited conditions are declared public nuisances, and the failure of a property owner to abate and terminate the public nuisance results in (i) the “clean-up” of the property by the City and (ii) the imposition of a non-ad valorem special assessment on the property if the City is not timely reimbursed for the cost of the “clean-up”; and

WHEREAS, the City has the authority to use the uniform method for the levy, collection, and enforcement of non-ad valorem assessments as set forth in Ch. 197, F.S.; and

WHEREAS, if not timely paid, the non-ad valorem assessment for clean-up of a lot will be included on the property owner's annual tax bill, to be paid at the same time that yearly ad-valorem taxes are paid; and

WHEREAS, if the non-ad valorem assessment is not paid timely, a lien may also be recorded against the property; and

WHEREAS, the City Commission now intends to amend its Code of Ordinances to (i) prohibit the nuisances that arise when property is allowed to deteriorate as described herein, (ii) provide for clean-up of the property and abatement of the nuisance, (iii) provide for assessment of property where the City undertakes the clean-up, and (iv) authorize the use of the uniform method for the imposition and collection of non-ad valorem assessments against those properties; and

WHEREAS, the City Commission of the City of Tamarac deems the use of a non-ad valorem special assessment to recover the costs associated with nuisance abatement to be in the best interests of the citizens and residents of the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA:

Section 1: That Chapter 9, entitled "Health, Sanitation and Nuisances" of the City of Tamarac Code of Ordinances is hereby amended through the creation of Division V, to be entitled "Nuisance Abatement Procedures" as follows:

Division V Nuisance Abatement Procedures

9-75 Purpose and Intent.

The purpose and intent of this section is to prohibit the following:

- a) Accumulation of trash, junk, or debris, living and nonliving plant material, and stagnant water.
- b) Excessive and untended growth of grass, weeds, brush, branches, and other overgrowth.
- c) The existence of all other objectionable, unsightly or unsanitary matter, materials, and conditions on property, whether improved or unimproved.
- d) Property being inhabited by, or providing a habitat for rodents, vermin, reptiles, or other wild animals
- e) Property providing a breeding place for mosquitoes.
- f) Property being a place, or being reasonably conducive to serving as a place, for illegal or illicit activity.
- g) Property threatening or endangering the public health, safety or welfare of City residents.
- h) Property reasonably believed to cause currently, or potentially to cause in the future, ailments or disease.
- i) Property adversely affecting and impairing the economic value or enjoyment of surrounding or nearby property.

9-76 Definitions.

These words, terms and phrases, when used in this section, will mean the following:

- a) "*Actual cost*" means the actual cost to the City, and if by contract the amount plus interest, if any, as invoiced by an independent, private contractor for terminating and abating a violation of this section on a lot, tract, or parcel, plus the cost of serving notice of the violation, obtaining title information on the property, and all other identifiable costs incurred by the City in the clean-up of the lot, tract, or parcel.
- b) "*Compatible electronic medium or media*" means machine-readable electronic repositories of data and information, including, but not limited to, magnetic disk, magnetic tape, and magnetic diskette

technologies, which provide without modification that the data and information therein are in harmony with and can be used in concert with the data and information on the ad valorem tax roll keyed to the property identification number used by the Broward County Property Appraiser.

- c) "*Compost bin*" means a container designed for the purpose of allowing nonliving plant material to decompose for use as fertilizer.

For purposes of this article, any such compost bin shall be constructed of wire, wood lattice or other material which allows air to filter through the structure. A compost bin shall not exceed an area of sixty-four (64) square feet or a height of five (5) feet.

- d) "*Excessive growth*" means grass, weeds, rubbish, brush, branches, or undergrowth that has reached a height of eight inches or more.
- e) "*Fill*" means material such as dirt that is imported and deposited on property by artificial means.
- f) "*Grass, weeds, or brush*" means grass or weeds or brush that, when allowed to grow in a wild and unkempt manner, will reach a height of eight (8) inches or more. This definition does not include bushes, shrubs, trees, vines, flowering plants, and other living plant life typically used and actually being used for landscaping purposes.
- g) "*Imminent public-health threat*" means the condition of a lot, tract, or parcel of land that, because of the accumulation of trash, junk, or debris, such as broken glass, rusted metal, automotive and appliance parts, some of which may contain chemicals, such as freon, oils, fluids, or the like, may cause injury or disease to humans or contaminate the environment, or the condition of a lot, tract or parcel that, because of the excessive growth of grass, weeds, or brush, can harbor criminal activity, vermin, or disease.
- h) "*Levy*" means the imposition of a non-ad valorem assessment against property found to be in violation of this section.
- i) "*Non-ad valorem assessment*" means a special assessment that is not based upon millage and that can become a lien against a homestead as permitted in Section 4 of Article X of the Florida Constitution.
- j) "*Non-ad valorem assessment roll*" means the roll prepared by the City and certified to the Broward County Property Appraiser Tax Collector, as appropriate under Florida law, for collection.

- k) *"Nonliving plant material"* means nonliving vegetation such as leaves, grass cuttings, shrubbery cuttings, tree trimmings and other material incidental to attending the care of lawns, shrubs, vines and trees.
- l) *"Property"* means a lot or tract or parcel of land and the adjacent unpaved and ungraded portion of the right-of-way, whether such lot or tract or parcel is improved or unimproved.
- m) *"Trash, junk, or debris"* mean waste material, including, but not limited to, putrescible and non-putrescible waste, combustible and non-combustible waste, and generally all waste materials such as paper, cardboard, tin cans, lumber, concrete rubble, glass, bedding, crockery, household furnishings, household appliances, dismantled pieces of motor vehicles or other machinery, rubber tires, and rusted metal articles of any kind.

9-77 Declaration of nuisance and menace.

The (i) accumulation of trash, junk, or debris, living and nonliving plant material, or stagnant water upon property, (ii) the excessive growth of grass, weeds, brush, branches, and other overgrowth upon property, and (iii) the keeping of fill in a unsafe and unsanitary manner is declared to be a nuisance and menace to the public health, safety, and welfare of the citizens of the City for the following reasons:

- a) The aesthetic appearance of property preserves the value of other properties within the City.
- b) The (i) accumulation of trash, junk, or debris, nonliving plant material, or stagnant water, (ii) the excessive growth of grass, weeds, brush, branches, and other overgrowth, and (iii) the keeping of fill in an unsafe and unsanitary manner is dangerous, unhygienic, unhealthy, visually unpleasant to the reasonable person of average sensibilities, and a visual nuisance because it depreciates, or potentially can depreciate, the value of neighboring property, that unless addressed properly in this Code of Ordinances, City taxpayers could be and would be required to pay the cost of cleaning up such properties, and such clean-ups would have to be undertaken by the City several times a year, in some cases for the same properties.

9-78 Accumulation of trash, junk, or debris, living and nonliving plant material, and stagnant water.

- a) Every owner and, if applicable, every agent, custodian, lessee, or occupant of property shall reasonably regulate and effectively control accumulations of trash, junk, or debris, living and nonliving plant material, and stagnant water (i) on the property, and (ii) that portion of

the adjoining public right-of-way between the property and the paved or graded street.

b) The following uses are permissible:

1. Storage of trash, junk, debris, and living and nonliving plant material in garbage cans that comply with applicable ordinances relating to solid-waste collection.
2. The storage of nonliving plant material in compost bins, except that no property may have more than two compost bins.
3. Keeping wood on the property for use as fire or fuel, provided, such wood shall be piled, stacked, bundled, or corded and the area surrounding the piles, stacks, bundles, or cords shall be free of excessive growth of grass, weeds, brush, branches, and other overgrowth.

9-79 Excessive growth of grass, weeds, brush, and other overgrowth.

Every owner and, if applicable, every agent, custodian, lessee, or occupant of property shall reasonably regulate and effectively control the excessive growth of grass, weeds, brush, and other overgrowth (i) on the property, and (ii) that portion of the adjoining public right-of-way between the property and the paved or graded street. Excessive growth of grass, weeds, brush, and other overgrowth that exceeds the height limitations as provided for in Chapter 11 of this Code, as may be amended from time to time, is prohibited.

Vegetative growth that is a mature Florida ecological community, as defined by the Soils Conservation Service in its publication entitled 26 Ecological Communities in Florida, or any similar successor publication, is not prohibited by this section. However, in the event this vegetative growth constitutes an imminent public health threat, it shall be removed upon the order of the City Manager.

9-80 Keeping of fill on property.

Every owner and, if applicable, every agent, custodian, lessee, or occupant of property shall reasonably regulate and effectively control the property so as to prevent the keeping of fill on it to prevent the creation of (i) a habitat for rodents, vermin, reptiles, or other wild animals, (ii) breeding ground for mosquitoes, (iii) a place conducive to illegal activity, (iv) a place that threatens or endangers the public health, safety or welfare of City residents, (v) a place that is reasonably believed to cause currently, or potentially to cause in the future, ailments or disease, or (vi) a condition

on the property that adversely affects and impairs the economic value or enjoyment of surrounding or nearby property.

9-81 Imminent public-health threat.

An (i) accumulation of trash, junk, debris, living and nonliving plant material, or stagnant water, (ii) excessive growth of grass, weeds, brush, or other overgrowth, or (iii) the keeping of fill on property that presents an imminent public health threat may be remedied by the City immediately without notice to the owner or, if applicable, the agent, custodian, lessee, or occupant. The City Manager shall determine whether, under the provisions of this section, an imminent public-health threat exists.

After-the-fact notice will be provided by the City to the owner and, if applicable, the agent, custodian, lessee, or occupant within a reasonable time after the abatement. After-the-fact notice shall be sent as set forth in Section 9-82 below, and the owner and, if applicable, the agent, custodian, lessee, or occupant shall have fifteen (15) days from the date notice is received to (i) reimburse the City or (ii) appeal the City Manager's determination to the City Commission that an imminent public-health threat existed on the property.

9-82 Enforcement.

- a) Violations. Failure or refusal by the owner and/or, if applicable, the agent, custodian, lessee or occupant of property to comply with the requirements of Division V is a violation of this Ordinance. The existence of an imminent public health threat on a property is a violation of this Ordinance.
- b) Notice of violation. Whenever the City Manager or his/her designee determines there is a violation of this section, the City Manager shall serve, or cause to be served, a "notice of violation" on the owner and, if applicable, the agent, custodian, lessee, or occupant of the property. The "notice of violation" shall direct the owner and, if applicable, the agent, custodian, lessee, or occupant to terminate and abate the violation within twenty calendar days of the date the "notice is received." If the "notice of violation" pertains to an imminent public health threat abated by the City, the notice shall direct the owner and, if applicable, the agent, custodian, lessee, or occupant to pay to the City the cost of such abatement.

If the notice of violation is sent or delivered to the owner and the owner's agent, custodian, lessee, or occupant, they shall be jointly and severally responsible to remedy the violation.

- c) Notice is received. The "notice of violation" shall be sent by United States certified mail with a return receipt requested. "Notice is

received" on the date the owner or, if applicable, the agent, custodian, lessee, or occupant of the property initials or otherwise indicates receipt of the notice on the return receipt.

In the event that certified-mail delivery cannot be accomplished, and after reasonable search by the City for such owner or, if applicable, the agent, custodian, lessee, or occupant of the property, or if the notice is not accepted or is returned to the City, a physical posting of the "notice of violation" on the property shall be deemed the date the "notice of violation" is received.

d) Form of notice. The notice shall be in substantially the following form:

NOTICE OF VIOLATION

Name of owner:

Address of owner:

Name of agent, custodian, lessee, or occupant (if applicable):

Address of agent, custodian, lessee, or occupant (if applicable):

Our records indicate that you are the owner, agent, custodian, lessee or occupant of the following property in the City of Tamarac, Florida:

[description of property]

An inspection of this property discloses, and I have found and determined, that a public nuisance exists on this property. This public nuisance violates [description of section violated] of the Code of Ordinances of the CITY OF TAMARAC, Florida in that:

[description of the violation in this section]

YOU ARE HEREBY NOTIFIED THAT IF, WITHIN TWENTY DAYS (20) FROM THE DATE OF THIS NOTICE,

- a. THE VIOLATION DESCRIBED ABOVE IS NOT REMEDIED AND ABATED, OR

- b. THIS VIOLATION NOTICE HAS NOT BEEN TIMELY APPEALED, AS SET FORTH IN SUBSECTION 9-83 OF THE CITY'S CODE OF ORDINANCES, THE CITY WILL CAUSE THE VIOLATION TO BE REMEDIED, AND THE COSTS INCURRED BY THE CITY IN CONNECTION WITH THE CLEANUP WILL BE ASSESSED AGAINST THE PROPERTY. TO APPEAL THIS NOTICE OF VIOLATION, YOU MUST FILE YOUR NOTICE OF APPEAL NO LATER THAN 15 DAYS AFTER RECEIPT OF THIS NOTICE WITH THE CITY CLERK.

CITY OF TAMARAC

By: _____

Title: _____

If the notice is an after-the-fact notice of an imminent public-health threat, the capitalized portions shall be deleted and, in their place, the information required in Section 9-84 regarding levy of assessment on the property for the costs of abatement incurred by the City shall be substituted.

9-83 Appeals

Within fifteen (15) days after notice is received, the owner or, if applicable, the agent, custodian, lessee, or occupant of the property may appeal to the City Commission that a "notice of violation" is not warranted for the property or that the property did not pose an imminent public-health threat that required immediate cleanup.

- a) Content of Appeal. The owner or, if applicable, the agent, custodian, lessee, or occupant of the property must appeal the notice of violation by written notice to the City Clerk. The written notice must be accompanied by a reasonable filing fee, as determined by the City Clerk, and shall be either hand delivered to the City Manager, or mailed to the City Clerk and postmarked, within the fifteen-day (15) period after notice is received.

Upon timely receipt, the City Manager will schedule the appeal for a public hearing before the City Commission. At the public hearing, the appellant shall be afforded due process and may present such evidence as is probative of the appellant's case. The City Manager or other City staff shall present such evidence as is probative of the alleged violation. Members of the public shall be afforded the opportunity to present germane testimony and evidence. Thereafter, the hearing shall be closed and the City Commission shall rule on the appeal.

- b) Unsuccessful appeal. If the appeal is unsuccessful, the property must be "cleaned up" and the violation remedied and removed within fifteen days (15) from the date of the City Commission's decision.

9-84 Special Assessment Imposed

In the event an appeal is not made within fifteen days (15) after notice is received and the violation is not remedied, or a timely appeal is made, but is unsuccessful and the violation is not remedied, the City may undertake such action as is necessary or useful to remedy the violation. The costs incurred by the City to remedy the violation, including the actual cost of clean-up, all administrative expenses, and all other identifiable costs incurred by the City, shall be assessed against the property as authorized by the City Code. All assessments shall be paid in full no later than the close of City business on the twentieth (20th) business day after the property owner has received notice of the assessment.

Thereafter, the unpaid amount of the assessment will accrue interest at the rate of 10% per annum or at the maximum rate allowed by law, whichever is less.

9-85 Notice of assessment.

Upon completion of the actions undertaken by the City to remedy the violation on the property, the City shall notify in writing the owner and, if applicable, the agent, custodian, lessee, or occupant that a special assessment has been imposed on the property. The notice shall be delivered to them in the same manner set forth for delivery of the notice of violation in Section 9-82.

The notice of assessment shall set forth the following:

- a) A description of the violation, a description of the actions taken by the City to remedy the violation, and the fact that the property has been assessed for the costs incurred by the City to remedy the violation.
- b) The aggregate amount of such costs and an itemized list of such costs.
- c) The intent of the City to record the assessment as a lien against the property if not paid timely, within the period of twenty business days as set forth in section 9-82.
- d) The intent of the City to place the assessment on the tax roll as a non-ad valorem assessment if not paid by the following June 1.
- e) The potential for the property to be subject to the sale of a tax certificate, bearing interest by law at a rate as high as 18% per annum, if the non-ad valorem assessment is not paid as part of the tax bill on the property.

- f) The potential for the property to be sold and conveyed by tax deed if the tax certificate is not redeemed by payment of the non-ad valorem assessment in full, plus interest, as required by Florida law.

9-86 Assessments for lot maintenance and clean-up.

- a) Establishment of special assessment district. The City of Tamarac in its entirety, as its City boundaries exist on the date of enactment of this article and as they may be expanded or contracted from time to time, is hereby declared a special-assessment district for the purposes of abating and remedying violations of this article. Individual properties within the City's boundaries, as they may exist from time to time, may be assessed for the costs incurred by the City in abating and remedying violations of this article.
- b) Levy of non-ad valorem assessments. There is hereby levied, and the City Commission is authorized to levy from time to time, a non-ad valorem assessment against each and every property in the City (i) on which there occurs or has occurred a violation of this article, (ii) the City undertakes or has undertaken action pursuant to this article to abate and/or remedy the violation and, thereby, incurs or has incurred costs, and (iii) the property owner of the property fails or refuses or has failed or refused, for whatever reason, to pay timely the amount owed to the City under this article for the costs incurred by the City in carrying out such abatement and remedy.
- c) Collection of non-ad valorem assessments. The City Commission elects to use the uniform method to impose and collect non-ad valorem assessments against properties on which violations of this article occur or have occurred. The non-ad valorem assessments collected pursuant to this section will be included in the combined notice for ad-valorem taxes and non-ad valorem assessments as provided in Section 197.3635, F.S., of Florida Statutes. Non-ad valorem assessments collected pursuant to this section are subject to all collection provisions in Section 197.3632, F.S., including provisions relating to discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds for nonpayment.
- d) Annual non-ad valorem assessment roll. Each year, the City Commission will approve a non-ad valorem assessment roll at a public hearing between January 1 and September 20. The non-ad valorem assessment roll will be comprised of properties that have had levied against them non-ad valorem assessments under this section, and such assessments have not otherwise been paid in full prior to approval of the roll.

The City Clerk is authorized and directed each year (i) to prepare the notice that must be provided as required by subsection 197.3632(4)(b),

F.S, and (ii) to prepare and publish the newspaper notice required by subsection 197.3632(4)(b), F.S.

The notice to be sent by first-class mail will be sent to each person owning property that will be on the non-ad valorem assessment roll and will include the following:

- 1) The purpose of the assessment;
- 2) The total amount to be levied against the parcel, which includes the actual cost incurred by the City;
- 3) A statement that failure to pay the assessment will cause a tax certificate to be issued against the property, which may result in a loss of title;
- 4) A statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and
- 5) The date, time, and place of the hearing.

Upon its approval by City Commission, the non-ad valorem assessment roll will be certified to the tax collector as required by law.

Section 2. Non-ad valorem assessments to recover actual costs incurred by the City in remedying violations of this article of the Code of Ordinances prior to the effective date of this ordinance may be levied against the affected properties and, if not timely paid in full, may be placed on a non-ad valorem assessment roll at the next available opportunity. All actions taken by City officials and employees to that end are ratified and confirmed herewith with the provisions of this Ordinance are hereby repealed.

Section 3. If a provision of this ordinance is held invalid or unconstitutional in judicial proceedings, the holding shall not affect other provisions that can be given effect. To that end, this ordinance is declared to be severable.

Section 4. This ordinance takes effect immediately upon its adoption.

PASSED ON FIRST READING BY THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, THIS _____ DAY OF _____, 2012.

PASSED AND ADOPTED ON SECOND AND FINAL READING BY THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA THIS _____ DAY OF _____, 2012.

ATTEST: BY: _____
MAYOR BETH TALABISCO

PETER RICHARDSON, CMC
CITY CLERK

RECORD OF COMMISSION VOTE:
First Reading

MAYOR TALABISCO _____
DIST 1: COMM. BUSHNELL _____
DIST 2: COMM. GOMEZ _____
DIST 3: V/M GLASSER _____
DIST 4: COMM. DRESSLER _____

I HEREBY CERTIFY that
I have approved this
ORDINANCE as to form:
Reading

RECORD OF COMMISSION VOTE: Second

SAMUEL S. GOREN,
CITY ATTORNEY

MAYOR TALABISCO _____
DIST 1: COMM. BUSHNELL _____
DIST 2: COMM. GOMEZ _____
DIST 3: V/M GLASSER _____
DIST 4: COMM. DRESSLER _____