ORDINANCE NO. 2000-28

AN ORDINANCE OF THE CITY OF COCONUT CREEK, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE IN THE CITY OF COCONUT CREEK, FLORIDA; AUTHORIZING THE IMPOSITION AND COLLECTION OF ANNUAL SOLID WASTE SERVICE ASSESSMENTS AGAINST SINGLE-FAMILY RESIDENTIAL PROPERTY THROUGHOUT THE CITY OF COCONUT CREEK; PROVIDING FOR DEFINITIONS; ESTABLISHING THE PROCEDURES FOR IMPOSING SOLID WASTE SERVICE ASSESSMENTS; PROVIDING THAT SOLID WASTE SERVICE ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF ASSESSMENT ROLL; PROVIDING THAT THE LIEN FOR A SOLID WASTE SERVICE 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; AUTHORIZING THE IMPOSITION OF INTERIM ASSESSMENTS; PROVIDING PROCEDURES FOR COLLECTION OF SOLID WASTE SERVICE ASSESSMENTS; PROVIDING THAT ALL ORDINANCES AND PARTS OF ORDINANCES AND ALL RESOLUTIONS AND PARTS OF RESOLUTIONS IN CONFLICT HEREWITH BE REPEALED TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Coconut Creek deems it to be in the best interest of the citizens and residents of the City to implement a recurring annual solid waste special assessment program which will provide funding for the needs of the City's single-family

residences relating to solid waste collection, disposal, and other programs; and

WHEREAS, the City Commission hereby determines the necessity to establish a procedure for the funding of a special assessment program and that the same provides a special benefit to single-family residences within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA;

ARTICLE 1

INTRODUCTION

Section 1.01. **DEFINITIONS.** As used in this Ordinance, the following words and terms shall have the following meanings, unless the context clearly otherwise requires:

"Annual Rate Resolution" means the resolution described in Section 2.08 hereof, establishing the rate at which a Solid Waste Service Assessment for a specific Fiscal Year will be computed. The Final Assessment Resolution shall constitute the Annual Rate Resolution for the initial Fiscal Year in which a Solid Waste Service Assessment is imposed or reimposed.

"Assessed Property" means all parcels of land included on the Assessment Roll that receive a special benefit from the delivery of the Solid Waste collection and disposal services, programs or facilities.

"Assessment Roll" means the special assessment roll relating to a Solid Waste Service Assessment approved by a Final Assessment Resolution pursuant to Section 2.06

hereof or an Annual Rate Resolution pursuant to Section 2.08 hereof.

"Building" means any structure, whether temporary or permanent, built for support, shelter or enclosure of persons, chattel, or property of any kind. This term shall include mobile homes or any vehicles serving in any way the function of a Building.

"City" means the City of Coconut Creek, Florida.

"City Clerk" means the City official described in the City Charter, or her designee.

"City Commission" means the governing body of the City of Coconut Creek, Florida.

"Clean Debris" means any Solid Waste which is virtually inert and which is not a pollution threat to groundwater or surface waters and is not a fire hazard and which is likely to retain its physical and chemical structure under expected conditions of disposal or use. The term includes uncontaminated concrete, including embedded pipe or steel, brick, glass, and ceramics.

"Commercial Collection Service" means the collection and transportation of Solid Waste from Commercial Property by the Owner to a Solid Waste disposal facility, or which results in the payment of fees or charges to an authorized commercial collection service provider for disposal of the Solid Waste.

"Commercial Property" means all Improved Property other than Residential Property.

"Construction and Demolition Debris" means non-hazardous materials generally considered not to be water soluble, or a combination of such materials, which consist of the remnants or debris from the construction, reconstruction, remodeling or

demolition of any structure, and shall include, but not be limited to, metal, metal products, concrete, glass, rock, roofing materials, asphalt, wood tar, brick, cement and gypsum board.

"Dwelling Unit" means a Building, or a portion thereof, which is located upon Residential Property and lawfully used for residential purposes, consisting of one or more rooms arranged, designed, used, or intended to be used as living quarters for one family only.

"Final Assessment Resolution" means the resolution described in Section 2.06 hereof which shall confirm, modify, or repeal any Initial Assessment Resolution and which shall be the final proceeding for the initial imposition of Solid Waste Service Assessments.

"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.

"Garbage" means animal, fruit and vegetable waste, either along with or in combination with other putrescible matter resulting from the handling, storage, sale, preparation, cooking, serving, processing, slaughter, manufacture or consumption of animal, fruit or vegetable matter, which is subject to decomposition or decay, and any container of such material.

"Government Property" means property owned by the United States of America or any agency thereof, a sovereign state or nation, the State of Florida or any agency thereof, a county, a special district or a municipal corporation.

"Hazardous Waste" means Solid Waste, or a combination of Solid Wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or otherwise managed.

"Improved Property" means all property within the incorporated area of the City on which a Building or other improvements, including but not limited to, the provision of retail electrical service to such property, have been placed or constructed, which improvements result in such property generating Solid Waste or being capable of generating Solid Waste.

"Land Clearing Debris" means vegetable matter resulting from a comprehensive land clearing operation, but does not include Yard Trash.

"Ordinance" means this Solid Waste Service Assessment Ordinance.

"Owner" means the Person reflected as the owner of the Assessed Property on the Tax Roll.

"Person" means any individual, partnership, firm, organization, corporation, association, or any other legal entity, whether singular or plural, masculine or feminine, as the context may require.

"Property Appraiser" means the Broward County Property Appraiser.

"Recovered Materials" means metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the Solid Waste stream for

sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal.

"Rubbish" means refuse, accumulation of paper, excelsior, rags, wooden or paper boxes or containers, sweepings, and all other accumulations of a nature other than Garbage which are usual to housekeeping and to the operation of stores, offices and other business places.

"Single-Family Residential Property" means all Improved Property used as a single-family Dwelling Unit.

"Solid Waste" includes Garbage, Rubbish, Yard Trash, Clean Debris, White Goods, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural or governmental operations; but does not include Special Waste or Hazardous Waste.

"Solid Waste Service Assessment" means a special assessment lawfully imposed by the City against Assessed Property to fund all or any portion of the cost of the provision of Solid Waste collection and disposal services, facilities, or programs providing a special benefit to property as a consequence of possessing a logical relationship to the value, use, or characteristics of the Assessed Property.

"Solid Waste Cost" means the amount necessary to fund the Solid Waste collection, disposal and recycling activities of the City allocable to Assessed Property during a Fiscal Year and shall include, but not be limited to: (A) the cost, whether direct or indirect, of all services, programs or facilities provided by the City, or through contractual arrangements with the City relating to Solid Waste management and disposal

activities; (B) the cost of any indemnity or surety bonds and premiums for insurance; (C) the cost of salaries, volunteer pay, workers' compensation insurance, or other employment benefits; (D) the cost of computer services, data processing, and communications; (E) the cost of training, travel and per diem; (F) the recovery of unpaid or delinquent fees or charges advanced by the City and due for Solid Waste management and disposal services, programs or facilities allocable to specific parcels; (G) the cost of engineering, financial, legal or other professional services; (H) all costs associated with the structure, implementation, collection, and enforcement of the Solid Waste Service Assessments or a prior year's assessment for a comparable service, facility or program, including any service charges of the Tax Collector or Property Appraiser; (I) all other costs and expenses necessary or incidental to the acquisition, provision, or delivery of the services, programs or facilities funded by the Solid Waste Service Assessment, and such other expenses as may be necessary or incidental to any related financing authorized by the City Commission; (J) a reasonable amount for contingency and anticipated delinquencies and uncollectible Solid Waste Service Assessments; and (K) reimbursement to the City or any other Person for any monies advanced for any costs incurred by the City or such Person in connection with any of the foregoing items of Solid Waste Cost.

"Special Waste" means materials that can require special handling and management, including but not limited to, Construction and Demolition Debris, Land Clearing Debris, Hazardous Waste, or any other unusual material for which a separate disposal charge is necessary or required.

"Tax Collector" means the Department of Finance and Administrative Services as described in Article IV of the Broward County Charter.

"Tax Roll" means the real property ad valorem tax assessment roll maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

"Uniform Assessment Collection Act" means 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.

"White Goods" means inoperative and discarded refrigerators, ranges, water heaters, freezers and other similar domestic and commercial large appliances.

"Yard Trash" means vegetative matter resulting from routine periodic landscaping maintenance.

Section 1.02. INTERPRETATION. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof", "hereby," "herein," "hereto," "hereunder" and similar terms refer to this Ordinance; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this Ordinance. Words of any gender include the correlative words of the other genders, unless the sense indicates otherwise.

Section 1.03. FINDINGS. It is hereby ascertained, determined and declared that:

(A) Pursuant to Article VIII, section 2(b), Florida Constitution, and sections 166.021 and 166.041, Florida Statutes, the City Commission has all powers of local self-government to perform municipal functions and to render municipal services except

when prohibited by law, and such power may be exercised by the enactment of legislation in the form of City ordinances.

(B) 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 section 166.021(3), Florida Statutes. The subject matter of paragraphs (a), (b), (c), and (d) of section 166.021(3), Florida Statutes, are not relevant to the imposition of assessments related to Solid Waste Collection and disposal services, facilities or programs of the City.

(C) The purpose of this Ordinance is to (1) provide procedures and standards for the imposition of annual Solid Waste Service Assessments under the general home rule powers of a municipality to impose special assessments; (2) authorize a procedure for the funding of Solid Waste collection and disposal services, facilities, or programs providing special benefits to property within the City; and (3) legislatively determine the special benefit provided to Assessed Property from the provision of Solid Waste collection and disposal services by the City.

(D) Pursuant to section 403.706(1), Florida Statutes, the City has the general responsibility and authority to provide for the collection and disposal of Solid Waste generated within its incorporated area to appropriate Solid Waste disposal facilities.

(E) In fulfilling its responsibilities, the City has entered into a Franchise Agreement with All Service Refuse Company, Inc., for the furnishing of Solid Waste collection and disposal services that includes single-family residences in the City.

(F) Due to widely varied production of Solid Waste among the many and

varied types of non single-family Residential Property, the providers thereof bill and collect directly from Owners or residents of said Property and non single-family residential property and commercial property is not included in the herein special assessment program.

(G) Any single-family residential customer not listed on the Tax Rolls for any reason shall be billed by the Franchise holder and payments made by said single-family resident shall be made to the Franchise holder.

(H) Whether imposed citywide or less than citywide, the imposition of a recurring annual Solid Waste Service Assessment is an alternative, equitable and efficient method to fairly and reasonably apportion and recover the Solid Waste management and disposal costs experienced by the City among the parcels of single-family Residential Property within the area assessed.

(I) The use of the uniform method of collection authorized by the Uniform Assessment Collection Act provides a mechanism to equitably and efficiently collect Solid Waste Service Assessments for all single-family residences.

(J) The annual Solid Waste Service Assessments to be imposed pursuant to this Ordinance shall constitute non-ad valorem assessments within the meaning and intent of the Uniform Assessment Collection Act.

(K) The Solid Waste Service Assessment imposed pursuant to this Ordinance is imposed by the City Commission, not the Broward County Board of County Commissioners, Property Appraiser or Tax Collector. Any activity of the Property Appraiser or Tax Collector under the provisions of this Ordinance shall be construed as ministerial.

Section 1.04. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT. It is hereby ascertained and declared that the Solid Waste services, facilities, and programs of the City provide a special benefit to single-family residential property within the City that is improved by the existence of a Dwelling Unit or Building based upon the following legislative determinations:

(A) Solid Waste collection and disposal services, facilities, and programs furnished by the City possess a logical relationship to the use and enjoyment of Residential Property by providing: (1) the required use of Solid Waste collection and disposal services, facilities, and programs by the Owners and occupants of single-family Residential Property to properly, safely, and cost effectively dispose of Solid Waste generated on such property, (2) better service to Owners and tenants, (3) the enhancement of environmentally responsible use and enjoyment of single-family Residential Property, and (4) the protection of property values and the health and safety of the Owners and occupants of single-family Residential Property resulting from the uniform delivery and availability of such services, facilities, and programs.

(B) The provision of comprehensive and mandatory Solid Waste collection and disposal services and programs furnished by or through the City to single-family Residential Property enhances and strengthens the relationship of such services and programs to the use and enjoyment of Residential Property within the City.

ARTICLE II

ANNUAL SOLID WASTE COLLECTION AND DISPOSAL ASSESSMENTS

Section 2.01. GENERAL AUTHORITY. The City Commission is hereby authorized to impose an annual Solid Waste Service Assessment to fund all or any portion of the Solid Waste Cost upon benefited property at a rate of assessment based on the special benefit accruing to such property from the City's provision of Solid Waste collection and disposal services, facilities, or programs. All Solid Waste Service Assessments shall be imposed in conformity with the procedures set forth in this Article II.

Section 2.02. ASSESSMENT AMOUNT. The amount of the Solid Waste Service Assessment imposed in a Fiscal Year against a parcel of Assessed Property shall be determined pursuant to the rates, fees and charges established by the City's solid waste Franchise Agreement, or in the alternative, pursuant to an apportionment methodology based upon a classification of property designed to provide a fair and reasonable apportionment of the Solid Waste Cost among properties on a basis reasonably related to the special benefit provided by Solid Waste collection and disposal services, facilities, or programs funded with assessment proceeds.

Section 2.03. DELINQUENT CHARGES. Any unpaid or delinquent fees, charges, or assessments due for Solid Waste management and disposal services or facilities which are allocable to specific parcels of Assessed Property may be included in the annual Solid Waste Service Assessment for such parcels. In such an event, any existing lien on each affected parcel for unpaid or delinquent fees, charges, or assessments shall be supplanted by the lien resulting from the inclusion of such unpaid or delinquent fees, charges, or assessments in the

amount of the Solid Waste Service Assessment.

Section 2.04. **NOTICE BY PUBLICATION.** The City Clerk shall publish, or direct the publication of, once in a newspaper of general circulation within the City a notice stating that at a meeting of the City Commission on a certain day and hour, not earlier than 20 calendar days from such publication, which meeting shall be a regular, adjourned, or special meeting, the City Commission will hear objections of all interested persons to the Final Assessment Resolution which shall establish the rate of assessment and approve the Assessment Roll. The published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Such notice shall include (A) a geographic depiction of the property subject to the Solid Waste Service Assessment; (B) a brief and general description of the Solid Waste collection and disposal services, facilities, or programs to be provided; (C) the rate of assessment; (D) the procedure for objecting provided in Section 2.06 hereof; (E) the method by which the Solid Waste Service Assessment will be collected; and (F) a statement that the Initial Assessment Roll is available for inspection at the office of the City Clerk and all interested persons may ascertain the amount to be assessed against a parcel of Assessed Property at the office of the City Clerk.

Section 2.05. **NOTICE BY MAIL.** In addition to the published notice required by Section 2.04, the City Clerk shall provide notice, or direct the provision of notice, of the proposed Solid Waste Service Assessment by first class mail to the Owner of each parcel of property (except Government Property) subject to the Solid Waste Service Assessment. Such notice shall include (A) the purpose of the Solid Waste Service Assessment; (B) the rate of assessment to be levied against each parcel of property; (C) the unit of measurement applied to determine the Solid Waste Service Assessment; (D) the total revenue to be collected by the City

from the Solid Waste Service Assessment; (E) a statement that failure to pay the Solid Waste Service Assessment will cause a tax certificate to be issued against the property or foreclosure proceedings to be instituted, either of which may result in a loss of title to the property; (F) a statement that all affected Owners have a right to appear at the hearing and to file written objections with the City Commission within 20 days of the notice; and (G) the date, time, and place of the hearing. The mailed notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Notice shall be mailed at least 20 calendar days prior to the hearing to each Owner at such address as is shown on the Tax Roll. Notice shall be deemed mailed upon delivery thereof to the possession of the United States 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 payment of a Solid Waste Service Assessment imposed by the City Commission pursuant to this Ordinance.

Section 2.06. ADOPTION OF FINAL ASSESSMENT RESOLUTION. At the time named in such notice, or to which an adjournment or continuance may be taken by the City Commission, the City Commission shall receive any written objections of interested persons and may then, or at any subsequent meeting of the City Commission adopt the Final Assessment Resolution which shall (A) establish the rate of assessment to be imposed in the upcoming Fiscal Year; (B) approve the Assessment Roll, with such amendments as it deems just and right; and (C) determine the method of collection. The adoption of the Final Assessment Resolution by the City Commission shall constitute a legislative determination that all parcels assessed derive a special benefit from the Solid Waste collection and disposal services, facilities, or programs to be provided and a legislative determination that the Solid Waste Service Assessments are fairly

and reasonably apportioned among the properties that receive the special benefit. All objections to the Final Assessment Resolution shall be made in writing, and filed with the Clerk at or before the time or adjourned time of such hearing. The Final Assessment Resolution shall constitute the Annual Rate Resolution for the initial Fiscal Year in which Solid Waste Service Assessments are imposed or reimposed hereunder.

Section 2.07. EFFECT OF FINAL ASSESSMENT RESOLUTION. The Solid Waste Service Assessments for the initial Fiscal Year shall be established upon adoption of the Final Assessment Resolution. The adoption of the Final Assessment Resolution shall be the final adjudication of the issues presented (including, but not limited to, the determination of special benefit and fair apportionment to the Assessed Property, the method of apportionment and assessment, the rate of assessment, the Assessment Roll, and the levy and lien of the Solid Waste Service Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the City Commission action on the Final Assessment Resolution. The Assessment Roll, as approved by the Final Assessment Resolution, and as delivered by the Tax Collector, as required by the Uniform Assessment Collection Act, or if the alternative method described in Section 3.02 hereof is used to collect the Solid Waste Service Assessments, such other official as the City Commission by resolution shall designate.

Section 2.08. ADOPTION OF ANNUAL RATE RESOLUTION.

(A) The City Commission shall adopt an Annual Rate Resolution during its budget adoption process for each Fiscal Year following the initial Fiscal Year for which a Solid Waste Service Assessment is imposed hereunder.

(B) The initial proceedings for the adoption of an Annual Rate Resolution shall be the

adoption of a Preliminary Rate Resolution by the City Commission (1) containing a brief and general description of the Solid Waste collection and disposal services, facilities, or programs to be provided; (2) determining the Solid Waste Cost to be assessed for the upcoming Fiscal Year; (3) establishing the estimated assessment rate for the upcoming Fiscal Year; (4) authorizing the date, time, and place of a public hearing to receive and consider comments from the public and consider the adoption of the Annual Rate Resolution for the upcoming Fiscal Year; and (5) directing the City Clerk to (a) update the Assessment Roll, (b) provide notice by publication and first class mail to affected Owners in the event circumstances described in subsection (F) of this Section so require, and (c) direct and authorize any supplemental or additional notice deemed proper, necessary or convenient by the City.

(C) The Annual Rate Resolution shall (1) establish the rate of assessment to be imposed in the upcoming Fiscal Year and (2) approve the Assessment Roll for the upcoming Fiscal Year with such adjustments as the City Commission deems just and right. The Assessment Roll shall be prepared in accordance with the method of apportionment set forth in the Initial Assessment Resolution, or any subsequent Preliminary Rate Resolution, together with modifications, if any, that are provided and confirmed in the Final Assessment Resolution or any subsequent Annual Rate Resolution.

(D) Nothing herein shall preclude the City Commission from providing annual notification to all Owners of Assessed Property in the manner provided in either or both Sections 2.04 or 2.05 hereof.

(E) Nothing herein shall preclude the City Commission from establishing by resolution a maximum rate of assessment provided that notice of such maximum assessment rate is provided pursuant to Sections 2.04 and 2.05 hereof.

(F) In the event (1) the proposed Solid Waste Service Assessment for any Fiscal Year exceeds the maximum rate of assessment adopted by the City Commission and included in notice previously provided to the Owners of Assessed Property pursuant to Sections 2.04 and 2.05 hereof, (2) the purpose for which the Solid Waste Service Assessment is imposed or the use of the revenue from the Solid Waste Service Assessment is substantially changed from that represented by notice previously provided to the Owners of Assessed Property pursuant to Sections 2.04 and 2.05 hereof, (3) Assessed Property is reclassified or the method of apportionment is revised or altered resulting in an increased Solid Waste Service Assessment from that represented by notice previously provided to the Owners of Assessed Property pursuant to Sections 2.04 and 2.05 hereof, or (4) an Assessment Roll contains Assessed Property that was not included on the Assessment Roll approved for the prior Fiscal Year, notice shall be provided by publication and first class mail to the Owners of such Assessed Property. Such notice shall substantially conform with the notice requirements set forth in Sections 2.04 and 2.05 hereof and inform the Owner of the date, time, and place for the adoption of the Annual Rate Resolution. The 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 payment of a Solid Waste Service Assessment imposed by the City Commission pursuant to this Ordinance.

(G) As to any Assessed Property not included on an Assessment Roll approved by the adoption of the Final Assessment Resolution or a prior year's Annual Rate Resolution, the adoption of the succeeding Annual Rate Resolution shall be the final adjudication of the issues presented as to such Assessed Property (including, but not limited to, the determination of special benefit and fair apportionment to the Assessed Property, the method of apportionment

and assessment, the rate of assessment, the Assessment Roll, and the levy and lien of the Solid Waste Service Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the City Commission action on the Annual Rate Resolution. Nothing contained herein shall be construed or interpreted to affect the finality of any prior fee, charge, or assessment imposed by the City or any Solid Waste Service Assessment not challenged within the required 20 day period for those Solid Waste Service Assessments previously imposed against assessed Property by the inclusion of the Assessed Property on an Assessment Roll approved in the Final Assessment Resolution or any subsequent Annual Rate Resolution.

(H) The Assessment Roll, as approved by the Annual Rate Resolution, shall be delivered by the Tax Collector as required by the Uniform Assessment Collection Act, or if the alternative method described in Section 3.02 hereof is used to collect the Solid Waste Service Assessments, such other official as the City Commission by resolution shall designate. If the Solid Waste Service Assessment against any property shall be sustained, reduced, or abated by any court, an adjustment shall be made on the Assessment Roll.

Section 2.09. LIEN OF SOLID WASTE SERVICE ASSESSMENTS. Upon the adoption of the Assessment Roll, all Solid Waste Service Assessments shall constitute a lien against such property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other prior liens, mortgages, titles, and claims, until paid. The lien for a Solid Waste Service Assessment shall be deemed perfected upon adoption by the City Commission of the Final Assessment Resolution or the Annual Rate Resolution, whichever is applicable. The lien for a Solid Waste Service Assessment collected under the Uniform

Assessment Collection Method shall attach to the property included on the Assessment Roll as of the prior January 1, the lien date for ad valorem taxes imposed under the Tax Roll. The lien for a Solid Waste Service Assessment collected under the alternative method of collection provided in Section 3.02 shall be deemed perfected upon adoption by the City Commission of the Final Assessment Resolution or the Annual Rate Resolution, whichever is applicable, and shall attach to the property on such date of adoption.

Section 2.10. REVISIONS TO SOLID WASTE SERVICE ASSESSMENTS. If any Solid Waste Service Assessment made under the provisions of this 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 Solid Waste Service Assessment is so irregular or defective that the same cannot be enforced or collected, or if the City Commission has omitted 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 Solid Waste Service Assessment against any property benefited by the Solid Waste Costs, following as nearly as may be practicable, the provisions of this Ordinance and in case such second Solid Waste Service Assessment is annulled, vacated, or set aside, the City Commission may obtain and impose other Solid Waste Service Assessments until a valid Solid Waste Service Assessment is imposed.

Section 2.11. PROCEDURAL IRREGULARITIES. Any informality or irregularity in the proceedings in connection with the levy of any Solid Waste Service Assessment under the provisions of this Ordinance shall not affect the validity of the same after the approval thereof, and any Solid Waste Service Assessment as finally approved shall be competent and sufficient evidence that such Solid Waste Service Assessment was duly levied, that the Solid Waste Service Assessment was duly made and adopted, and that all other

proceedings adequate to such Solid Waste Service 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, any party objecting to a Solid Waste Service Assessment imposed pursuant to this Ordinance must file an objection with a court of competent jurisdiction within the time periods prescribed herein.

Section 2.12. CORRECTION OF ERRORS AND OMISSIONS.

(A) No act of error or omission on the part of the Property Appraiser, Tax Collector, City Clerk, City Commission, franchise holder, or their deputies or employees, shall operate to release or discharge any obligation for payment of a Solid Waste Service Assessment imposed by the City Commission under the provision of this Ordinance.

(B) When it shall appear that any Solid Waste Service Assessment should have been imposed under this Ordinance against a parcel of property specially benefited by the provision of Solid Waste collection and disposal services, facilities, or programs, but that such property was omitted from the Assessment Roll or was not listed on the Tax Roll as an individual parcel of property as of the effective date of the Assessment Roll approved by the Annual Rate Resolution for any upcoming Fiscal Year, the City Commission may, upon provision of a notice by mail provided to the Owner of the omitted parcel in the manner and form provided in Section 2.05, impose the applicable Solid Waste Service Assessment for the Fiscal Year in which such error is discovered, in addition to the applicable Solid Waste Service Assessment due for the prior two Fiscal Years. Such Solid Waste Service Assessment shall constitute a lien against such property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments, and superior in rank and dignity to all other prior liens, mortgages, titles,

and claims in and to or against the real property involved, shall be collected as provided in Article III hereof, and shall be deemed perfected on the date of adoption of the resolution imposing the omitted or delinquent assessments.

(C) Prior to the delivery of the Assessment Roll from the Tax Collector in accordance with the Uniform Assessment Collection Act, the City Clerk shall have the authority at any time, upon his or her own initiative or in response to a timely filed petition from the Owner of any property subject to a Solid Waste Service Assessment, to reclassify property based upon presentation of competent and substantial evidence, and correct any error in applying the Solid Waste Service Assessment apportionment method to any particular parcel of property not otherwise requiring the provision of notice pursuant to the Uniform Assessment Collection Act. Any such correction shall be considered valid ab initio and shall in no way affect the enforcement of the Solid Waste Service Assessment imposed under the provision of this Ordinance. All requests from affected property owners for any such changes, modifications or corrections shall be referred to, and processed by, the City Clerk and not the Property Appraiser or Tax Collector.

(D) After the Assessment Roll has been delivered to the Tax Collector in accordance with the Uniform Assessment Collection Act, any changes, modifications, or corrections thereto shall be made in accordance with the procedures applicable to correcting errors and insolvencies on the Tax Roll upon timely written request and direction of the City Clerk.

ARTICLE III

COLLECTION AND USE OF SOLID WASTE SERVICE ASSESSMENTS

Section 3.01. METHOD OF COLLECTION. Unless otherwise directed by the City Commission, the Solid Waste Service Assessments shall be collected pursuant to the uniform method provided in the Uniform Assessment Collection Act, and the City shall comply with all applicable provisions of the Uniform Assessment Collection Act. Any hearing or notice required by this Ordinance may be combined with any other hearing or notice required by the Uniform Assessment Collection Act.

Section 3.02. ALTERNATIVE METHOD OF COLLECTION. In lieu of utilizing the Uniform Assessment Collection Act, the City may elect to collect the Solid Waste Service Assessments by any other method which is authorized by law or under the alternative collection method provided by this Section:

(A) The City shall provide Solid Waste Service Assessment bills by first class mail to the Owner of each affected parcel of property. The bill or accompanying explanatory material shall include (1) a brief explanation of the Solid Waste Service Assessment, (2) a description of the unit of measurement used to determine the amount of the Solid Waste Service Assessment, (3) the total amount of the Solid Waste Service Assessment imposed against the parcel for the appropriate period, (4) the location at which payment will be accepted, (5) the date on which the Solid Waste Service Assessment is due, and (6) a statement that the Solid Waste Service 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 Solid Waste Service

Assessments shall be recorded in the Official Records of the County. 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 foreclose and collect all delinquent Solid Waste Service Assessments in the manner provided by law for the foreclosure of mortgages on real property or appoint or retain an agent to institute such foreclosure and collection proceedings. A Solid Waste Service Assessment shall become delinquent if it is not paid within 30 days from the date any installment is due. The City or its agent shall notify any property owner who is delinquent in payment of his or her Solid Waste Service Assessment within 60 days from the date such assessment was due. Such notice shall state in effect that the City or its agent will either (1) initiate a foreclosure action or suit in equity and cause the foreclosure of such property subject to a delinquent Solid Waste Service Assessment in a method now or hereafter provided by law for foreclosure of mortgages on real property, or (2) cause an amount equivalent to the delinquent Solid Waste Service Assessment, not previously subject to collection on the tax bill for a subsequent year.

(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 any such action, the City may be the purchaser to the same extent as any Person. The City or its agent may join in one foreclosure action the collection of Solid Waste Service Assessments against any or all property assessed in accordance with the provisions hereof. All delinquent 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 Solid Waste Service Assessments and any other costs incurred by the City as a result of such delinquent Solid

Waste Service Assessments 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 Solid Waste Service 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 the Uniform Assessment Collection Act and this Ordinance, and (2) any existing lien of record on the affected parcel for the delinquent Solid Waste Service Assessment is supplanted by the lien resulting from certification of the Assessment Roll, as applicable, to the Tax Collector.

(F) Notwithstanding the City's use of an alternative method of collection, the City Clerk shall have the same power and authority to correct errors and omissions as provided to him or other county officials in Section 2.12 hereof.

(G) Any City Commission action required in the collection of Solid Waste Service Assessments may be by resolution.

Section 3.03. GOVERNMENT PROPERTY.

(A) If Solid Waste Service Assessments are imposed against Government Property, the City shall provide Solid Waste Service 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 Solid Waste Service Assessment, (2) a description of the unit of measurement used to determine the amount of the Solid Waste Service Assessment, (3) the total amount of the parcel's Solid Waste Service Assessment for the appropriate period, (4) the location at which payment will be accepted, and (5) the date on which the Solid Waste Service Assessment is due.

(B) Solid Waste Service Assessments imposed against Government Property shall be due on the same date as all other Solid Waste Service Assessments and, if applicable, shall be subject to the same discounts for early payment.

(C) A Solid Waste Service Assessment shall become delinquent if it is not paid within 30 days from the date any installment is due. The City shall notify the Owner of any Government Property that is delinquent in payment of its Solid Waste Service Assessment within 60 days from the date such assessment was due. Such notice shall state 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 Solid Waste Service Assessments and any other costs incurred by the City as a result of such delinquent Solid Waste Service Assessments 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, a Solid Waste Service Assessment imposed against Government Property may be collected as a surcharge on a utility bill provided to such Government Property in installments with a remedy of a mandamus action in the event of non-payment. The City Commission may contract for such billing services with any utility, whether or not such utility is owned by the City.

ARTICLE IV

GENERAL PROVISIONS

Section 4.01. **APPLICABILITY.** This Ordinance and the City's authority to impose assessments pursuant hereto shall be applicable throughout the City.

Section 4.02. **ALTERNATIVE METHOD.**

(A) This Ordinance shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence. This Ordinance, being necessary for the welfare of the inhabitants of the City, shall be liberally construed to effect the purposes hereof.

(B) Nothing herein shall preclude the City Commission from directing and authorizing, by resolution, the combination with each other of (1) any supplemental or additional notice deemed proper, necessary, or convenient by the City, (2) any notice required by this Ordinance, or (3) any notice required by law, including the Uniform Assessment Collection Act.

Section 4.03. **SEVERABILITY.** The provisions of this Ordinance are severable; and if any section, subsection, sentence, clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this Ordinance shall not be affected thereby.

Section 4.04. **CONFLICTS.** All ordinances or part of ordinances and all resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

* * * * * NOTICE TO PROPERTY OWNER * * * * *

City of Coconut Creek
4800 West Copans Road
Coconut Creek, Florida 33063

CITY OF COCONUT CREEK
NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF A NON-AD VALOREM ASSESSMENT
SOLID WASTE SERVICES SPECIAL ASSESSMENT
NOTICE DATE: AUGUST 22, 2000

As required by sections 197.3631 and 197.3632, Florida Statutes, and the direction of the City Commission, notice is given by the City of Coconut Creek that an annual non-ad valorem special assessment for solid waste services using the tax bill collection method, shall be imposed and levied on your property for the fiscal year October 1, 2000 - September 30, 2001.

The use of an annual special assessment to fund solid waste services benefiting single family residences located within the City of Coconut Creek is fair, efficient and effective and will be imposed as **the fees for such services will no longer be collected as a separate bill sent by the solid waste company.**

The total annual solid waste services special assessment revenue to be collected within the City of Coconut Creek is estimated to be $1,453,500. The annual solid waste services special assessment is based on the number of single family units located in the City of Coconut Creek.

The total levy per single family residence for the fiscal year October 1, 2000 – September 30, 2001 will be $225.84 ($18.82 per month) and subject to annual increases as specified in the franchise agreement with All Service Refuse on file in the City Clerk's Office.

A public hearing will be held at 7:00 p.m. on September 13, 2000, in the Commission Chambers at the Government Center, 4800 West Copans Road, Coconut Creek, Florida for the purpose of receiving public comment on the proposed assessment. You and all other affected property owners have a right to appear at the hearing and to file written objections with the City Commission within 20 days of this notice. If you decide to appeal any decision made by the City Commission with respect to any matter considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the City Clerk's office at (954) 973-6774, at least three days prior to the date of the hearing.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of City Commission action at the above hearing (including the method of apportionment, the rate of assessment and the imposition of assessments), such action shall be the final adjudication of the issues presented.

Copies of the legal documentation for the non-ad valorem special assessment program are available for inspection at the City Clerk's office in the Government Center; located at 4800 West Copans Road, Coconut Creek, Florida.

The special assessment amount shown on this notice and the ad valorem taxes for the parcel will be collected on the ad valorem tax bill mailed in November. Failure to pay the assessment will cause a tax certificate to be issued against the property, which may result in a loss of title.

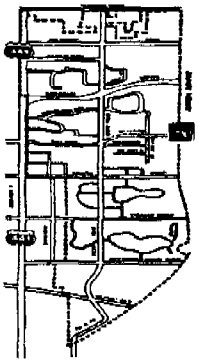
If there is a mistake related to this notice, it will be corrected. If you have any questions, please contact the City's Clerk's Office at (954) 973-6774, Monday through Friday between 9:00 a.m. and 4:00 p.m.

*** * * THIS IS NOT A BILL * * * * ***

NWS • TUESDAY, AUGUST 22, 2000

CITY OF COCONUT CREEK, FLORIDA
NOTICE OF HEARING
TO IMPOSE AND PROVIDE FOR COLLECTION OF FIRE PROTECTION SERVICE SPECIAL ASSESSMENTS AND SOLID WASTE SERVICE SPECIAL ASSESSMENTS

Notice is hereby given that the City Commission of the City of Coconut Creek will conduct a public hearing on Wednesday, September 13, 2000, at 7:00 p.m., at which time the City Commission will receive and consider any comments from the public and affected property owners regarding the special assessments for the provision of Fire Protection Service and Solid Waste Service within the City of Coconut Creek for the fiscal year commencing October 1, 2000.



The reference map shows the entire City of Coconut Creek. Fire Protection Service Special Assessments are being imposed on improved property city-wide, while Solid Waste Service Special Assessments are being imposed only on single-family residential properties city-wide.

FIRE PROTECTION SERVICE SPECIAL ASSESSMENTS:
The assessment for each parcel of property will be based upon each parcel's classification and the total number of billing units attributed to that parcel. The following table reflects the proposed Fire Protection Service Assessment schedule:

Residential	Residential Rate Per Dwelling Unit
Single Family	$47.90
Multi Family	$43.11
Mobile Homes	$23.95

Non-Residential

Parcel Size in Square Feet	Commercial Rate per Parcel	Industrial/ Warehouse Rate per Parcel	Other Institutional Rate per parcel	Religious Institutions Rate Per Parcel
<1999	$ 241	$ 33	$ 241	$ 56
2,000-2,999	483	66	483	112
3,000-3,999	725	99	725	168
4,000-4,999	967	133	967	225
5,000-5,999	1,208	165	1,208	281
6,000-6,999	1,449	198	1,449	337
7,000-7,999	1,691	232	1,691	393
8,000-8,999	1,933	264	1,933	449
9,000-9,999	2,175	298	2,175	506
10,000-14,999	2,416	331	2,416	562
15,000-19,999	3,624	496	3,624	843
20,000-24,999	4,832	662	4,832	1,124
25,000-29,999	6,040	827	6,040	1,404
30,000-34,999	7,249	992	7,249	1,685
35,000-39,999	8,457	1,158	8,457	1,966
40,000-44,999	9,665	1,323	9,665	2,247
45,000-49,999	10,873	1,488	10,873	2,528
50,000-59,999	12,081	1,654	12,081	2,809
60,000-69,999	14,497	1,985	14,497	3,371
70,000-79,999	16,913	2,315	16,913	3,933
80,000-89,999	19,330	2,646	19,330	4,494
90,000-99,999	21,746	2,977	21,746	5,056
100,000-119,999	24,162	3,308	24,162	5,618
120,000-139,999	28,994	3,969	28,994	6,742
140,000-159,999	33,827	4,631	33,827	7,865
160,000-179,999	38,659	5,292	38,659	8,989
180,000-199,999	43,491	5,954	43,491	10,112
200,000-249,999	48,324	6,615	48,324	11,236
250,000-299,999	60,405	8,269	60,405	14,045
300,000-349,999	72,486	9,923	72,486	16,854
350,000-399,999	84,567	11,576	84,567	19,663
400,000-449,999	96,648	13,230	96,648	22,472
450,000-499,999	108,729	14,884	108,729	25,281
>500,000	120,810	16,583	120,810	20,090

Copies of the Fire Protection Service Special Assessment Ordinance No. 2000-21 and Resolution NO. 99-207 relating thereto, documentation related to the estimated amount of the Fire Protection Service Special Assessment Cost to be recovered through the imposition of Fire Protection Service Special Assessments, and the Assessment Roll for the upcoming fiscal year are available for inspection during normal business hours in the Office of the City Clerk, Coconut Creek Government Center, 4800 West Copans Road, Coconut Creek, Florida 33063.

SOLID WASTE SERVICE SPECIAL ASSESSMENTS:
The Solid Waste Service Special Assessment will fund the cost of solid waste collection and disposal services and recycling programs provided to such properties and will be collected on the tax bill. The rate of assessment for the upcoming fiscal year shall be $225.84 ($18.82 per month). Unimproved properties, mobile home parks, apartments, condominiums, or commercial properties are not subject to the Solid Waste Service Special Assessment. Copes of the Solid Waste Service Special Assessment Ordinance NO. 2000-28 and Resolution NO. 2000-27 relating thereto, the documents related to the initiation and annual process of updating the Assessment Ordinance No. 2000-28 and Resolution NO. 2000-27 relating thereto, the documents related to the initiation and annual process of updating the Assessment Roll and imposing the Solid Waste Service Special Assessment, and the Assessment Roll for the upcoming fiscal year are also available for inspection during normal business hours in the Office of the City Clerk, Coconut Creek Government Center, 4800 West Copans Road, Coconut Creek, Florida 33063.

The above special assessments will be collected on the ad valorem tax bill to be mailed in November 2000, as authorized by Section 197.3632, Florida Statutes. Failure to pay these assessments will cause a tax certificate to be issued against the property, which may result in a loss of title. These special assessment programs are a fair and efficient method of providing alternative funding and collection for vital and essential services.

NOTE: If any person, firm, or corporation decides to appeal any decision made by the City Commission with respect to any matter considered at such meeting or hearing, they will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence if any upon which the appeal it to be based. (F.S.286-0105)

The City of Coconut Creek will furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in meetings of the City Commission. In determining what type of auxiliary aid and service is necessary, the City of Coconut Creek will give primary consideration to the requests of the individual with disabilities. (Auxiliary Aids and Services, 56 Fed. Reg. 35721, Sec 35160(b).)

Section 4.05. **EFFECTIVE DATE.** This Ordinance shall be in force and take effect immediately upon its passage and adoption.

Passed first reading this 24th day of August, 2000.

Passed second reading this 13th day of September, 2000.

Marilyn Gerber, Mayor

Attest:

Barbara S. Price, CMC
City Clerk

Gerber	Aye	Aye
Fantl	Aye	Aye
Goldsmith	Aye	Aye
Sacks	Aye	Aye
Waldman	Absent	Aye

Legal/PSS/Special Assessment/Solid Waste
PSS/dk
08-15-00