

ORDINANCE NO. 1428-16

AN ORDINANCE RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES, AND PROGRAMS WITHIN THE CITY OF MILTON, FLORIDA; AUTHORIZING THE IMPOSITION AND COLLECTION OF FIRE SERVICE ASSESSMENTS AGAINST PROPERTY THROUGHOUT THE CITY; PROVIDING CERTAIN DEFINITIONS; ESTABLISHING THE PROCEDURES FOR IMPOSING AND COLLECTING FIRE SERVICE ASSESSMENTS; PROVIDING THAT FIRE SERVICE ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY 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 FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MILTON, FLORIDA:

ARTICLE I

INTRODUCTION

SECTION 1.1. DEFINITIONS

Unless the context clearly otherwise requires, the succeeding words and terms will have following meanings.

Annual Assessment Resolution – the resolution described in Article II hereof, establishing the rate at which an Assessment for a specific Fiscal Year will be computed; and the adoption of which shall be the final proceeding for the imposition of assessments for fire services and facilities.

Assessed Property – the Tax Parcels included in the Fire Services Assessment Roll which receive the special benefit conferred through the continual and constant availability of fire protection services and facilities.

Assessment also known as *Fire Services Assessment* – a special assessment imposed by the City Council pursuant to this Ordinance to fund the determined Fire Services Assessed Costs. The term “Assessment” and any reference to special assessment or non-ad valorem assessments herein refer to those assessments which can constitute a lien against a homestead as permitted by Article X, Section 4 of the Florida Constitution, as amended.

Assessment Coordinator – the City Manager, or such person’s designee, responsible for coordinating calculation and collection of Assessment as provided herein.

Assessment Ordinance also known as *Fire Assessment Ordinance* or *Ordinance* – this Ordinance

Assessment Roll also known as *Fire Services Assessment Roll* – the special assessment roll relating to an Assessment approved by the City Council.

City – refers exclusively to the City of Milton, Florida.

City Clerk – the Clerk of the City of Milton, or such person’s designee.

City Council – the governing body of the City of Milton, Florida.

City Manager – the chief administrative office of the City of Milton, Florida.

Fire Services Assessed Cost – that portion of the annual budget for any fiscal year representing all or a portion of the cost of maintaining continual readiness to provide fire protection to Tax Parcels within the City which will be funded through the imposition of Fire Services Assessments. In the event the City imposes an impact fee upon new growth or development for capital improvements related to fire protection, the Fire Service Assessed Cost shall not include cost attributable to capital improvements necessitated by new growth or development which were included in the computation of such impact fee or which otherwise funded by such impact fee.

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

Government Property – 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, Santa Rosa County, a special district or a municipal corporation.

Mayor – the mayor of the City of Milton, Florida

Obligation(s) – bonds or other evidence of indebtedness including but not limited to notes, commercial paper, capital leases, or any other obligation issued or incurred to finance fire protection services, facilities and equipment and secured, in whole or part, by proceeds of the Assessments.

Property Appraiser – the Property Appraiser of Santa Rosa County, Florida.

Tax Collector – the Tax Collector of Santa Rosa County, Florida.

Tax Parcel – a parcel of property to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

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

Uniform Assessment Collection Act – 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 application regulations promulgated thereunder.

SECTION 1.2 INTERPRETATION

Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms “hereof,” “hereby,” “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 1.3 FINDINGS

It is hereby ascertained, determined, and declared that:

- (A) Pursuant to Article VIII, Section 2(b) of the Florida Constitution, and Sections 166.021 and 166.041, Florida Statutes, the City Council has all powers of local self-government to perform municipal functions and render municipal services except when expressly prohibited by law and such power may be exercised by the enactment of City Ordinances.
- (B) The City Council may exercise any governmental, corporate, or proprietary power for a municipal purpose except when expressly prohibited by law, and the City Council 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), F.S. The subject matter of paragraphs (a), (b), (c), and (d) of Section 166.021(3), F.S., is not relevant to the imposition of assessments related to fire protection services, facilities or programs.
- (C) The special benefits to affected lands provided as a result of an Assessment include by way of example and not limitation, the constant and continual availability and use of fire protection services to each tax parcel within the City, protection of public safety, stable or decreasing insurance costs, a potential increase in value to property, and an assured level of service to landowners and tenants.
- (D) The constant and continued preparedness to provide fire protection services, facilities, and programs possess a logical relationship to the value, use, and enjoyment of real property by: (1) protecting the value of the improvements and structures through the continual availability of fire control and provision of fire protection and associated rescue services; (2) protecting the life and safety of intended occupants in the use and enjoyment of real property; (3) lowering the cost of fire insurance by the presence of a professional and comprehensive fire protection and associated rescue program within the City; (4) providing protection for uninsured and underinsured property and property owners; and (5) containing the spread of fire incidents, sometimes occurring on vacant or undeveloped property, with the potential to spread and endanger the structures and occupants of nearby improved property, thereby limiting liability.
- (E) The combined fire control and associated first responder/basic life support emergency medical services of the City, under its existing consolidated fire protection program, enhances and strengthens

the relationship of such services to the value, use and enjoyment of the parcels of property within the City.

(F) The Assessment imposed pursuant to this Ordinance is imposed by the City Council, not the 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.

(G) The annual Assessments to be imposed pursuant to this Ordinance are special assessments and may also constitute and be described as non-ad valorem assessments within the meaning and intent of the Uniform Collection Act.

(H) The purpose of this Ordinance is to: (1) provide procedure and standards for the imposition of city-wide Assessments under the home rule powers of a municipality to impose special assessments, (2) authorize a procedure for the funding of fire protection services, facilities, or programs, providing special benefits to property within the City, and (3) establish a significant tax equity tool which can be used to reduce a dependence on property taxes as a source of funding for fire protection services, facilities, and programs, reduce demand on other legally available funds, allow for local policy discretion as difficult overall budget choices are made by the City Council each year, and give the community a more equitable, balanced, sustainable, and dedicated means of funding essential fire protection related services and capital improvements.

ARTICLE II

ANNUAL FIRE SERVICES ASSESSMENTS

SECTION 2.1 GENERAL AUTHORITY

(A) The City Council is hereby authorized to impose an annual Assessment to fund all or any portion of the Fire Services Assessed Cost upon benefitted property at a rate of assessment based on the special benefit accruing to such property from the City's provision of fire protection services, facilities, and programs. For purposes of this Ordinance, references to 'benefit', 'special benefit' 'benefitted property' or the like also include the relief of a burden to continually stand in readiness created by real property as well as improvements thereon. All Assessments shall be imposed in conformity with the procedures set forth in this Article II.

(B) The amount of the annual Assessment imposed each Fiscal Year against each parcel of Assessed Property shall be determined pursuant to an apportionment methodology based upon a fair and reasonable apportionment of the Fire Service Assessed Cost among properties on a basis reasonably related to the special benefit provided by the availability of fire protection services, facilities, or programs funded with Assessment proceeds. The amount of the annual Assessment imposed each Fiscal Year may include administration and collection costs associated with the annual Assessment. In the event the Assessments are collected pursuant to the Uniform Assessment Collection Act, the amount of the annual Assessment may also include fees imposed by the Property Appraiser and Tax Collector and will be adjusted as necessary to account for any statutory discounts which are necessitated when employing the efficiencies of collecting the Assessments annually on the same bill as property taxes.

SECTION 2.2 PROCEEDINGS

The proceedings for the imposition of an Assessment shall include a public hearing noticed in the manner set forth in Section 2.4 hereof, and the adoption at or anytime thereafter of an Annual Assessment Resolution which shall (A) contain a brief and general description of the fire protection services, facilities, or programs to be provided or made available, (B) describe the method or methods of apportioning the Fire Services Assessed Cost among affected Tax Parcels, (C) describe the Tax Parcels, if any, to be exempted from the Fire Services Assessment for legal or public policy purposes, (D) identify the rate or rates of assessment and approve and adopt the annual Assessment Roll, consistent with the requirements of Section 2.3 hereof and (E) determine the method of collecting the Fire Services Assessment.

SECTION 2.3 ASSESSMENT ROLL

(A) The Assessment Coordinator shall prepare, or direct the preparation of, the Assessment Roll, which shall contain the following:

- (1) A summary description of all Assessed Property by Tax Parcel conforming to the description contained on the Tax Roll
- (2) The name of the owner of the Assessed Property
- (3) The extension or application of the rates of the proposed Assessment to be imposed against each such Tax Parcel of Assessed Property.

(B) The Assessment Roll shall be retained by the Assessment Coordinator and shall be made available for 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 Tax Parcel of property can be determined by use of the internet.

SECTION 2.4 NOTICE

At least thirty (30) days prior to the public hearing, the City shall publish notice of the public hearing in a newspaper generally circulated within the boundaries of the County. The notice shall provide the date, time, and place of the hearing. The notice shall contain a general statement that the City Council will consider a special assessment throughout the City on the various parcels of property within the City to fund all or a portion of the costs of the continual availability of and the provision of fire protection services, facilities, and programs; the proposed rates or explanation of the schedule of Assessments; general information pertaining to the proposed apportionment methodology, the method of collection, and a statement that all affected property owners have a right to appear at the public hearing and the right to file written objections within twenty (20) days of the publication of the notice. The notice shall direct all interested persons to the Assessment Roll and information concerning the amount of the proposed Assessment applicable to each parcel of property.

SECTION 2.5 ANNUAL ASSESSMENT RESOLUTION

At the time named in such notice, or to which an adjournment or continuance may be taken by the City Council, the City Council shall receive any oral or written comments or objections of interested parties and may then, or at any subsequent meeting of the City Council, adopt the Annual Assessment Resolution which shall (A) establish the rate or rates of assessment to be imposed in the designated Fiscal Year; (B) approve and adopt the Assessment Roll, with such amendments and directions as it deems just and right; and (C) provide direction as to the method of collection. All parcels assessed shall derive a special benefit from the fire protection service, facilities, or programs to be provided or constructed and the Assessment shall be fairly and reasonably apportioned between the properties that receive the special benefit. All objections to the Annual Assessment Resolution shall be made and filed with the Assessment Coordinator at or before the time or adjourned time of such hearing. The Annual Assessment Resolution as confirmed shall constitute the final action necessary to impose or re-impose Assessments hereunder.

SECTION 2.6 EFFECT OF ANNUAL ASSESSMENT RESOLUTION

The Assessments for the initial Fiscal Year and each subsequent Fiscal Year shall be established upon adoption and confirmation of the Annual Assessment Resolution. The adoption and confirmation of the Annual Assessment Resolution shall be the final adjudication of the issues presented (including, but not limited to, the method of apportionment and assessment, the rate or rates of assessment, the Assessment Roll, and the levy and lien of the Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within twenty (20) days from the date of the City Council action adopting and confirming on the Annual Assessment Resolution. The initial Assessment Roll, as approved by the Annual Assessment Resolution, shall be delivered for collection using the Uniform method of collection described in Section 3.3 hereof to collect the Assessments, or such other method as the City Council by resolution shall designate.

SECTION 2.7 ADOPTION OF SUBSEQUENT ANNUAL ASSESSMENT RESOLUTIONS

The City Council may adopt subsequent Annual Assessment Resolutions as a part of and during its budget adoption process for each Fiscal Year following the initial Fiscal Year for which an Assessment is imposed hereunder. The Annual Assessment Resolution shall approve the Assessment Roll for the upcoming Fiscal Year. The Assessment Roll may be prepared in accordance with the methods of apportionment set forth in the prior Assessment Resolution but may include modifications as a matter of policy as to what, if any, portion or portions of the City's budget is paid for from legally available funds other than Assessment revenues. Failure to adopt an Annual Assessment Resolution during the budget adoption process may be cured at any time.

SECTION 2.8 ALTERNATIVE USE OF UNIFORM ASSESSMENT COLLECTION ACT

(A) The City Council may decide to use the uniform method of collection provided for in the Uniform Assessment Collection Act; provided, however that all of the procedures required by the Uniform Assessment Collection Act can be and are timely complied with.

(B) If the City Council decides to use the uniform method of collection provided for in the Uniform Assessment Collection Act, the Assessment Coordinator shall publish notice which shall conform to the requirements set forth in the Uniform Assessment Collection Act and, in addition to the requirements set forth in this Ordinance, the Assessment Coordinator shall provide notice of the proposed Assessment by first class mail to the owner of each parcel subject to the Assessment which shall conform to the requirements set forth in the Uniform Assessment Collection Act. Such mailed notice may be provided by including the Assessment in the Property Appraisers notice of proposed property taxes and proposed or adopted non-ad valorem assessments under Section 200.069, F. S., or its successor in function. The Assessment Coordinator may provide proof of such notice by affidavit. Failure of the owner to receive notice due to mistake or inadvertence shall nevertheless not affect the validity of the Assessment Roll nor release or discharge any obligation for payment of an Assessment imposed by the City Council pursuant to this Ordinance.

(C) The City Council may also establish by resolution such reasonable procedures or directions to confirm and comply with the Uniform Assessment Collection Act as may be practicable and necessary.

(D) Nothing herein shall preclude the City Council from establishing by resolution a maximum rate of assessment provided that notice of such maximum assessment rate is provided pursuant to the Uniform Assessment Collection Act. In the event that the uniform method of collection provided for in the Uniform Assessment Collection Act is used and (1) the proposed Assessment for any Fiscal Year exceeds the maximum rate of assessment adopted by the City Council and included in notice previously provided to the owners of Assessed Property pursuant to the Uniform Assessment Collection Act, (2) the method of apportionment is changed or the purpose for which the Assessment is imposed is substantially changed from that represented by notice previously provided to the owners of Assessed Property pursuant to the Uniform Assessment Collection Act, (3) Assessed Property is reclassified in a manner which results in an increased Assessment from that represented by notice previously provided to the owners of Assessed Property pursuant to the Uniform Assessment Collection Act, or (4) an Assessment Roll contains Assessed Property that was not included on the Assessment Roll approved for the prior Fiscal Year, notice and opportunity to be heard shall be provided to the owners of such Assessed Property. Such notice shall substantially conform to the notice requirements set forth in the Uniform Assessment Collection Act and inform the owner of the time, date, and place for adoption of the Annual Assessment 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 an Assessment imposed by the City Council pursuant to this Ordinance.

(E) The Assessment Roll, as approved by the Annual Assessment Resolution, shall be certified and delivered to the Tax Collector as required by the Uniform Assessment Collection Act.

SECTION 2.9 LIEN OF FIRE SERVICES ASSESSMENTS

Upon the adoption of the Assessment Roll, all 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, until paid such lien shall be superior in dignity to all other prior liens, mortgages, titles, and claims. The lien for an Assessment shall be deemed perfected upon adoption by the City Council of the Annual Assessment Resolution. The lien for an 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 an Assessment collected under the direct billing method of collection shall be deemed perfected upon adoption by the City Council of the Annual Assessment Resolution, after a public hearing, and shall attach to the property on the date of each such Annual Assessment Resolution.

SECTION 2.10 REVISIONS TO FIRE SERVICES ASSESSMENTS

If any Assessment made pursuant to this Ordinance is either in whole or in part annulled, vacated, or set aside by the judgment of any court, or if the City Council is satisfied that any such Assessment is so irregular or defective that the same cannot be enforced or collected, or if the City Council has omitted any property on the Assessment Roll which property should have been so included, the City Council may take all necessary steps to impose a new Assessment against any property benefited by the Fire Service Assessed Costs, following as nearly as may be practicable, the provisions of the Ordinance and in case such second Assessment is annulled, vacated, or set aside, the City Council may obtain and impose other Assessments until a valid Assessment is imposed.

SECTION 2.11 PROCEDURAL IRREGULARITIES

Any informality or irregularity in the proceedings in connection with the levy of any Assessment pursuant to 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 the Section, 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 2.12 CORRECTIONS OF ERRORS AND OMISSIONS

(A) No act of error or omission on the part of the Property Appraiser, Tax Collector, Assessment Coordinator, City Council, or their deputies, employees, or agents shall operate to release or discharge any obligation for payment of an Assessment imposed by the City Council pursuant to this Ordinance.

(B) When it shall appear that any Assessment should have been imposed pursuant to this Ordinance against a parcel of property specially benefited by the provision of fire protection services, facilities, or programs, but that such property was omitted from the Assessment Roll, the City Council may, upon provision of notice to the owner by first class mail, impose the applicable Assessment for the Fiscal Year such error is discovered, in addition to the applicable Assessment due for the prior two Fiscal Years. Such total Assessment shall become delinquent if not fully paid upon the expiration of sixty (60) days from the date of the adoption of said resolution. The Assessment so imposed 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 and may be collected as provided in Article III hereof.

(C) The Assessment Coordinator 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 an Assessment, based upon presentation of competent and substantial evidence, to correct any error in annually applying the Assessment apportionment method to any particular parcel of property not otherwise requiring the provision of mailed notice pursuant to this Ordinance or the Uniform Assessment Collection Act. Additionally, because the size and nature of the Tax Roll may yield anomalies, the Assessment Coordinator is authorized to apply sound public administration judgment and delete or remove individual Tax Parcels from the Assessment Roll that, due to specific circumstances, do not receive a special benefit, are not developable (e.g. subsurface rights, submerged, slivers, rights-of-way, common elements) or are reasonably determined to be inappropriate, infeasible or impracticable to assess, and do not merit the expenditure of public funds and resources to impose or collect such Assessments. Any such corrections shall be considered valid ab initio and shall in no way affect the enforcement of the Assessment imposed under the provisions of this Ordinance. All requests from affected property owners for any such changes, modification or corrections shall be referred to, and processed by, the Assessment Coordinator 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 Assessment Coordinator.

SECTION 2.13 INTERIM ASSESSMENTS

(A) An interim Assessment shall be imposed against all property for which a Certificate of Occupancy is issued after adoption and confirmation of the Annual Assessment Resolution. The amount of the interim Assessment shall be calculated upon a monthly rate, which shall be one twelfth of the annual rate for such property computed in accordance with the Annual Assessment Resolution for the Fiscal Year in which the Certificate of Occupancy is issued. Such monthly rate shall be imposed for each full calendar month remaining in the Fiscal Year. In addition to the monthly rate, the interim Assessment may also include an estimate of the subsequent year's Assessment. No Certificate of Occupancy shall be issued until full payment of the interim Assessment is received by the City. Issuance of the Certificate of Occupancy by mistake or inadvertence, and without the payment in full of the interim Assessment, shall not relieve the owner of such property of the obligation of full payment. For the purpose of this provision, such interim Assessment shall be deemed due and payable on the date of Certificate of Occupancy was issued and shall constitute a lien against such property as of that date. Said lien shall be 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 liens, encumbrances, titles and claims in and to or against the real property involved.

(B) Exclusive of property for which an interim Assessment was paid pursuant to subsection (A) hereof, an interim Assessment shall be imposed against any property which for any reason was omitted from the Fire Service Assessment Roll or was not listed on the Tax Roll as an individual Tax Parcel as of the effective date of the Assessment Roll approved by the Annual Assessment Resolution for any upcoming Fiscal Year. For the purpose of this provision, such interim Assessment shall be deemed due and payable and shall constitute a lien against such property for which it is imposed. Said lien shall be 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 liens, encumbrances, titles and claims in and to or against the real property involved.

SECTION 2.14 AUTHORIZATION OF EXEMPTION AND RESIDENTIAL DEFERRAL PROGRAM

- A) The City Council, in its sole discretion, shall determine whether to provide any exemption or residential deferral program.
- B) The City Council shall designate other available funds for the provision of any exemption or residential deferral program upon the decision to enact such an exemption or program.
- C) The provision of any exemption or residential deferral in any one year shall in no way establish a right or entitlement to such exemption or deferral in any subsequent year and the provision of funds in any year may be limited to the extent that funds are available and appropriated by the City Council.

ARTICLE III

COLLECTION OF FIRE SERVICE ASSESSMENTS

SECTION 3.1 COLLECTION

(A) The process of collection is driven by many equitable, practical and economic factors. The traditional direct billing method provides fair and adequate notice and opportunity to be heard through publication in a newspaper of general circulation. The individually mailed notice required by the Uniform Assessment Collection Act shall be included on the same bill as for ad valorem taxes.

(B) Unless otherwise directed by City Council, the Assessments shall be collected pursuant to the Uniform Assessment Collection method provided in Section 3.3 hereof. Any hearing or notice required by this Ordinance maybe combined with any other hearing or notice required by this Ordinance or the Uniform Assessment Collection Act.

SECTION 3.2 TRADITIONAL METHOD OF COLLECTION

The City may elect to collect the Assessments by any other method which is authorized by law or provided by this Section as follows:

(A) The City shall provide 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 Assessment, (2) the Assessment, (3) the number of units contained within the Tax Parcel, (4) the rate or rates applied to the units of measurement or method and the total amount of the Assessment imposed against the Tax Parcel 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 throughout the City may 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 appoint or retain an agent to foreclose and collect all delinquent Assessments in the manner provided by law.

(D) An Assessment shall become delinquent if it is not paid within thirty (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 Assessment within ninety (90) days from the date such assessment was due. Such notice

shall state in effect that the City or its agent may cause an amount equivalent to the delinquent Assessment, not previously subject to collection using the uniform method under the Uniform Assessment Collection Act, to be collected on the tax bill for a subsequent year or pursue any other remedy permitted by law.

(E) 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 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 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 and the same shall be collectible as a part of or in addition to, the costs of the action.

(F) In lieu of foreclosure, any delinquent Assessment and the costs, fees and expenses otherwise reasonably attributable thereto, may be collected subsequently 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 Assessment is supplanted by the lien resulting from certification of the Assessment Roll, as applicable, to the Tax Collector.

(G) Any City Council action required in the collection of Assessments may be by resolution.

SECTION 3.3 UNIFORM METHOD OF COLLECTION

(A) In lieu of utilizing any other method of collection available to the City, the City may elect to collect Assessments using the uniform method pursuant to the Uniform Assessment Collection Act; and, for any specific parcel of benefitted property may include an amount equivalent to the payment delinquency, delinquency fees and expenses 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 did not employ the use of the uniform method of collection authorized by the Uniform Assessment Collection Act, (2) notice is provided to the owner, and (3) any lien on the affected parcel for the prior year's assessment is supplanted and transferred to such Assessment upon certification of a non-ad valorem roll to the Tax Collector by the City.

(B) If the City Council determines the Assessments are to be collected on the same bill as for ad valorem taxes, then the Assessment coordinator shall comply and conform to the requirements of the Uniform Assessment Collection Act.

SECTION 3.4 GOVERNMENT PROPERTY

(A) To the extent permitted by law, the City reserves the right to impose a charge or fee comparable in amount to Assessments on Governmental Property. As used in this section, the context of the term 'Assessment' shall refer to such a charge or fee. As to Assessments imposed against Government Property, the City shall provide Assessment bills by first class mail to the owner or agent 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 unit of measurement used to determine the amount of the Assessment, (3) the number of units contained within the Tax Parcel, (4) the rate or rates applicable to the units of measurement or method and the total amount of the Assessment imposed against the Tax Parcel 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 all other Assessments 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 thirty (30) days from the date any installment is due. The City may notify the owner of any Government Property that is delinquent in payment of its Assessment within ninety (90) 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 Assessments

and any other costs incurred by the City as a result of such delinquent 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, an Assessment imposed against Government Property may be collected as a surcharge on a utility bill provided to such Government Property in twelve installments with a remedy of a mandamus action in the event of non-payment. The City Council may also contract for such billing services with any utility not otherwise owned by the City.

ARTICLE IV

ISSUANCE OF OBLIGATIONS

SECTION 4.1 NOTES

In anticipation of the sale of Obligations, the City Council may, by ordinance or resolution, issue notes and may renew the same from time to time. Such notes may be paid from the proceeds of the Obligations, the proceeds of the Assessments, the proceeds of the notes and such other legally available moneys as the City Council deems appropriate by ordinance or resolution.

ARTICLE V

GENERAL PROVISIONS

SECTION 5.1 APPLICABILITY

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

SECTION 5.2 SEVERABILITY

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

SECTION 5.3 ALTERNATIVE METHOD

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.

SECTION 5.4 REPEALER

City Ordinance No. 1037 is hereby repealed. All ordinances, resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5.5 EFFECTIVE DATE

This Ordinance shall be in force and take effect immediately upon its passage and adoption by the City Council.

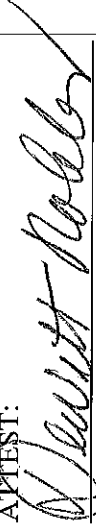
(SEAL)

CITY COUNCIL OF
THE CITY OF MILTON, FLORIDA

By: _____

Wesley Meiss, Mayor

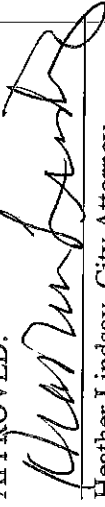
ATTEST:



Dewitt Nobles, City Clerk

PASSED ON First Reading 1-12-16
NOTICE Published on 1/20/16 & 1/27/16
Passed on Second and Final Reading 2-9-16

APPROVED:


Heather Lindsay, City Attorney

NOTICE OF PROPOSED ORDINANCE ENACTMENT

TO WHOM IT MAY CONCERN:

Please be advised that on the 9th day of February, 2016 at 5:01 p.m., CST, in the City Council meeting room at the City Hall at 6738 Dixon Street, in the City of Milton, Florida there will be proposed for enactment an Ordinance whose title is as follows:

ORDINANCE NO. 1428-16

AN ORDINANCE RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES, AND PROGRAMS WITHIN THE CITY OF MILTON, FLORIDA; AUTHORIZING THE IMPOSITION AND COLLECTION OF FIRE SERVICE ASSESSMENTS AGAINST PROPERTY THROUGHOUT THE CITY; PROVIDING CERTAIN DEFINITIONS; ESTABLISHING THE PROCEDURES FOR IMPOSING AND COLLECTING FIRE SERVICE ASSESSMENTS; PROVIDING THAT FIRE SERVICE ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY 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 FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

This Ordinance is on file in the City Clerk's office for inspection. Any interested party may appear at the meeting and be heard with respect to the proposed Ordinance.

This date of January 13, 2016.


City Clerk

To be published at least ten (10) days in advance of the date of adoption.

Copy of this notice faxed to the newspaper January 13, 2016.

CITY CLERK'S CERTIFICATE

THIS ORDINANCE was read by title on the 12th day of January, 2016, and on the 9th day of February, 2016. Notice of the proposed ordinance was published ten (10) days in advance of its adoption on the 9th day of February, 2016, and this ordinance has been on file in the office of the City Clerk for inspection for more than ten (10) days prior to its publication.

Dewitt Nobles
City Clerk

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NOTICE OF PROPOSED ORDINANCE ENACTMENT
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AN ORDINANCE RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, AND FACILITIES, WITHIN THE CITY OF MILTON, FLORIDA; AUTHORIZING AND COLLOCATION OF FIRE SERVICE ASSESSMENTS AGAINST PROPERTY THROUGHOUT THE CITY; PROVIDING CERTAIN DEFINITIONS; ESTABLISHING THE PROCEDURES FOR IMPOSING AND COLLECTING FIRE SERVICE ASSESSMENTS; PROVIDING THAT FIRE SERVICE ASSESSMENTS BE CONSIDERED ASSESSED EQUAL IN RANK AND DIGNITY WITH THE LIENS OF ALL STATE, COUNTY, DISTRICT, OR MUNICIPAL TAXES AND ASSESSMENTS, AND SUPERIOR IN PRIORITY TO ALL OTHER PRIOR LIENS, MORTGAGES, TITLES AND CLAIMS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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This date of January 13, 2016

Dewitt Nobles
City Clerk
1/20 & 1/27/2016
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