

CITY OF TAMARAC, FLORIDA

RESOLUTION NO. 2020 - ____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, RELATING TO THE PROVISION OF NUISANCE ABATEMENT ON CERTAIN REAL PROPERTIES BY THE CITY IN ACCORDANCE WITH CHAPTER 9, ARTICLE II, DIVISION V OF THE CITY'S CODE OF ORDINANCES; DETERMINING THAT CERTAIN REAL PROPERTY HAS BEEN SPECIALLY BENEFITED BY THE CITY'S ABATEMENT OF NUISANCES THEREON; DIRECTING THE CITY MANAGER TO PREPARE OR DIRECT THE PREPARATION OF A PRELIMINARY NUISANCE ABATEMENT ASSESSMENT ROLL; ESTABLISHING A PUBLIC HEARING FOR THE PROPOSED LEVY OF UNPAID NUISANCE ABATEMENT ASSESSMENTS ON THE ANNUAL TAX BILL AND DIRECTING THE PROVISION OF NOTICE IN CONNECTION THEREWITH; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, AS FOLLOWS:

ARTICLE 1

DEFINITIONS AND CONSTRUCTION

SECTION 1.01. PURPOSE AND DEFINITIONS. This resolution constitutes the Initial Nuisance Abatement Assessment Resolution in order to collect the Nuisance Abatement Special Assessment on the annual Property Tax Bill using the Uniform Assessment Collection Act. All capitalized words and terms shall have the meanings set forth in the Chapter 9, Division V of the City's Code of Ordinances (the "Ordinance"). As used in this resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires:

"Abatement" means the City's actions to reduce and/or eliminate a Nuisance on Assessed Properties.

“Assessed Properties” means those real properties within the City on which the City has abated nuisances pursuant to the Ordinance and which have been assessed the City’s costs of abating the nuisances on such property pursuant to the Ordinance.

“Nuisance” means those conditions on properties that are declared to be nuisances and menaces within the Ordinance and those conditions prohibited on real property by the Ordinance.

“Ordinance” means Ordinance 2012-10, adopted by the City Commission on May 9, 2012, as may be amended from time to time, and codified as Chapter 9, Article II, Division V of the City’s Code of Ordinances.

“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.

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 resolution; and the term “hereafter” means after, and the term “heretofore” means before, the effective date of this resolution. Words of any gender include the correlative words of the other genders, unless the sense indicates otherwise.

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

(A) The general and legislative findings and declarations set forth in the Ordinance are incorporated and relied upon herein.

(B) Pursuant to Article VIII, Section 2(b) of the 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 render municipal services except when prohibited by law and such power may be exercised by the enactment of City ordinances or resolutions.

(C) 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 Nuisance Abatement Services.

(D) The special benefits of Nuisance Abatement services provided by the City to the Assessed Properties include, but are not limited to: (1) the alleviation of imminent public-health threats; (2) alleviating the accumulation of trash, junk and debris, the excess growth of grass, and any unsafe or unsanitary conditions; (3) removal of piles of debris and wood; and (4) addressing stagnant water on site, particularly in pools. These items, if not addressed and abated, reduce the value of the Assessed Property, increase liability risks to property owners, and are expenditures made by the City that the property owner ultimately is responsible for paying.

(E) The Abatement of Nuisances by the City is necessitated by the existence of Nuisances on the Assessed Properties. Accordingly, it is fair and reasonable to assess the Assessed Properties for the City's Actual Cost of Abatement on the Assessed Properties.

(F) The Nuisance Abatement Special Assessment authorized by the Ordinance and this Initial Assessment Resolution provide an equitable method of recovering the City's Actual Costs of Nuisance Abatement from Assessed Properties by fairly and reasonably allocating the Actual Cost of Nuisance Abatement to the Assessed Property on which the Nuisance was abated.

ARTICLE II

NUISANCE ABATEMENT SPECIAL ASSESSMENT

SECTION 2.01. IMPOSITION AND COMPUTATION.

(A) A Nuisance Abatement Special Assessment has been imposed on seven (7) Assessed Properties pursuant to the Ordinance. The City has complied with the terms of conditions of the Ordinance, including all notices and collection efforts set forth therein. The City is using the Uniform Assessment Collection Act to collect the Nuisance Abatement Special Assessment on those properties for which the property owners have not paid the special assessment as required by the Ordinance.

(B) The Actual Cost shall be assessed against each Assessed Property within the City, which represents the special benefit accruing to such Assessed Property from the City's Abatement of Nuisances on the Assessed Property during the 2019-2020 Fiscal Year. The Special Assessment on each of the seven (7) Assessed Properties is set forth in Appendix "A" hereto.

SECTION 2.03. NUISANCE ABATEMENT ASSESSMENT ROLL. The City Manager is hereby directed to prepare, or direct the preparation of, the Nuisance Abatement Assessment Roll for the Nuisance Abatement Special Assessment, which will reflect the Actual Costs levied on the Assessed Properties within the City. A copy of this Initial Assessment Resolution and the Nuisance Abatement Assessment Roll shall be maintained on file in the Office of the City Clerk and open to public inspection. The foregoing shall not be construed to require that the Nuisance Abatement Assessment Roll be in printed form if the amount of the Nuisance Abatement Special Assessment for each Assessed Property can be determined by use of an available computer terminal.

SECTION 2.04. METHOD OF COLLECTION

All Nuisance Abatement Special Assessments identified in Appendix “A” hereto shall be collected using the Uniform Assessment Collection Act.

ARTICLE III

NOTICE AND PUBLIC HEARING

SECTION 3.01. PUBLIC HEARING. There is hereby established a public hearing to be held at 5:05 p.m. on September 14, 2020, at Tamarac City Hall, 7525 Northwest 88th Avenue, Tamarac, Florida 33321, to consider collection of the Nuisance Abatement Special Assessment on Assessed Properties pursuant to this Initial Resolution.

SECTION 3.02. NOTICE BY PUBLICATION. The City Manager, or his designee, shall publish a notice of the public hearing authorized by Section 3.01 hereof in the manner and the time provided in the Ordinance. The published notice shall be in substantially the form attached hereto as Appendix B.

SECTION 3.03. NOTICE BY MAIL. The City Manager, or his designee, shall, at the time and in the manner specified in the Ordinance, provide mailed notice of the public hearing authorized by Section 3.01 hereof to each property owner of Assessed Properties at the address indicated on the Tax Roll.

ARTICLE IV

GENERAL PROVISIONS

SECTION 4.01. SEVERABILITY. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

SECTION 4.02. CONFLICT. All resolutions or parts of resolutions on in conflict herewith be, and the same are hereby repealed to the extent of such conflict.

SECTION 4.03. EFFECTIVE DATE. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, THIS 8th DAY OF JULY 2020.

CITY OF TAMARAC FLORIDA

MICHELLE J. GOMEZ, MAYOR

ATTEST:

JENNIFER JOHNSON, CMC
CITY CLERK

RECORD OF COMMISSION VOTE:

MAYOR GOMEZ	_____
DIST 1: V/M BOLTON	_____
DIST 2: COMM. GELIN	_____
DIST 3: COMM. FISHMAN	_____
DIST 4: COMM. PLACKO	_____

I HEREBY CERTIFY THAT I HAVE
APPROVED THIS RESOLUTION
AS TO FORM:

SAMUEL S. GOREN
CITY ATTORNEY

APPENDIX A

NUISANCE ABATEMENT SPECIAL ASSESSMENT ASSESSED PROPERTIES

Property ID Number	Assessment Roll
4941 03 09 0830	\$ 435.38
4941 03 09 0430	\$ 1,467.19
4941 09 07 0130	\$ 489.06
4941 04 47 0780	\$ 596.43
4941 09 03 2190	\$ 703.80
4941 03 09 1160	\$ 870.76
4941 04 47 0780	\$ 489.06
Total Assessment	\$ 5,051.68

APPENDIX B

FORM OF NOTICE TO BE PUBLISHED

To Be Published on August 16, 2020

[MAP OF CITY]

**NOTICE OF HEARING TO IMPOSE AND
PROVIDE FOR COLLECTION OF NON-AD VALOREM ASSESSMENTS
FOR NUISANCE ABATEMENT**

Notice is hereby given that the City Commission of City of Tamarac, Florida (“City”), will conduct a public hearing to consider collecting Nuisance Abatement Special Assessments within the City of Tamarac, on the seven (7) Assessed Properties in the City as listed in the Initial Assessment Resolution adopted July 8, 2020, within the area of the City shown above.

The hearing will be held at 5:05 p.m. on September 14, 2020, in the City Commission Chambers of City Hall, 7525 Northwest 88th Avenue, Tamarac, Florida, 33321 for the purpose of receiving public comment on the proposed assessments. All 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 a person decides to appeal any decision made by the City Commission with respect to any matter considered at the hearing, such person 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) 597-3505 at least 48 hours (2 days) prior to the date of the hearing.

The Nuisance Abatement Special Assessments have been imposed on seven (7) properties within the City whereon the City expended funds to abate nuisances. Those Property Owners have received notice of the Nuisance Abatement Special Assessment and have not paid pursuant to the requirements of the City Ordinance 2012-10. As a result, the City is collecting the Nuisance Abatement Special Assessment using the Tax Bill solely on the seven (7) properties within the

City on which the City has abated nuisances and the Property Owners have not paid the special assessment for the City's work as required by the Ordinance. Those seven (7) properties are assessed the City's Actual Costs as defined in the Ordinance for abating the nuisance.

A list of the Assessed Properties, as well as copies of the Ordinance, the Initial Assessment Resolution and the Assessment Roll are available for inspection at the City Clerk's Office, Tamarac City Hall, 7525 Northwest 88th Avenue, Tamarac, Florida 33321.

The Nuisance Abatement Special Assessment on those seven (7) Assessed Properties will be collected on the ad valorem tax bill to be mailed in November 2020, as authorized by section 197.3632, Florida Statutes. Failure to pay the Nuisance Abatement Special Assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If you have any questions, please contact the Finance Department at (954) 597-3550, Monday through Friday between 8:30 a.m. and 5:00 p.m.

**CITY CLERK
CITY OF TAMARAC, FLORIDA**