

**COLUMBIA COUNTY, FLORIDA  
ORDINANCE NO. 2014-\_\_**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA, RELATING TO THE PROCESS FOR DETERMINING THE NEED TO ESTABLISH AND PROVIDE FOR THE COST OF SERVICES, FACILITIES AND PROGRAMS FOR STREET LIGHTING, PRIVATE ROADS, AND STORMWATER PROGRAMS WITHIN THE UNINCORPORATED AREA OF COLUMBIA COUNTY; PROVIDING DEFINITIONS; PROVIDING A PROCEDURE FOR DETERMINING SUPPORT FOR ESTABLISHMENT OF A MUNICIPAL SERVICE BENEFIT UNIT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA:**

**ARTICLE I- DEFINITION**

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

“**Affected Property Owner**” means a property owner (lot or parcel) which will benefit from one or more of the program improvements herein described, and will be levied a non-ad valorem assessment for payment of a pro-rata share of the cost associated with the program.

“**Assessment Program**” means a street lighting assessment program, private road assessment program, or stormwater assessment program created through a Municipal Service Benefit Unit.

“**Ballots**” means the written document which will be provided to the affected property owner to register a vote for or against the proposed program improvements.

“**Board**” means the Board of County Commissioners of Columbia County, Florida.

“**County**” means Columbia County, Florida.

“**Street Lighting Assessment Program**” means a Municipal Service Benefit Unit for street lighting.

“**Parcel/Lot**” means the parcel of land located within the residential neighborhood which will be affected by the street lighting assessment program.

“**Private Road Assessment Program**” means a Municipal Service Benefit Unit for improvement and/or maintenance of private roads.

“**Property Appraiser**” means the Property Appraiser of Columbia County, Florida.

“**Public Roads**” means roads to which the title has been dedicated or deeded to Columbia County for ownership, operation and maintenance.

“**Residential Neighborhoods**” means the area in which the lots or parcels have been affected by the street lighting program.

“**Stormwater Assessment Program**” means a Municipal Service Benefit Unit for a stormwater system.

“**Tax Collector**” means the Tax Collector of Columbia County, Florida.

“**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.

## **ARTICLE II - GENERAL FINDINGS**

**Section 2.01. GENERAL FINDINGS.** It is hereby ascertained, determined, and declared that:

A. Article VIII, Section 1, of the *Florida Constitution*, and Sections 125.01 and 125.66, Florida Statutes, grant to the Board all powers of local self-government to perform County functions and to render services for County purposes in a manner not

inconsistent with law and such powers may be exercised by the enactment of County ordinance.

B. In addition to its powers of self-government, the Board is authorized by Sections 125.01(1)(q) and (r), Florida Statutes, to establish municipal service benefit units for all or any part of the unincorporated area within the County or within the municipal boundary of an incorporated area upon consent of the governing body of the affected municipality, to provide essential facilities and services.

C. The assessments described by this Ordinance shall constitute non-ad valorem assessments within the meaning and intent of the Uniform Assessment Collection Act.

### **ARTICLE III - ELIGIBILITY FOR ASSESSMENT PROGRAM**

**Section 3.01. ELIGIBILITY.** Upon request of the Board, the County Public Works Department and County Engineer will conduct the necessary studies to determine whether a residential neighborhood is eligible for consideration by the Board for one or more of the Assessment Programs. The general policy criteria is as follows:

A. The residential neighborhood must be within the unincorporated area of the County, and it shall be determined that an Assessment Program would clearly provide a benefit to the individuals residing therein or owners of the residential lots which is not otherwise being satisfied.

B. As part of the Lighting Assessment Program and Private Road Assessment Program, the public road must be paved and improved in accordance with County road standards, unless this requirement is waived by majority vote of the Board.

C. The public road right-of-way provides adequate space and area for the installation, maintenance and operation of the proposed street lighting program.

D. The public utility company providing utility services to the residential neighborhood will provide the necessary infrastructure, operation and maintenance for the street lighting structures.

E. Ownership, legal access and existing condition of stormwater systems being considered for the Stormwater Assessment Program.

F. Other factors, such as number of residential lots located within the neighborhood, safety and security considerations, emergency vehicles and public service vehicle access and use of public roadway, together with other considerations which the County may deem appropriate in determining the need for the program being considered.

#### **ARTICLE IV - RESIDENT SUPPORT**

**Section 4.01. SUPPORT.** In order for an Assessment Program to be implemented, the property owners in the residential neighborhood must support the program. The County Public Works Department will determine the residential properties to be included in the vote, and the County will conduct a ballot by mail. An affirmative vote of no less than 75% of affected property owners voting shall be required for approval, unless the required vote is waived by the Board. A ballot not returned will not be considered as a “yes” or “no” vote, but shall be disregarded. The ballots shall be public information subject to the provisions of the *Florida Sunshine Law* (Florida Statute 286.011, as amended). The information that is mailed to the property owners will include a drawing showing the proposed locations for the improvements, and other informative information.

**Section 4.02. BALLOTS.** Ballots will be mailed by certified mail, return receipt requested, by to the last address maintained by the County Property Appraiser’s office or Tax Collector’s office of the County. The Board will determine the format of the ballot and specific procedures to be followed. Only one vote per parcel/lot will be accepted. Each lot owner shall receive one ballot for each parcel/lot owned by that individual or individuals. Parcels in joint ownership will require signature of all record title owners. If ownership is by a corporation or other entity which is not an individual, an authorized officer of that corporation or legal entity must sign the ballot.

**Section 4.03. NOTICE.** The notice mailed to the property owners with the ballots shall advise that failure to pay the program service benefit unit assessment may result in a lien or tax certificate being issued against the delinquent parcel/lot. Also, that the program service benefit unit assessment will be added to the ad valorem property tax bill, if approved. The County may discontinue the Assessment Program upon reasonable notice to the affected residential property owners.

#### **ARTICLE V - FINAL APPROVAL OR DISAPPROVAL**

**Section 5.01.** The Board of County Commissioners shall make the final determination whether the Assessment Program will be implemented based upon the following criteria:

A. Percent of parcel/lot owners voting favorably to establish the Assessment Program service benefit unit.

B. The Board's determination whether the Assessment Program provides a reasonable benefit to both structures and vacant land located within the residential neighborhood; and that it directly benefits the safety and general welfare of the residents and property owners of the residential neighborhood.

C. All other criteria and considerations which the Board may deem appropriate to ensure the benefit and safety of the affected residential property owner.

D. A public hearing will be scheduled for consideration of adoption of the County resolution which would authorize the County to approve the Assessment Program through the levy of a special non-ad valorem assessment against the properties located within the residential neighborhood and benefitting from the program. The annual program assessment will be reviewed annually and subject to adjustment to reflect the actual cost of providing and maintaining the Assessment Program.

E. The Board of County Commissioners in its discretion may elect to implement or not implement the Assessment Program for good cause and in the best interest of the residential neighborhood and the public.

## **ARTICLE VI - GENERAL PROVISIONS**

**Section 6.01. CODIFICATION.** It is the intention of the Board that the provisions of this Ordinance shall become a part of the County's Code of Ordinances, as amended. The provisions of this Ordinance may be renumbered or relettered and that the word "Ordinance" may be changed to "Section," "Article," or other appropriate word to accomplish such intention.

**Section 6.02. SEVERABILITY.** If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

**DULY ADOPTED** by the Board of County Commissioners of Columbia County, Florida, at its regular meeting on the \_\_\_\_\_ day of March, 2014.

**BOARD OF COUNTY COMMISSIONERS  
COLUMBIA COUNTY, FLORIDA**

By: \_\_\_\_\_  
Ronald W. Williams, Chairman

Approved as to form:

\_\_\_\_\_  
Marlin M. Feagle  
County Attorney

**ATTEST:** \_\_\_\_\_  
P. DeWitt Cason, Clerk of Court

**(SEAL)**