

ORDINANCE NO. 16-24

AN ORDINANCE OF THE COUNTY OF PINELLAS AMENDING THE PINELLAS COUNTY CODE BY AMENDING CHAPTER 110, ARTICLE VI, RELATING TO STREET IMPROVEMENTS AND STORM SEWERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREAS EMBRACED; PROVIDING FOR REMOVAL FROM THE PINELLAS COUNTY CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, through Laws of Florida, Chapter 63-1783, Pinellas County was initially provided with a method of providing municipal benefits to residents of unincorporated upon a petition basis; and

WHEREAS, this Special Act was subsequently converted to an ordinance and codified in Article II of Chapter 110; and

WHEREAS, while Article II has been amended from time to time, the method of assessing for these special benefits has become antiquated and is not cost effective; and

WHEREAS, the recent review of the County Code has determined that the existence of these two ordinances is redundant; and

WHEREAS, Florida Statutes, Chapter 197, provides a proven manner of collection of special assessments which is both cost effective and efficient.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, that:

SECTION 1. Chapter 110, Section 31 of the Pinellas County Code is hereby amended as follows:

Sec. 110-31. - Initial proceedings.

- (a) By a written petition setting forth the legal description of the boundaries of the proposed special improvement district, the owners of 60 percent of the land area of the proposed district, abutting upon the proposed improvements or otherwise specially benefited thereby, may request the board of county commissioners to establish a special improvement district and construct any one or a combination of the following improvements:
 - (1) Street improvements, which may include the grading, widening, drainage, paving, curbing, roadway underdrain, or guttering of any continuous portion of a street, or two or more connecting streets. Sidewalks and bike paths may be included, where feasible, at the option of the board of county commissioners.

- (2) Drainage improvements, which may include pavement, the construction of storm sewers and related stormwater attenuation and treatment facilities, the reconstruction where necessary of streets and sidewalks necessarily damaged in the course of such construction, the building of culverts or enclosing streams where necessary or advisable to carry off stormwater.

The petition shall also request the board of county commissioners to assess the entire cost of such improvements, or such portion thereof as the board may designate against the properties specially benefited thereby. Governmental entities with a statutory exemption from ad valorem taxes, shall be excluded from the assessment procedure, and their proportionate share may be included in the overall assessment or paid from the general fund, as the board may decide.

- (b) The board, upon finding that the petition for improvements under this section is sufficient in form, substance and execution and finding a public purpose for the proposed improvements may by preliminary resolution order the improvements to be made and may assess against the benefited properties that portion of the cost which the board designates, paying as a county charge any remaining cost. Such special assessments shall be levied upon the benefited properties in general proportion to the benefits to be derived. Such special benefits may be determined and prorated according to the foot frontage of the properties or by such other method as the board may prescribe.
- (c) The adoption of an assessment roll by the board of county commissioners under this section shall constitute a legislative determination that all assessed parcels of real property on the assessment roll derive a special benefit from the improvements funded thereby, and a legislative determination that the assessments are fairly and reasonably apportioned among the benefited properties.
- (d) All assessments levied pursuant to this section shall be levied and collected as non-ad valorem assessments pursuant to and in compliance with the Uniform Assessment Collection Act of Florida Statutes, Chapter 197.

SECTION 2. Chapter 110, Section 32 of the Pinellas County Code is hereby amended as follows:

Sec. 110-32. - Initiation of programs without petition.

The special improvement programs enumerated in this article may be initiated by the board of county commissioners at any time without the filing of the petition provided for in section 110-31. Such action shall be evidenced by an initial resolution ordering the construction of the improvement and describing the property bounding or abutting the improvement or otherwise specially benefited thereby. The resolution shall state the nature and location of the improvement together with that portion of the cost thereof to be assessed against the benefited property and that portion, if any, to be paid by the county. All assessments levied pursuant to this section shall be levied and collected pursuant to the Uniform Method of Collection prescribed by Florida Statutes, Chapter 197.

SECTION 3. Chapter 110, Section 33 of the Pinellas County Code is hereby amended as follows:

Sec. 110-33. - Estimate of cost.

If improvements under this article are ordered, the designated county engineer shall prepare an estimate of the cost of constructing the improvements together with an estimate of incidental expenses, such as engineering, permitting costs, property acquisition for ponds, and any other expenses necessary or proper in connection therewith. The estimate of cost shall be used to determine the initial assessment amount and the maximum rate to be authorized by the resolution initially levying the assessment.

SECTION 4. Chapter 110, Sections 35 and 63 of the Pinellas County Code are hereby repealed.

SECTION 5. Chapter 110, Section 37 of the Pinellas County Code is hereby amended and renumbered as follows:

Sec. 110-34. - Report of cost.

After the construction of the project, the designated county engineer and the clerk shall prepare and present to the board of county commissioners a report of cost of the improvement. The report of cost shall show the total cost of the improvement, including incidental expenses. The board of county commissioners shall credit to each of the assessments the difference in the assessment as originally made, approved, and recorded and the proportionate part of the actual cost as finally determined. The levied assessment shall be amended, if necessary, in accordance with the Uniform Method for the levy, collection, and enforcement of non-ad valorem assessments should the final cost of the improvement from the preliminary cost, differ from the estimated cost.

SECTION 6. Chapter 110, Section 40 of the Pinellas County Code is hereby amended and renumbered as follows:

Sec. 110-35 - Lien of Improvement Assessment

Upon adoption of the assessment resolution, assessments to be collected under the Uniform Assessment Collection Act shall constitute 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. Except as otherwise provided by law, such lien shall be superior in dignity to all other prior liens, titles and claims, until paid. The lien shall attach to the property included on the district assessment roll as of the prior January 1, the lien date for ad valorem taxes.

SECTION 7. Chapter 110, Sections 44 through 51 of the Pinellas County Code are hereby repealed.

SECTION 8. Chapter 110, Sections 56 through 57 of the Pinellas County Code are hereby renumbered as follows:

Sec. 110-36. - Revolving fund.

In order to carry out the provisions of this article, the board of county commissioners may create with general funds of the county a revolving fund. If moneys on deposit in such revolving fund are advanced to pay the cost of all or any part of improvements constructed under this article, the board shall reimburse such revolving fund with the proceeds of bonds issued under this article or from the collections of special assessments relating to the improvement for which such funds were advanced. The board may also levy a tax not to exceed five mills annually to set up sufficient moneys in the revolving fund for the purpose of this article.

Sec. 110-37. - Powers cumulative.

The powers conferred by this article shall be cumulative and in addition to any existing powers and shall not be subject to any restriction or limitation appearing in any other law, nor shall anything in this article be construed as being in derogation of authority existing by virtue of any other special, local or general law.

SECTION 9. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance, or the particular application thereof, shall be held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 10. Area Embraced. This article shall be in effect in the unincorporated areas of Pinellas County.

SECTION 11. Codification. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Pinellas County Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to section, article or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 12. Filing of Ordinance; Effective Date. Pursuant to Section 125.66, Florida Statutes (2015), a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing with the Department of State.

APPROVED AS TO FORM

By: Christy Doraan Pambela
Office of the County Attorney