

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 26, ARTICLE III, DIVISION 2, OF THE PALM BEACH COUNTY CODE TO ADD SECTION 26-110; AUTHORIZING THE BOARD TO LEVY AND COLLECT A SPECIAL ASSESSMENT TO FUND FIRE HYDRANT MAINTENANCE AND RENTAL FEES CHARGED TO THE COUNTY BY THE CITY OF RIVIERA BEACH OR ITS UTILITY SPECIAL DISTRICT IN A CERTAIN AREA WITHIN THE COUNTY'S FIRE-RESCUE JURISDICTION AND THE CITY'S WATER UTILITY SERVICES AREA; PROVIDING PROCEDURES AND NOTICE REQUIREMENTS TO LEVY AND COLLECT THE SPECIAL ASSESSMENT, INCLUDING ADOPTION OF THE RATE RESOLUTION, ADOPTION AND CERTIFICATION OF THE ASSESSMENT ROLL, AND DIRECT BILLING OF PROPERTY OWNERS; PROVIDING SUNSET PROVISION FOR SECTION 26-110; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY CLAUSE; PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Riviera Beach or its Utility Special District (collectively the "City") charges the County maintenance and rental fees for fire hydrants located in certain unincorporated geographic areas that are within the County's fire-rescue jurisdiction and within the City's water utility services area; and

WHEREAS, the real properties within said geographic areas receive a special benefit from those hydrants as a part of the County's fire protection services to said areas, and therefore the Board of County Commissioners (the "Board") determined in Ordinance 93-5 that it is equitable and reasonable to require the beneficiaries of said hydrants to be responsible for the charges established by the City; and

WHEREAS, for the purpose of funding the payment of the City's hydrant fees from only those properties that receive a special benefit from said hydrants, the County created the "Palm Beach County Municipal Service Benefit Unit for Fire Hydrant Maintenance and Rental-Riviera Beach" ("MSBU-Riviera Beach"), as authorized by Section 125.01(1)(q), Florida Statutes, and as set forth in Sections 26-106 through 26-109 of the Palm Beach County Code; and

WHEREAS, in accordance Section 125.01(1)(q), Florida Statutes, and Sections 26-106 through 26-109 of the Palm Beach County Code, a special assessment is levied and collected on real properties within the MSBU-Riviera Beach to fund the hydrant fees charged by the City; and

WHEREAS, Sections 26-106 through 26-109 of the Palm Beach County Code provide for said special assessment to be collected on the tax bill in accordance with the Uniform Method for the Levy, Collection, and Enforcement of Non-Ad Valorem Assessments, as set

forth in Section 197.3632, Florida Statutes; and

WHEREAS, it was recently confirmed that the boundaries of the MSBU-Riviera Beach do not include properties within a certain geographic area that derive the same special benefit from the hydrants and should be included in the MSBU-Riviera Beach; and

WHEREAS, it is too late to include the properties in said area on the tax bill for fiscal year 2019 due to Property Appraiser deadlines that have passed; and

WHEREAS, Section 125.01(1)(r), Florida Statutes, provides additional authority for the County to levy and collect special assessments; and

WHEREAS, the Board hereby determines that it is in the best interest of the health, safety and welfare of the citizens of Palm Beach County to amend the Code to provide a method to levy and collect a special assessment on said properties until they can be added to the tax bill as part of the MSBU-Riviera Beach in accordance with the process set out in Section 197.3632, Florida Statutes.

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

Section 1. The whereas clauses above are hereby affirmed and incorporated herein.

Section 2. Chapter 26, Article III, Division 2, of the Palm Beach County Code is hereby amended to add Section 26-110 to read as follows:

“Sec. 26-110 – Special Assessment in Assessment Area.

(a) Pursuant to Section 125.01(1)(r), Florida Statutes, the Board of County Commissioners is hereby authorized to levy and collect a special assessment on each parcel of real property located within the area legally described in **Exhibit C** attached hereto and incorporated herein (the “Assessment Area”). The purpose of the special assessment is to fund charges from the City of Riviera Beach or its Utility Special District (collectively the “City”) for fire hydrant rental and maintenance, and related costs, and the special assessment shall be used solely for such purpose. The properties within the Assessment Area receive a special benefit from the City’s hydrants as a part of the County’s fire protection services, in the same way the properties within the MSBU-Riviera Beach do. The special assessment shall be fairly and reasonably apportioned among all the properties that receive the special benefit, and the special assessment amount in the Assessment Area shall be determined in the same manner as the special assessment amount that is levied in the MSBU-Riviera Beach.

Notwithstanding anything contained herein to the contrary, the special assessment authorized by this Section shall not be levied or collected against condominium common elements as defined in Florida Statutes, chapter 718, cooperative common areas as defined in Florida Statutes, chapter 719, and homeowners' association community common areas as defined in Florida Statutes, chapter 720, if such common elements or common areas are owned by the condominium association, the cooperative association, or the homeowners' association, or if such common elements or common areas are jointly owned by the owners of the condominium parcels, the owners of the cooperative parcels or the owners of the homeowners' association community parcels.

(b) The levy and collection of the special assessment within the Assessment Area shall be in accordance with the following procedures:

County staff shall present the assessment roll for approval by the Board of County Commissioners. The assessment roll shall include the legal description of the properties within the Assessment Area; the property identification numbers; the name and address of the owners of such properties; the unit of measurement for the special assessment; and the amount to be assessed against each affected parcel of property.

By September 15th, the Board of County Commissioners shall hold a public hearing, at which the Board shall adopt a resolution establishing the special assessment rate and a resolution adopting the assessment roll. The rate resolution shall reflect the amount of the special assessment, consistent with the MSBU-Riviera Beach special assessment. At least fifteen (15) days in advance, the County shall notice the public hearing in a newspaper of general circulation in the County and by first-class mail to each owner of property subject to the special assessment.

The notice by publication shall contain at least the following information: a geographic depiction of the property subject to the special assessment; the levying authority is the Palm Beach County Board of County Commissioners; the proposed schedule of the special assessment; the special assessment will be collected by directly billing the affected property owners; a statement that all affected property owners have a right to appear at the public hearing and to file written objections with the Board of County Commissioners within fifteen (15) days of the publication of the notice; and the date, time, and place of the hearing.

The notice to property owners by mail shall include the following information: the purpose of the special assessment; the unit of measurement to be applied against each parcel to determine the special assessment; the number of such units contained within each parcel; the total amount to be levied against each parcel; the total revenue the County will collect by the special assessment; if the special assessment will be levied and collected for more than one year, a statement saying such; the special assessment will be collected by directly billing the affected property owners; a statement that the County may pursue any lawfully available collection remedies for an unpaid special assessment that becomes delinquent, including sending an account to a collections agency and/or filing a lien against the property, which may result in a loss of title; a statement that all affected property owners have a right to appear at the public hearing and to file written objections with the Board of County Commissioners within fifteen (15) days of the notice; and the date, time, and place of the hearing. Notice shall be deemed mailed upon delivery thereof to the possession of the United States Postal Service. 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 the special assessment imposed by the Board pursuant to this Section.

At the public hearing, the Board of County Commissioners shall hear testimony from all interested persons and receive any written objections. At the public hearing, the Board shall have the discretion to adjust or modify the assessment roll and/or the resolutions, including an increase or decrease in the special assessment amount. The Board may continue the public hearing to a date and time certain without the necessity of further public notice to allow, prior to final adoption of the roll, any adjustments or modifications to the assessment roll and/or resolutions, or for such other reason deemed necessary in the sole discretion of the Board.

By September 15th, the Board of County Commissioners shall certify the assessment roll as correct. County staff shall prepare special assessment bills to be mailed by first-class mail, on or around November 1st, to the owner of each affected parcel of property as stated on the assessment roll. The special assessment shall become delinquent on the following April 1st if full payment has not been received. Discounts for payments received before delinquency shall be at the rate of 4 percent in the month of November; 3 percent in month of December; 2 percent in the month of January; 1 percent in the month of February; and zero percent in the month of March. The special assessment shall constitute a lien upon the

assessed property as of the October 1st following its levy. The County may pursue any available collection remedies for any unpaid special assessment that becomes delinquent, including sending an account to a collections agency and/or filing a lien against the property.

The bill or accompanying explanatory material shall include at least the following information: (1) the purpose of the special assessment; (2) the unit of measurement applied against each parcel to determine the special assessment; (3) the number of units contained within the parcel; (4) the total amount of the special assessment imposed against the parcel; (5) the mailing address or location where payment will be accepted; (6) the date on which the special assessment becomes delinquent; (7) the discounts for early payment; and (8) a statement that the County may pursue any lawfully available collection remedies for an unpaid special assessment that becomes delinquent, including sending an account to a collections agency and/or filing a lien against the property, which may result in a loss of title.

(c) The special assessment authorized by this Section is to be levied and collected for fiscal year 2019, and for each subsequent fiscal year until such time that this Section sunsets in accordance with subsection (d). The special assessment rate shall remain as established in the previously adopted rate resolution, and the Board shall not be required to annually adopt a rate resolution unless the special assessment rate is modified. The Board may lower the special assessment rate by resolution without a public hearing or notice. The Board shall not be required to annually adopt the assessment roll unless the special assessment rate is increased beyond the previously approved rate in effect, the boundaries of the Assessment Area have changed, or there is a change in the purpose of the special assessment or the use of revenue generated by the special assessment.

(d) This Section 26-110 shall sunset at such time that the Assessment Area is added to the tax roll as part of the MSBU-Riviera Beach, in accordance with an ordinance modifying the boundaries of the MSBU-Riviera Beach to include the Assessment Area and the tax roll process set forth in Section 197.3632, Florida Statutes.”

Section 3. REPEAL OF LAWS IN CONFLICT: All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 4. SEVERABILITY: If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section 5. SAVINGS CLAUSE: Except as specifically set forth herein, this Ordinance shall not be construed to alter any other provisions of Chapter 26, Article III, Division 2, of the Palm Beach County Code, including the levy and collection of special assessments authorized thereunder.

Section 6. INCLUSION IN THE CODE OF LAWS AND ORDINANCES: The provisions of this Ordinance shall become and be made a part of the Palm Beach County Code.

The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 7. EFFECTIVE DATE: The provisions of this Ordinance shall become effective upon filing with the Department of State.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the 19th day of June, 2018.

SHARON R. BOCK, CLERK

**PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS**

By: 
Deputy Clerk



By: 
Melissa McKinlay, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

By: 
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the 20th day of
June, 2018.

EXHIBIT C
ASSESSMENT AREA

(ADDITION TO BLUE HERON & I-95 AREA)

A PARCEL OF LAND BEING A PORTION OF THE PLAT OF PLAT NO. 2 CENTRAL INDUSTRIAL PARK NORTH RECORDED IN PLAT BOOK 51, PAGE 121, ALL OF THE PROPERTY RECORDED IN OFFICIAL RECORDS BOOK 4356, PAGE 927, ALL OF THE PROPERTY RECORDED IN OFFICIAL RECORD BOOK 11489, PAGE 1667, A PORTION OF THE PLAT OF CENTRAL INDUSTRIAL PARK NORTH RECORDED IN PLAT BOOK 38, PAGE 81, ALL OF THE PROPERTY RECORDED IN OFFICIAL RECORDS BOOK 4809, PAGE 476, ALL OF THE PROPERTY RECORDED IN OFFICIAL RECORDS BOOK 4166, PAGE 740, ALL OF THE PROPERTY RECORDED IN OFFICIAL RECORDS BOOK 3951, PAGE 1132. ALL OF THE PROPERTY RECORDED IN OFFICIAL RECORDS BOOK 4191, PAGE 680, ALL OF THE ABOVE RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SITUATED IN SECTION 30, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY BOUNDED AS FOLLOWS:

BOUNDED ON THE WEST BY:

BEGINNING AT THE NORTHWEST CORNER OF PARCEL 2 OF SAID PLAT OF CENTRAL INDUSTRIAL PARK TRACT C REPLAT RECORDED IN PLAT BOOK 74, PAGE 30; THENCE NORTH ALONG THE NORTHERLY EXTENSION OF THE WEST LINE OF PARCEL 2 OF SAID PLAT OF CENTRAL INDUSTRIAL PARK TRACT C REPLAT RECORDED IN PLAT BOOK 74, PAGE 30 TO THE SOUTH LINE OF SAID PLAT OF PLAT NO. 2 CENTRAL INDUSTRIAL PARK NORTH RECORDED IN PLAT BOOK 51, PAGE 121; THENCE EAST, NORTH AND EAST ALONG THE SOUTH LINE OF SAID PLAT OF PLAT NO. 2 CENTRAL INDUSTRIAL PARK NORTH RECORDED IN PLAT BOOK 51, PAGE 121 TO THE SOUTHWEST CORNER OF LOT 7 OF SAID PLAT OF PLAT NO. 2 CENTRAL INDUSTRIAL PARK NORTH RECORDED IN PLAT BOOK 51, PAGE 121; THENCE NORTH ALONG THE WEST LINE OF LOTS 4, 5, 6 & 7 OF SAID PLAT OF PLAT NO. 2 CENTRAL INDUSTRIAL PARK NORTH RECORDED IN PLAT BOOK 51, PAGE 121 AND THE NORTHERLY EXTENSION TO THE NORTH RIGHT-OF-WAY LINE OF FISCAL COURT ALSO BING THE SOUTH LINE OF LOT 3 OF SAID PLAT OF PLAT NO. 2 CENTRAL INDUSTRIAL PARK NORTH RECORDED IN PLAT BOOK 51, PAGE 121; THENCE EAST, NORTHEAST AND NORTH ALONG SAID NORTH RIGHT-OF-WAY LINE OF FISCAL COURT AND SOUTH AND EAST LINE OF LOT 3 OF SAID PLAT OF PLAT NO. 2 CENTRAL INDUSTRIAL PARK NORTH RECORDED IN PLAT BOOK 51, PAGE 121 TO THE SOUTHEAST CORNER OF LOT 2 OF SAID PLAT OF PLAT NO. 2 CENTRAL INDUSTRIAL PARK NORTH RECORDED IN PLAT BOOK 51, PAGE 121; THENCE WEST ALONG THE SOUTH LINE OF LOT 2 OF SAID PLAT OF PLAT NO. 2 CENTRAL INDUSTRIAL PARK NORTH RECORDED IN PLAT BOOK 51, PAGE 121 TO THE SOUTHWEST CORNER OF SAID LOT 2 OF SAID PLAT OF PLAT NO. 2 CENTRAL INDUSTRIAL PARK NORTH RECORDED IN PLAT BOOK 51, PAGE 121; THENCE NORTH ALONG THE WEST LINE OF LOT 1 & 2 OF SAID PLAT OF PLAT NO. 2 CENTRAL INDUSTRIAL PARK NORTH RECORDED IN PLAT BOOK 51, PAGE 121 TO THE NORTH LINE OF SAID PLAT OF PLAT NO. 2 CENTRAL INDUSTRIAL PARK NORTH RECORDED IN PLAT BOOK 51, PAGE 121 ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF INVESTMENT LANE; THENCE WEST ALONG THE NORTH LINE OF SAID PLAT OF PLAT NO. 2 CENTRAL INDUSTRIAL PARK NORTH RECORDED IN PLAT BOOK 51, PAGE 121 AND THE SOUTH RIGHT-OF-WAY LINE OF INVESTMENT LANE TO THE WEST LINE OF SAID PLAT OF CENTRAL INDUSTRIAL PARK NORTH RECORDED IN PLAT BOOK 38, PAGE 81 ALSO BEING THE EAST RIGHT-OF-WAY LINE OF INTERSTATE I-95; THENCE NORTH ALONG THE WEST LINE OF SAID PLAT OF CENTRAL INDUSTRIAL PARK NORTH RECORDED IN PLAT BOOK 38, PAGE 81 AND THE EAST RIGHT-OF-WAY LINE OF INTERSTATE I-95 TO THE NORTH LINE OF SAID PLAT OF CENTRAL INDUSTRIAL PARK NORTH RECORDED IN PLAT BOOK 38, PAGE 81;

BOUNDED ON THE NORTH BY:

THENCE EAST ALONG THE NORTH LINE OF SAID PLAT OF CENTRAL INDUSTRIAL PARK NORTH RECORDED IN PLAT BOOK 38, PAGE 81 TO THE NORTHERLY EXTENSION OF THE WEST RIGHT-OF-WAY LINE OF GARDEN ROAD SHOWN ON SAID PLAT OF CENTRAL INDUSTRIAL PARK NORTH RECORDED IN PLAT BOOK 38, PAGE 81;

BOUNDED ON THE EAST BY:

THENCE SOUTH ALONG SAID NORTHERLY EXTENSION AND THE WEST RIGHT-OF-WAY LINE OF GARDEN ROAD SHOWN ON SAID PLAT OF CENTRAL INDUSTRIAL PARK NORTH RECORDED IN PLAT BOOK 38, PAGE 81 TO THE NORTHEAST CORNER OF SAID PROPERTY RECORDED IN OFFICIAL RECORDS BOOK 4809, PAGE 476, SAID CORNER ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF INVESTMENT LANE; THENCE CONTINUE SOUTH ALONG THE WEST RIGHT-OF-WAY LINE OF GARDEN ROAD SHOWN ON SAID PLAT OF CENTRAL INDUSTRIAL PARK NORTH RECORDED IN PLAT BOOK 38, PAGE 81 AND THE EAST LINE OF SAID PROPERTY RECORDED IN OFFICIAL RECORDS BOOK 4809, PAGE 476 TO THE NORTHEAST CORNER OF THE WATER MANAGEMENT TRACT SHOWN ON THE PLAT OF PLAT NO.2 CENTRAL INDUSTRIAL PARK RECORDED IN PLAT BOOK 50, PAGE 102 OF SAID PUBLIC RECORDS ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF THE NORTHERN PALM BEACH COUNTY WATER CONTROL DISTRICT EPB-6;

BOUNDED ON THE SOUTH BY:

THENCE WEST ALONG THE NORTH LINE OF SAID PLAT OF PLAT NO.2 CENTRAL INDUSTRIAL PARK RECORDED IN PLAT BOOK 50, PAGE 102 AND THE NORTH LINE OF SAID PLAT OF CENTRAL INDUSTRIAL PARK TRACT C REPLAT RECORDED IN PLAT BOOK 74, PAGE 30, ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF THE NORTHERN PALM BEACH COUNTY WATER CONTROL DISTRICT EPB-6 TO THE NORTHWEST CORNER OF PARCEL 2 OF SAID PLAT OF CENTRAL INDUSTRIAL PARK TRACT C REPLAT RECORDED IN PLAT BOOK 74, PAGE 30 AND THE POINT OF BEGINNING.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

June 20, 2018

Honorable Sharon R. Bock
Clerk and Comptroller
Palm Beach County
301 North Olive Avenue
West Palm Beach, Florida 33401

Attention: Mr. Timothy Montiglio

Dear Ms. Bock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Palm Beach County Ordinance No. 2018-010, which was filed in this office on June 20, 2018.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb