



AGENDA ITEM COVER SHEET

Meeting Date: February 21, 2017

Item # //

Contact Name: Al Butler
Contact Number: 407-554-7063

Reviewed By:
Department Director: _____
City Manager: _____

Subject: Second reading and public hearing for amending City Code Chapter 115 to provide for code enforcement abatement cost recovery through a citywide special assessment district.

Background Summary:

Chapter 115 of the Code of Ordinances of the City of Ocoee authorizes the city to identify and abate nuisances and hazards. Cost recovery is presently limited to placing a lien on the property to encourage payment of the city's costs. Staff proposes to provide an additional cost recovery mechanism through establishment of a citywide special assessment district by modifying Chapter 115.

The special assessment district would cover the entire city but only those properties with an unpaid code enforcement abatement invoice would be included in the assessment roll provided to the Orange County Property Appraiser as part of the annual property tax billing cycle.

Issue:

Amendment of Chapter 115 of the City Code in order to allow for a citywide special assessment district.

Recommendations:

Staff recommends that the City Commission adopt the proposed ordinance amending Chapter 115 of the Code of Ordinance of the City of Ocoee. A first reading was held on February 7, 2017, with public notice of the second reading and public hearing published on Thursday, February 9, 2017.

In order to implement the procedures of a special assessment district and the issuance of a tax roll therefor, staff additionally recommends the City Commission authorize staff and the Mayor to execute any and all agreements necessary with the Orange County Property Appraiser and Tax Collector, in addition to taking such other actions as may be required or advisable to create and implement the special assessment.

In accordance with Florida Statutes Section 96.3632(3)(a), a companion resolution directing staff to utilize the special assessment program to collect the cost of code enforcement abatements is also being presented.

Attachments:

- Proposed ordinance
- Proposed resolution

Financial Impact:

The city should experience a moderate increase in cost recovery for nuisance abatements.

Type of Item: *(please mark with an "x")*

- Public Hearing
- Ordinance First Reading
- Ordinance Second Reading
- Resolution
- Commission Approval
- Discussion & Direction

For Clerk's Dept Use:

- Consent Agenda
- Public Hearing
- Regular Agenda

Original Document/Contract Attached for Execution by City Clerk

Reviewed by City Attorney
Reviewed by Finance Dept.

Documents reviewed/edited by Dana Crosby-Collier

D.C.C.

N/A
 N/A

ORDINANCE 2017-_____

AN ORDINANCE OF THE CITY OF OCOEE, FLORIDA, AMENDING CHAPTER 115 OF THE CITY OF OCOEE CODE, RELATING TO NUISANCES; ESTABLISHING THE CITY AS A SPECIAL ASSESSMENT DISTRICT FOR PURPOSES OF NOTICING, REMEDYING, AND COLLECTING COSTS FOR REMEDYING NUISANCES; PROVIDING FOR IMPOSITION OF NON AD VALOREM ASSESSMENTS FOR UNPAID COSTS FOR REMEDYING NUISANCES; PROVIDING FOR APPEAL OF DETERMINATION BY THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, as provided in Article VIII of the Constitution of the State of Florida and chapters 163 and 166, Florida Statutes, the City of Ocoee (the "City") enjoys all home rule authority, police power, land development and zoning authority, and governmental and proprietary powers necessary to conduct municipal government and perform municipal functions; and

WHEREAS, the City may exercise any power for municipal purposes, except as expressly prohibited by law; and

WHEREAS, the City Charter requires all lands, property, lots, bodies of water, and other premises, within the City to be kept clean, sanitary, and free from excessive weed growth and empowers the City to so maintain upon failure of the owner to do so; and

WHEREAS, the City Charter allows the City to establish by ordinance that the assessment for remedying such a public health and safety issue will be a lien on the property until discharged by payment; and

WHEREAS, the City Commission in good faith determines that this Ordinance is in the best interest of the City and its residents and promotes the health, safety, and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF OCOEE, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** The foregoing recitals are hereby ratified and confirmed as true and correct and incorporated herein by this reference.

Section 2. **Authority.** The City Commission of the City of Ocoee has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes.

Section 3. **Chapter 115.** Chapter 115, relating to Nuisances, is hereby amended as follows:

See **Exhibit "A"** attached hereto and by this reference made a part hereof.

Section 4. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereto.

Section 5. **Codification.** It is the intention of the City Commission of the City that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City; and that sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "chapter," "section," "article," or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or relettered and the correction of typographical errors which do not affect the intent may be authorized by the City Marshall, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

Section 6. **Effective Date.** This Ordinance shall be in force and take effect immediately upon its passage and adoption.

PASSED AND ADOPTED this ____ day of _____, 2017.

APPROVED:

ATTEST:

CITY OF OCOEE, FLORIDA

Melanie Sibbitt, City Clerk

Rusty Johnson, Mayor

(SEAL)

ADVERTISED _____, 20__
READ FIRST TIME _____, 20__
READ SECOND TIME AND ADOPTED
_____, 20__
UNDER AGENDA ITEM NO. _____

**FOR USE AND RELIANCE ONLY BY
THE CITY OF OCOEE, FLORIDA;
APPROVED AS TO FORM AND LEGALITY**
this ____ day of _____, 20__.

SHUFFIELD, LOWMAN & WILSON, P.A.

By: _____

City Attorney

EXHIBIT A.

Chapter 115 of the City of Ocoee Code, relating to nuisances, is hereby amended as follows with strikethroughs showing deletions and underlines showing new language:

Sec. 115-1. – Establishment of a special assessment district relating to abatement and remedying of nuisances.

A. The City in its entirety, as the city boundaries exist on the date of enactment of this ordinance and as they may be expanded or contracted from time to time, is hereby declared a special assessment district for the purposes of abating and remedying violations of this chapter. Individual properties within the City's boundaries, as they may exist from time-to-time, may be assessed for the costs incurred by the city in abating and remedying violations of this chapter.

B. Levy of non-ad-valorem assessments. There is hereby levied, and the City Commission is authorized to levy from time to time, a non-ad-valorem assessment against each and every property in the city:

(1) On which there occurs or has occurred a violation of this chapter;

(2) The city undertakes or has undertaken action pursuant to this chapter to abate or remedy the violation and, thereby, incurs or has incurred costs; and

(3) The property owner and, if applicable, the agent, custodian, lessee, or occupant of the property fails or refuses or has failed or refused, for whatever reason, to pay timely the amount owed to the city under this chapter for the costs incurred by the city in carrying out such abatement and remedy.

C. Collection of non-ad-valorem assessments. The City Commission elects to use the uniform method to impose and collect non-ad-valorem assessments against properties on which violations of this chapter occur or have occurred. The non-ad-valorem assessments collected pursuant to this chapter will be included in the combined notice for ad-valorem taxes and non-ad-valorem assessments as provided in section 197.3635, Florida Statutes. Non-ad-valorem assessments collected pursuant to this Chapter are subject to all collection provisions in section 197.3632, Florida Statutes, including provisions relating to discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds for nonpayment.

D. Agreement to reimburse the county property appraiser and the county tax collector. In order to use the uniform method for the levy, collection, and enforcement of the non-ad-valorem assessments, the city is authorized to enter into a written agreement with the county property appraiser and the county tax collector providing for the reimbursement of their costs incurred in the administration and collection of the non-ad-valorem assessments levied under this chapter.

E. Adoption of a resolution. The City Commission, with agreement of the county property appraiser and county tax collector, will adopt a resolution at a public hearing prior to March 1, 2017, in accordance with section 197.3632(3), Florida Statutes, which resolution shall state the following:

(1) The city's intent to use the uniform method of collecting non-ad-valorem assessments.

(2) The city's need for the imposition of the non-ad-valorem assessments.

(3) The entire city is declared a special-assessment district, with individual properties being subject to the non-ad-valorem assessment from time-to-time if and when violations of this chapter occur.

(4) The city will comply with all statutory notice prerequisites set forth in section 197.3632, Florida Statutes.

F. Annual non-ad-valorem assessment roll. Each year, the City Commission will approve a non-ad-valorem assessment roll at a public hearing between January 1 and September 15. The non-ad-valorem assessment roll will be comprised of properties that have had levied against them non-ad-valorem assessments under this chapter, where such assessments have not otherwise been paid in full prior to approval of the roll.

G. Preparation of notice. The City Manager shall prepare, or direct the preparation of, the notice that must be sent by first class United States mail, and publish the newspaper notice that is required by section 197.3632(4)(b), Florida Statutes.

H. Notice. In addition to the published notice, the City Manager shall provide, or direct for the provision of, notice by first-class mail to be sent to each person owning property that will be on the non-ad-valorem assessment roll and the notice shall include the following:

(1) The purpose of the assessment;

(2) The total amount to be levied against the parcel, which includes the actual cost incurred by the city;

(3) A statement that failure to pay the assessment will cause a tax certificate to be issued against the property, which may result in a loss of title;

(4) A statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and

(5) The date, time and place of the hearing.

I. Upon its approval by City Commission, the non-ad-valorem assessment roll will be certified to the county tax collector as required by law.

Sec. 115-2 – Definitions.

The terms, words, and phrases used herein shall have the meaning set out in section 197.3632, Florida Statutes; provided, however, for purposes of this chapter the term, "Property" shall mean a lot or tract or parcel of land and the adjacent unpaved and ungraded portion of the right-of-way, whether such lot or tract or parcel is improved or unimproved.

Sec. 115-3 -- Declaration of nuisance and menace.

A. Junk and Debris.

(1) For the purposes of this chapter, the existence or accumulation of any combination of the following conditions or things on lands within the city is hereby declared and defined to be a "nuisance and menace to public health, safety and welfare": garbage, refuse, rubbish, junk, unusable furniture, refrigerators, stoves and appliances, trash, debris, dead, diseased, decaying and unsafe trees or any limb or other portion thereof, the remains or rubble of structures which have been burned or which have been stricken by other casualty or any other noxious material of any kind or any used or scrap building materials, any of which tend to be a breeding place or haven for snakes and vermin or which tend to create any hazard endangering the lives, health, welfare and property of the citizens of the city or which tend to create fire or traffic hazards.

(2) No person shall dump or cause to be dumped or place or cause to be placed on any lands or premises within the city any nuisance and menace to public health, safety and welfare.

(3) No person shall allow to remain or allow to be dumped, placed, accumulated or otherwise located on lands or premises owned, rented, leased or controlled by such person within the city any nuisance and menace to public health, safety and welfare, nor shall any person, after notice as provided this chapter that a nuisance and menace to public health, safety and welfare exists on lands or premises owned, rented, leased or controlled by such person within the city, maintain or fail to remove such nuisance and menace to the public health, safety, and welfare.

B. Excessive Weed or Grass Growth. No person shall allow or permit excessive growth of weeds, grass, undergrowth or other dead or living plant life (collectively referred to herein as "weed or grass growth") on property owned, rented, leased or controlled by such person. Weed or grass growth shall be deemed excessive if the growth reaches a height of 10 inches or more on improved property or 24 inches or more on unimproved property. Excessive weed or grass growth is prohibited and declared to be a public nuisance and unlawful. This subsection shall not apply to:

(1) Any tree, whether damaged, diseased, decayed or otherwise unsafe, or any limb or other portion thereof.

(2) Any active pasture land.

(3) Any environmentally sensitive properties, as defined in section 2-4(106) of the Land Development Code.

C. Abandoned or Unsafe Swimming Pool. No person shall allow or permit a pool, as defined in section 158-3 of the Code, to become or remain in an abandoned, unsafe or unsanitary condition or which tends to create a hazard endangering the lives, health, safety, welfare or property of the citizens of the city on property owned, rented, leased or controlled by such person. Any such condition is prohibited and declared to be a public nuisance and unlawful.

Sec. 115-4. - Duty of property owner generally.

It shall be the duty of the owner of each lot, tract or parcel of land within the city to reasonably regulate and effectively control excessive weed or grass growths and accumulations, as enumerated in section 115-3 hereof, on the property and on the portion of the adjoining public right-of-way between the property and the street. It shall also be the duty of the owner of each lot, tract or parcel of land within the city to drain, fill, regulate or control any abandoned, unsafe or unsanitary swimming pool, as set forth in section 115-3 hereof.

Sec. 115-5. – Enforcement; notice to remedy; ,and appeal process.

A Violations. Failure or refusal by the owner or, if applicable, the agent, custodian, lessee, or occupant of property to comply with the requirements of this chapter is a violation of this Chapter. The existence of an imminent public health or safety threat on a property is a violation of this chapter.

B. When the City Manager or his designee finds and determines that a public nuisance as described and declared in this chapter exists, the City Manager or his designee shall so notify the record owner of the offending property and demand that such owner cause the condition to be remedied. The notice shall be given by both physically posting on the property in the name of the property owner and by certified mail or personal delivery to the owner or owners as their names and addresses are shown upon the record of the Orange County Property Appraiser. Notice shall be deemed complete and sufficient when so physically posted and personally delivered or mailed.

C.. The notice required by Subsection B shall contain the following:

- (1) Name(s) and address(es) of the owner(s) of the property, according to the public records of Orange County, Florida.
- (2) Location of the property on which the violation exists.
- (3) A statement by the City Manager or a designee that a violation of this chapter, as described in the notice, has been determined to exist on the property, which violation constitutes a public nuisance.
- (4) A description of the condition which causes the property to be in violation.
- (5) A requirement that the record owner of the property remedy the violation within 15 days from the date of the notice, failing which the city will remedy the condition and assess against the record owner the costs thereof plus an administrative charge.

(6) A statement that, if the costs and administrative charge are not paid within 30 days of invoice date, a lien will be placed on the property which is enforceable by foreclosure on the property.

(7) A schedule of the charges which may be assessed against the record owner if the city has to remedy the violation.

(8) An estimate of the total cost, based on the schedule of charges, if the violation is remedied by the city. Such estimate is not to be interpreted or construed as the final cost which may be assessed, but only as a good-faith approximation of such cost. The final assessable cost may be greater or lesser than the estimate.

(9) A statement that the record owner of the property may, within 15 days from the date of the notice, submit a written appeal, from the determination of a public nuisance, which must contain all reasons, evidence, and argument that the cited condition does not constitute a violation.

D. Within 15 days from the date of the notice the owner of the property may appeal the determination of nuisance by submitting a written appeal and request for a hearing before the City Commission to show that the condition does not constitute a public nuisance. Such appeal shall be addressed to the City Clerk and shall state the name of the property owner, the location of the cited property and the specific grounds upon which the owner relies in order to show that the cited condition does not constitute a public nuisance.

Sec. 115-6. - Remedy by city; special assessment imposed; imminent public health or safety threat.

A. If after 15 days from the date of the notice no written appeal has been filed and the condition described in the notice has not been remedied, the City Manager or his designee shall cause the condition to be remedied by the city at the expense of the property owner. If a written appeal has been filed and the finding of public nuisance is upheld, the City Manager or his designee may cause the condition to be remedied by the city at the expense of the property owner unless the City Commission otherwise directs. The costs incurred by the city to remedy the violation, including the actual cost of clean-up, all administrative expenses, and all other identifiable costs incurred by the city, shall be assessed against the property as authorized by this chapter. All assessments shall be paid in full no later than 30 days after the property owner has received notice of the assessment. Thereafter, the unpaid amount of the assessment shall accrue interest at the rate of 18 percent per annum or at the maximum rate allowed by law, whichever is less.

B. If a written appeal has been filed and the finding of public nuisance is reversed, the city will not assess any costs or administrative penalties against the property, although

such administrative penalties would otherwise be authorized by section 115-8 of this chapter.

C. In cases involving violations of this chapter in which the City Manager or his designee finds and determines that that an imminent public health or safety threat exists, and that immediate, direct action to abate such imminent public health or safety threat is required, the city may, upon authorization from the City Manager or his designee, cause the conditions to be immediately remedied by city-authorized action. Notice of such remedial action shall be given within five days after such action and according to the procedures detailed in section 115-5 above, except that the notice shall explain that the property contained hazards in violation of this chapter requiring immediate remedy, that the violative condition has already been remedied, and that the property owner has 15 days from the date of the notice to apply to the City Commission to show why costs of the remedial action should not be assessed against the property. Said emergency remedial action shall be at the expense of the property owner; however, the property owner may make a written request for a hearing before the City Commission as above provided within 15 days from the date of notice that the violative condition had to be remedied and that a charge is being assessed therefor.

Sec. 115-7. – Notice of assessment; collection of costs; secured property.

A. After causing the condition to be remedied, the City Manager shall notify in writing the owner and, if applicable, the agent, custodian, lessee, or occupant that a special assessment has been imposed on the property. The notice shall be delivered to the owner and, if applicable, the agent, custodian, lessee, or occupant in the manner set forth for delivery of the notice of violation set forth herein. The notice of assessment shall set forth the following:

(1) A description of the violation, a description of the actions taken by the city to remedy the violation, and the fact that the property has been assessed for the costs incurred by the city to remedy the violation.

(2) The aggregate amount of such costs and an itemized list of such costs.

(3) The intent of the city to record the assessment as a lien against the property if not paid timely, within the period of 30 business days as set forth herein.

(4) The intent of the city to place the assessment on the tax roll as a non-ad-valorem assessment if not paid by the following December 1.

(5) The potential for the property to be subject to the sale of a tax certificate, bearing interest by law at a rate as high as 18 percent per annum, if the non-ad-valorem assessment is not paid as part of the tax bill on the property.

(6) The potential for the property to be sold and conveyed by tax deed if the tax certificate is not redeemed by payment of the non-ad-valorem assessment in full, plus interest, as required by state law.

B. If the property is secured by locks or otherwise, the city shall have the authority to enter the property for purposes of remedying the violative condition, and any additional costs incurred by the city in gaining access to the property or in re-securing the property after cleaning or removal of the nuisance shall be considered expenses of remedying the condition.

Sec. 115-8. - Administrative charge; administrative penalty.

A. In addition to the actual cost of remedying the violation cited under this chapter, the city may also assess a charge to cover administrative expenses incurred in securing and monitoring the services of a private contractor to remedy the violation. The administrative charge shall from time-to-time be established by the City Commission by resolution.

B. If a second violation of this chapter is cited against the same property and property owner within 12 months from the date of the first citation, an administrative penalty of \$100 shall additionally be assessed five days after the second citation. If the condition is abated by the owner during that five-day period, the penalty will not be assessed. If a third violation of this chapter is cited against the same property and property owner within 12 months from the date of the first citation, an administrative penalty of \$200 shall additionally be assessed five days after the third citation. If the condition is abated by the owner during that five-day period, the penalty will not be assessed. Any violation of this chapter may be referred to the City Attorney for appropriate legal action, including but not limited to injunctive relief, in addition to enforcement as provided in this chapter.

Sec. 115- 9. – Remedies Cumulative.

This chapter shall be deemed to be cumulative and supplemental and in addition to any other provision of this Code, act, law or ordinance relating to the regulation, control and abatement of the nuisances described in this chapter. The provisions of this chapter shall be liberally construed in order to effectively carry out its purposes.

RESOLUTION 2017 - _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OCOEE, FLORIDA, RELATING TO THE COLLECTION OF CODE ENFORCEMENT ABATEMENTS THROUGHOUT THE CITY OF OCOEE; STATING THE PURPOSE OF SUCH EFFORTS; PROVIDING DEFINITIONS; ENDORSING THE UNIFORM METHOD OF ASSESSING ABATEMENT COSTS AGAINST ASSESSED PROPERTIES LOCATED WITHIN THE CITY OF OCOEE; AUTHORIZING STAFF TO ANNUALLY PREPARE AN ASSESSMENT ROLL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Subsection C-8(Q) of the City of Ocoee Charter (“City Charter”) authorizes the City to require all lands, property, lots, bodies of water, and other premises within the City limits to be kept clean, sanitary, and free from excessive weed growth; and

WHEREAS, the City Charter allows the City to make such property clean, sanitary, and free from excessive weed growth by assessing the cost for remediation and abatement of such nuisances against the property pursuant to an ordinance allowing such remediation and abatement costs to be assessed as a lien on the property; and

WHEREAS, on February 21, 2017, the City Commission of the City of Ocoee, Florida, adopted Ordinance No. 2017-_____ (the “Ordinance”), to amend Chapter 115, City of Ocoee Code of Ordinances (“City Code”), and allow the City to impose an assessment against property where the City has undertaken action to abate or remedy a violation and has incurred costs; and

WHEREAS, the City of Ocoee has the obligation to abate nuisances and violations that are a risk to the public health, safety, and welfare under the provisions of the City Charter and the ordinance; and

WHEREAS, the owners of property involved in the abatement of nuisances have an obligation under the Ordinance to pay the cost of remediation and abatement incurred by the City, plus allowable interest; and

WHEREAS, in cases where such costs remained unpaid, the City intends to use the uniform method of collecting such assessments as non-ad valorem assessments; and

WHEREAS, the City Commission has adopted a clear method for determining and collecting such non-ad valorem assessments consistent with the procedures provided for by the

Ordinance, including collecting such assessments on the uniform tax bill for each Fiscal Year beginning on October 1; and

WHEREAS, the Florida Statutes and amendments to the City Code establish the special assessment district for nuisance and require the Commission to adopt a Resolution; and

WHEREAS, the City, county property appraiser, and county tax collector currently have an agreement by which the property appraiser and tax collector collect non ad valorem assessments on behalf of the City; and

WHEREAS, the Commission, with agreement of the county property appraiser and county tax collector, will adopt a resolution after a public hearing prior to March 1, 2017, in accordance with section 197.3632(3), Florida Statutes; and

WHEREAS, a public hearing was held on February 21, 2017, and comments and objections of all interested persons were heard and considered, as required by the terms of the Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF OCOEE, FLORIDA:

SECTION 1. AUTHORITY. This Resolution is adopted pursuant to the provisions of the Ordinance; the City of Ocoee Home Rule Charter, Article VIII, Section 2 of the Florida Constitution, Sections 166.041 and 197.3632, Florida Statutes, and other applicable provisions of law.

SECTION 2. RECITALS. The foregoing recitals are hereby ratified and confirmed as true and correct and incorporated herein by this reference.

SECTION 3. PURPOSE AND DEFINITIONS.

(A) This Resolution implements the establishment of a special assessment district relating to abatement and remedying of nuisances, as described in Section 115-1 of the Ordinance, for Fiscal Year 2018, which begins on October 1, 2017, and continuing annually for each subsequent Fiscal Year until modified by the Ocoee City Commission. The area of the special assessment district is the entire city limits of the City of Ocoee, with individual properties being subject to the non-ad valorem assessment from time to time if and when violations of Chapter 115 of the City Code occur and are corrected by the City, as provided in Chapter 115.

These boundaries may be modified from time to time by action of the Ocoee City Commission and said modifications shall be reflected in the extent of the special assessment district as they occur.

(B) All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance, as applicable. Unless the context indicates otherwise, words imparting the singular number include the plural number and vice versa.

(C) It is the purpose of this Resolution to authorize city staff to utilize the provisions of Chapter 115 of the City Code, as amended on February 21, 2017, to recover the cost of all code enforcement abatement actions taken by the city, in accordance with Chapter 115, City Code, and to eliminate nuisances and menaces to the public health, safety, and welfare. This authorization specifically includes the ability to use the Uniform Method of Non-ad Valorem Special Assessments in cooperation with the Orange County Property Appraiser and Tax Collector.

SECTION 4. ANNUAL ASSESSMENT ROLL. City staff is directed to create a proposed annual non-ad valorem assessment roll and to submit it, prior to September 15 of each year, to the Ocoee City Commission for review and consideration after a public hearing has been conducted by that legislative body. The assessment roll shall include those properties that have had the cost of abatement and remedying of nuisances, including any related interest, levied against them when such assessments have not been otherwise paid in full prior to the approval of the roll. The City Manager is authorized to exclude selected properties from the assessment roll if he/she has determined that such method of collection is not in the city's interest. Staff is explicitly authorized to perform all precedent actions required for the Ocoee City Commission to properly review, consider, and adopt the annual assessment roll by resolution.

SECTION 5. EFFECT OF ADOPTION OF RESOLUTION. This Resolution establishes the boundaries of the area constituting the area of special non-ad valorem assessment to be

collected using the uniform method for recovering the city's cost of nuisance and menace abatements, plus any interest if and as authorized by the Ordinance.

SECTION 6. SEVERABILITY. If any clause, section, or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of other provisions of this Resolution.

SECTION 7. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2017.

ATTEST:

APPROVED:

CITY OF OCOEE, FLORIDA

Melanie Sibbitt, City Clerk

Rusty Johnson, Mayor

(SEAL)

FOR USE AND RELIANCE ONLY BY THE CITY OF OCOEE, FLORIDA. APPROVED AS TO FORM AND LEGALITY THIS ____ DAY OF _____, 2017.

APPROVED BY THE OCOEE CITY COMMISSION AT A MEETING HELD ON _____.

SHUFFIELD, LOWMAN & WILSON, P.A.

By: _____
City Attorney

COPY OF ADVERTISEMENT

Date Published and Media Name

Thursday, February 9, 2017 The West Orange Times **5B**

Advertisement or Article

FIRST INSERTION

CITY OF OCOEE PUBLIC HEARING

A Public Hearing before the Ocoee City Commission will be held Tuesday, February 21, 2017 at 7:15 p.m. or as soon thereafter as may be heard, in the Commission Chambers of City Hall at 150 North Lakeshore Drive, Ocoee, Florida, to consider the following:

AN ORDINANCE OF THE CITY OF OCOEE, FLORIDA, AMENDING CHAPTER 115 OF THE CITY OF OCOEE CODE, RELATING TO NUISANCES; ESTABLISHING THE CITY AS A SPECIAL ASSESSMENT DISTRICT FOR PURPOSES OF NOTICING, REMEDYING, AND COLLECTING COSTS FOR REMEDYING NUISANCES; PROVIDING FOR IMPOSITION OF NON AD VALOREM ASSESSMENTS FOR UNPAID COSTS FOR REMEDYING NUISANCES; PROVIDING FOR APPEAL OF DETERMINATION BY THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

If a person decides to appeal any decision made by the above City Commission with respect to any matter considered at such hearing, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

All interested parties are invited to attend and be heard with respect to the above. 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 407-905-3105 at least two days prior to the date of hearing.
February 9, 2017

17-00670W