

Effective Date December 11, 1992

ORDINANCE  
NUMBER 92-100

AN ORDINANCE CREATING THE MANCHESTER WATERWAY BENEFIT UNIT; PROVIDING DEFINITIONS; PROVIDING THE PURPOSE OF THE UNIT; DESCRIBING THE TERRITORY INCLUDED IN THE UNIT; PROVIDING FOR A GOVERNING BODY AND ITS POWERS; PROVIDING FOR THE ADOPTION OF A BUDGET, THE LEVY OF MAINTENANCE ASSESSMENTS, AND THE COLLECTION OF ASSESSMENTS; PROVIDING FOR INCLUSION IN THE CHARLOTTE COUNTY CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

1. Under Section 125.01, Florida Statutes, the Board of County Commissioners has the authority to establish, merge, or abolish municipal service benefit or taxing units.

2. It is in the best interest of the citizens of the County to create a waterway benefit unit to provide funding necessary for repair, operation and maintenance of waterways, canals and associated structures.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Charlotte County, Florida:

SECTION 1. DEFINITIONS. For the purpose of this ordinance, words used in the singular shall include the plural, and the plural, the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined herein shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

*11/11/92*  
*10/17*

Barbara T. Scott, Clerk of the Circuit Court - Charlotte County  
File Number: **199351**  
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OR BOOK **1248** PAGE **0897**

Recording # 9139  
Record Verified: MARY WALLING, S.C.

1. *Assessment Roll* means a non-ad valorem assessment roll relating to an assessment, approved by a resolution.

2. *Benefit Area* means any portion of a Benefit Unit (which may be the entire Benefit Unit) that is specially benefitted by one or more specific maintenance projects.

3. *Benefit Unit* means a municipal services benefit unit established pursuant to Section 125.01, Florida Statutes.

4. *Board* means the Board of County Commissioners of Charlotte County, Florida.

5. *Clerk* means the Clerk of the Circuit Court of Charlotte County, ex-officio Clerk of the Board, or any Deputy Clerk.

6. *County* means Charlotte County, Florida.

7. *Director* means the Director of the Public Works Department or his designee.

8. *Equivalent Residential Unit (ERU)* means the number of residential units (single family, mobile homes, multi-family, condominiums, etc.) within the boundaries of the Unit.

9. *Final Maintenance Assessment* means a non-ad valorem assessment or reassessment lawfully imposed by the County for the payment of maintenance in accordance with the terms of this ordinance against properties specially benefitted by one or more specific maintenance projects.

10. *Final Maintenance Assessment Resolution* means the resolution which shall confirm or deny the Initial Maintenance

Assessment Resolution and which shall be the final proceeding for the imposition of a Maintenance Assessment.

11. *Initial Maintenance Assessment Resolution* means the resolution which shall be the initial proceeding for the imposition of a Maintenance Assessment.

12. *Maintenance Assessment* means a non-ad valorem assessment lawfully imposed by the County for the payment of Maintenance Costs of the Unit.

13. *Maintenance Assessment Roll* means a non-ad valorem assessment roll relating to Maintenance Costs, approved by a Final Maintenance Assessment Resolution or an Annual Maintenance Rate Resolution.

14. *Maintenance Cost* means the County's reasonable and necessary expenses for maintenance of the Unit. Maintenance cost shall include but not be limited to personnel costs, administration expenses, insurance and surety bond premiums, legal and engineering expenses, ordinary and current rentals of equipment or other property, and any other expenses required to be paid for or with respect to proper maintenance of such facilities, all to the extent properly attributable to such facilities and shall include any "indirect cost" properly allocated thereto. Maintenance cost shall also include the cost of engineering, financial, legal and other consultant services and any other cost associated with the structure, implementation and collection of maintenance assessments, including any service charges of the Tax Collector or Property Appraiser and amounts necessary to offset discounts

received for early payment of maintenance assessments pursuant to applicable law. With respect to any specific benefit unit, the Board may elect to include as an additional element of maintenance cost a contingency amount to offset any errors in the maintenance assessment roll which, upon correction, will reduce the aggregate amount of maintenance assessments reflected therein, for the purpose of providing relief to the owners of specific parcels of property which, because of the special nature of such property, have not been assessed equitably.

15. *Maximum Maintenance Assessment Rate* means the maximum rate of assessment for maintenance services established by the final maintenance assessment resolution.

SECTION 2. UNIT ESTABLISHED. There is hereby created, pursuant to the authority contained in Section 125.01, Florida Statutes, a municipal service benefit unit to be known as the Manchester Waterway Benefit Unit ("Unit").

SECTION 3. TERRITORY. The territory included within the Unit shall include only the following portions of the unincorporated area of Charlotte County, more particularly described as follows:

1. Portions of Port Charlotte Subdivision Section 31, a subdivision according to the plat thereof recorded in Plat Book 5, Pages 26A thru 26F of the Public Records of Charlotte County, Florida. Said portions being:

Block 572; Block 608; Lots 1 thru 15 (Inclusive), Lots 22 thru 34 (Inclusive), Block 2736; Lots 1 thru 31 (Inclusive), Lots 33 thru 68 (Inclusive), Tracts I and J, Block 2748.

2. Portions of Port Charlotte Subdivision Section 41, a subdivision according to the plat thereof recorded in Plat Book 5, Pages 51A thru 51K of the Public Records of Charlotte County, Florida. Said portions being:

Lot 1, Lots 11 thru 68 (Inclusive), Tract C, Block 573; Lot 1, Lots 3 thru 79, Block 619.

3. Portions of Port Charlotte Subdivision Section 44, a subdivision according to the plate thereof recorded in Plat Book 5, Pages 54A thru 54G of the Public Records of Charlotte County, Florida. Said portions being:

Block 3269; Lots 1 thru 4 (Inclusive), Lots 6 thru 35 (Inclusive), Lot 37, Lots 39 thru 61 (Inclusive), Lots 63 and 64, Lots 66 thru 73 (Inclusive), Lots 75 thru 79 (Inclusive), Lots 81 thru 89 (Inclusive), Block 3270; Lots 1 thru 27 (Inclusive), Lots 29 and 30, Lots 32 thru 51 (Inclusive), Lots 53 thru 55 (Inclusive), Lots 57 thru 82 (Inclusive), Lots 84 and 85, Lots 87 thru 113 (Inclusive), Lots 115 and 116, Lots 118 thru 131 (Inclusive), Block 3291; Lots 1 thru 18 (Inclusive), Lot 20, Lots 22 thru 53 (Inclusive), Lots 55 and 56, Lots 58 thru 90 (Inclusive), Lots 92 thru 96 (Inclusive), Lots 98 thru 129 (Inclusive), Lot 131, Lots 133 thru 141 (Inclusive), Lots 143 thru 164 (Inclusive), Block 3293; Lots 1 thru 4 (Inclusive), Lots 6 thru 10 (Inclusive), Lots 12 thru 55 (Inclusive), Block 3294; Lots 1 thru 35 (Inclusive), Lots 50 thru 52 (Inclusive), Lots 54 thru 59 (Inclusive), Lots 64 thru 73 (Inclusive), Lots 75 thru 82 (Inclusive), Lots 87 thru 95 (Inclusive), Lots 97 and 98, Lots 101 thru 127 (Inclusive), Lots 129 and 130, Lots 132 thru 142 (Inclusive), Lot 144, Lots 146 thru 169 (Inclusive), Lot 171, Lots 173 thru 189 (Inclusive), Lots 192 thru 208 (Inclusive), Lots 210 thru 231 (Inclusive), Lots 233 and 234, Lots 246 thru 253 (Inclusive), Lots 255 thru 266 (Inclusive), Lots 299 thru 301 (Inclusive), Lots 303 and 304, Lots 306 thru 321 (Inclusive), Lots 323 and 324, Lots 326 thru 349 (Inclusive), Block 3302, Tract F.

4. Portions of First Replat of Port Charlotte Subdivision Section 44, a subdivision according to the plat thereof recorded in Plat Book 16, Pages 8A

and 8B of the Public Records of Charlotte County, Florida. Said portions being:

Lots 293 thru 298 (Inclusive), Block 3302

5. Portions of Port Charlotte Subdivision Section 46, a subdivision according to the plat thereof recorded in Plat Book 5, Pages 57A thru 57D of the Public Records of Charlotte County, Florida. Said portions being:

Blocks 3305 and 3306, Blocks 3402 and 3403.

6. Portions of Port Charlotte Subdivision Section 79, a subdivision according to the Plat thereof recorded in Plat Book 6, Pages 43A thru 43J of the Public Records of Charlotte County, Florida. Said portions being:

Lot 1, Lots 3 thru 13 (Inclusive), Block 4657; Lots 2 and 3, Lots 5 thru 15 (Inclusive), Block 4658; Lots 2 and 3, Lots 5 thru 15 (Inclusive), Lots 17 and 18, Block 4659; Tract C, Block 4660; Lots 2 thru 10 (Inclusive), Tract D, Block 4661; Lots 2 and 3, Lots 5 thru 17 (Inclusive), Block 4662; Lots 2 and 3, Lots 5 thru 16 (Inclusive), Block 4663; Lots 2 and 3, Lots 5 thru 16 (Inclusive), Block 4664; Lots 2 and 3, Lots 5 thru 16 (Inclusive), Block 4665; Block 4666; Lot 2, Lots 4 thru 64 (Inclusive), Block 4667; Lot 2, Lots 4 thru 31 (Inclusive), Block 4670; Lot 2, Lots 4 thru 31 (Inclusive), Block 4672; Lots 4 thru 31 (Inclusive), Block 4675; Lots 2, Lots 4 thru 31 (Inclusive), Block 4676; Lot 2, Lots 4 thru 31 (Inclusive), Block 4678; Lot 1, Lots 3 thru 61 (Inclusive), Block 4680; Lot 2, Lots 4 thru 31 (Inclusive), Block 4683; Lot 2, Lots 4 thru 31 (Inclusive), Block 4685; Lot 2, Lots 4 thru 31 (Inclusive), Block 4687; Lot 2, Lots 4 thru 31 (Inclusive), Block 4688; Lot 2, Lots 4 thru 31 (Inclusive), Block 4690; Lot 1, Lots 3 thru 31 (Inclusive), Block 4692.

7. Portions of Pebble Creek Subdivision, a subdivision according to the plat thereof recorded in Plat Book 17, pages 9A thru 9C of the Public Records of Charlotte County Florida. Said portions being:

Lots 27 thru 42 (Inclusive).

8. A portion of unplatted lands lying in Section 14, Township 40 South, Range 21 East, in Charlotte County, Florida. Said portion being:

Parcels 1, 3

9. A portion of unplatted land lying in Section 23, Township 40 South, Range 21 East, in Charlotte County, Florida. Said portion being:

Parcel 1

10. A portion of unplatted land lying in Section 25, Township 40 South, Range 21 East, in Charlotte County, Florida. Said portion being:

Parcels 1, 3

11. A portion of unplatted land lying in Section 26, Township 40 South, Range 21 East, in Charlotte County, Florida. Said portion being:

Parcel 1

12. A portion of unplatted land lying in Section 36, Township 40, South, Range 21 East, in Charlotte County, Florida. Said portion being:

Parcel 2

13. A portion of unplatted land lying in Section 29, Township 40 South, Range 22, East, in Charlotte County, Florida. Said portion being:

Parcel 1

14. A portion of unplatted land lying in Section 31, Township 40 South, Range 22 East, in Charlotte County, Florida. Said portion being:

Parcel 2

15. A portion of unplatted land lying in Section 32, Township 40 South, Range 22 East, in Charlotte County, Florida. Said portion being:

Parcels 1, 1-1

SECTION 4. PURPOSE. The purpose of this Unit is: (1) to dredge, on a one-time basis only, the channel from Midway



Boulevard to the water control structure, and from the water control structure to the Ackerman Waterway; (2) to perform, on a one-time basis only, removal of rocks in the Manchester Waterway; (3) the maintenance and marking of a clear channel in the Manchester Waterway; and (4) borrow and accrue funds for future work as defined herein. The purpose of this Unit shall not include the maintenance of seawalls.

SECTION 5. GOVERNING BODY The Board of County Commissioners of Charlotte County, Florida, shall be the governing body of the Unit.

SECTION 6. POWERS OF THE GOVERNING BODY. The Board shall have the following powers within the Unit:

- (a) to improve and maintain designated waterways and appurtenances;
- (b) to impose and collect Maintenance Assessments in the manner provided herein;
- (c) to make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this ordinance, and to employ such consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers and other employees, contractors and agents as may, in the judgment of the Board, be deemed necessary or convenient and to fix their compensation;
- (d) to pay out of any funds that may be available for that purpose such portion of the maintenance costs or financing



costs associated with any maintenance project as it may deem proper;

(e) to impose and collect Maintenance Assessments in the manner provided herein;

(f) to appoint an advisory committee of seven resident property owners residing within the Unit that will offer recommendations to the Board as to the timing, nature, and quantity of work to be performed;

(g) to borrow and accrue funds for future work as defined herein; and

(h) to exercise any and all of the powers of the County not enumerated above necessary or incidental for the purpose of providing the services, improvements and benefits described herein.

SECTION 7. MAINTENANCE ASSESSMENTS.

1. **General Authority.** The Board may provide for the maintenance or repair of facilities within the waterway Unit through the imposition of Maintenance Assessments upon property within the Benefit Unit at a rate of assessment based on the special benefit accruing to such property from the maintenance or repair of such facilities. However, the Maximum Maintenance Assessment Rate shall not exceed \$25.00 per Equivalent Residential Unit ("ERU") in any fiscal year, unless recommended by the seven-member advisory board appointed pursuant to Section 6 and approved by the Board of County Commissioners after a public hearing.

2. **Initial Proceedings.**

(a) The County Administrator or his designee shall

present to the Board plans and estimates of cost for the work to be performed during the succeeding fiscal year or years. Such plans and cost estimates shall first be reviewed by the seven-member advisory committee. The committee may prepare and forward recommendations to the Board in conjunction with the presentation of the County Administrator or his designee.

(b) The initial proceeding for imposition of a Maintenance Assessment shall be the passage by the Board of an Initial Maintenance Assessment Resolution (i) identifying the area to be subject to the Maintenance Assessment, (ii) generally describing the maintenance services to be provided, (iii) designating a Maximum Maintenance Assessment Rate.

(c) If the Board elects to include as an additional element of maintenance cost a contingency amount to offset any errors in the Maintenance Assessment Roll, the Initial Maintenance Assessment Resolution may provide (i) a brief description of the characteristics of specific parcels of property which may be entitled to relief (ii) the period in which the owners of such property may petition for relief, and (iii) any other provisions reasonably related to such contingency amount.

3. **Maintenance Methodology.** A non-ad valorem assessment shall be levied upon each separate parcel, tract and lot lying contiguous to any canals or waterways in the Unit. Parcels and tracts of land not platted into residential lots within the unit, shall be assessed at an equivalent residential unit basis where a standard 80 feet by 125 feet area shall constitute one ERU.



Parcels and tracts of land zoned multi-family shall be assessed as one ERU per family unit. Certain parcels or tracts of land identified in Section 3 above will be assessed as follows:

Para/Sec	Tract/Parcel	Block	ERU's	
1	31	I	2748	2
1	31	J	2748	1
2	41	C	573	4
3	44	D	3269	1
3	44	F	3302	16
5	46	A	3305	5
5	46	B	3306	6
5	46	F	3402	1
5	46	G	3403	1
6	79	C	4660	14
6	79	D	4661	1
8	14	1		49
8	14	3		17
9	23	1		192
10	25	1		87
10	25	3		18
11	26	1		36
12	36	2		103
13	29	1		27
14	31	2		66
15	32	1		60
15	32	1-1		38

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4. **Maintenance Assessment Roll.** The Public Works Director shall also prepare, or cause to be prepared, the initial Maintenance Assessment Roll, which Roll shall contain the following:

A. A summary description of all lots, tracts, and parcels of land or land within the Benefit Unit conforming to the description contained on the Tax Roll.

B. The name of the owner of record of each lot, tract or parcel as shown on the Tax Rolls.

C. The amount of the initial Maintenance Assessment to be imposed against each such lot, tract or parcel.

The initial Maintenance Assessment Roll shall be provided to the Clerk and retained by the Public Works Department and shall be open to public inspection. The foregoing shall not be construed to require that the Maintenance Assessment Roll be in printed form if the amount of the Maintenance Assessment for each parcel of property can be determined by use of a computer terminal available at each location.

5. **Notice by Publication.** The County Administrator, upon the filing of the initial Maintenance Assessment Roll, shall publish once in a newspaper of general circulation, published and circulated in the County, a notice stating that at a meeting of the Board on a certain day and hour, not earlier than 20 calendar days from such publication, which meeting shall be a regular, adjourned or special meeting, the Board will hear objections of all interested persons to the Final Maintenance Assessment Resolution which shall establish the Maximum Maintenance Assessment Rate and approve the aforementioned initial Maintenance Assessment Roll. The published notice shall conform to the requirements set forth in 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. Such notice shall include (A) a geographic depiction of the property subject to the Maintenance Assessment, (B) a brief and general description of the maintenance to be provided, (C) the Maximum Maintenance Assessment Rate, (D) the procedure for objecting provided in paragraph 12 hereof, and (E) a statement that the initial Maintenance Assessment

Roll is available for inspection at the offices of the Clerk and the Public Works Department, and all interested persons may ascertain the amount to be assessed against a lot, tract or parcel of property at the offices of the Clerk and the Public Works Director.

6. **Notice by Mail.** In addition to the published notice required by paragraph 5, but only for the first fiscal year in which a Maintenance Assessment is imposed against property within a Benefit Unit or any specific portion thereof, the County Administrator shall provide notice by first class mail to each property owner proposed to be assessed. The mailed notice shall conform to the requirements set forth in 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. Notice shall be mailed at least 20 calendar days prior to the hearing to each property owner at such address as is shown on the Tax Rolls. Notice shall be deemed mailed upon delivery thereof to the possession of the U.S. Postal Service. The County Administrator may provide proof of such notice by affidavit.

7. **Adoption of Final Maintenance Assessment Resolution.** At the time named in such notice, or to which an adjournment or continuance may be taken by the Board, the Board shall receive any written objections of interested persons and may then or at any subsequent meeting of the Board adopt the Final Maintenance Resolution which shall (A) repeal or confirm the Initial Maintenance Assessment Resolution with such amendments, if any, as

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may be deemed appropriate by the Board; (B) establish the Maximum Maintenance Assessment Rate; and (C) approve the initial Maintenance Assessment Roll, with such amendment as it deems just and right. The Maintenance Assessments so approved shall be in proportion to the special benefits. All objections to the Final Maintenance Assessment Resolution shall be made in writing, and filed with the Clerk at or before the time or adjourned time of such hearing. The Final Maintenance Assessment Resolution shall constitute the Annual Maintenance Rate Resolution for the initial fiscal year Maintenance Assessments are imposed hereunder. If the Board has elected to include as an additional element of Maintenance Cost a contingency amount to offset any errors in the Maintenance Assessment Roll, the Final Maintenance Assessment Resolution may provide (i) a brief description of the characteristics of specific parcels of property which may be entitled to relief, (ii) the period in which the owners of such property may petition for relief, and (iii) any other provisions reasonably related to such contingency amount.

8. **Effect of Final Maintenance Resolution.** The Maximum Maintenance Assessment Rate and the Maintenance Assessments for the initial fiscal year shall be established upon adoption of the Final Maintenance Assessment Resolution. The adoption of the Final Maintenance Assessment Resolution shall be the final adjudication of the issues presented (including, but not limited to, the method of assessment, the Maximum Maintenance Assessment Rate, the initial Maintenance Assessment Roll, and the levy and lien of the

Maintenance Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of Board action on the Final Maintenance Assessment Resolution. The initial Maintenance Assessment Roll, as approved by the Final Maintenance Assessment Resolution, shall be delivered to the Tax Collector, or such other official as the Board, by resolution, deems appropriate. Notwithstanding the foregoing, if the Board has elected to include as an additional element of Maintenance Cost a contingency amount to offset any errors in the Maintenance Assessment Roll, the owners of property having the characteristics described in the Final Maintenance Assessment Resolution may petition for relief within one year of the date such Final Maintenance Assessment Resolution is adopted.

9. **Adoption of Annual Maintenance Rate Resolution.** The Board shall adopt an Annual Maintenance Rate Resolution during its budget adoption process for each fiscal year following the initial fiscal year for which Maintenance Assessments are imposed hereunder. The Annual Maintenance Rate Resolution shall approve the Maintenance Assessment Roll for such fiscal year. The Maintenance Assessment Roll shall be prepared in accordance with the method of assessment set forth in the Final Maintenance Assessment Resolution and shall be based upon a rate not in excess of the Maximum Maintenance Assessment Rate. The Maintenance Assessment Roll, as approved by the Annual Maintenance Rate Resolution, shall be delivered to the Tax Collector, or such other official as the Board, by resolution, deems appropriate. If the

Maintenance Assessment against any property shall be sustained or reduced or abated by the court, that fact shall be noted on the Maintenance Assessment Roll opposite the description of the property affected thereby.

10. **Payment of Maintenance Assessments.** Unless specifically authorized and approved by the Tax Collector, no prepayments of Maintenance Assessments shall be accepted. Maintenance Assessments shall be collected in the manner set forth herein.

11. **Lien of Maintenance Assessments.** All Maintenance Assessments shall constitute a lien against such property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles, and claims, until paid.

12. **Procedural Irregularities.** Any informality or irregularity in the proceedings in connection with the levy of any Maintenance Assessment under the provisions of this ordinance shall not affect the validity of the same after the approval thereof, and any Maintenance Assessment as finally approved shall be competent and sufficient evidence that such Maintenance Assessment was duly levied, that the Maintenance Assessment was duly made and adopted, and that all other proceedings adequate to such Maintenance Assessment were duly had, taken and performed as required by this ordinance; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting



was materially injured thereby. Notwithstanding the provisions of this paragraph, any party objecting to a Maintenance Assessment imposed pursuant to this ordinance must file an objection with a court of competent jurisdiction within the time periods prescribed herein.

13. Correction of Errors and Omissions.

A. No act of error or omission on the part of the Property Appraiser, Tax Collector, County Administrator, Clerk, Public Works Director, Board or their deputies or employees, shall operate to release or discharge any obligation for payment of a Maintenance Assessment imposed by the Board under the provision of this ordinance. Any errors or omissions may be corrected at any time by the Board, or its designee, and when so corrected shall be considered valid ab initio and shall in no way affect the enforcement of the Maintenance Assessment imposed under the provisions of this ordinance.

B. When it shall appear that any Maintenance Assessment should have been imposed under this ordinance against a lot, tract or parcel of property specially benefited by the maintenance of facilities within the Benefit Unit, but that such property was omitted from the Maintenance Assessment Roll, the Board may, upon provision of appropriate notice as set forth in this section, impose the applicable Maintenance Assessment for the fiscal year in which such error is discovered, in addition to the applicable Maintenance Assessments due for the prior two fiscal years. Such total Maintenance Assessments shall become delinquent

if not fully paid upon the expiration of 90 days from the date of the adoption of said resolution. The Maintenance Assessment so imposed shall constitute a lien against such property equal in rank and dignity with the liens of all state, county, district or municipal taxes and special assessments, and superior in rank and dignity to all other liens, encumbrances, titles and claims in and to or against the real property involved and may be recorded as provided herein and collected as provided herein.

C. The Board shall have the authority at any time, upon its own initiative or in response to a timely filed petition from the owner of any property subject to a Maintenance Assessment, to correct any error or omission in the adoption of any Maintenance Assessment Roll, or in the implementation of this ordinance, including, but not limited to, an error in inclusion or exclusion of any property.

SECTION 8. LEVY OF ASSESSMENTS. An assessment for maintenance costs is hereby authorized to be imposed upon each parcel, tract and lot lying contiguous to any canals or waterways within the Unit for services and facilities provided by the Unit. The annual assessment shall be levied through a non-ad valorem assessment as part of the Tax Collector's bill. The billing and collection function will be the responsibility of the Charlotte County Tax Collector's Office.

SECTION 9. COLLECTION OF NON-AD VALOREM ASSESSMENTS.

1. **Method of Collection.** The Maintenance Assessments shall be collected pursuant to the uniform method provided in

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.

2. **Compliance with Applicable Law.** The Board shall comply with all applicable provisions of law relating to such uniform method, including Sections 197.363, 197.3631 and 197.3632, Florida Statutes, and any successor provisions thereto. Any hearing or notice required by this ordinance may be combined with any other hearing or notice required to collect the Maintenance Assessments on the same bill as ad valorem taxes.

SECTION 10. SEVERABILITY. In the event this ordinance conflicts with any other Charlotte County Code or other applicable law, the more restrictive shall apply. If any subsection, sentence, clause, phrase, or portion of these sections 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 remainder of the chapter.

SECTION 11. INCLUSION IN THE CHARLOTTE COUNTY CODE. It is the intent of the Board of County Commissioners and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Laws and Ordinances, Charlotte County, Florida, and the sections of this ordinance may be renumbered to accomplish such intent.

SECTION 12. EFFECTIVE DATE. This ordinance shall take effect upon receipt of the acknowledgment of its filing in the Office of the Secretary of State, State of Florida.

PASSED AND DULY ADOPTED this 5<sup>th</sup> day of NOVEMBER, 1992.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By Jack Lotz, Vice Chairman

ATTEST:

Barbara T. Scott, Clerk of  
Circuit Court and Ex-officio  
Clerk to the Board of County  
Commissioners

By Barbara T. Scott  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

Wm. Charles L. Jamison  
Wm. Charles L. Jamison  
Assistant County Attorney

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November 12, 1992 mj