

Chapter 79 - FIRE PREVENTION AND PROTECTION

Footnotes:

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Cross reference— *Code Enforcement Board, § 1.91 et seq.; building and housing regulations, ch. 21; electrical regulations, ch. 63; "E911" system, § 111.31 et seq.; marine fuel, § 159.7 et seq.*

State Law reference— *Fire prevention and control, F.S. ch. 633; power to provide fire protection, F.S. § 125.01(1)(d).*

ARTICLE 1. - IN GENERAL

Sec. 79.1. - Fire Rescue Chief; authority of County Administrator to appoint Fire Rescue Chief; Fire Prevention Chief to work under direction of Fire Rescue Chief or Designee.

The County Administrator shall appoint the Fire Rescue Chief with the confirmation of the Martin County Board of County Commissioners. With the concurrence of the County Administrator, the County Fire Prevention Chief, who serves as the County Fire Marshal, shall be appointed by and work under the direction of the Fire Rescue Chief or designee.

(Code 1974, § 15-1; Ord. No. 201, pt. 1, 11-23-1982; Ord. No. 449, pt. 1, 10-11-1994; Ord. No. 1069, pt. 4, 6-12-2018; Ord. No. 1204, pt. I, 9-26-2023)

Editor's note— The titles of county officers, county employees or county agencies in the above section have been corrected to reflect current titles.

Sec. 79.2. - Fire Marshal—Duty to enforce certain laws and ordinances.

It shall be the duty of the Fire Marshal to enforce, or cause to be enforced, all laws and ordinances of Martin County covering the following:

79.2.A. Prevention of fire.

79.2.B. Storage and use of explosives and flammable liquids.

79.2.C. Installation and maintenance of automatic fire alarm systems and fire extinguishing equipment.

79.2.D. Means and adequacy of exit and exit egress from places of assembly, education hazard areas, factory-industrial areas, mercantile areas, residential areas and storage areas.

79.2.E. Investigation of the cause and origin of fires.

79.2.F. Maintenance of records of fires throughout the County.

(Code 1974, § 15-2; Ord. No. 201, pt. 1, 11-23-1982; Ord. No. 1069, pt. 4, 6-12-2018; Ord. No. 1204, pt. I, 9-26-2023)

Sec. 79.3. - Same—Duty to investigate and make recommendations.

79.3.A. It shall be the duty of the Fire Marshal to investigate and to recommend to the Fire Rescue Chief or designee, for consideration by the Martin County Board of County Commissioners, such additional ordinances or amendments to existing ordinances as the Fire Marshal may deem necessary for safeguarding life and property against fires.

79.3.B. It shall be the duty of the Fire Marshal to recommend to the Fire Rescue Chief or designee, for consideration by the Martin County Board of County Commissioners, such rules and regulations as the Fire Marshal deems best suited for establishing and maintaining protection of the citizens of Martin County and all property therein from the hazards of fire.

(Code 1974, § 15-3; Ord. No. 201, pt. 1, 11-23-1982; Ord. No. 449, pt. 1, 10-11-1994; Ord. No. 1069, pt. 4, 6-12-2018; Ord. No. 1204, pt. I, 9-26-2023)

Editor's note— The titles of county officers, county employees or county agencies in the above section have been corrected to reflect current titles.

Sec. 79.4. - Same—Duty to inspect.

The Fire Marshal shall inspect, or cause to be inspected, all existing premises on a periodic basis, and shall make such orders as may be necessary for the enforcement of the laws and ordinances governing the same and for safeguarding of life and property from fire.

(Code 1974, § 15-5; Ord. No. 201, pt. 1, 11-23-1982; Ord. No. 445, pt. 1, 11-23-1994; Ord. No. 1069, pt. 4, 6-12-2018; Ord. No. 1204, pt. I, 9-26-2023)

Sec. 79.5. - Same—Duty to review building plans.

It shall be the duty of the Fire Marshal to review or cause to be reviewed, building plans for new or existing buildings, for licensing and certificates of occupancy, as may be necessary for the enforcement of laws and ordinances governing the safeguarding of life and property from fire. The Fire Marshal is authorized to make special exceptions for historical structures as provided in F.S. ch. 509, Part I, Public Lodging and Food Service Establishments, § 509.215(4) Fire safety; and F.S. ch. 633, Fire Prevention and Control, § 633.206(2) Uniform fire safety standards, and § 633.208(3) Minimum fire safety standards.

(Code 1974, § 15-6; Ord. No. 201, pt. 1, 11-23-1982; Ord. No. 620, pt. 2, 8-6-2002; Ord. No. 1069, pt. 4, 6-12-2018; Ord. No. 1204, pt. I, 9-26-2023)

Sec. 79.6. - Same—Duty to present fire prevention and public education programs.

It shall be the duty of the Fire Marshal to prepare, or cause to be prepared and presented, fire prevention and public education programs, to civic, institutional and fraternal organizations, with regard to fire safety and prevention of fires.

(Code 1974, § 15-7; Ord. No. 201, pt. 1, 11-23-1982; Ord. No. 1069, pt. 4, 6-12-2018; Ord. No. 1204, pt. I, 9-26-2023)

Sec. 79.7. - Fees for fire prevention plan reviews.

79.7.A. The Martin County Board of County Commissioners may impose appropriate fees for any plan review by the Fire Marshal that are performed pursuant to or required by any local, state, or federal law. Such fees shall be set by resolution, and be based upon the services required. The Martin County Board of County Commissioners may establish, change, or amend such fees by resolution.

79.7.B. All fees charged under this section shall be due and payable at the time of the application for plan review, permit, or inspection. The Fire Marshal shall not issue any permit until all fees charged under this section are paid. Permits shall bear the signature of the Fire Marshal or designee, and shall include at minimum the following information:

1. Name and address of permit holder.
2. Address or location of job site.
3. Permit number and date of issuance.
4. Scope of work.
5. Inspection requirements.

79.7.C. This section shall not apply to single-family homes and residential duplexes, provided that such are not otherwise required to have fire sprinklers, or meet fire sprinkler requirements under this Code.

(Code 1974, § 15-8; Ord. No. 425, pt. I, 5-25-1993; Ord. No. 1069, pt. 4, 6-12-2018; Ord. No. 1204, pt. I, 9-26-2023)

Sec. 79.8. - Fire prevention inspections.

79.8.A. New businesses, professions and occupations in Martin County will require a fire safety inspection from the Fire Prevention Division to obtain a Business Tax Receipt. Thereafter, all businesses, professions or occupations that are required to have a yearly fire inspection shall be assessed an annual fee by the Fire Prevention Division for the cost of the inspection on or before

September 30 of each year. The Fire Marshal shall not issue a certification of compliance for an existing business, profession or occupation until the property is inspected and determined code compliant and all inspection fees are paid.

79.8.B. Licensed facilities, day cares, multi-family buildings, club houses and places of assembly will require a fire inspection from the Fire Prevention Division to obtain a certificate of occupancy. Thereafter, yearly fire inspections are required. A yearly fire inspection fee shall be assessed annually by the Fire Prevention Division for the cost of the inspection on or before September 30 of each year. The Fire Marshal shall not issue a certification of compliance until the property is inspected and determined code compliant and all inspection fees are paid.

79.8.C. The Martin County Board of County Commissioners may establish, change, or amend fire inspection fees by resolution.

(Ord. No. 1204, § I, 9-26-2023)

Secs. 79.9—79.30. - Reserved.

ARTICLE 2. - EMERGENCY ACCESS INTO RESIDENTIAL GATED COMMUNITIES

Sec. 79.31. - Emergency access into residential gated communities.

79.31.A. All residential gated communities, subdivisions, or developments within Martin County where fire rescue, emergency medical services and fire prevention services are provided through one or more gates that are not manned 24/7/365, must be equipped with a radio activated remote access system to allow emergency access to the community, subdivision or development by emergency first responders, such as fire/rescue, law enforcement and other 911 emergency-response personnel. In addition, a key switch system shall be installed as a secondary access system. The systems shall simultaneously open all gates and/or traffic arms for the first responder access lane. The gates and/or traffic arms shall remain open until restored by the emergency first responder. If at any time the primary or secondary access system is not functioning, the gate(s)/traffic arm(s) shall be left in the open position until such time that they are repaired.

79.31.B. The radio activated remote access system utilized must be approved by the Fire Marshall prior to installation and then inspected by the Martin County Fire Rescue Department after installation.

79.31.C. Existing gated communities operating automatic security gates at the time this ordinance becomes effective shall have three years from the effective date to comply with the requirements of 79.31.A.

(Ord. No. 1176, pt. I, 3-22-2022)

Secs. 79.32—79.60. - Reserved.

ARTICLE 3. - MARTIN COUNTY BURNING PERMIT

Footnotes:

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Cross reference— *Environmental control, ch. 67; pollution of air, § 67.1; nuisance abatement, § 67.201 et seq.; solid waste, ch. 151.*

State Law reference— *Open burning, F.S. § 590.125.*

Sec. 79.61. - Intent.

It is the intent of this article to regulate open burning in the unincorporated area of Martin County.

(Code 1974, § 15-15; Ord. No. 94, pt. 1, 1-24-1978; Ord. No. 308, pt. 1, 9-9-1986; Ord. No. 480, 10-10-1995)

Sec. 79.62. - Burning permit—Required.

- 79.62.A. It shall be unlawful for any person, firm, corporation or association to start or maintain any fire outside of any structure or authorize any such fire to be started or maintained on any land in the unincorporated area of Martin County without first obtaining a Martin County burning permit, except where allowed under agreement with other authorized permitting agencies. The permit must be issued in writing from the fire station in which district the fire is to occur. The permit will be valid between 9:00 a.m. and 5:00 p.m. The Fire Rescue Chief or designee may extend the period for the permit when no fire hazard or nuisance to the life or property of any person will be created by such extension.
- 79.62.B. A permit shall not be required under this article for the noncommercial preparation of food, provided that such fire is no larger than necessary for preparing the kind and amount of food being prepared and that the fire is constantly attended by an adult person until the fire is extinguished.
- 79.62.C. Any burning permitted by the Florida Forest Service will be exempted from the provisions of this section.
- 79.62.D. The Fire Rescue Chief may enter into separate written agreements with other permitting agencies authorizing them to issue burning permits within the areas specified by the agreement.

(Code 1974, § 15-16; Ord. No. 94, pt. 1, 1-24-1978; Ord. No. 308, pt. 1, 9-9-1986; Ord. No. 480, 10-10-1995; Ord. No. 1069, pt. 4, 6-12-2018)

Editor's note— The titles of county officers, county employees or county agencies in the above section have been corrected to reflect current titles.

Sec. 79.63. - Same—Conditions for issuance.

A Martin County burning permit may be issued for residential yard waste when the following conditions are met:

79.63.A. The fire shall be located 50 feet from any structure and adequate provision shall be made to prevent the fire from spreading, or the fire is contained in a waste burner located in a safe position at least 15 feet from any structure, the fire shall be less than eight feet by eight feet in area;

79.63.B. The fire shall be constantly attended by an adult person until the fire is extinguished. The person shall have a garden hose connected to a water supply adequate to extinguish the fire or other extinguishing equipment adequate to extinguish the fire readily available for use; and

79.63.C. The fire shall be so located that it does not create a fire hazard or a nuisance to the life or property of any person because of sparks, ash, smoke, odor or other cause; and

79.63.D. In any case, a permit shall not be issued for burning that would be in violation of any existing State open burning regulations.

(Code 1974, § 15-17; Ord. No. 94, pt. 1, 1-24-1978; Ord. No. 190, pt. 1, 4-13-1982; Ord. No. 308, pt. 1, 9-9-1986; Ord. No. 480, 10-10-1995; Ord. No. 1069, pt. 4, 6-12-2018)

Sec. 79.64. - Expenses incurred by Martin County in extinguishing uncontrolled nonstructure fires.

Any person, firm, corporation or association that allows any nonstructure fire, regardless of origin, to become a major fire hazard so as to necessitate extinguishment by a Martin County Fire Rescue Unit(s) shall be liable to Martin County for all costs incurred by Martin County in the extinguishment of the fire. Reimbursement charges for the extinguishment of illegal and uncontrolled nonstructure fires, regardless of origin, shall be in accordance with a fee schedule established by resolution of the Martin County Board of County Commissioners. The County Administrator shall develop a written policy to be approved by resolution of the Martin County Board of County Commissioners covering administrative reduction or elimination of reimbursement charges.

(Code 1974, § 15-18; Ord. No. 94, pt. 1, 1-24-1978; Ord. No. 236, pt. 1, 6-12-1984; Ord. No. 480, 10-10-1995; Ord. No. 774, pt. 1, 11-27-2007; Ord. No. 1069, pt. 4, 6-12-2018)

Sec. 79.65. - Burning restriction.

The Fire Rescue Chief or designee may restrict any or all fires regulated under this article when atmospheric conditions or local circumstances make fires hazardous. A restriction under this section may apply to the entire unincorporated area of the County or any part thereof and shall supersede any burning permit issued.

(Code 1974, § 15-19; Ord. No. 94, pt. 1, 1-24-1978; Ord. No. 480, 10-10-1995; Ord. No. 1069, pt. 4, 6-12-2018)

Editor's note— The titles of county officers, county employees or county agencies in the above section have been corrected to reflect current titles.

Sec. 79.66. - Appeals.

Any person may appeal the issuance or denial of a burning permit or the issuance of a burning restriction to the County Administrator.

(Code 1974, § 15-20; Ord. No. 94, pt. 1, 1-24-1978; Ord. No. 480, 10-10-1995; Ord. No. 1069, pt. 4, 6-12-2018)

Secs. 79.67—79.90. - Reserved.

ARTICLE 4. - COUNTY FIRE RESCUE DEPARTMENT

Footnotes

(3)

Editor's note— Ord. No. 1069, pt. 4, adopted June 12, 2018, renamed art. 4 from "County Fire Rescue Division" to "County Fire Rescue Department".

Cross reference— Administration, ch. 1; emergency medical service and transportation, § 87.101 et seq.

DIVISION 1. - GENERALLY

Sec. 79.91. - Duty of the Fire Rescue Chief to supervise the department.

- 79.91.A. The Fire Rescue Chief shall recommend to the County Administrator the addition or deletion of positions within the County Fire Rescue Department based upon maintaining fire rescue protection throughout Martin County and increasing the efficiency of the fire rescue forces of the Martin County.
- 79.91.B. The Fire Rescue Chief shall supervise the County Fire Rescue Department, including all employees or contractors assigned to the department. The Fire Rescue Chief shall be the lead Fire Rescue Officer for Martin County and be responsible for all emergency response and activities involving the County Fire Rescue Department. The Fire Rescue Chief shall ensure that the fire stations and

equipment are maintained in a constant state of readiness to respond to emergencies and that the members of the County Fire Rescue Department receive the training necessary to perform their duties. (Code 1974, § 15-24; Ord. No. 449, pt. 1, 10-11-1994; Ord. No. 1069, pt. 4, 6-12-2018)

Editor's note— Ord. No. 1069, pt. 4, adopted June 12, 2018, renamed § 79.91 from "Duty of Fire Rescue Chief to supervise division" to "Duty of the Fire Rescue Chief to supervise the department."

Editor's note— The titles of county officers, county employees or county agencies in the above section have been corrected to reflect current titles.

Sec. 79.92. - Establishment of the County Fire Rescue Department.

- 79.92.A. In order to maintain emergency services listed below throughout Martin County and to increase the efficiency of fire rescue services in Martin County, the Martin County Board of County Commissioners hereby confirms that Martin County Fire Rescue is the County fire rescue department.
- 79.92.B. The County Fire Rescue Department is responsible for fire, rescue, emergency medical services, fire prevention, and fire inspection/investigation services in the unincorporated areas of Martin County and emergency communications, disaster services, emergency management, aeromedical, hazardous materials incident response, technical rescue response and ocean rescue countywide. These services may extend to or be received from other governmental entities through interlocal or mutual aid agreements.
- 79.92.C. The County Fire Rescue Department shall maintain staff, equipment and stations in a constant state of readiness; Train staff to be proficient in firefighting and rescue techniques; and provide mutual aid to other departments, municipalities and agencies in accordance with adopted County policy.

(Code 1974, § 15-25; Ord. No. 166, pt. 1, 7-9-1980; Ord. No. 186, pt. 1, 11-10-1981; Ord. No. 341, pt. 1, 10-11-1994; Ord. No. 1069, pt. 4, 6-12-2018)

Editor's note— Ord. No. 1069, pt. 4, adopted June 12, 2018, renamed § 79.92 from "Establishment of Fire Rescue Division" to "Establishment of the County Fire Rescue Department."

Editor's note— The titles of county officers, county employees or county agencies in the above section have been corrected to reflect current titles.

Sec. 79.93. - Reserved.

Editor's note— Ord. No. 1069, pt. 4, adopted June 12, 2018, moved the provisions in § 79.93 to § 79.92. Former § 79.93 pertained to responsibility of the fire rescue division and derived from the Code of 1974; Ord. No. 166, adopted June 9, 1980 and Ord. No. 449, adopted October 11, 1994.

Secs. 79.94—79.100. - Reserved.

DIVISION 2. - FIRE-RESCUE EMS FEES

Footnotes:

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Cross reference— *Technical rescue incidents cost recovery, § 87.121 et seq.*

Sec. 79.101. - Title.

This division will be known and cited as the "Martin County Fire-Rescue EMS Fees Ordinance."

(Ord. No. 694, pt. 1, 2-14-06)

Sec. 79.102. - Definitions.

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section.

Advanced life support (ALS) services means the treatment of life- threatening emergencies through the use of techniques such as endotracheal intubation, the administration of intravenous fluids, medications, telemetry, cardiac monitoring, cardiac defibrillation, and the use of external pacemakers by a qualified paramedic. Advanced life support services are classified in two categories as follows:

1. *Advanced life support, level 1 (ALS1):* Where medically necessary, the provision of an assessment by an advanced life support (ALS) provider and/or the provision of one or more ALS interventions. An "ALS intervention" is defined as a procedure beyond the scope of an EMT-basic as defined in the National EMS Education and Practice Blueprint.
2. *Advanced life support, level 2 (ALS2):* Where medically necessary, the administration of at least three separate intravenous administrations of one or more medications or the provision of one or more of the following ALS procedures:
 - * Manual defibrillation/cardioversion.
 - * Endotracheal intubation.
 - * Central venous line.
 - * Cardiac pacing.
 - * Chest decompression.
 - * Surgical airway.
 - * Intraosseous line.

Basic life support (BLS) services include the treatment of medical emergencies by a qualified person through the use of techniques such as patient assessment, cardiopulmonary resuscitation (CPR), splinting, obstetrical assistance, bandaging, administration of oxygen, application of medical anti-shock trousers, administration of a subcutaneous injection using a premeasured auto-injector of epinephrine to a person suffering from an anaphylactic reaction, and other techniques described in the Emergency Medical Technician Basic Training Course Curriculum of the United States Department of Transportation.

(Ord. No. 694, pt. 1, 2-14-06; Ord. No. 1069, pt. 4, 6-12-2018)

Sec. 79.103. - Emergency fees and service charges.

The Martin County Board of County Commissioners may establish by resolution certain emergency fees and charges for County fire-rescue services. A fee may be imposed for the provision of BLS and ALS1 and ALS2 services and transports, both via ground (ambulance) and air (helicopter) and a service charge may be imposed for mileage. The County Administrator shall develop a written policy to be approved by resolution of the Martin County Board of County Commissioners covering administrative reduction or elimination of reimbursement charges.

(Ord. No. 694, pt. 1, 2-14-06; Ord. No. 1069, pt. 4, 6-12-2018)

Secs. 79.104—79.109. - Reserved.

DIVISION 3. - RESERVED

Footnotes:

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Editor's note— Part 1 of Ord. No. 831, adopted Oct. 27, 2009, repealed Div. 3, §§ 79.110—79.112, in its entirety. Former Div. 3 pertained to nonresident motor vehicle fire and rescue fees, and derived from Ord. No. 773, adopted Nov. 27, 2007.

Secs. 79.110—79.120. - Reserved.

ARTICLE 5. - FIRE PREVENTION CODE

Footnotes

(6)

State Law reference— Fire safety standards, FS § 633.0215 et seq

DIVISION 1. - GENERALLY

Subdivision 1. - General Regulations

Sec. 79.121. - Adopted.

The Florida Fire Prevention Code comprised of the National Fire Protection Association NFPA 101 Life Safety Code and NFPA 1 Fire Prevention Code including Florida specific amendments (with the exception of annex C and Chapter 1.10 Board of Appeals) and the referenced and incorporated standards and codes as published and amended from time to time are adopted as the Martin County fire prevention code.

(Code 1974, § 15-30; Ord. No. 137, pt. 1, 3-17-1981; Ord. No. 237, pt. 1, 6-12-1984; Ord. No. 392, pt. 1, 3-12-1991; Ord. No. 1069, pt. 4, 6-12-2018)

Sec. 79.122. - Purpose.

The purpose of the fire prevention code is to establish minimum requirements that will provide a reasonable degree of safety from fire in new and existing buildings and structures.

(Code 1974, § 15-30.1; Ord. No. 392, pt. 1, 3-12-1991)

Sec. 79.123. - Cease and desist orders; orders to correct hazardous conditions; orders to vacate; violations; penalties.

79.123.A If during the conduct of a fire safety inspection it is determined that a violation exists which poses

- . an immediate danger to the public health, safety or welfare, the Fire Rescue Chief or his designee may issue an order to immediately correct the violation or vacate the building or premises in question, which order shall be immediately effective and shall be final.

79.123.B Any person who violates or fails to comply with any orders so described is guilty of a

- . misdemeanor, punishable by a fine not to exceed \$500.00 and a definite term of imprisonment not to exceed 60 days.

(Code 1974, § 15-30.2; Ord. No. 392, pt. 1, 3-12-1991; Ord. No. 1069, pt. 4, 6-12-2018)

Editor's note— The titles of county officers, county employees or county agencies in the above section have been corrected to reflect current titles.

Secs. 79.124—79.128. - Reserved.

Editor's note— Ord. No. 1069, pt. 4, adopted June 12, 2018, repealed §§ 79.124—79.128. Former §§ 79.124—79.128 pertained to applicability of fire prevention code; single-family subdivisions with minimum lot sizes of one-half acre to meet standards for rural water systems; maintenance; certification and retroactivity and derived from the Code of 1974; Ord. No. 181, adopted June 30, 1981 and Ord. No. 237, adopted June 12,

1984.

Secs. 79.129—79.150. - Reserved.

Subdivision 2. - Fire False Alarms

Footnotes

(7)

Editor's note— Part 2 of Ord. No. 682, adopted Sept. 27, 2005, renamed Subdiv. 2 to read as herein set out

Sec. 79.151. - Short title.

This subdivision shall be known as the "Martin County Fire False Alarm Ordinance."

(Code 1974, § 15-36; Ord. No. 409, pt. I, 12-17-1991; Ord. No. 682, pt. 2, 9-27-2005)

Sec. 79.152. - Definitions.

Alarm system means any mechanical, electrical or radio-controlled device or security system designed to detect fire, smoke, heat, or indicate a medical emergency, and which will transmit a signal or message when activated to which the County Fire Rescue Department is expected to respond. The term does not include smoke detectors not connected to an alarm system that is part of a one- or two-family structure, or the use of a telephone by a person.

Alarm user means the person, firm, partnership, association, corporation, company or organization of any kind in control of a building wherein an alarm system is maintained.

Excessive false alarms means three or more false alarms within a 180-day period and such subsequent time until 180 consecutive days pass without a false alarm.

False alarms means the activation of an alarm system through mechanical failure, malfunction, improper installation or negligent or intentional misuse, where no indicated emergency existed, which results in any response by the County Fire Rescue Department.

Fire Rescue Chief means the Martin County Fire Rescue Department Director or designee.

(Code 1974, § 15-36.1; Ord. No. 409, pt. I, 12-17-1991; Ord. No. 682, pt. 2, 9-27-2005; Ord. No. 1069, pt. 4, 6-12-2018)

Editor's note— The titles of county officers, county employees or county agencies in the above section have been corrected to reflect current titles.

Sec. 79.153. - Response to alarms; determination of validity.

79.153.A Whenever an alarm system is activated within the jurisdiction of Martin County and a response is

- . made by the County Fire Rescue Department, the Fire Rescue Chief shall determine whether a response occurred.

79.153.B If the Fire Rescue Chief determines the alarm to be false, said officer shall cause a report of the

- . false alarm to be filed. Notification of such shall be mailed or delivered to the address of the alarm advising the alarm user of the false alarm.

79.153.C The Fire Rescue Chief shall have the right to inspect any alarm system to determine whether the

- . system is being used in conformance with this subdivision and other applicable codes.

(Code 1974, § 15-36.2; Ord. No. 409, pt. I, 12-17-1991; Ord. No. 682, pt. 2, 9-27-2005; Ord. No. 1069, pt. 4, 6-12-2018)

Editor's note— The titles of county officers, county employees or county agencies in the above section have been corrected to reflect current titles.

Sec. 79.154. - False alarm service charge.

79.154.A Notwithstanding any provision in this subdivision to the contrary, there shall be a three-month

- . grace period following installation of an alarm system in new or existing construction. Such grace period shall commence upon certification of the alarm system by the Fire Rescue Chief. During this grace period no false alarms shall be considered for purposes of subsection B hereunder.

79.154.B It is hereby found and determined that excessive false alarms constitute a public nuisance, and

- . pose an unreasonable danger to health, safety and welfare of the citizens of this County.

79.154.C A false alarm service charge may be charged for excessive false alarms in an amount established

- . by resolution of the Martin County Board of County Commissioners. The Fire Rescue Chief shall issue a notice assessing the penalty provided below, which shall be due and payable within 30 days of issuance.

79.154.D The service charge for any false alarm constituting an excessive false alarm shall be imposed by

- . the Fire Rescue Chief in a written notice of violation made to the alarm user. The County Administrator shall develop a written policy to be approved by resolution of the Martin County Board of County Commissioners covering administrative reduction or elimination of reimbursement charges.

79.154.E. The charges shall be payable to the Martin County Board of County Commissioners.

(Code 1974, § 15-36.3; Ord. No. 409, pt. I, 12-17-1991; Ord. No. 682, pt. 2, 9-27-2005; Ord. No. 1069, pt. 4, 6-12-2018)

Editor's note— The titles of county officers, county employees or county agencies in the above section have been corrected to reflect current titles.

Sec. 79.155. - Enforcement.

The County Attorney may take such measures, including proceeding by a suit in a court of competent jurisdiction, as is necessary to collect any penalties assessed under this subdivision if payment has not been made within the time specified in the notice.

(Code 1974, § 15-36.4; Ord. No. 409, pt. I, 12-17-1991)

Secs. 79.156—79.180. - Reserved.

DIVISION 2. - APPEALS

Footnotes

(8)

Editor's note— *Ord. No. 1067, pt. 4, adopted June 12, 2018, in effect, repealed div 2, §§ 79.181 – 79.188. Former div 2 pertained to the board of appeals and adjustments and derived from the Code of 1974 and Ord. No. 193, adopted November 9, 1982*

Sec. 79.181. - Procedure.

Any person aggrieved by a final order of the Fire Rescue Department regarding this article may appeal such final order to the Code Enforcement Special Magistrate by filing a written notice of appeal with the Fire Prevention Bureau Chief within 30 days of such final action. Such notice shall state the full particulars of the action being appealed from and shall state the grounds or reasons for such appeal. Upon receiving a notice of appeal, the Fire Prevention Bureau Chief shall schedule a hearing before the Code Enforcement Special Magistrate within 30 days of such receipt, and shall notify the appellant in writing at least five days prior thereto, but the appellant may waive such notice. The appellant may appear in person or by an attorney. The Code Enforcement Special Magistrate shall render a decision at such hearing by affirming the decision or action appealed from, reversing it, or partially affirming and reversing it, or otherwise modifying it and attaching such conditions as it deems proper. Such decision shall be reduced to writing within a reasonable time. Appeal from such decision shall be to the circuit court as provided by general law or court rules; except decisions related to interpretation of the Fire Code, which shall be directed to the State Fire Marshal as provided by general law and administrative rules.

(Ord. No. 1069, pt. 4, 6-12-2018)

Sec. 79.182. - Fire Prevention Bureau Chief order stayed.

Pending final decision of the Code Enforcement Special Magistrate, the order of the Fire Prevention Bureau Chief shall be stayed unless, in the opinion of the Fire Prevention Bureau Chief, there is a distinct fire hazard to life or property of others based on available data.

(Ord. No. 1069, pt. 4, 6-12-2018)

Secs. 79.183—79.220. - Reserved.

ARTICLE 6. - FIREWORKS

Footnotes:

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State Law reference— *Fireworks, F.S. ch. 791.*

Sec. 79.221. - Definitions.

Building shall mean a permanent structure containing no fewer than four outer walls and a roof enclosing said walls, constructed in accordance with the local building code and a duly issued building permit, and for which occupancy is authorized by a duly issued certificate of occupancy. For purposes of this section, the term "building" shall also include a part of the structure, such as a unit or space within a shopping center.

Commercial structure or building shall mean a building constructed and used for the purpose of producing income. For purposes of this article, the term "commercial building" shall not include a building designed, constructed, and used in accordance with the laws for residential occupancy.

Fireworks shall mean and include any combustible or explosive composition, or any substance or combination of substances, or any article prepared for the purpose of producing a visible and audible effect by combustion, explosion, deflagration, detonation, or shower of sparks, including but not limited to firecrackers, torpedoes, skyrockets, Roman candles, dago bombs, aerial spinners, and other devices of like construction, any devices containing any explosive or flammable compound, and any tablets or other article containing an explosive substance. The term "fireworks" shall not include auto flares, emergency signaling devices, toy paper caps containing not in excess of 25/100 grain of explosive content per cap, toy pistols, toy canes, and toy guns designed to use these caps, novelty and trick noisemakers, as defined by the National Fire Protection Association, and those items tested and approved as sparklers and listed as such by the State Fire Marshal's annual listing.

NFPA: National Fire Protection Association.

Occupancy: The purpose for which a building or portion thereof is used or intended to be used.

Retailer means any person engaged in the business of selling sparklers to consumers at retail.

Seasonal retailer means any person engaged in the business of selling sparklers at retail in Martin County from June 20 through July 5 and from December 10 through January 2 of each year.

Sparkler means any device which emits showers of sparks upon burning, does not contain any explosive compounds, does not detonate or explode, is handheld or ground-based, cannot propel itself through the air, and contains not more than 100 grams of the chemical compound which produces sparks upon burning. Any sparkler that is not approved by the Division of State Fire Marshal is classified as fireworks.

Wholesaler means any person registered with the State Fire Marshal engaged in the business of selling sparklers or fireworks as provided for in F.S. § 791.04.

(Code 1974, § 15-38; Ord. No. 290, pt. 1, 3-11-1986; Ord. No. 547, pt. 1, 6-15-1999; Ord. No. 581, pt. I, 12-5-2000; Ord. No. 1069, pt. 4, 6-12-2018)

Sec. 79.222. - Manufacture, sale and use of fireworks.

79.222.A The manufacture of fireworks in Martin County is prohibited.

- 79.222.B Except as herein provided, it shall be unlawful to sell any fireworks in Martin County.
 - 79.222.C It shall be unlawful for any person to possess, use or explode any fireworks at
 - any public assembly in Martin County, unless such use is approved and authorized by the Fire Prevention Bureau Chief or designee.

79.222.D A registered wholesaler, properly licensed and registered with the State Fire Marshal and Martin

- County at the time of sale, may sell fireworks as provided in State law and as further provided herein.

79.222.E. The authorized sale of fireworks may only be made on lands zoned commercial or industrial and only from a permanent commercial building. Such building shall be protected with automatic fire sprinklers and fire alarms in accordance with the appropriate NFPA standards for such occupancy hazard. It shall be unlawful to sell fireworks from tents, open air stands or under a canopy.

(Code 1974, § 15-39; Ord. No. 290, pt. 1, 3-11-1986; Ord. No. 547, pt. 1, 6-15-1999; Ord. No. 581, pt. I, 12-5-2000; Ord. No. 1069, pt. 4, 6-12-2018)

Sec. 79.223. - Seizure and disposal of fireworks.

79.223.A The Sheriff of Martin County and his deputies shall seize, take, remove, or cause to be removed,

- at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored or held in violation of this article.

79.223.B

In the interest of public safety and due to the dangers associated with the storage of fireworks, any official seizing illegal fireworks shall arrange for the proper disposal and destruction of said fireworks as soon as possible after their seizure.

(Code 1974, § 15-40; Ord. No. 290, pt. 1, 3-11-1986; Ord. No. 547, pt. 1, 6-15-1999; Ord. No. 581, pt. I, 12-5-2000)

Sec. 79.224. - Enforcement.

The Sheriff of Martin County and his deputies shall be responsible for the enforcement of this article.

(Code 1974, § 15-41; Ord. No. 290, pt. 1, 3-11-1986; Ord. No. 547, pt. 1, 6-15-1999; Ord. No. 581, pt. I, 12-5-2000)

Secs. 79.225—79.250. - Reserved.

ARTICLE 7. - FIRE/RESCUE MUNICIPAL SERVICE TAXING UNITS

Footnotes

(10)

Cross reference— *Municipal service taxing or benefit units, § 71 71 et seq*

State Law reference— *Municipal service taxing units, FS § 125 01(1)(q), (1)(r), (2)*

Sec. 79.251. - Creation, purpose.

79.251.A There is hereby established, pursuant to the authority granted the County by Florida Statutes,

- . fire/rescue municipal service taxing units (MSTUs) which shall be comprised of the specific areas of Martin County's unincorporated area described in this article.

79.251.B The purpose of each fire/rescue MSTU shall be to provide fire protection and fire rescue or similar

- . services, including basic life and ambulance services.

(Code 1974, § 15-50; Ord. No. 521, pt. 3, 9-23-1997)

Sec. 79.252. - Governing body; administration.

The Martin County Board of County Commissioners shall be the governing body of each fire/rescue MSTU created by this article. The Martin County Board of County Commissioners may establish such administrative structures and procedures as it deems necessary to effect the purpose and intent of this article.

(Code 1974, § 15-51; Ord. No. 521, pt. 3, 9-23-1997; Ord. No. 1069, pt. 4, 6-12-2018)

Sec. 79.253. - Powers.

79.253.A Each fire/rescue MSTU shall have the power to levy ad valorem taxes; to contract, borrow, and . expend funds; to issue bonds, certificates of indebtedness, revenue certificates, and other obligations of indebtedness; and to exercise any and all other power as granted by general or special law that is necessary to effect the purpose and intent of this article.

79.253.B Each fire/rescue MSTU shall have the authority to enter into contracts with municipalities, . counties, and other governmental units for the purpose of obtaining or providing any or all of the services the fire/rescue MSTU is established to provide.

(Code 1974, § 15-52; Ord. No. 521, pt. 3, 9-23-1997)

Sec. 79.254. - Contracting for services.

79.254.A Any municipality, special district, or other unit of local government contracting for services . provided by a fire/rescue MSTU shall be required to pay for such services in an amount equal to that amount which would be levied by the fire/rescue MSTU if the area of said municipality, special district, or other unit of local government served was included in the fire/rescue MSTU.

79.254.B Any Martin County ordinance(s) pertaining to fire protection and/or fire/rescue services, . applicable to the fire/rescue MSTU, shall be applicable to, and effective within the area of, any municipality, special district, or other unit of local government that contracts with the fire/rescue MSTU for services.

79.254.C All other contractual terms shall be set forth in an interlocal agreement between the municipality, . special district, or other unit of local government and the fire/rescue MSTU.

(Code 1974, § 15-53; Ord. No. 521, pt. 3, 9-23-1997)

Sec. 79.255. - Funding.

79.255.A Each fire/rescue MSTU created hereunder shall be funded through:

- 1. The levy of an ad valorem tax against the assessed value of all lawfully taxable property situated within the boundaries of the respective fire/rescue MSTU. Such levy, together with all other ad valorem taxes levied for municipal services, shall not exceed ten mills; and
 2. Service charges, contractual charges, special assessments, and any other income or source of funds, attributable to the fire/rescue MSTU.

79.255.B Any funds lawfully available from any source may also be utilized to fund the services provided . pursuant to this article.

(Code 1974, § 15-54; Ord. No. 521, pt. 3, 9-23-1997)

Sec. 79.256. - Budget adoption.

Each year the fire/rescue MSTU shall adopt an annual budget according to the requirements set forth in the Florida Statutes. The Martin County Board of County Commissioners thereafter may cause such millage to be levied against all lawfully taxable property within said fire/rescue MSTU as is sufficient to raise the budget. All funds so raised shall be used solely for the expenses of the fire/rescue MSTU. In the event equipment or personnel are utilized outside the fire/rescue MSTU's area, the fire/rescue MSTU shall be reimbursed for such utilization. Proper accounts and records shall be kept at all times.

(Code 1974, § 15-55; Ord. No. 521, pt. 3, 9-23-1997)

Sec. 79.257. - Countywide fire/rescue MSTU.

79.257.A *Purpose.* A municipal service taxing unit (MSTU) is hereby established for fire/rescue services as . provided for in F.S. § 125.01(q), within all of unincorporated Martin County.

79.257.B *Boundaries.* The boundaries shall include the following areas:

- Beginning at the northwest corner of township thirty-eight south, range thirty-seven east; thence east, concurrent with the south boundary line of St. Lucie County, to the southwest corner of section thirty-one, township thirty-seven south, range forty-one east; thence north on the west line of said section thirty-one and section thirty, township thirty-seven south, range forty-one east, 6,459 feet to a point lying within the water body of the north fork of the St. Lucie River; thence departing said line within the north fork of the St. Lucie River a bearing direction (State Plane Coordinate System, Florida East Zone) of 41 degrees north, 4 minutes west, a distance of 6,155 feet, more or less, to a point lying within the water body of the north fork of the St. Lucie River; thence departing said point a bearing direction (State Plane Coordinate System, Florida East Zone) of 45 degrees north, 16 minutes east, a distance of 2,355 feet, more or less, to a point intersecting with the north shore of the north fork of the St. Lucie River and the west edge of the Howard Creek as concurrent with the City of Port St. Lucie municipal boundary limits; thence departing said intersecting shore and edge lines following along the City of Port St. Lucie municipal boundary line north along the west edge of Howard Creek to the south line of the northeast quarter of section twenty-four, township thirty-seven south, range forty east; thence east along said south line of the northeast quarter to the intersection of the east 924.15 feet of section twenty-four, township thirty-seven south, range forty east; thence north along said east 924.15-foot line of section twenty-four, township thirty-seven south, range forty east, to the intersection of the north line of the south 508.15 feet of the northeast quarter of section twenty-four, township thirty-seven south, range forty east; thence east along said south 508.15-foot line of the northeast quarter of said section twenty-four, township thirty-seven south, range forty east, to an intersection with the west line of township thirty-seven south, range forty-one east, also being the existing Martin County boundary line; thence north concurrent with the Martin

County boundary line, along the west line of sections nineteen and eighteen, township thirty-seven south, range forty-one east, to the northwest corner of section eighteen, township thirty-seven south, range forty-one east; thence east on the north line of said section eighteen and other sections to the waters of the Atlantic Ocean; thence easterly to the eastern boundary of the State of Florida; thence southward along the coast, including the waters of the Atlantic Ocean within the jurisdiction of the State of Florida, to the south line of section twenty, township forty south, range forty-three east, produced easterly; thence west on the south line of said section twenty, and other sections, to the southwest corner of section twenty-two, township forty south, range forty-two east; thence south on the east line of section twenty-eight, township forty south, range forty-two east, to the southeast corner of said section twenty-eight; thence west on the south line of said section twenty-eight and other sections to the east shore of Lake Okeechobee; thence continue west in a straight course to the northeast corner of section thirty-six, township forty south, range thirty-four east, being the southwest corner of section thirty, township forty south, range thirty-five east; thence northeasterly in a straight course to the line of normal water level on the boundary of Lake Okeechobee at its intersection with the line dividing ranges thirty-six and thirty-seven east, township thirty-eight south; thence north on said range line to the place of beginning, and including the incorporated area of the Town of Ocean Breeze and the Village of Indiantown, less and except all other incorporated municipalities.

(Code 1974, § 15-56; Ord. No. 521, pt. 3, 9-23-1997; Ord. No. 1069, pt. 4, 6-12-2018; Ord. No. 1097, pt. 1, 2-12-2019; Ord. No. 1101, pt. 1, 6-4-2019)

Secs. 79.258—79.270. - Reserved.

ARTICLE 8. - FIRE PROTECTION ASSESSMENT

DIVISION 1. - INTRODUCTION

Sec. 79.271. - Definitions.

As used in this article, the following words and terms shall have the following meanings, unless the context clearly otherwise requires:

Annual rate resolution means the resolution described in section 79.288, establishing the rate at which a fire protection assessment for a specific fiscal year will be computed. The final assessment resolution shall constitute the annual rate resolution for the initial fiscal year in which a fire protection assessment is imposed or reimposed.

Assessed property means all parcels of land included on the assessment roll that receive a special benefit from the delivery of the fire protection services, programs or facilities identified in the initial assessment resolution or a subsequent preliminary rate resolution.

Assessment roll means the special assessment roll relating to a fire protection assessment approved by a final assessment resolution pursuant to section 79.286 or an annual rate resolution pursuant to section 79.288.

Board means the Board of County Commissioners of Martin County, Florida.

Building means any structure, whether temporary or permanent, built for support, shelter or enclosure of persons, chattel, or property of any kind, including mobile homes. This term shall include the use of land in which lots or spaces are offered for use, rent or lease for the placement of mobile homes, travel trailers, or the like.

Building department means the administrative office of the County designated by the board to collect interim fire protection assessments, or such office's designee.

Building permit means an official document or certificate issued by the County, under the authority of ordinance or law, authorizing the construction or siting of any building within the County. The term "building permit" shall also include set up or tie down permits, or the functional equivalent, for those structures or buildings, such as a mobile home, that do not require a building permit in order to be constructed.

Certificate of occupancy means the written certification issued by the County that a building is ready for occupancy for its intended use. The term "certificate of occupancy" shall also include set up or tie down permits, or the functional equivalent, issued for those structures or buildings, such as a mobile home, that do not require a certificate of occupancy in order to be occupied.

Clerk means the Clerk of the Circuit Court for Martin County, Florida, as ex-officio Clerk of the board and such other person as may be duly authorized to act on his or her behalf.

County means Martin County, Florida.

County Administrator means the chief administrative officer of the County, designated by the board to be responsible for coordinating the fire protection assessments, or such person's designee.

Final assessment resolution means the resolution described in section 79.286 which shall confirm, modify, or repeal the initial assessment resolution and which shall be the final proceeding for the initial imposition of fire protection assessments.

Fire protection assessment means a special assessment lawfully imposed by the board against assessed property to fund all or any portion of the cost of the provision of fire protection services, facilities, or programs providing a special benefit to property as a consequence of possessing a logical relationship to the value, use, or characteristics of the assessed property.

Fire protection assessed cost means the amount determined by the board to be assessed in any fiscal year to fund all or any portion of the cost of the provision of fire protection services, facilities, or programs which provide a special benefit to assessed property, and shall include, but not be limited to, the following components: (A) the cost of physical construction, reconstruction or completion of any required facility or improvement; (B) the costs incurred in any required acquisition or purchase; (C) the cost of all labor, materials, machinery, and equipment; (D) the cost of fuel, parts, supplies, maintenance, repairs, and utilities (E) the cost of computer services, data processing, and communications; (F) the cost of all lands and interest therein, leases, property rights, easements, and franchises of any nature whatsoever; (G) the cost of any indemnity or surety bonds and premiums for insurance; (H) the cost of salaries, volunteer pay, workers' compensation insurance, or other employment benefits; (I) the cost of uniforms, training, travel, and per diem; (J) the cost of construction plans and specifications, surveys and estimates of costs; (K) the cost of engineering, financial, legal, and other professional services; (L) the costs of compliance with any contracts or agreements entered into by the County to provide fire protection services; (M) all costs associated with the structure, implementation, collection, and enforcement of the fire protection assessments, including any service charges of the Tax Collector or Property Appraiser and amounts necessary to off-set discounts received for early payment of fire protection assessments pursuant to the Uniform Assessment Collection Act or for early payment of fire protection assessments collected pursuant to section 79.302; (N) all other costs and expenses necessary or incidental to the acquisition, provision, or construction of fire protection services, facilities, or programs, and such other expenses as may be necessary or incidental to any related financing authorized by the board by subsequent resolution; (O) a reasonable amount for contingency and anticipated delinquencies and uncollectible fire protection assessments; and (P) reimbursement to the County or any other person for any moneys advanced for any costs incurred by the County or such person in connection with any of the foregoing components of fire protection assessed cost.

Fiscal year means that period commencing October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the fiscal year for the County.

Government property means property owned by the United States of America or any agency thereof, a sovereign state or nation, the State of Florida or any agency thereof, a county, a special district or a municipal corporation.

Initial assessment resolution means the resolution described in section 79.282 which shall be the initial proceeding for the identification of the fire protection assessed cost for which an assessment is to be made and for the imposition of a fire protection assessment.

Maximum assessment rate means the highest rate of a fire protection assessment established by the board in an initial assessment resolution or preliminary rate resolution and confirmed by the board in the final assessment resolution or annual rate resolution.

Owner means the person reflected as the owner of assessed property on the tax roll.

Person means any individual, partnership, firm, organization, corporation, association, or any other legal entity, whether singular or plural, masculine or feminine, as the context may require.

Preliminary rate resolution means the resolution described in section 79.288 initiating the annual process for updating the assessment roll and directing the reimposition of fire protection assessments pursuant to an annual rate resolution.

Property appraiser means the Martin County Property Appraiser.

Tax collector means the Martin County Tax Collector.

Tax roll means the real property ad valorem tax assessment roll maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

Uniform Assessment Collection Act means F.S. §§ 197.3632 and 197.3635, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

(Ord. No. 1075, pt. 1, 7-24-2018)

Sec. 79.272. - Interpretation.

Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this article; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this article. Words of any gender include the correlative words of the other genders, unless the sense indicates otherwise.

(Ord. No. 1075, pt. 1, 7-24-2018)

Sec. 79.273. - General findings.

It is hereby ascertained, determined, and declared that:

79.273.A Pursuant to Article VIII, section 1, Florida Constitution, and F.S. §§ 125.01 and 125.66, the board

- . has all powers of local self-government to perform county functions and to render county services in a manner not inconsistent with law, and such power may be exercised by the enactment of County ordinances.

79.273.B In addition to its powers of self-government, the board is authorized by F.S. § 125.01(1)(q), to

- . impose fire protection assessments in all or a portion of the unincorporated area and within municipal areas through the creation of a municipal service benefit unit. The creation of a municipal service benefit unit which consists of any property situated within an incorporated area requires the consent of the affected municipality pursuant to F.S. § 125.01(1)(q). Additionally, the

board derives authority to impose fire protection assessments within a municipal service benefit unit from the home rule power of counties in Article VIII, section 1(f), Florida Constitution, F.S. § 125.01, and specifically F.S. § 125.01(1)(r).

79.273.C This article authorizes the imposition of fire protection assessments through a municipal service benefit unit hereafter created in an initial assessment resolution or preliminary rate resolution adopted pursuant to this article. Additionally and alternatively, this article authorizes the imposition of a fire protection assessment throughout a geographic area designated by the board in an initial assessment resolution or a preliminary rate resolution, without requiring the creation of a new, or the use of an existing, municipal service benefit unit. This article authorizes the board to designate all or a portion of the unincorporated area and municipal areas with such municipality's consent as a part of the municipal service benefit unit.

79.273.D The purpose of this article is to (1) provide procedures and standards for the imposition of county fire protection assessments under the general home rule powers of a county to impose special assessments; (2) authorize a procedure for the funding of fire protection services, facilities, or programs providing special benefits to property within the County; and (3) legislatively determine the special benefit provided to assessed property from the County's fire protection services program.

79.273.E. The annual fire protection assessments, to be imposed using the procedures provided in this article, shall constitute non-ad valorem assessments within the meaning and intent of the Uniform Assessment Collection Act.

79.273.F. The fire protection assessments to be imposed using the procedures provided in this article are imposed by the board, not the Clerk, Property Appraiser or Tax Collector. The duties of the Clerk, Property Appraiser and Tax Collector under the provisions of this article and the Uniform Assessment Collection Act are ministerial.

(Ord. No. 1075, pt. 1, 7-24-2018)

Sec. 79.274. - Legislative determinations of special benefit.

79.274.A It is hereby ascertained and declared that the fire protection services, facilities, and programs provide a special benefit to property because they possess a logical relationship to the use and enjoyment of property by: (1) protecting the value and integrity of improvements and structures through the provision of available fire protection services; (2) protecting the life and safety of intended occupants in the use and enjoyment of property; and (3) stabilizing or lowering the cost of fire insurance by the presence of a professional and comprehensive fire protection services program within the County.

79.274.B

The availability and provision of comprehensive fire protection services enhance and strengthen the relationship of such services to the use and enjoyment of the parcels of property, the market perception of the area and, ultimately, the property and rental values within the County.

(Ord. No. 1075, pt. 1, 7-24-2018)

Secs. 79.275—79.280. - Reserved.

DIVISION 2. - ANNUAL FIRE PROTECTION ASSESSMENTS

Sec. 79.281. - General authority.

79.281.A The board is hereby authorized to impose an annual fire protection assessment to fund all or any

- . portion of the fire protection assessed cost upon benefitted property at a rate of assessment based on the special benefit accruing to such property from the County's provision of fire protection services, facilities, or programs. All fire protection assessments shall be imposed in conformity with the procedures set forth in this division 2.

79.281.B The amount of the fire protection assessment imposed in a fiscal year against a parcel of

- . assessed property shall be determined pursuant to an apportionment methodology based upon a classification of property designed to provide a fair and reasonable apportionment of the fire protection assessed cost among properties on a basis reasonably related to the special benefit provided by fire protection services, facilities, or programs funded with assessment proceeds.

79.281.C Nothing contained in this article shall be construed to require the imposition of fire protection

- . assessments against government property.

(Ord. No. 1075, pt. 1, 7-24-2018)

Sec. 79.282. - Initial proceedings.

79.282.A The initial proceeding for the imposition of a fire protection assessment shall be the adoption of

- . an initial assessment resolution by the board, (1) containing a brief and general description of the fire protection services, facilities, or programs to be provided, (2) determining the fire protection assessed cost to be assessed, (3) describing the method of apportioning the fire protection assessed cost and the computation of the fire protection assessment for specific properties, (4) establishing an estimated assessment rate for the upcoming fiscal year, (5) establishing a maximum assessment rate, if desired by the board, and (6) directing the County Administrator to (a) prepare the initial assessment roll, as required by section 79.283, (b) publish the notice required by section 79.284, and (c) mail the notice required by section 79.285 using information then available from the tax roll.

79.282.B The initial assessment resolution shall also sufficiently identify property that may be subject to

- . the imposition of fire protection assessments by designating a geographic area within the County where the County provides fire protection services, facilities and programs.

(Ord. No. 1075, pt. 1, 7-24-2018)

Sec. 79.283. - Initial assessment roll.

79.283.A The County Administrator shall prepare, or direct the preparation of, the initial assessment roll,

- . which shall contain the following:

 1. A summary description of all assessed property conforming to the description contained on the tax roll.
 2. The name of the owner of the assessed property.
 3. The amount of the fire protection assessment to be imposed against each such parcel of assessed property.

79.283.B The initial assessment roll shall be retained by the County Administrator and shall be open to

- . public inspection. The foregoing shall not be construed to require that the assessment roll be in printed form if the amount of the fire protection assessment for each parcel of property can be determined by use of a computer terminal available to the public.

(Ord. No. 1075, pt. 1, 7-24-2018)

Sec. 79.284. - Notice by publication.

79.284.A Upon completion of the initial assessment roll, the County Administrator shall publish, or direct

- . the publication of, once in a newspaper of general circulation within 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 assessment resolution which shall establish the rate of assessment and approve the aforementioned initial assessment roll.

79.284.B The published notice shall conform to the requirements set forth in the Uniform Assessment

- . Collection Act.

(Ord. No. 1075, pt. 1, 7-24-2018)

Sec. 79.285. - Notice by mail.

79.285.A In addition to the published notice required by section 79.284, the County Administrator shall

- . provide notice, or direct the provision of notice, of the proposed fire protection assessment by first class mail to the owner of each parcel of property subject to the fire protection assessment.

The mailed notice shall conform to the requirements set forth in the Uniform Assessment Collection Act.

79.285.B 79.285.C Notice shall be mailed at least 20 calendar days prior to the hearing to each owner at . . such address as is shown on the tax roll. Notice shall be deemed mailed upon delivery thereof to the possession of the United States Postal Service. The County Administrator may provide proof of such notice by affidavit.

79.285.D 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 a fire protection assessment imposed by the board pursuant to this article.

(Ord. No. 1075, pt. 1, 7-24-2018)

Sec. 79.286. - Adoption of final assessment resolution.

79.286.A At the public hearing as noticed pursuant to sections 79.284 and 79.285, or to which an . adjournment or continuance may be taken by the board, the board shall receive any oral or written objections of interested persons and may then, or at any subsequent meeting of the board adopt the final assessment resolution which shall: (1) confirm, modify, or repeal the initial assessment resolution with such amendments, if any, as may be deemed appropriate by the board; (2) establish the rate of assessment to be imposed in the upcoming fiscal year; (3) establish a maximum assessment rate that may be imposed in the event such rate was included in the initial assessment resolution; (4) approve the initial assessment roll, with such amendments as it deems just and right; (5) determine the method of collection; and (6) if desired by the board, create a municipal service benefit unit designating property that will be subject to the imposition of fire protection assessments.

79.286.B The adoption of the final assessment resolution by the board shall constitute a legislative . determination that all parcels assessed derive a special benefit from the fire protection services, facilities, or programs to be provided or constructed and a legislative determination that the fire protection assessments are fairly and reasonably apportioned among the properties that receive the special benefit.

79.286.C All written objections to the final assessment resolution shall be filed with the County . Administrator at or before the time or adjourned time of such hearing. The final assessment resolution shall constitute the annual rate resolution for the initial fiscal year in which fire protection assessments are imposed or reimposed hereunder.

(Ord. No. 1075, pt. 1, 7-24-2018)

Sec. 79.287. - Effect of final assessment resolution.

79.287.A The fire protection assessments for the initial fiscal year shall be established upon adoption of . the final assessment resolution. The adoption of the final assessment resolution shall be the final adjudication of the issues presented (including, but not limited to, the determination of special

benefit and fair apportionment to the assessed property; the method of apportionment and assessment; the initial rate of assessment; the maximum assessment rate, if any; the initial assessment roll; and the levy and lien of the fire protection assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the board action on the final assessment resolution.

79.287.B The initial assessment roll, as approved by the final assessment resolution, shall be delivered to

- . the Tax Collector, as required by the Uniform Assessment Collection Act, or if the alternative method described in section 79.302 is used to collect the fire protection assessments, such other official as the board by resolution shall designate.

(Ord. No. 1075, pt. 1, 7-24-2018)

Sec. 79.288. - Annual adoption procedures.

79.288.A Annually, during the budget adoption process, the board shall determine whether to continue the

- . imposition fire protection assessments for each fiscal year following the initial fiscal year. If the board elects to continue imposing fire protection assessments, the procedures in this section 79.288 shall be followed.

79.288.B The initial proceedings for the reimposition of an annual fire protection assessment shall be the

- . adoption of a preliminary rate resolution by the board: (1) containing a brief and general description of the services, facilities, or programs to be provided; (2) determining the fire protection assessed cost to be assessed for the upcoming fiscal year; (3) establishing the estimated assessment rate for the upcoming fiscal year; (4) establishing or increasing a maximum assessment rate, if desired by the board; (5) authorizing the date, time, and place of a public hearing to receive and consider comments from the public and consider the adoption of the annual rate resolution for the upcoming fiscal year; and (6) directing the County Administrator to (a) update the assessment roll, (b) provide notice by publication and first class mail to affected owners in the event circumstances described in subsection (F) of this section so require, and (c) directing and authorizing any supplemental or additional notice deemed proper, necessary or convenient by the County.

79.288.C At the public hearing established in the preliminary rate resolution or to which an adjournment or

- . continuance may be taken by the board, the board shall receive any oral or written objections of interested persons and may then, or at any subsequent meeting of the board, adopt the annual rate resolution, which shall (1) establish the rate of assessment to be imposed in the upcoming fiscal year and (2) approve the assessment roll for the upcoming fiscal year with such adjustments as the board deems just and right. The assessment roll shall be prepared in accordance with the method of apportionment set forth in the initial assessment resolution, or any subsequent preliminary rate resolution, together with modifications, if any, that are provided and confirmed in the final assessment resolution or any subsequent annual rate resolution.

79.288.D Nothing herein shall preclude the board from providing annual notification to all owners of . assessed property in the manner provided in sections 79.284 and 79.285 or any other method as provided by law.

79.288.E. The board may establish or increase a maximum assessment rate in an initial assessment resolution or preliminary rate resolution and confirm such maximum assessment rate in the annual rate resolution in the event notice of such maximum rate assessment has been included in the notices required by sections 79.284 and 79.285.

79.288.F. In the event (1) the proposed fire protection assessment for any fiscal year exceeds the rates of assessment adopted by the board, including a maximum assessment rate, if any, that were listed in the notices previously provided to the owners of assessed property pursuant to sections 79.284 and 79.285, (2) the purpose for which the assessment is imposed or the use of the revenue from the fire protection assessment is substantially changed from that represented by notice previously provided to the owners of assessed property pursuant to sections 79.284 and 79.285, (3) assessed property is reclassified or the method of apportionment is revised or altered resulting in an increased fire protection assessment from that represented by notice previously provided to the owners of assessed property pursuant to sections 79.284 and 79.285, or (4) an assessment roll contains assessed property that was not included on the assessment roll approved for the prior fiscal year, notice shall be provided by publication and first class mail to the owners of such assessed property as provided by law. Such notice shall substantially conform with the notice requirements set forth in sections 79.284 and 79.285 and inform the owner of the date, time, and place for the adoption of the annual rate resolution. The 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 a fire protection assessment imposed by the board pursuant to this article.

79.288.G As to any assessed property not included on an assessment roll approved by the adoption of the . final assessment resolution or a prior year's annual rate resolution, the adoption of the succeeding annual rate resolution shall be the final adjudication of the issues presented as to such assessed property (including, but not limited to, the determination of special benefit and fair apportionment to the assessed property, the method of apportionment and assessment, the rate of assessment, the establishment or increase of a maximum assessment rate, the assessment roll, and the levy and lien of the assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the board action on the annual rate resolution. Nothing contained herein shall be construed or interpreted to affect the finality of any fire protection assessment not challenged within the required 20-day period for those fire protection assessments previously imposed against assessed property by the inclusion of the assessed property on an assessment roll approved in the final assessment resolution or any subsequent annual rate resolution.

79.288.H The assessment roll, as approved by the annual rate resolution, shall be delivered to the Tax Collector as required by the Uniform Assessment Collection Act, or if the alternative method described in section 79.302 is used to collect the assessments, such other official as the board by resolution shall designate. If the assessment against any property shall be sustained, reduced, or abated by the court, an adjustment shall be made on the assessment roll.

(Ord. No. 1075, pt. 1, 7-24-2018)

Sec. 79.289. - Lien of fire protection assessments.

Upon the adoption of the assessment roll, all fire protection assessments shall constitute a lien against assessed 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 prior liens, mortgages, titles, and claims, until paid. The lien for a fire protection assessment shall be deemed perfected upon the board's adoption of the final assessment resolution or the annual rate resolution, whichever is applicable. The lien for a fire protection assessment collected under the Uniform Assessment Collection Act shall attach to the property included on the assessment roll as of the prior January 1, the lien date for ad valorem taxes imposed under the tax roll. The lien for a fire protection assessment collected under the alternative method of collection provided in section 79.302 shall be deemed perfected upon the board's adoption of the final assessment resolution or the annual rate resolution, whichever is applicable, and shall attach to the property on such date of adoption.

(Ord. No. 1075, pt. 1, 7-24-2018)

Sec. 79.290. - Revisions to fire protection assessments.

If any fire protection assessment made under the provisions of this ordinance is either in whole or in part annulled, vacated, or set aside by the judgment of any court, or if the board is satisfied that any such fire protection assessment is so irregular or defective that the same cannot be enforced or collected, or if the board has failed to include or omitted any property on the assessment roll which property should have been so included, the board may take all necessary steps to impose a new fire protection assessment against any property benefited by the fire protection assessed costs, following as nearly as may be practicable, the provisions of this article and in case such second fire protection assessment is annulled, vacated, or set aside, the board may obtain and impose other fire protection assessments until a valid fire protection assessment is imposed.

(Ord. No. 1075, pt. 1, 7-24-2018)

Sec. 79.291. - Procedural irregularities.

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

(Ord. No. 1075, pt. 1, 7-24-2018)

Sec. 79.292. - Correction of errors and omissions.

79.292.A No act of error or omission on the part of the Property Appraiser, Tax Collector, County Administrator, Board, or their deputies or employees, shall operate to release or discharge any obligation for payment of a fire protection assessment imposed by the board under the provision of this article.

79.292.B When it shall appear that any fire protection assessment should have been imposed under this article against a parcel of property specially benefited by the provision of fire protection services, facilities, or programs, but that such property was omitted from the assessment roll; or such property was erroneously assessed; or was not listed on the tax roll as an individual parcel of property as of the effective date of the assessment roll approved by the annual rate resolution for any upcoming fiscal year, the board may, upon provision of a notice by mail provided to the owner of the omitted or erroneously assessed parcel in the manner and form provided in section 79.285, impose the applicable fire protection assessment for the fiscal year in which such error or omission is discovered, in addition to the applicable fire protection assessment due for the prior two fiscal years. Such fire protection assessment shall constitute a lien against assessed 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 prior liens, mortgages, titles, and claims in and to or against the real property involved, shall be collected as provided in division 3 of this article, and shall be deemed perfected on the date of adoption of the resolution imposing the omitted, delinquent, or corrected assessments.

79.292.C Prior to the delivery of the assessment roll to the Tax Collector in accordance with the Uniform Assessment Collection Act, the County Administrator shall have the authority at any time, upon his or her own initiative or in response to a timely filed petition from the owner of any property subject to a fire protection assessment, to reclassify property based upon presentation of competent and substantial evidence, and correct any error in applying the fire protection assessment apportionment method to any particular parcel of property not otherwise requiring the provision of notice pursuant to the Uniform Assessment Collection Act. Any such correction

shall be considered valid ab initio and shall in no way affect the enforcement of the fire protection assessment imposed under the provisions of this article. All requests from affected property owners for any such changes, modifications or corrections shall be referred to, and processed by, the County Administrator and not the Property Appraiser or Tax Collector.

79.292.D After the assessment roll has been delivered to the Tax Collector in accordance with the Uniform

- . Assessment Collection Act, any changes, modifications, or corrections thereto shall be made in accordance with the procedures applicable to correcting errors and insolvencies on the tax roll upon timely written request and direction of the County Administrator.

(Ord. No. 1075, pt. 1, 7-24-2018)

Sec. 79.293. - Interim assessments.

79.293.A An interim fire protection assessment shall be imposed against all property for which a certificate

- . of occupancy or building permit, as determined by the board, is issued after the adoption of the annual rate resolution. Issuance of the certificate of occupancy or building permit, as determined by the board, by mistake or inadvertence, and without the payment in full of the interim fire protection assessments shall not relieve the owner of such property of the obligation of full payment. Any interim fire protection assessment not collected prior to the issuance of the certificate of occupancy or building permit, as determined by the board, may be collected pursuant to the Uniform Assessment Collection Act as provided in section 79.301, under the alternative collection method provided in section 79.302 or by any other method authorized by law. Any interim fire protection assessment shall be deemed due and payable on the date the certificate of occupancy or building permit, as determined by the board, was issued and shall constitute a lien against such property as of that date. Said lien shall be 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 shall be deemed perfected upon the issuance of the certificate of occupancy or building permit, as determined by the board.

79.293.B The amount of the interim fire protection assessment shall be calculated upon a monthly rate,

- . which shall be one-twelfth of the annual rate for such property computed in accordance with the annual rate resolution for the fiscal year for which the interim fire protection assessment is being imposed. Such monthly rate shall be imposed for each full calendar month remaining in the fiscal year. A credit shall be granted against the interim fire protection assessment for any fire protection assessment paid for the same property for the same time period. In addition to the monthly rate, the interim fire protection assessment may also include an estimate of the subsequent fiscal year's fire protection assessment.

79.293.C In the event the board chooses to collect the interim fire protection assessment at the time a

- . building permit is issued, the following procedure shall apply:

1. In the event a building permit expires prior to completion of the building for which it was issued, and the applicant paid the interim fire protection assessment at the time the building permit was issued, the applicant may within 90 days of the expiration of the building permit apply for a refund of the interim fire protection assessment. Failure to timely apply for a refund of the interim fire protection assessment shall waive any right to a refund.
2. The application for refund shall be filed with the County's Building Department and contain the following:
 - a. The name and address of the applicant;
 - b. The location of the property and the tax parcel identification number for the property which was the subject of the building permit;
 - c. The date the interim fire protection assessment was paid;
 - d. A copy of the receipt of payment for the fire protection assessment; and
 - e. The date the building permit was issued and the date of expiration.
3. After verifying that the building permit has expired and that the building has not been completed, the County's Building Department shall refund the interim fire protection assessment paid for such building.
4. A building permit which is subsequently issued for a building on the same property which was the subject of a refund shall pay the interim fire protection assessment as required by this section 79.293.

(Ord. No. 1075, pt. 1, 7-24-2018)

Sec. 79.294. - Inclusion of municipal areas.

79.294.A The areas provided fire protection services, facilities, and programs by the County and subject to . the imposition of fire protection assessments may include incorporated areas. However, any municipality not heretofore providing evidence of consent to such assessments by ordinance, shall evidence a request for inclusion and consent to such inclusion by ordinance in substantially the form attached hereto as Appendix A.

79.294.B Any municipal request or consent for inclusion given to the County shall thereafter be deemed . given in advance and automatically renewed for each fiscal year thereafter unless such request and consent is timely withdrawn by the adoption of an ordinance abandoning the municipality's request and consent and providing a certified copy of such ordinance to the board prior to May 1 preceding the fiscal year for which such request and consent is being withdrawn. Inclusion of any municipality shall be irrevocable for any fiscal year in which fire protection assessments are levied by the County within an incorporated area.

(Ord. No. 1075, pt. 1, 7-24-2018)

Sec. 79.295. - Authorization for exemptions and hardship assistance.

79.295.A The board, in its sole discretion, may determine on an annual basis whether to provide

- . exemptions from payment of the fire protection assessment for government property or institutional property whose use is exempt from ad valorem taxation under Florida law.

79.295.B The board, in its sole discretion, may determine on an annual basis whether to provide a program

- . of hardship assistance to County residents who are living below or close to the poverty level and are at risk of losing title to their homes as a result of the imposition of the fire protection assessments.

79.295.C If exemptions or hardship assistance are authorized, the board shall designate the funds

- . available to provide any such exemptions or hardship assistance. The provision of an exemption or hardship assistance in any one year shall in no way establish a right or entitlement to such exemption or assistance in any subsequent year and the provision of funds in any year may be limited to the extent funds are available and appropriated by the board. Any funds designated for exemptions or hardship assistance shall be paid by the County from funds other than those generated by the fire protection assessment.

79.295.D Any shortfall in the expected fire protection assessment proceeds due to any hardship assistance

- . or exemption from payment of the fire protection assessments required by law or authorized by the board shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the fire protection assessments. In the event a court of competent jurisdiction determines any exemption or reduction by the board is improper or otherwise adversely affects the validity of the fire protection assessment imposed for any fiscal year, the sole and exclusive remedy shall be the imposition of a fire protection assessment upon each affected tax parcel in the amount of the fire protection assessment that would have been otherwise imposed save for such reduction or exemption afforded to such tax parcel by the board.

(Ord. No. 1075, pt. 1, 7-24-2018)

Secs. 79.296—79.300. - Reserved.

DIVISION 3. - COLLECTION AND USE OF FIRE PROTECTION ASSESSMENTS

Sec. 79.301. - Method of collection.

79.301.A Unless otherwise directed by the board, the fire protection assessments shall be collected

- . pursuant to the uniform method provided in the Uniform Assessment Collection Act, and the County shall comply with all applicable provisions of the Uniform Assessment Collection Act. Any

hearing or notice required by this article may be combined with any other hearing or notice required by the Uniform Assessment Collection Act or other provision of law.

79.301.B The amount of a fire protection assessment to be collected using the uniform method pursuant to the Uniform Assessment Collection Act for any specific parcel of benefitted property may include an amount equivalent to the payment delinquency, delinquency fees and recording costs for a prior year's assessment for a comparable service, facility, or program provided, (1) the collection method used in connection with the prior year's assessment did not employ the use of the uniform method of collection authorized by the Uniform Assessment Collection Act, (2) notice is provided to the owner as required under the Uniform Assessment Collection Act, and (3) any lien on the affected parcel for the prior year's assessment is supplanted and transferred to such fire protection assessment upon certification of a non-ad valorem roll to the Tax Collector by the County.

Sec. 79.302. - Alternative method of collection.

In lieu of using the Uniform Assessment Collection Act, the board may elect to collect the fire protection assessments by any other method which is authorized by law or under the alternative collection method provided by this section:

79.302.A The board shall provide fire protection assessment bills by first class mail to the owner of each affected parcel of property, other than government property. The bill or accompanying explanatory material shall include (1) a brief explanation of the fire protection assessment, (2) a description of the unit of measurement used to determine the amount of the fire protection assessment, (3) the number of units contained within the parcel, (4) the total amount of the fire protection assessment imposed against the parcel for the appropriate period, (5) the location at which payment will be accepted, (6) the date on which the fire protection assessment is due, and (7) a statement that the fire protection assessment constitutes 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.

79.302.B A general notice of the lien resulting from imposition of the fire protection assessments shall be recorded in the official records of the County. Nothing herein shall be construed to require that individual liens or releases be filed in the official records.

79.302.C The board shall have the right to foreclose and collect all delinquent fire protection assessments in the manner provided by law for the foreclosure of mortgages on real property or appoint or retain an agent to institute such foreclosure and collection proceedings. A fire protection assessment shall become delinquent if it is not paid within 30 days from the date any installment is due. The board or its agent shall notify any property owner who is delinquent in payment of his or her fire protection assessment within 60 days from the date such assessment was due. Such

notice shall state in effect that the board or its agent will either (1) initiate a foreclosure action or suit in equity and cause the foreclosure of such property subject to a delinquent fire protection assessment in a method now or hereafter provided by law for foreclosure of mortgages on real property, or (2) cause an amount equivalent to the delinquent fire protection assessment, not previously subject to collection using the uniform method under the Uniform Assessment Collection Act, to be collected on the tax bill for a subsequent year.

79.302.D All costs, fees and expenses, including reasonable attorney fees and title search expenses, related

- . to any foreclosure action as described herein shall be included in any judgment or decree rendered therein. At the sale pursuant to decree in any such action, the County may be the purchaser to the same extent as any person. The board or its agent may join in one foreclosure action the collection of fire protection assessments against any or all property assessed in accordance with the provisions of this article. All delinquent owners whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the board and its agents, including reasonable attorney fees, in collection of such delinquent fire protection assessments and any other costs incurred by the board as a result of such delinquent fire protection assessments and the same shall be collectible as a part of or in addition to, the costs of the action.

79.302.E. In lieu of foreclosure, any delinquent fire protection assessment and the costs, fees and expenses attributable thereto, may be collected pursuant to the Uniform Assessment Collection Act; provided however, that (1) notice is provided to the owner in the manner required by the Uniform Assessment Collection Act and this article, and (2) any existing lien of record on the affected parcel for the delinquent fire protection assessment is supplanted by the lien resulting from certification of the assessment roll, as applicable, to the tax collector.

79.302.F. Notwithstanding the board's use of an alternative method of collection, the County Administrator shall have the same power and authority to correct errors and omissions as provided to him or other County officials in section 79.292.

79.302.G Any Board action required in the collection of fire protection assessments may be by resolution.

- . (Ord. No. 1075, pt. 1, 7-24-2018)

Sec. 79.303. - Government property.

79.303.A In the event fire protection assessments are imposed against government property, the board

- . shall provide fire protection assessment bills by first class mail to the owner of each affected parcel of government property. The bill or accompanying explanatory material shall include (1) a brief explanation of the fire protection assessment, (2) a description of the unit of measurement used to determine the amount of the fire protection assessment, (3) the number of units

contained within the parcel, (4) the total amount of the parcel's fire protection assessment for the appropriate period, (5) the location at which payment will be accepted, and (6) the date on which the fire protection assessment is due.

79.303.B Fire protection assessments imposed against government property shall be due on the same date . as all other fire protection assessments and, if applicable, shall be subject to the same discounts for early payment.

79.303.C A fire protection assessment shall become delinquent if it is not paid within 30 days from the date . any installment is due. The board shall notify the owner of any government property that is delinquent in payment of its fire protection assessment within 60 days from the date such assessment was due. Such notice shall state that the board will initiate a mandamus or other appropriate judicial action to compel payment.

79.303.D All costs, fees and expenses, including reasonable attorney fees and title search expenses, related . to any mandamus or other action as described herein shall be included in any judgment or decree rendered therein. All delinquent owners of government property against which a mandamus or other appropriate action is filed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the County, including reasonable attorney fees, in collection of such delinquent fire protection assessments and any other costs incurred by the board as a result of such delinquent fire protection assessments and the same shall be collectible as a part of or in addition to, the costs of the action.

79.303.E As an alternative to the foregoing, a fire protection assessment imposed against government property may be collected as a surcharge on a utility bill provided to such government property in periodic installments with a remedy of a mandamus action in the event of non-payment. The Board may contract for such billing services with any utility, whether or not such utility is owned by the County.

(Ord. No. 1075, pt. 1, 7-24-2018)

Secs. 79.304—79.310. - Reserved.

DIVISION 4. - GENERAL PROVISIONS

Sec. 79.311. - Applicability.

This Article and the Board's authority to impose assessments pursuant hereto shall be applicable throughout the unincorporated area of the County and throughout the incorporated area of any municipality whose governing body has heretofore or hereafter requested and consented to the provision of the fire protection services, facilities and programs by the County.

(Ord. No. 1075, pt. 1, 7-24-2018)

Sec. 79.312. - Alternative methods.

79.312.A This Article shall be deemed to provide an additional and alternative method for the doing of the

. things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence. This Article, being necessary for the welfare of the inhabitants of the County, shall be liberally construed to effect the purposes hereof.

79.312.B Nothing herein shall preclude the Board from directing and authorizing, by resolution, the

. combination with each other of (1) any supplemental or additional notice deemed proper, necessary, or convenient by the County, (2) any notice required by this Article, or (3) any notice required by law, including the Uniform Assessment Collection Act.

(Ord. No. 1075, pt. 1, 7-24-2018)