

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 rescue assessment upon certification of a non-ad valorem roll to the tax collector by the city.

(Ord. No. 08-43, § 3.01, 8-14-08)

**Sec. 46-142. Alternative method of collection.**

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

- (a) The city commission shall provide fire rescue assessment bills by first class mail to the owner of each affected parcel of property that is subject to the fire rescue assessment. The bill or accompanying explanatory material shall include (1) a brief explanation of the fire rescue assessment, (2) a description of the unit of measurement used to determine the amount of the fire rescue assessment, (3) the number of units contained within the parcel, (4) the total amount of the fire rescue 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 rescue assessment is due, and (7) a statement that the fire rescue 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.
- (b) A general notice of the lien resulting from imposition of the fire rescue assessments shall be recorded in the official records of the city. Nothing herein shall be construed to require that individual liens or releases be filed in the official records.

- (c) The city commission shall have the right to foreclose and collect all delinquent fire rescue 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 rescue assessment shall become delinquent if it is not paid within 30 days from the date payment was due, as identified in accordance with paragraph (a)(6) of this section. The city commission or its agent shall notify any property owner who is delinquent in payment of his or her fire rescue assessment within 60 days from the date such assessment was due. Such notice shall state in effect that the city commission 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 rescue 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 rescue 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.
- (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 city may be the purchaser to the same extent as any person. The city commission or its agent may join in one foreclosure action the collection of fire rescue assessments against any or all property assessed in accordance with the provisions hereof. All delinquent owners whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the city commission and its agents, including reasonable attorney fees, in collection of such delinquent fire rescue assessments and any other costs incurred by the city

commission as a result of such delinquent fire rescue assessments and the same shall be collectible as a part of or in addition to, the costs of the action.

- (e) In lieu of foreclosure, any delinquent fire rescue 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 Ordinance, and (2) any existing lien of record on the affected parcel for the delinquent fire rescue assessment is supplanted by the lien resulting from certification of the assessment roll, as applicable, to the tax collector.
- (f) Notwithstanding the city commission's use of an alternative method of collection, the city manager shall have the same power and authority to correct errors and omissions as provided to him or other city officials in section 46-122 hereof.
- (g) Any city commission action required in the collection of fire rescue assessments may be by resolution.

(Ord. No. 08-43, § 3.02, 8-14-08)

### **Sec. 46-143. Government property.**

(a) In the event fire rescue assessments are imposed against government property, the city commission shall provide fire rescue 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 rescue assessment, (2) a description of the unit of measurement used to determine the amount of the fire rescue assessment, (3) the number of units contained within the parcel, (4) the total amount of the parcel's fire rescue assessment for the appropriate period, (5) the location at which payment will be accepted, and (6) the date on which the fire rescue assessment is due.

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

(c) A fire rescue assessment shall become delinquent if it is not paid within 30 days from the date payment was due, as identified in subsection (a)(6) of this section. The city commission shall notify the owner of any government property that is delinquent in payment of its fire rescue assessment within 60 days from the date such assessment was due. Such notice shall state that the city commission will initiate a mandamus or other appropriate judicial action to compel payment.

(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 city, including reasonable attorney fees, in collection of such delinquent fire rescue assessments and any other costs incurred by the city commission as a result of such delinquent fire rescue assessments and the same shall be collectible as a part of or in addition to, the costs of the action.

(e) As an alternative to the foregoing, a fire rescue 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 city commission may contract for such billing services with any utility, whether or not such utility is owned by the city.

(Ord. No. 08-43, § 3.03, 8-14-08)

### **Secs. 46-144—46-160. Reserved.**

#### DIVISION 4. GENERAL PROVISIONS

##### **Sec. 46-161. Applicability.**

This article and the city commission's authority to impose assessments pursuant hereto shall be applicable throughout the city.

(Ord. No. 08-43, § 4.01, 8-14-08)

##### **Sec. 46-162. Alternative method.**

(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 city, shall be liberally construed to effect the purposes hereof.

(b) Nothing herein shall preclude the city commission 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 city, (2) any notice required by this article, or (3) any notice required by law, including the Uniform Assessment Collection Act.

(Ord. No. 08-43, § 4.02, 8-14-08)



Chapters 47—49

**RESERVED**



## Chapter 50

### OFFENSES AND MISCELLANEOUS PROVISIONS\*

#### Article I. In General

Sec. 50-1. State misdemeanors.  
Secs. 50-2—50-30. Reserved.

#### Article II. Picketing

Sec. 50-31. Prohibited for unlawful purposes.  
Sec. 50-32. Preventing others from entering premises.  
Sec. 50-33. Maintaining picket line near premises.  
Secs. 50-34—50-60. Reserved.

#### Article III. Fireworks

Sec. 50-61. Definitions.  
Sec. 50-62. Sale or use; permit for public display.  
Sec. 50-63. Bond of permittee.  
Secs. 50-64—50-90. Reserved.

#### Article IV. Panhandling

Sec. 50-91. Definition.  
Sec. 50-92. Prohibited activities.  
Sec. 50-93. Registration requirement.

#### Article V. Disorderly Conduct

Sec. 50-121. Acts constituting disorderly conduct.  
Sec. 50-122. Penalty for violation.  
Secs. 50-123—50-150. Reserved.

#### Article VI. Miscellaneous Provisions and Offenses

Sec. 50-151. Prohibited activities in public rights-of-way owned, controlled and/or operated by the city.  
Sec. 50-152. Drinking fountains.  
Sec. 50-153. Discharge of human wastes.  
Sec. 50-154. Motorized scooters.  
Secs. 50-155—50-190. Reserved.

#### Article VII. Sexual Offenders and Sexual Predators

Sec. 50-191. Findings and intent.  
Sec. 50-192. Application of ordinance/existing contracts.  
Sec. 50-193. Definitions.

\***Cross references**—Civil emergencies, ch. 30; emergency services, ch. 34; traffic and vehicles, ch. 74.

**State law references**—Discharging firearms in public, F.S. § 790.15; firearms, regulation preempted, F.S. § 790.33; obscenity, preemption of ordinances concerning exposing persons under 17 years of age to harmful motion pictures, exhibitions, shows, representations and presentations, F.S. § 847.013(4); obscenity, preemption of ordinances concerning exposing persons over 17 years of age to harmful motion pictures, exhibitions, shows, representations and presentations, F.S. § 847.09(1); arrest procedure, F.S. ch. 901; state contraband forfeiture act, F.S. § 932.701 et seq.; penalty for misdemeanors, F.S. §§ 775.082, 775.083.

WINTER GARDEN CODE

- Sec. 50-194. Sexual offender and sexual predator residence prohibition; measurement; penalties.
- Sec. 50-195. Property owners prohibited from renting real property to certain sexual offenders and sexual predators; penalties.