

CHAPTER 36

SPECIAL ASSESSMENTS*

Sec. 36-1. Initiation of improvements.

Initiation of an improvement, any part of the expense of which is to be assessed against one or more lots or parcels of real estate in proportion to the probable benefit to be derived therefrom, may be made by petition to the city commission signed by the owners of a majority of the linear frontage of property to be benefited by the improvement.

(Gen. Code 1946, Ch. 5, 101.1; Code 1972, 1.211)

Sec. 36-2. Forms of petitions.

Petitions under section 36-1 shall be presented on forms approved by the city manager and shall set forth the location, extent and character of the desired improvement, and the number of annual installments in which the assessment is to be divided. (Gen. Code 1946, Ch. 5, 101.2; Code 1972, 1.212)

Sec. 36-3. Investigation by manager.

All petitions for improvements under this chapter shall be referred to the city manager for investigation and report. (Gen. Code 1946, Ch. 5, 101.3; Code 1972, 1.213)

Sec. 36-4. Action on petition by commission.

After receiving the city manager's report under section 36-3 the city commission shall either grant or deny the petition. In case the petition is denied, the petitioners shall be so notified. If the petition is granted, the same may be placed on file for future action. It shall not be the policy of the commission to grant any petition upon which construction cannot be started within one year. (Gen. Code 1946, Ch. 5, 101.4; Code 1972, 1.214)

Sec. 36-5. Initiation without petition.

Notwithstanding the provisions of this chapter, the city commission may initiate any improvement by the special assessment method in accordance with provisions of the Charter, regardless of whether or not any petition therefor has been received. (Gen. Code 1946, Ch. 5, 101.5; Code 1972, 1.215)

Sec. 36-6. Waiver of notice and proceedings.

The owner or owners of record of any lot or premises may at any time execute in writing "waiver of notice and proceedings" and file the same with the city commission, waiving any or all notice of hearing and other proceedings required under this chapter and in the Charter and authorizing the city commission to make such special assessment as the city commission may determine against the owners and their property without further notice. The city commission may thereupon, by resolution, authorize the city manager to proceed with the improvement. Any special assessment, so made, shall upon confirmation of the assessment by the city commission be considered the same as any other special assessment formally made under provisions of the Charter, notwithstanding the omission of any notice of proceeding so waived. (Gen. Code 1946, Ch. 5, 102; Code 1972, 1.216)

Sec. 36-7. Notice, how given.

Notice of hearings required in connection with any special assessment shall be given by one publication in a newspaper published or circulated within the city and by first class mail addressed to each owner of or person having an interest in property to be assessed as shown by the last general tax assessment roll of the city, such

publication and mailing to be made at least ten (10) full days prior to the date of the hearing. (Code 1972, 1.217)

Sec. 36-8. Single lot assessments; alternate procedures.

- (a) When any expense shall have been incurred by the city upon or in respect to any single premises, which expense is chargeable against such premises and the owner thereof under the provisions of this Code and section 10-8 of the Charter and is not of that class required to be prorated among the several lots and parcels of land in a special assessment district, an account of the labor, material and service for which such expense was incurred, with a description of the premises upon or in respect to which the expense was incurred, and the name of the owner, if known, shall be reported to the treasurer, who shall immediately charge and bill the owner, if known. The treasurer at the end of each quarter shall report to the city commission all sums so owing to the city and which have not been paid within thirty (30) days after the mailing of the bill therefor. The commission shall, at such times as it may deem advisable direct the assessor to prepare a special assessment roll covering all such charges reported to it together with a penalty of ten (10) per cent. Such roll shall be filed with the clerk who shall advise the commission of the filing of the same, and the commission shall thereupon set a date for the hearing of objections to such assessment roll. The assessment roll shall be open to public inspection for a period of seven (7) days before the commission shall meet to review the roll and hear complaints. The city clerk shall give notice in advance by publication of the opening of the roll to public inspection and of the meeting of the commission to hear complaints and shall also give like notice to the owners of and persons having an interest in property affected by first class mail at their addresses as shown on the last general assessment roll of the city, at least ten (10) full days prior to the date of such hearing. Such special assessments and all interest and charges thereon, shall, from the date of confirmation of the roll, be and remain a lien upon the property assessed, of the same character and effect as a lien created by general law for state and county taxes, until paid. The same penalty and interest shall be paid on such assessments, when delinquent from such date after confirmation as shall be fixed by the city commission, as are provided by the Charter to be paid on delinquent general city taxes and such assessments, with penalties and interest, shall be added by the treasurer to the next general city tax roll or general county and school tax roll, as shall be convenient, and shall thereafter be collected and returned in the same manner as general city taxes.
- (b) In lieu of using subsection (a) to collect the costs of work performed by the city, the cost of such work may be made a personal obligation of the property owner, or may be collected by other appropriate action, whichever the city commission shall deem appropriate. (Code 1972, 1.218)

Charter reference – Special assessments for single parcels, 10.8.