

ORDINANCE NO: 87-44

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA MAKING CERTAIN FINDINGS OF FACT; REQUIRING THE PAYMENT OF FEES AND CHARGES FOR THE DISPOSAL OF GARBAGE, TRASH AND OTHER REFUSE AND SOLID WASTES IN THE COUNTY'S SOLID WASTE DISPOSAL SYSTEM, INCLUDING ITS SANITARY LANDFILL AND SOLID WASTE TRANSFER STATIONS; SETTING THE INITIAL FEES; PROVIDING THAT MODIFICATION OF FEES AND CHARGES AND ADDITIONAL FEES AND CHARGES MAY BE ESTABLISHED BY COUNTY RESOLUTIONS; PROVIDING FOR THE COLLECTION OF FEES AT CERTAIN COUNTY FACILITIES; PROVIDING FOR THE SUSPENSION OF CHARGING AND COLLECTION OF FEES AND CHARGES AT CERTAIN COUNTY FACILITIES; PROVIDING FOR THE DISPOSITION OF THE SOLID WASTE DISPOSAL FEES AND CHARGES; PROVIDING FOR DELAYED PAYMENTS; PROVIDING PENALTIES; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the disposal of solid waste in a manner consistent with the protection of health, environment, and welfare of the citizens of St. Johns County has become an extremely expensive operation; and

WHEREAS, the benefits of County-provided solid waste disposal sites accrue to all persons whose refuse is disposed of at said sites; and

WHEREAS, disposal fees charged to those persons and entities using said disposal sites equitably distribute the expense incurred by the County in disposing of solid waste; and

WHEREAS, the Board of County Commissioners of St. Johns County, Florida, has determined that the expense of solid waste disposal should be financed in whole or in part by fees and charges collected from those persons and entities using County disposal facilities; and

WHEREAS, St. Johns County is under an order by the State of Florida, Department of Environmental Regulation (DER) pertaining to the County's operation of its sanitary landfill; and

WHEREAS, the Board of County Commissioners of St. Johns County, Florida has received and approves a report by HDR Techserv, Inc., its solid waste consultant, concerning the future costs to the County of complying with the DER order and continuing its solid waste disposal system; and

WHEREAS, the fees and charges for the disposal of garbage, trash and other refuse in the County's solid waste disposal system that are established by this ordinance are reasonable and necessary to enable the County to comply with the DER order and to continue its solid waste disposal system.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA as follows:

Section 1. The findings and determinations set forth above are hereby accepted, found and determined by the Board of County Commissioners of St. Johns County, Florida.

Section 2. Commencing October 1, 1987, all individuals, firms, corporations, private entities, municipalities, and other entities, excepting St. Johns County and its employees when performing work for the County, shall be charged and shall pay the following fees and charges for the disposal of garbage, trash and other refuse and solid waste material in or at the St. Johns County solid waste disposal system, including the County sanitary landfill and the County transfer stations: ****

A. Across Weigh Scales (Per Ton):*

Packer Trucks, Roll-off Containers, Front-End Loaders and other vehicles and trailers not included in B below: \$26.00

B. Not Across Weigh Scales (Flat Rate Per Load):

i) Bagged Waste: **

Two Bags or Less ~~\$1.00~~ *Ac. 50*
Three to Five Bags \$2.00
Six Bags or More \$4.00

ii) Unbagged Waste: ***

Automobile, Pickup Trucks, Vans, and Single Axle Trailers \$4.00

* In the event the County's weighing scales are out of service, the previous average refuse weights of the trucks will be used to calculate the fees. If average weights are not available, the "per ton" fees will be calculated and charged by estimated cubic yards of disposed materials and said fees shall be \$6.50 per cubic yard.

** Bags or containers of no more than 36 gallon size

*** Loose waste and bags or containers greater than 36 gallon in size.

**** Persons and entities disposing of garbage, trash, solid waste and refuse at the Tillman Ridge landfill in a manner that would qualify

them under B may, at their option, choose to pay under either A or B.

Section 3. The fees and charges established by section 2 may be modified and/or added to by future resolution(s) of the Board of County Commissioners of St. Johns County, Florida.

Section 4. Whenever the fees or charges for the disposal of garbage, trash, refuse or other solid waste materials are to be computed on the basis of tonage (weight), delivery and disposal shall be made solely at the St. Johns County sanitary landfill site known as Tillman Ridge Landfill located west of I-95 on Allen Nease Road, or at such other sites, whether presently owned by the County, or hereafter acquired, as may be designated by Resolution(s) of the Board of County Commissioners. In addition, all commercial waste and all waste ^{handled} by commercial haulers shall be disposed of solely at the Tillman ridge Landfill or such other sites as may be designated by Resolution(s) of the Board of County Commissioners.

Section 5. Upon the determination by the Board of County Commissioners that the operation of any particular County refuse disposal facility within St. Johns County is necessary for the health, welfare, and safety of the community, but that the administrative costs involved in collecting any of the fees or charges imposed herein exceed the anticipated revenues resulting from such fees and charges, the Board, by resolution, may suspend the charging and collection of fees and charges, in whole or in part, for disposal of garbage, trash, refuse or other solid waste materials at such facility.

Section 6. The Board of County Commissioners of St. Johns County and the County Administrator or his designee, at the direction of the Board, are authorized to set policies and procedures to be followed for the collection of the fees and charges established pursuant to this ordinance and for delayed payment of such fees and charges whereby such delayed payment is secured by a letter of credit, surety bond, or other suitable instrument, document or method.

Section 7. All fees and charges collected by the County pursuant to this ordinance shall be deposited into a special County enterprise account established to receive, disburse and account for such fees and charges. The monies in such account, including interest earned

thereon, shall be used, disbursed and spent solely to acquire, construct, equip, operate, maintain and close County garbage, trash, refuse and other solid waste material facilities, equipment and systems. The uses for which such monies may be spent may be modified and added to by resolution(s) of the Board.

Section 8. No disposal of garbage, trash, refuse or other solid waste materials shall be made in or at County-managed solid waste or refuse disposal sites except in conformity with this ordinance or County resolutions pertaining hereto. Refusing or failing to pay fees or charges established by the Board of County Commissioners in accordance with this ordinance or in accordance with resolutions of the Board of County Commissioners adopted pursuant to this ordinance shall be a violation of this ordinance and any person, firm, corporation or entity violating this ordinance shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the County jail not to exceed sixty (60) days or by both such fine and imprisonment; each disposal with failure to pay shall constitute a separate violation.

Section 9. SEVERABILITY. Should any section or provisions of this ordinance, or the application of any provision of this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the remainder of this ordinance.

Section 10. EFFECTIVE DATE. This Ordinance shall take effect immediately upon receipt of official acknowledgment by the Office of the Department of State, to the Clerk of the Board of County Commissioners that same has been filed.

PASSED by the Board of County Commissioners of St. Johns County, State of Florida this 22 day of September, 1987.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: Phyllis L. Lydon
Its Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: Cheryl Kent
Deputy Clerk

Adopted regular meeting 9/22/87

Effective: October 1, 1987

The St. Augustine Record
 PUBLISHED EVERY AFTERNOON EXCEPT SUNDAY
 ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA, }
 COUNTY OF ST. JOHNS }

Before the undersigned authority personally appeared _____
KRISTI ROBERTSON who on oath says that he is
ACCOUNTING CLERK of the St. Augustine Record, a
 daily newspaper published at St. Augustine in St. Johns County, Florida;
 that the attached copy of advertisement, being a _____
NOTICE OF MEETING
 _____ in the matter of _____
FEES FOR GARBAGE DISPOSAL
 _____ in the _____ Court,
 was published in said newspaper in the issues of _____
AUGUST 31, 1987

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper has heretofore been continuously published in said St. Johns County, Florida, each day, except Sundays, and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me Kristi Robertson
 this 1st day of SEPTEMBER

A.D. 19 87

[Signature]
 Notary Public

(SEAL) My Commission Expires Aug. 4, 1989
 ... Bonded Thru Troy Firm - Insurance, Inc.

COPY OF ADVERTISEMENT

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON SEPTEMBER 22, 1987 AT 9:45 O'CLOCK A.M. IN THE COUNTY AUDITORIUM, COUNTY ADMINISTRATION BUILDING, LEWIS SPEEDWAY (COUNTY ROAD 16A) AND U.S. #1 NORTH, ST. AUGUSTINE, FLORIDA, WILL HOLD A PUBLIC HEARING TO CONSIDER THE PASSAGE OF THE FOLLOWING ORDINANCE:

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA MAKING CERTAIN FINDINGS OF FACT; REQUIRING THE PAYMENT OF FEES AND CHARGES FOR THE DISPOSAL OF GARBAGE, TRASH AND OTHER REFUSE AND SOLID WASTES IN THE COUNTY'S SOLID WASTE DISPOSAL SYSTEM, INCLUDING ITS SANITARY LANDFILL AND SOLID WASTE TRANSFER STATIONS; SETTING THE INITIAL FEES; PROVIDING THAT MODIFICATION OF FEES AND CHARGES AND ADDITIONAL FEES AND CHARGES MAY BE ESTABLISHED BY COUNTY RESOLUTIONS; PROVIDING FOR THE COLLECTION OF FEES AT CERTAIN COUNTY FACILITIES; PROVIDING FOR THE SUSPENSION OF CHARGING AND COLLECTION OF FEES AND CHARGES AT CERTAIN COUNTY FACILITIES; PROVIDING FOR THE DISPOSAL OF THE SOLID WASTE DISPOSAL FEES AND CHARGES; PROVIDING FOR DELAYED PAYMENTS; PROVIDING PENALTIES; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The proposed Ordinance is on file in the office of the Clerk of the Circuit Court, St. Johns County, Florida, St. Johns County Administration Building, Lewis Speedway, and may be examined by parties interested prior to said public hearing.

All parties having any interest in said Ordinance will be afforded an opportunity to be heard at the public hearing. If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
 Carl "Bud" Merkel, Its Clerk
 By Cheryl Kent

Deputy Clerk
 L152 Aug. 31, 1987



FLORIDA DEPARTMENT OF STATE

Jim Smith
Secretary of State

Dorothy W. Joyce
Division Director

September 25, 1987

RECEIVED
ST. JOHNS COUNTY, FLORIDA

'87 OCT -1 A9:30

Carl Bud Markel
CLERK, COUNTY COMMISSION

Honorable Carl "Bud" Markel
Clerk of Circuit Court
St. Johns County Courthouse
Post Office Drawer 500
St. Augustine, Florida 32085

Attntion: Lynn M. McDonald, Deputy Clerk

Dear Mr. Markel:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge:

1. Receipt of letter/s of September 24, 1987
and certified copy/ies of St. Johns
County Ordinance(s) 87-44, 87-45, 87-46, 87-47,
87-48 and 87-49
2. Receipt of _____ County Ordinance(s)
relative to:
(a) _____
which we have numbered _____
(b) _____
which we have numbered _____
3. We have filed ~~this~~/these ordinances in this office
on September 25, 1987.
4. The original/duplicate copy/ies showing the filing date
is/are being returned for your records.

Sincerely,

Liz Cloud

Liz Cloud, Chief
Bureau of Administrative Code

LC/mb

DIVISION OF ELECTIONS, Room 1801, The Capitol, Tallahassee, Florida 32301
(904) 488-7690