

2/16/94

ORDINANCE NO. 94- 07

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, PROVIDING FOR THE ESTABLISHMENT OF A MUNICIPAL SERVICE (SOLID WASTE COLLECTION AND RECYCLE) BENEFIT UNIT (MSBU); MAKING FINDINGS OF FACT; PROVIDING DEFINITIONS; AUTHORIZING AND PROVIDING FOR COLLECTION ASSESSMENTS AND/OR RECYCLE ASSESSMENTS TO BE LEVIED ANNUALLY UPON CERTAIN NON EXEMPT RESIDENTIAL PROPERTY WITHIN THE MSBU; LEVYING ANNUAL COLLECTION ASSESSMENTS AND/OR ANNUAL RECYCLE ASSESSMENTS ON CERTAIN NON EXEMPT RESIDENTIAL PROPERTY COMMENCING AS EARLY AS 1994; PROVIDING COLLECTION PROCEDURES; PROVIDING FOR EXPENDITURES OF COLLECTION ASSESSMENTS AND/OR RECYCLE ASSESSMENTS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR THE AVAILABILITY OF SOLID WASTE COLLECTION AND RECYCLING SERVICES AND FACILITIES FOR NON EXEMPT RESIDENTIAL PROPERTIES; PROVIDING PROCEDURES AND POWERS; PROVIDING THAT THE COLLECTION ASSESSMENTS AND THE RECYCLE ASSESSMENTS SHALL BE LIENS ON THE PROPERTIES FOR WHICH THEY ARE ASSESSED EQUAL IN RANK AND DIGNITY TO THE LIENS OF STATE AND COUNTY TAXES; PROVIDING FOR COMBINED ASSESSMENT NOTICES; REGULATING COMMERCIAL PROPERTY AND REQUIRING COMMERCIAL PROPERTIES TO IMPLEMENT RECYCLING PROGRAMS; PROVIDING PENALTIES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR ADJUSTMENTS; PROVIDING THAT THIS ORDINANCE IS BASICALLY DISTINCT AND SEPARATE FROM ST. JOHNS COUNTY ORDINANCES 89-20 AND 88-49 AS EACH MAY BE AMENDED; PROVIDING FOR COMPLIANCE WITH ST. JOHNS COUNTY RESOLUTION 90-194, AS AMENDED; PROVIDING FOR LIBERAL CONSTRUCTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, section 403.706, Florida Statutes, authorizes and requires the Board of County Commissioners of St. Johns County, hereinafter referred to as the "Board", to administer and

be responsible for solid waste management within St. Johns County; and

WHEREAS, section 125.01, Florida Statutes, the County Home Rule statute, provides the Board with broad powers to regulate waste collection and disposal; and

WHEREAS, the Board has determined that an inordinate amount of dumping of Residential Solid Waste (as hereafter defined) is occurring on and near the public rights-of-ways in the unincorporated area of St. Johns County, Florida; and

WHEREAS, the Board has determined that the vast majority of this dumping has been caused by the owners and occupants of Non Exempt Residential Property (as hereafter defined) within St. Johns County who do not have their Residential Solid Waste collected by a government or by a Board franchised or Board authorized collector of Residential Solid Waste; and

WHEREAS, in order to provide for the sound management of Residential and Commercial Solid Waste, to reduce the volume of Residential and Commercial Solid Waste disposed in sanitary landfills through recycling and to promote more efficient Residential and Commercial Solid Waste disposal, the Board has undertaken and/or hereby undertakes:

- (i) A Residential Solid Waste collection program;

- (ii) A Residential Solid Waste recycling program;
- (iii) Construction and operation of Solid Waste disposal and/or recycling facilities; and
- (iv) A Commercial Solid Waste recycling program;

and

WHEREAS, pursuant to the authorization set forth in Chapter 403 Florida Statutes, the Board is authorized to implement a Solid Waste disposal program and a Solid Waste recycling program within the unincorporated areas of the County and, to the extent authorized by appropriate Interlocal Agreements, the incorporated areas of the County; and

WHEREAS, pursuant to Section 403.706, Florida Statutes, the Board has the responsibility and power to provide for the operation of Solid Waste disposal facilities to meet the needs of all incorporated and unincorporated areas of the County; and

WHEREAS, the Board has determined that more stringent regulation of Residential and Commercial Solid Waste collection practices within the County is necessary in order to efficiently operate the County's Solid Waste disposal and recycling programs and in order to protect the health, safety and welfare of its residents; and

WHEREAS, it is the desire of the Board to protect the environment and groundwater resources within the County by providing a County wide comprehensive Solid Waste collection, disposal and recycling system; and

WHEREAS, the Board has provided for Solid Waste disposal by enactment of St. Johns County ordinance 89-20 as amended; and

WHEREAS, the Board has determined that an appropriate method of dealing with the Residential Solid Waste dumping problems and of providing the benefit of Residential Solid Waste collection and recycling services and facilities availability to Non Exempt Residential Property is the implementation of a Municipal Service Benefit Unit (MSBU) in St. Johns County that provides a means whereby the owners and/or occupants of Non Exempt Residential Property within the County pay their fair share of the County costs, including debt service, of providing, operating, and/or maintaining Residential Solid Waste collection and/or recycling services and facilities that will be available for their use through the levy and collection of annual non ad valorem assessments (the Collection Assessments and/or the Recycle Assessments) to be collected pursuant to the Uniform Assessment Collection Act; and

WHEREAS, the Board has determined that each parcel of Non Exempt Residential Property will receive a real and substantial special benefit by the provision of Residential Solid Waste collection and/or recycling services and facilities available for their use that is in addition to and beyond the general benefit received by all property and the public in general; and

WHEREAS, the value of such additional special benefit to the assessed properties will be equal to or in excess of the amounts of the Collection Assessments and/or the Recycle Assessments that will be levied; and

WHEREAS, the Board has determined that because of the widely varying Solid Waste production and collection procedures used for commercial properties and for certain classes of residential facilities, the imposition of non ad valorem assessments as a means of causing the owners and occupants of such properties within the County to pay a fair share of the County cost of providing and operating Solid Waste collection and recycling services and facilities for their use would not be practicable; and

WHEREAS, such commercial properties and such classes of residential facilities are typically serviced by governments or by Board franchised or Board authorized collectors of Solid Waste that are required by ordinance 89-20, as amended, to dispose of all Solid Waste collected within the County at a county landfill; and

WHEREAS, the costs of collecting and recycling Solid Waste generated by such commercial properties and such classes of residential properties can and will be recovered from the owners or tenants of such properties without the use of non ad valorem assessments; and

WHEREAS, the Board has been advised and has determined that each of the municipalities within St. Johns County currently collects the residential and commercial Solid Waste generated within its boundaries and disposes of it at a county landfill; and

WHEREAS, Sections 125.01, the Uniform Assessment Collection Act, and other applicable law grant the Board the power to create a Municipal Service Benefit Unit within which Solid Waste collection and recycling services and facilities and other essential facilities and municipal services may be provided and/or made available from non ad valorem assessments levied and collected within the MSBU; and

WHEREAS, the non ad valorem assessments provided pursuant to this ordinance are necessary to enable the County to provide and make available adequate Solid Waste collection and recycling services and facilities for the properties assessed and are not levied or charged for the purpose of raising general revenue but will be used solely, after payment of costs of collection, to pay the costs, including debt service, of providing, operating, and/or maintaining, Residential Waste collection and recycling services and facilities that will be available to the assessed properties; and

WHEREAS, the non ad valorem assessments levied within the Municipal Service Benefit Unit created by this ordinance will not exceed the costs of imposing, levying, and collecting said

non ad valorem assessments and the costs, including debt service, to the County of providing, maintaining, and/or operating, the Residential Solid Waste collection and/or recycling services and facilities that will be made available for the use of the assessed properties by reason of such assessments; and

WHEREAS, there may be owners and/or tenants of Non Exempt Residential Properties whose income and assets are simply not sufficient to allow such persons to maintain his or her subsistence and residence and still be able to pay a Collection Assessment and/or a Recycle Assessment; and

WHEREAS, it is not unusual for counties to use general county revenues to provide Solid Waste collection and recycling services for its citizens; and

WHEREAS, a public purpose is served if such Non Exempt Residential Properties are exempted from the Collection Assessment and/or Recycle Assessment in order to assist such lower income owner and/or tenant in maintaining their housing.

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

Section 1 - Purpose:

It is the purpose and intent of this ordinance to diminish illegal dumping and to provide the County with more control over the flow of all processable Solid Waste generated within the County in order that the same may be directed to the County's Solid Waste disposal system and approved recycling

processes. The further purpose of this ordinance is to provide for the safe, efficient and environmentally sound collection and disposal of Solid Waste generated within the County and to provide for the curbside collection of the residential recyclable materials of the citizens of the County in a cost effective manner.

Section 2 - Legislative Authority:

Article VIII, Section 1 of the Florida Constitution and Sections 125.01 and 125.66, Florida Statutes, grant to the Board all powers of local self government to perform county functions and to render services for county purposes in a manner not inconsistent with general law, or with special law approved by vote of the electors, and such power may be exercised by the enactment of County ordinances. Additional authority for this ordinance is set forth in Chapters 125 and 403, Florida Statutes, CS/HB 461, Laws of Florida 1993, and the Uniform Assessment Collection Act.

Section 3 - Short Title:

This ordinance, as amended, and the terms and provisions contained herein shall be known as the St. Johns County Collection and Recycling Ordinance.

Section 4- Distinct From Ordinance 89-20 and 88-49:

This ordinance is distinct and separate from St. Johns County Ordinances 89-20 and 88-49, as each may be amended, and it shall not be deemed to amend, repeal or supercede such ordinances



other than as provided in section 26 hereof pertaining to combination on notices.

Section 5 - Compliance with St. Johns County Resolution No. 90-194 Required:

The Collection Assessment and/or the Recycle Assessment shall be treated and accounted for as an Assessment in the manner provided by St. Johns County Resolution 90-194, as amended from time to time, unless the Board shall obtain a certificate of a consulting engineer (as such certificate is described in the definition of "System" set forth in said Resolution 90-194) with respect to all capital improvements and additions acquired with proceeds of the Collection Assessment and/or the Recycle Assessment.

Section 6 - Findings:

The findings and determinations contained in the "Whereas" provisions of this ordinance are hereby made and confirmed as the findings and determinations of the Board of County Commissioners of St. Johns County, Florida.

Section 7 - Definitions:

Whenever used in this ordinance, including the recitals hereto, unless a different meaning clearly appears from the context;

"Board" means the Board of County Commissioners of St. Johns County, Florida.

"Collection Assessment" means the non ad valorem special assessment(s) levied against Non Exempt Residential Property within the MSBU to fund the costs, including debt service, of providing, operating and/or maintaining Residential Solid Waste collection services and/or facilities that are available for use by such assessed properties. Such costs may also include the estimated costs to be incurred during any fiscal year in connection with the collection of the Collection Assessments, including, without limitation, any service charges of the Clerk, Tax Collector, Property Appraiser and amounts necessary to off-set the maximum discounts available for early payment of non ad valorem assessments pursuant to applicable law.

"Commercial Property" means condominium buildings, apartment buildings, time share apartments, mobile home parks and other multi-family residential units comprised of six or more units, and any other developed property not meeting the definition of Non-Exempt Residential Property.

"Commercial Solid Waste" means Solid Waste that is, or can be reasonably anticipated to be, produced or generated from Commercial Property.

"County" means St. Johns County, Florida, a political subdivision of the State of Florida.

"County Administrator" means the county administrator or his designee.

"Exempt Residential Property" means Residential Property, or the portion thereof, that has been made or declared exempt from the levy of Collection Assessments and/or Recycle Assessments in the manner provided by Section 14 of this ordinance.

"Interlocal Agreement" means an agreement entered into between the County and other governmental agencies pursuant to Chapter 163, Florida Statutes, which pertain to the collection and/or recycling of Residential Solid Waste.

"MSBU" or "Municipal Service Benefit Unit" means the municipal service benefit unit created by this ordinance.

"Non-Exempt Residential Property" means Residential Property that is not Exempt Residential Property and shall also include the properties described in Section 15 of this ordinance.

"Person" means an individual, partnership, joint venture, corporation, private or public service company or any other business organization, however organized.

"Recycle Assessment" means the non ad valorem special assessments levied against Non Exempt Residential Property within the MSBU to fund the costs, including debt service, of providing, operating and/or maintaining Residential Solid Waste Recycling Services and/or facilities that are available for use by such assessed properties. Such costs may also include the estimated costs to be incurred during any fiscal year in connection with the collection of the Recycle Assessments, including, without

limitation, any service charges of the Clerk, Tax Collector, Property Appraiser and amounts necessary to off-set the maximum discounts available for early payment of non ad valorem assessments pursuant to applicable law.

"Recyclable Material" means any material whether household, commercial or industrial which has value for reuse or recovery within the guidelines of then current County recycling programs. Such guidelines may be changed from time-to-time at the discretion of the County as needed.

"Recycling Services" means the services, methods and/or procedures the County implements through County employees and/or private recycling processors to collect and remove from the Solid Waste stream Recyclable Material.

"Refuse" means discarded bulk goods and materials of a large or heavy nature including, but not limited to, furniture, mattresses, and white goods.

"Residential Property" means real property located within the MSBU used or designed for use as a residence, dwelling, or habitat by one or more human beings, whether occupied or not, and shall include but not be limited to single family residences; real property improved to accommodate mobile homes and the mobile homes, if any, located thereon, whether such mobile homes are registered as vehicles or assessed as real property; duplex homes; triplex homes; quadraplex homes; quintex homes; apartment buildings, time share buildings, and condominium

buildings comprising five units or less; and premises occupied as a residence, dwelling, or habitat located in or upon commercially-zone property. Residential Property shall not mean those portions of mobile home parks or the mobile homes located thereon where the parcels are not individually assessed by the County property appraiser.

"Residential Solid Waste" means rubbish, garbage, yard trash and other such Solid Waste that is, or can reasonably be anticipated to be, produced or generated from Residential Property. Residential Solid Waste shall not include Special Waste, Refuse, sludge, industrial waste, construction debris, hazardous waste, biohazardous waste, land clearing debris, trash and debris associated with farming operations, radiological waste, tires, or wrecked, scrapped, ruined or dismantled vehicles, boats or aircraft or their parts.

"Solid Waste" means garbage, Refuse and other discarded solid materials, including solid waste materials resulting from residential, industrial, commercial, agricultural or governmental operations and from community activities, but does not include dissolved materials in domestic sewage or other significant pollutants in wastewaters, such as silt, dissolved or suspended solids, industrial wastewater effluent, irrigation return flows, and other common water pollutants, Special Waste or any by-products, the sale or reuse of which is intended by the person from whose process they resulted.

"Special Waste" means any waste that requires extraordinary management and shall include, but not be limited to, discarded white goods (refrigerators, ranges, washers, water heaters and other similar domestic and commercial appliances), tires, soil, dewatered sludges (including water and wastewater treatment sludge), dead animals and hazardous waste.

"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 Sections 197.3632 and 197.3635, Florida Statutes, as amended from time to time, or any successor statutes authorizing the collection of non ad valorem assessments on the same bill as ad valorem taxes.

Section 8 Regulations for Commercial Solid Waste Management and Recycling:

The purpose of this section is to establish a commercial recycling program for Commercial Properties. The commercial recycling program will be phased in over a period of three (3) years.

- A. Commencing one (1) year after the passage of this ordinance the owner and developer of all new construction of and/or alterations to Commercial Property located within the MSBU that requires a Level Two review by the St. Johns County development review committee shall provide to the committee

documentation assuring that adequate Solid Waste and recycling management facilities (i.e. dumpster pads and recycling bin areas) meeting the then current County guidelines and requirements have been planned and represented on the construction drawings. Such new construction and/or alterations shall not be eligible for a certificate of occupancy until such Solid Waste and recycling management facilities have been constructed and are in place.

- B. Commencing two (2) years after the passage of this ordinance the owners of Commercial Property located with the MSBU shall furnish to the St. Johns County Solid Waste Department a Solid Waste audit describing in detail the Solid Waste stream produced and/or generated at such Commercial Property. The Solid Waste audit shall include at minimum; descriptions of Solid Waste types (ie. glass, plastic, metal, aluminum, paper, wood etc.), anticipated annual generation amounts expressed in tons, descriptions of present collection and disposal methods, and descriptions of any limiting factors for the collection, disposal and recycling of Solid Waste. Assistance in conducting a Solid Waste audit will be available from the County recycling department staff.

C. Commencing three (3) years after the passage of this ordinance the owners of Commercial Properties located within the MSBU shall recycle 100%, or the greatest percentage thereof which may be attained by using the most appropriate means and methods available at the time, of at least three (3) of the following recyclable materials produced and/or generated at such Commercial Property;

- a) glass (green, amber, clear)
- b) plastics (Type 1 and 2)
- c) aluminum
- d) steel
- e) other metals
- f) office paper
- g) computer paper
- h) mixed paper
- i) corrugated cardboard
- j) wood
- k) other materials which may be determined appropriate by County Administrator after review of the property's Solid Waste audit.

D. Commencing three (3) years after the passage of this ordinance the owner of each parcel of Commercial Property located within the MSBU shall provide semi annual recycling reports to the County Solid Waste department on/or by January 31 and July 31 of each calendar year. Each semi-annual recycling report shall: describe the type of materials recycled and, for each type, the amount recycled expressed in tons; and identify the entity responsible for the proper disposal of the recyclable materials which



entity may be the property owners if the processing unit is identified.

E. PENALTIES AND ENFORCEMENT

1. Any person, firm, or corporation violating any of the provisions of this section may be prosecuted in the same manner as misdemeanors are prosecuted and shall, upon conviction, be punished by a fine not to exceed \$500.00 or by imprisonment in the county jail not to exceed sixty (60) days, or by both such fine and imprisonment. Each day that an offense or violation of this section continues shall be deemed a separate offense.

2. In lieu of subsection 1 above, the enforcement procedures and the fines, liens and penalties authorized by chapter 162 Florida Statutes, as amended, may be used to enforce the provisions of this section. Each day that an offense or violation of this section continues shall be deemed a separate offense.

Section 9 - Provision of Residential Solid Waste Collection and Recycling Services And Facilities:

The County shall make available within a reasonable period of time Residential Solid Waste collection services and facilities and Residential Solid Waste Recycling Services and

facilities to and for all Non Exempt Residential Property within the MSBU.

Section 10 - Not Used.

Section 11 - Creation Of MSBU:

The Board hereby creates and establishes a municipal service benefit unit (the "MSBU") which shall constitute one of the municipal service benefit units authorized by Florida Statutes 125.01(1)(q). The MSBU shall initially consist of all unincorporated areas of St. Johns County, Florida. The Board shall constitute the governing body of the MSBU. The Clerk of the Board shall be the clerk of the governing body. The County Administrator shall be the administrator for the MSBU. Nothing in this ordinance shall be construed to prohibit the adoption of future ordinances changing the boundaries of the MSBU. The boundaries of the MSBU may be expanded by the Board, in its sole discretion, to include the incorporated area of any municipality, city or town within the County upon consent to such inclusion being adopted by an ordinance of such municipality, city or town and the execution of an Interlocal Agreement with the County specifying the date upon which such municipality, city or town shall become part of the MSBU and containing such other provisions as the County deems necessary or desirable. The MSBU may be referred to as the Solid Waste Collection and Recycle Municipal Service Benefit Unit. The expansion or contraction of

the MSBU shall not invalidate any Collection Assessment or Recycle Assessment properly imposed hereunder.

Section 12 - Purpose Of MSBU:

The purpose of the MSBU is to provide a mechanism that allows the levy and collection of Collection Assessment(s) and of Recycle Assessment(s) against Non Exempt Residential Properties within the MSBU to fund the costs, including debt service, of providing, operating and/or maintaining Residential Solid Waste collection services and facilities and Recycling Services and facilities available to and for such Non Exempt Residential Properties. Such costs may also include the estimated costs to be incurred during any fiscal year in connection with the collection of the Collection Assessments and the Recycle Assessments, including, without limitation, any service charges of the Clerk, Tax Collector, Property Appraiser and amounts necessary to off-set the maximum discounts available for early payment of non ad valorem assessments pursuant to applicable law.

Section 13 - Levy Of Assessments:

On October 1, 1994, or as soon thereafter as taxes are due in the manner described in Florida Statute 197.333 (1993) as amended from time to time, and on each October 1 (or as soon thereafter as taxes are due in the manner described in Florida Statutes 197.333 (1993) as amended from time to time) thereafter until modified by subsequent ordinance(s) there is hereby charged, assessed, and levied upon each Non Exempt Residential

Property within the MSBU (i) an annual non ad valorem special assessment, the Collection Assessment, and (ii) an annual non ad valorem special assessment, the Recycle Assessment, the amounts of which are to be determined by multiplying the number of residences, dwelling units, and habitats, whether occupied or not, located upon such Non Exempt Residential Property on the preceding January 1 by a collection rate and a recycle rate respectively. The collection rate and the recycle rate shall be established from time to time by resolutions of the Board and shall not exceed the respective then current maximum collection rate and the then current maximum recycle rate that have been established by Board resolution. The methods of establishing the actual collection rates and recycle rates to be used to determine the amounts of the Collection Assessment and Recycle Assessments during any given year(s) shall be established by resolution(s) of the Board and such methods shall be consistent with this ordinance. The Collection Assessments and the Recycle Assessments shall be collected in the manner provided by the Uniform Assessment Collection Act. The actual rates to be used during a given year to calculate the amounts of the Collection Assessments and Recycle Assessments may be determined at a public hearing held in the manner provided by such act. At such public hearing the Board may also establish the actual rates that will be used during future years. For the purpose of this section, a "habitat" shall include an improvement that has been constructed

to allow the placement and occupancy of a mobile home or other structure or shelter or vehicle as a residence or dwelling, whether temporary or permanent, by human beings.

In the event that the Board fails to establish a collection rate or a recycle rate for any given year, such rate for that year shall be the same as was established for the prior year.

Section 14 - Exempt Residential Property:

Condominium units, apartment buildings, time share apartments and other residential units that are Residential Property shall be exempted from the levy of Collection Assessments and/or Recycling Assessments if the owner, the owner's agent, or an appropriate owners association can demonstrate to the satisfaction of the County Administrator that the residential unit is serviced pursuant to a written commercial agreement with a County Solid Waste franchisee or a County authorized collector of Solid Waste wherein such franchisee or authorized collector will be paid by the owner or tenant of the subject property or by an appropriate owner's association for the services that would otherwise be made available by reason of the Collection Assessment and/or the Recycle Assessment and such written agreement is effective throughout the calendar year commencing on the date the Collection Assessment and/or the Recycle Assessment would otherwise be due. (See also section 21).

An owner, his agent, or an appropriate owner's association of or for the Residential Property must file an application for the exemption with the County Administrator prior to September 1 in order for the Residential Property, or portion thereof, to be considered for an exemption from the Collection Assessment and/or the Recycle Assessment levied on the following November 1st. Upon verification by the County Administrator of the facts necessary to qualify for the exemption, the County Administrator shall take the steps necessary to reduce the total amount of the Collection Assessment and/or the Recycle Assessment levied on such property or, if appropriate, remove the unit(s) or parcels from the Collection Assessment roll and/or the Recycle Assessment roll. The County Administrator may adopt reasonable procedures whereby the exemption will remain for more than one year without the need to refile an application for exemption each year.

Section 15 - Certain other Non Exempt Residential Property:

Notwithstanding any other provision herein, condominium buildings, apartment buildings, time share apartments, mobile home parks and other multi-family residential units comprised of six or more residential units which are not serviced pursuant to a written commercial agreement with a County Solid Waste franchisee or a County authorized collector of Solid Waste shall be considered Non Exempt Residential Property and each living

unit within such structure is, and shall be, subject to the levy of the Collection Assessments and/or Recycle Assessment.

Section 16 - Not Used.

Section 17 - Use Of Collection Assessment Proceeds:

The proceeds derived from the Collection Assessments shall be used solely and only for the following purposes:

i) To pay the costs of imposing, levying and collecting the Collection Assessments which costs may also include the estimated costs to be incurred during any fiscal year in connection with the collection of the Collection Assessments, including, without limitation, any service charges of the Clerk, Tax Collector, Property Appraiser and amounts necessary to offset the maximum discounts available for early payment of non ad valorem assessments pursuant to applicable law; and

ii) To pay for all or a portion of the cost to the County, including debt service, of providing, maintaining and/or operating Residential Solid Waste collection services and/or facilities that are available for use by Non Exempt Residential Property.

Section 18 - Use Of Recycle Assessment Proceeds:

The proceeds derived from the Recycle Assessments shall be used solely and only for the following purposes:

i) To pay the costs of imposing, levying and collecting the Recycle Assessments which costs may also include the estimated costs to be incurred during any fiscal year in

connection with the collection of the Recycle Assessments, including, without limitation, any charges of the Clerk, Tax Collector, Property Appraiser and amounts necessary to off-set the maximum discounts available for early payment of non ad valorem assessments pursuant to applicable law; and

ii) To pay the County for all or a portion of the cost to the County, including debt service, of providing, maintaining and/or operating Residential Solid Waste Recycling Services and/or facilities that are available for use by Non Exempt Residential Property.

Section 19 - Priority of Liens Created By Collection Assessments and By Recycle Assessments:

When the Collection Assessments and the Recycle Assessments levied or imposed pursuant to this ordinance as amended from time to time are collected pursuant to the Uniform Assessment Collection Act, they shall, until fully paid and discharged, or barred by law, be, constitute and remain liens upon the real property to which they are attributed equal in rank and dignity with the liens of all County ad valorem taxes and all state, district and municipal taxes and all other fees and non ad valorem assessments that are collected pursuant to the Uniform Assessment Collection Act. Except as otherwise provided by law, such liens shall be superior in rank and dignity to all other liens, encumbrances, titles, and claims in, to or against the property involved.



Section 20 - Chapter 197, Florida Statutes Collection Provisions:

When a Collection Assessment and/or a Recycle Assessment is collected pursuant to the Uniform Assessment Collection Act, it shall be subject to all collection provisions of Chapter 197, Florida Statutes including provisions relating to discount for yearly payment, prepayment by installment method, deferred payment, penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds for non payment. Such Collection Assessments and/or Recycle Assessments shall become a lien against homestead as allowed by Florida law.

Section 21 - Not Used.

Section 22 - Powers:

The Board shall have the authority and power to take such action, enter into such contracts, hire such employees and otherwise perform such tasks and do all things not inconsistent with general or special law necessary or incident to effectuate and carry out the purpose of the MSBU including but not limited to the collection and expenditure of the Collection Assessments and the Recycle Assessments.

Section 23 - Fiscal Year:

The fiscal year of the MSBU shall commence on October 1 of each year and end on September 30. The County Administrator shall annually present to the Board a budget for the MSBU in the manner provided by law for County budgets.

Section 24 - Adjustments To Assessment Roll:

On or before December 31 of each year the County Administrator may delete property from that years assessment roll and/or authorize the tax collector to delete or reduce the amount of the Collection Assessment and/or the Recycle Assessment assessed, levied and/or charged on property that year upon receipt by the County Administrator of proof that (i) such property was not Non Exempt Residential Property on the preceding January 1; or (ii) the property or units thereon would have been exempted from the Collection Assessment and/or the Recycle Assessment pursuant to section 14 hereof had an application for exemption been timely filed. The Board may establish additional procedures and regulations for the levy and collection of the Collection Assessments and/or the Recycle Assessments upon Non Exempt Residential Property; for the addition or deletion of properties from the Collection Assessment roll and/or the Recycle Assessment roll occasioned by new construction and changes in use of assessed property, and changes in exemptions; to correct errors or omissions in the assessment rolls; and to otherwise accomplish the purpose of the MSBU.

Section 25 - Omitted Assessments:

When it shall appear that any Collection Assessment and/or any Recycle Assessment should have been imposed under this ordinance against any parcel or improved Residential Property, but such parcel was omitted from the appropriate assessment roll,

or any addendum to such roll, the Board may impose the applicable Collection Assessment and/or Recycle Assessment for such omitted fiscal year(s), not to exceed two, during the fiscal year after the year in which such error is discovered, in addition to that current years Collection Assessment and/or Recycle Assessment.

Section 26 - Combining on Notice of Ad Valorem Taxes and Non Ad Valorem Assessments and on Notice of Proposed Taxes:

The Collection Assessment, the Recycle Assessment and/or the Special Assessment levied pursuant to St. Johns County ordinance 89-20 as amended, may be combined, levied and charged under one descriptive name, such as Solid Waste Management Assessments, on the notice of proposed property taxes, the notice of ad valorem taxes and non ad valorem assessments and on other similar notices issued by the County, the Board and/or by one or more of the other county elected officers.

Section 27 - Exemption Because of Financial Hardship:

The Board may, by resolution(s), (i) provide a procedure which defines or establishes criteria by which an owner and/or tenant of Non Exempt Residential Property may qualify for a financial hardship exemption from payment of Collection Assessments or charges and/or Recycle Assessments or charges that are assessed or charged for property in which he or she lives, (ii) provide a full or partial exemption to applicable Non Exempt Residential Property from the payment and/or levy of the Collection Assessment or charge and/or the Recycle Assessment or

charge because of the financial hardship such assessment or charge would cause to the tenant or owner of such Non Exempt Residential Property who meets the criteria for a financial hardship exemption, (iii) provide for payment of the exempted assessments and charges with other lawfully available County funds, and (iv) provide other procedures and matters that may be appropriate to accomplish the purposes of this section.

Section 28 - Liberal Construction:

This ordinance 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 ordinance, being necessary for the welfare of the inhabitants of the County, shall be liberally construed to effect the purposes hereof.

Section 29 - Exemptions Required By State or Federal Law:

The Collection Assessment and the Recycle Assessment that are assessed, levied and/or charged pursuant to this ordinance shall not be assessed, levied and/or charged against, for, or on properties that are exempt or immune from or to such assessments by reason of Florida or Federal law.

Section 30 - Addition of Unpaid Collection Assessments And Unpaid Recycle Assessments to Non Ad Valorem Tax Roll:

The amounts of a Collection Assessment and/or Recycle Assessment to be collected using the uniform method pursuant to the Uniform Assessment Collection Act for any specific parcel may respectively include amounts equivalent to all Collection Assessment and all Recycle Assessment payment delinquencies attributable to such parcel and all applicable delinquency fees and recording costs for any prior years assessments for solid waste collection and recycle services that are unpaid; provided, (i) the collection method used in connection with such prior years assessment did not employ the use of the uniform method of collection authorized by the Uniform Assessment Collection Act to collect the Collection Assessment and/or the Recycle Assessment on the same notice of ad valorem taxes that was used to collect the ad valorem taxes attributable to such parcel for such prior years, (ii) reasonable notice of such inclusion is mailed to the owner of the parcel at the address shown on the then current Tax Roll or is otherwise provided or made available to the owner, and (iii) the lien, if any, on the affected parcel for such prior years unpaid Collection Assessment and Recycle Assessment is supplanted and transferred to the applicable Assessment upon certification of a non ad valorem roll to the Tax Collector by the County.

Section 31 - Severability:

Should any section, clause or provision of this ordinance, or any amendment hereto, be declared by a court of

competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 32 - Effective Date:

This ordinance shall take effect immediately upon receipt by the Clerk of official acknowledgment from the Department of State that same has been filed.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida, this 22nd day of February, 1994.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Debra Roberts  
Its Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: Carl Bud Markel  
Clerk

EFFECTIVE DATE:

March 10, 1994



-30-

COPY OF ADVERTISEMENT

**The St. Augustine Record**

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING  
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

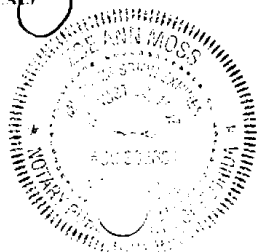
STATE OF FLORIDA,  
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared \_\_\_\_\_  
SHERRY R. FREE \_\_\_\_\_ who on oath says that she 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 \_\_\_\_\_  
DISPLAY AD \_\_\_\_\_  
\_\_\_\_\_ in the matter of \_\_\_\_\_  
NOTICE \_\_\_\_\_  
\_\_\_\_\_ in the \_\_\_\_\_ Court,  
was published in said newspaper in the issues of \_\_\_\_\_  
JANUARY 31, 1994 \_\_\_\_\_

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 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 she has neither paid nor promised  
any person, firm or corporation any discount, rebate, commission or refund  
for the purpose of securing the advertisement for publication in the said  
newspaper.

Sworn to and subscribed before me \_\_\_\_\_ *Henry R. Free*  
ZOE ANN MOSS  
this \_\_\_\_\_ 31st \_\_\_\_\_ day of \_\_\_\_\_ January \_\_\_\_\_  
A.D. 19 94

*Zoe Ann Moss*  
Notary Public



**NOTICE OF PUBLIC HEARING OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS ON ESTABLISHMENT OR CHANGE OF A REGULATION AFFECTING THE USE OF LAND**

The St. Johns County Board of County Commissioners proposes to adopt or change a regulation affecting the use of land within the unincorporated areas of St. Johns County, Florida, plus the lands within those cities and towns of St. Johns County whose governments have consented to the regulations, such lands being the areas of land shown on the map in this advertisement. Public hearings on the proposed ordinance affecting the use of land will be held at special County Commission meetings on Tuesday, February 8, 1994 at 5:01 p.m. and Tuesday, February 22, 1994 at 5:01 p.m. Both hearings will be held in the St. Johns County Auditorium, County Administration Building, 4020 Lewis Speedway, (CR 16A and U.S. #1), St. Augustine, FL 32095. At such hearings the St. Johns County Board of County Commissioners will hear comments from the public and at the February 22, 1994 meeting will consider and take action on the following ordinance:

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, PROVIDING FOR THE ESTABLISHMENT OF A MUNICIPAL SERVICE (SOLID WASTE COLLECTION AND RECYCLE) BENEFIT UNIT (MSBU); MAKING FINDINGS OF FACT; PROVIDING DEFINITIONS; AUTHORIZING AND PROVIDING FOR COLLECTION ASSESSMENTS AND/OR RECYCLE ASSESSMENTS TO BE LEVIED ANNUALLY UPON CERTAIN NON EXEMPT RESIDENTIAL PROPERTY WITHIN THE MSBU; LEVYING ANNUAL COLLECTION ASSESSMENTS AND/OR ANNUAL RECYCLE ASSESSMENTS ON CERTAIN NON EXEMPT RESIDENTIAL PROPERTY COMMENCING AS EARLY AS 1994; PROVIDING FOR ALTERNATE BILLING AND COLLECTION PROCEDURES; PROVIDING FOR EXPENDITURES OF COLLECTION ASSESSMENTS AND/OR RECYCLE ASSESSMENTS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR THE AVAILABILITY OF SOLID WASTE COLLECTION AND RECYCLING SERVICES; AND FACILITIES FOR NON EXEMPT RESIDENTIAL PROPERTIES; PROVIDING FOR THE CHARGING OF COLLECTION FEES AND RECYCLING FEES TO THE OWNERS AND/OR TENANTS OF NON EXEMPT RESIDENTIAL PROPERTIES; PROVIDING FOR THE COLLECTION OF SUCH FEES, PROVIDING PROCEDURES AND POWERS; PROVIDING THAT THE COLLECTION ASSESSMENTS AND THE RECYCLE ASSESSMENTS SHALL BE LIENS ON THE PROPERTIES FOR WHICH THEY ARE ASSESSED EQUAL IN RANK AND DIGNITY TO THE LIENS OF STATE AND COUNTY TAXES; PROVIDING FOR COMBINED ASSESSMENT NOTICES; REGULATING COMMERCIAL PROPERTY AND REQUIRING COMMERCIAL PROPERTIES TO IMPLEMENT RECYCLING PROGRAMS; PROVIDING PENALTIES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR ADJUSTMENTS; PROVIDING THAT THIS ORDINANCE IS BASICALLY DISTINCT AND SEPARATE FROM ST. JOHNS COUNTY ORDINANCES 89-20 AND 88-49 AS EACH MAY BE AMENDED; PROVIDING FOR COMPLIANCE WITH ST. JOHNS COUNTY RESOLUTION 90-194, AS AMENDED; PROVIDING FOR LIBERAL CONSTRUCTION; 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 hearings.

All parties having any interest in said ordinance will be afforded an opportunity to be heard at the public hearings.

If a person decides to appeal any decision made with respect to any matter considered at the public hearings, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS:** In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in these proceedings should contact David Halstead, ADA Coordinator, at (904) 823-2500 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32095, not later than 5 days prior to the dates of these meetings.

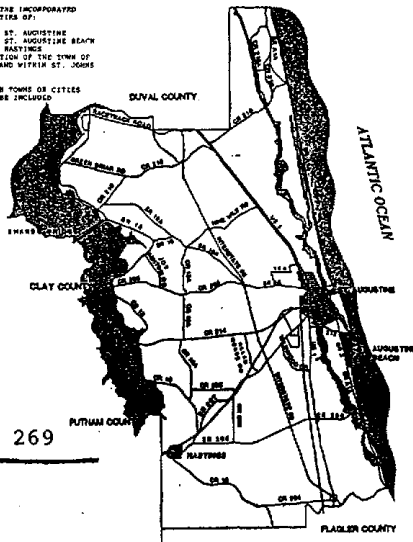
**BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA**  
**CARL "BUD" MARKEL, ITS CLERK**

Ordinance Book 13 Page 269

By: Amy Bennett  
 Amy Bennett, Deputy Clerk

**St. Johns County**

EXCLUDING THE INCORPORATED MUNICIPALITIES OF:  
 CITY OF ST. AUGUSTINE  
 CITY OF ST. AUGUSTINE BEACH  
 TOWN OF PALM BEACH  
 THE PORTION OF THE TOWN OF PALM BEACH WITHIN ST. JOHNS COUNTY  
 UNLESS SUCH TOWNS OR CITIES CHOOSE TO BE INCLUDED.





# The St. Augustine Record

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING  
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,  
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared \_\_\_\_\_

SHERRY R. FREE \_\_\_\_\_ who on oath says that she 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 INTENT TO CONSIDER ENACTMENT \_\_\_\_\_

\_\_\_\_\_ in the matter of \_\_\_\_\_

MEETING ON FEBRUARY 8, 1994 \_\_\_\_\_

\_\_\_\_\_ in the \_\_\_\_\_ Court,

was published in said newspaper in the issues of \_\_\_\_\_

January 31, 1994 \_\_\_\_\_

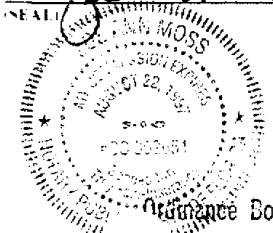
Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper has heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post 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 she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me \_\_\_\_\_ *Sherry R. Free*

this \_\_\_\_\_ 31st \_\_\_\_\_ day of \_\_\_\_\_ January \_\_\_\_\_

A.D. 19 94

*Zoe Ann Moss*  
Notary Public



Ordinance Book 13 Page 270

depend upon which the appeal is to be based.

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BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA  
CARL "BUD" MARKEL, ITS CLERK  
By Amy Bennett,  
Deputy Clerk  
1679 Jan. 31, 1994

## COPY OF ADVERTISEMENT

NOTICE OF INTENT TO CONSIDER ENACTMENT OF ORDINANCE

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at regular meetings on Tuesday, February 8, 1994 at 5:01 p.m. and Tuesday, February 22, 1994 at 5:01 p.m. in the Auditorium, of the County Administration Building, 4020 Lewis Speedway (County Road 16-A) and U.S. #1 North, St. Augustine, Florida, will hold public hearings to consider the passage of the following ordinance:

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, PROVIDING FOR THE ESTABLISHMENT OF A MUNICIPAL SERVICE (SOLID WASTE COLLECTION AND RECYCLE) BENEFIT UNIT (MSBU); MAKING FINDINGS OF FACT; PROVIDING DEFINITIONS; AUTHORIZING AND PROVIDING FOR COLLECTION ASSESSMENTS AND/OR RECYCLE ASSESSMENTS TO BE LEVIED ANNUALLY UPON CERTAIN NON EXEMPT RESIDENTIAL PROPERTY WITHIN THE MSBU; LEVYING ANNUAL COLLECTION ASSESSMENTS AND/OR ANNUAL RECYCLE ASSESSMENTS ON CERTAIN NON EXEMPT RESIDENTIAL PROPERTY COMMENCING AS EARLY AS 1994; PROVIDING FOR ALTERNATE BILLING AND COLLECTION PROCEDURES; PROVIDING FOR EXPENDITURES OF COLLECTION ASSESSMENTS AND/OR RECYCLE ASSESSMENTS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR THE AVAILABILITY OF SOLID WASTE COLLECTION AND RECYCLING SERVICES AND FACILITIES FOR NON EXEMPT RESIDENTIAL PROPERTIES; PROVIDING FOR THE CHARGING OF COLLECTION FEES AND RECYCLING FEES TO THE OWNERS AND/OR TENANTS OF NON EXEMPT RESIDENTIAL PROPERTIES; PROVIDING FOR THE COLLECTION OF SUCH FEES; PROVIDING PROCEDURES AND POWERS; PROVIDING THAT THE COLLECTION ASSESSMENTS AND

THE RECYCLE ASSESSMENTS SHALL BE LIENS ON THE PROPERTIES FOR WHICH THEY ARE ASSESSED EQUAL IN RANK AND DIGNITY TO THE LIENS OF STATE AND COUNTY TAXES; PROVIDING FOR COMBINED ASSESSMENT NOTICES; REGULATING COMMERCIAL PROPERTIES AND REQUIRING COMMERCIAL PROPERTIES TO IMPLEMENT RECYCLING PROGRAMS; PROVIDING PENALTIES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR ADJUSTMENTS; PROVIDING THAT THIS ORDINANCE IS BASICALLY DISTINCT AND SEPARATE FROM ST. JOHNS COUNTY ORDINANCES 89-20 AND 88-49 AS EACH MAY BE AMENDED; PROVIDING FOR COMPLIANCE WITH ST. JOHNS COUNTY RESOLUTION 90-194 AS AMENDED; PROVIDING FOR LIBERAL CONSTRUCTION; AND PROVIDING AN EFFECTIVE DATE.

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