

Draft #2

ORDINANCE NO. 94-47

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 94-7 WHICH IS THE ORDINANCE THAT AMONG OTHER THINGS LEVIES SOLID WASTE NON AD VALOREM COLLECTION ASSESSMENTS AND SOLID WASTE NON AD VALOREM RECYCLE ASSESSMENT. THIS AMENDMENT MODIFIES THE LEVY OF SUCH ASSESSMENTS; IT MODIFIES THE PROCEDURE USED TO ADD DWELLING UNITS TO THE APPLICABLE ASSESSMENT ROLLS AND THEREBY INCREASE THE ASSESSMENTS ON SUCH PROPERTIES; IT PROVIDES AN ADDITIONAL ASSESSMENT COLLECTION PROCEDURE TO REQUIRE PAYMENT OF PRO RATED SOLID WASTE COLLECTION ASSESSMENTS AND PRO RATED SOLID WASTE RECYCLE ASSESSMENTS BEFORE NEW OR ADDITIONAL RESIDENCES, DWELLING UNITS AND HABITATS ON NON EXEMPT RESIDENTIAL PROPERTY RECEIVE COUNTY APPROVAL FOR ELECTRICAL ENERGIZING; IT MODIFIES AND ADDS DEFINITIONS; AND IT PROVIDES AN EFFECTIVE DATE.

(Capitalized terms herein shall have the same meaning as the Capitalized terms in St. Johns County Ordinance #94-7.)

WHEREAS, St. Johns County Ordinance 94-7 (the "Ordinance") levied Collection Assessments and Recycle Assessments upon all residences, dwelling units, and habitats, whether occupied or not, located upon Non-Exempt Residential Property in the Solid Waste Collection and Recycle MSBU on the preceding January 1; and

WHEREAS, the Board has determined that the January 1 determination date allows residents and dwelling units constructed or placed upon Non-Exempt Residential Property after January 1 each year to receive the benefits of the Solid Waste collection services and the Solid Waste Recycle Services for up

to 23 months without payment of their fair share of the costs of providing such services; and

WHEREAS, the County must immediately begin paying for the availability of such services when such improvements are constructed or moved on; and

WHEREAS, this procedure places an undue burden upon the citizens of this County who are paying their fair share of the costs of providing such services

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

Section 1. St. Johns County Ordinance 94-7 is hereby amended by deleting the definition of Solid Waste from section 7 thereof and by adding the following two definitions to such section 7:

"Electrical Energizing" means the initial connection of electrical power to any permanent power panel serving a building or mobile home for which a building permit or permit for mobile home installation has been obtained.

"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, or any by-products, the sale or reuse of which is intended by the person from whose process they resulted.

Section 2. St. Johns County Ordinance 94-7 is hereby amended by deleting section 13 thereof and by adding and substituting the following in its stead:

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 September 15th 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 Assessments 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. For such residences, dwelling units and habitats that are located on Non-Exempt Residential Property on the September 15th that precedes the October 1st levy, the Collection Assessments and the Recycle Assessments shall be collected in the manner provided by the Uniform Assessment Collection Act. For such residences, dwelling units, and habitats on Non-Exempt Residential Property that are constructed upon or moved onto such Non-Exempt Residential Property, or that are on such property and receive County approval for Electrical Energizing, after the September 15th that precedes an October 1st levy and for which the Collection Assessment and the Recycle Assessment are not yet being levied and collected in the manner provided above, there is hereby charged, assessed, and levied upon such Non-Exempt Residential Property for each such added or energized residence, dwelling unit and habitat, a pro rated Collection Assessment and a pro rated Recycle Assessment

which shall be calculated and collected in the manner provided by section 33. 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 the Uniform Assessment Collection 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 3. St. Johns County Ordinance 94-7 is hereby amended by deleting section 24 therefrom and by adding and substituting the following in its stead:

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 September 15th; 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 County Administrator and/or the Tax Collector may add and/or increase Collection Assessments and/or Recycle Assessments to or on an assessment roll when such addition or increase is justified by reason of the addition of new or additional residences, dwelling units or habitats on Non-Exempt Residential Property. The Board may by resolutions establish additional procedures and regulations for the levy and collection of the Collection Assessments, the Recycle Assessments, the pro rated Collection Assessments or the pro rated 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 4. St. Johns County Ordinance 94-7 is hereby amended by adding the following section 33 thereto:

A. The amount of the pro rated Collection Assessment and the amount of the pro rated Recycle Assessment shall be determined by pro rating the amount of the annual Collection Assessment and the amount of the annual Recycle Assessment respectively (i) from the date that the County approves the Electrical Energizing of the improvement to the next January 1 if such approval is given on January 1 through September 15 or (ii) from the date that the County approves the Electrical Energizing of the improvement to the second January 1 after such date if such approval is given on September 16 through December 31. Such pro rated Collection Assessments and pro rated Recycle Assessments shall be paid to the County Administrator or his designee as a prerequisite for approval of Electrical Energizing. Such approval shall not be given until the appropriate pro rated Collection Assessments and pro rated Recycle Assessments have been paid.

B. All pro rated Collection Assessment proceeds and all pro rated Recycle Assessment proceeds that are collected pursuant to subparagraph A above shall be

properly accounted for and shall be used only for the purposes set forth in Sections 17 and 18.

C. The provisions of this section 33 may be amended and modified by Board resolutions.

Section 5. 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 25 day of October, 1994.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: DeLan Roberts
Its Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: Carl "Bud" Markel
Clerk

Effective Date: November 7, 1994

Ordinance Book 14 Page 284

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 _____

Barbara Dresslar 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

_____ in the matter of _____

Solid Waste Assessment

_____ in the _____ Court,

was published in said newspaper in the issues of _____

Oct. 5, 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.

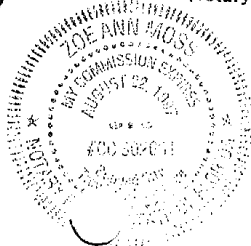
Barbara Dresslar

Sworn to and subscribed before me Zoe Ann Moss

this 5th day of Oct.

A.D. 19 94

Zoe Ann Moss
Notary Public



COPY OF ADVERTISEMENT

**NOTICE OF INTENT
TO CONSIDER
ADOPTION OF
ORDINANCE**

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at its regular meeting on Tuesday, October 25, 1994 at 10:00 a.m. in the County Auditorium, at the County Administration Complex, 4020 Lewis Speedway (County Road 16-A) and U.S. #1 North, St. Augustine, Florida, will hold a public hearing to consider the passage of the following ordinance:

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 94-7 WHICH IS THE ORDINANCE THAT AMONG OTHER THINGS LEVIES SOLID WASTE NON AD VALOREM COLLECTION ASSESSMENTS AND SOLID WASTE NON AD VALOREM RECYCLE ASSESSMENT. THIS AMENDMENT MODIFIES THE LEVY OF SUCH ASSESSMENTS; IT MODIFIES THE PROCEDURE USED TO ADD DWELLING UNITS TO THE APPLICABLE ASSESSMENT ROLLS AND THEREBY INCREASE THE ASSESSMENTS ON SUCH PROPERTIES; IT PROVIDES AN ADDITIONAL ASSESSMENT COLLECTION PROCEDURE TO REQUIRE PAYMENT OF PRO RATED SOLID WASTE COLLECTION ASSESSMENTS AND PRO RATED SOLID WASTE RECYCLE ASSESSMENTS, BEFORE NEW OR ADDITIONAL RESIDENCES, DWELLING UNITS AND HABITATS ON NON-EXEMPT RESIDENTIAL PROPERTY RECEIVE COUNTY APPROVAL FOR ELECTRICAL ENERGIZING IT MODIFIES AND ADDS DEFINITIONS; AND IT PROVIDES 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 Complex, 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 with respect to any matter considered at the hearing, he/she will need a record of the proceedings, and for such purposes he/she 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.

IT'S CLERK 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 to participate in this proceeding should contact, ADA Coordinator, at (904) 823-2501 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32095. For hearing impaired individuals: Telecommunications Device for the Deaf (TDD): (904) 823-2501 or Florida Relay: 1-800-955-8770, no less than 7 days prior to the date of this hearing.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
CARL "BUD" MARKEL
By Yvonne Carter, Deputy Clerk
L162 Oct. 5, 1994



FLORIDA DEPARTMENT OF STATE

Jim Smith, Secretary of State
DIVISION OF ELECTIONS
Bureau of Administrative Code
The Elliot Building
Tallahassee, Florida 32399-0250
(904) 488-8427

November 2, 1994

Honorable Carl Markel
Clerk to Board of County Commissioners
Saint Johns County
Post Office Drawer 300
Saint Augustine, Florida 32085-0300

Attention: Patricia DeGrande, Deputy Clerk

Dear Mr. Markel:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of October 28, 1994 and certified copy each of Saint Johns County Ordinance Nos. 94-47 and 94-48, which were filed in this office on November 2, 1994.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud, Chief
Bureau of Administrative Code

LC/mw

RECEIVED
ST. JOHNS COUNTY

'94 NOV -7 P2:03

Carl Markel
CLERK, COUNTY COMMISSIONER