

Draft 11/9/94

ORDINANCE NO. 94- 60

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA AMENDING ST. JOHNS COUNTY ORDINANCE 89-20, AS PREVIOUSLY AMENDED, WHICH IS THE ORDINANCE THAT AMONG OTHER THINGS LEVIED ANNUAL SOLID WASTE DISPOSAL NON AD VALOREM ASSESSMENTS (THE "SPECIAL ASSESSMENTS") ON NON EXEMPT RESIDENTIAL PROPERTY LOCATED WITHIN THE MSBU CREATED BY OR PURSUANT TO THE ORDINANCE. THIS AMENDMENT PROVIDES THAT COMMENCING WITH THE MAILING OF THE 1994 NOTICE OF AD VALOREM TAXES AND NON AD VALOREM ASSESSMENTS THE SPECIAL ASSESSMENTS SHALL BE LEVIED UPON SUCH NON EXEMPT RESIDENTIAL PROPERTY BASED UPON EACH DWELLING UNIT, RESIDENCE OR HABITAT LOCATED ON SUCH PROPERTY ON THE PRECEDING SEPTEMBER 15 INSTEAD OF THE PRECEDING JANUARY 1; IT RATIFIES THE 1994 NON AD VALOREM ASSESSMENT ROLL PERTAINING TO THE SPECIAL ASSESSMENTS; AND IT PROVIDES AN EFFECTIVE DATE.

(Capitalized terms herein shall have the same meaning as the capitalized terms in St. Johns County Ordinance #89-20, as amended.)

WHEREAS, St. Johns County Ordinance 89-20, as amended (the "Ordinance") levied Special Assessments upon all residences, dwelling units, and habitats, whether occupied or not, located upon Non Exempt Residential Property in the MSBU on the preceding January 1; and

WHEREAS, the Board of County Commissioners of St. Johns County 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 disposal services for up to 23 months without payment of their fair share of the costs of providing such services; 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 89-20, as previously amended, is hereby amended by deleting section 45 thereof and by adding the following section 45 in its stead:

(Note: the language of the first paragraph of section 45 remains unchanged.)

SECTION 45. On November 1, 1990, or as soon thereafter as taxes are due in the manner described in Florida Statute 197.333 (1987) as amended from time to time, and on each November 1 (or as soon thereafter as taxes are due in the manner described in Florida Statute 197.333(1987) 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 an annual non ad valorem assessment, the Special Assessment, at the rate of not to exceed \$75.00 per year for each residence, dwelling unit, and habitat, whether occupied or not, located upon such Non Exempt Residential Property on the preceding January 1. The method of collecting the Special Assessment and of establishing the actual rate to be levied during any given year(s) shall be established by the Board in the manner provided by Florida Statute 197.3632, as amended from time to time, or by such other procedure(s) as shall be lawful. In the event the Board elects to use the procedures provided by Florida Statutes 197.3632, as amended from time to time, the actual rate levied during a given year may be determined at a public hearing held that year on a date subsequent

to such January 1. At such public hearing the Board may also establish the actual rate that will be levied 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.

Notwithstanding the language in the above paragraph, commencing with the tax collector's mailing of the 1994 notice of ad valorem taxes and non ad valorem assessments, the Special Assessments shall be charged, assessed and levied each year upon each Non Exempt Residential Property at the rate established in the manner provided above based upon each residence, dwelling unit, and habitat, whether occupied or not, located upon such Non Exempt Residential Property on the preceding September 15 instead of the preceding January 1. The portion of the 1994 non ad valorem assessment roll pertaining to the Special Assessments is accordingly hereby ratified.

Section 2. St. Johns County Ordinance 89-20, as previously amended, is hereby amended by deleting section 50 thereof and by adding and substituting the following section 50 in its stead:

Section 50. 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 Special Assessment levied on property that year upon receipt by the County Administrator of proof that (i) such property was not Residential Property on the preceding September 15; or

(ii) the property or units thereon would have been exempted from the Special Assessment pursuant to section 46 hereof had an application for exemption been timely filed. The Board and/or the Governing Body may establish additional procedures and regulations for the levy and collection of the Special Assessments upon Non Exempt Residential Property; for the addition or deletion of properties from the Special Assessment roll occasioned by new construction and changes in use of assessed property, and changes in exemptions; to correct errors or omissions in the Special Assessment roll; and to otherwise accomplish the purpose of the MSBU.

Section 3. 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 13th day of December, 1994.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: *Barbara Ward*  
Its Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: *Carl Bud Markel*  
Clerk

EFFECTIVE DATE: DECEMBER 27, 1994

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# 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 \_\_\_\_\_

Ordinance 89-20 \_\_\_\_\_

in the \_\_\_\_\_ Court, was published in said newspaper in the

issues of Nov. 18, 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 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 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 this 18th day of Nov., 19 94,

by Barbara Dresslar who is personally

known to me or who has produced \_\_\_\_\_ as

(Type of Identification)

identification.

Zoe Ann Moss  
(Signature of Notary Public)

Zoe Ann Moss

(Print, Type or Stamp Commissioned Name of Notary Public)



BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA  
CARL "BUD" MARKEL, ITS CLERK  
By Yvonne Carter, Deputy Clerk  
L448 Nov. 18, 1994

## 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, December 13, 1994, at 1:30 p.m. in the County Auditorium, of 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:

ORDINANCE NO. 94- AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA AMENDING ST. JOHNS COUNTY ORDINANCE 89-20, AS PREVIOUSLY AMENDED, WHICH IS THE ORDINANCE THAT AMONG OTHER THINGS LEVIED ANNUAL SOLID WASTE DISPOSAL NON AD VALOREM ASSESSMENTS (THE "SPECIAL ASSESSMENTS") ON NON EXEMPT RESIDENTIAL PROPERTY LOCATED WITHIN THE MSBU CREATED BY OR PURSUANT TO THE ORDINANCE. THIS AMENDMENT PROVIDES THAT COMMENCING WITH THE MAILING OF THE 1994 NOTICE OF AD VALOREM TAXES AND NON AD VALOREM ASSESSMENTS THE SPECIAL ASSESSMENTS SHALL BE LEVIED UPON SUCH NON EXEMPT RESIDENTIAL PROPERTY BASED UPON EACH DWELLING UNIT, RESIDENCE OR HABITAT LOCATED ON SUCH PROPERTY ON THE PRECEDING SEPTEMBER 15 INSTEAD OF THE PRECEDING JANUARY 1; IT RATIFIES THE 1994 NON AD VALOREM ASSESSMENT ROLL PERTAINING TO THE SPECIAL ASSESSMENTS; 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.

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) Service: (904) 823-2501 or 1-800-955-6777. If more than 7 days prior to the date of this hearing.