

RESOLUTION NO. 08-019

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS APPROVING
THE IMPOSITION OF AN ANNUAL SOLID WASTE COLLECTION AND
RECYCLING PROGRAM SPECIAL ASSESSMENT FOR ALL IMPROVED
RESIDENTIAL REAL PROPERTY UPON OWNERS WITHIN THE BREVARD
COUNTY SOLID WASTE COLLECTION AND RECYCLING PROGRAM
MUNICIPAL SERVICE BENEFIT UNIT FOR COUNTY FISCAL YEAR
BEGINNING OCTOBER 1, 2008

WHEREAS, Florida Statutes, Section 125.01(1)(k) grants the Board of County Commissioners the power to provide and regulate waste collection and disposal; and

WHEREAS, pursuant to Section 403.706, Florida Statutes, Brevard County has the authority and responsibility to provide for the operation of solid waste management facilities to meet the needs of all areas of the county; and

WHEREAS, Chapter 67-1146, Laws of Florida, 1967 as amended by Chapter 70-594, Laws of Florida, 1970, authorizes the Board of County Commissioners of Brevard County, Florida to construct, operate and maintain a solid waste disposal system for the use and benefit of the inhabitants and municipalities of Brevard County; and

WHEREAS, said statutory authority grants the Board of County Commissioners the authority to prescribe, fix, establish and collect fees, rentals or other charges for the use of said established solid waste disposal system and to pledge such revenues as security for the payment of bonds issued under said statutory authority for the construction of a solid waste disposal facility; and

WHEREAS, Section 94-31, Code of Ordinances of Brevard County, Florida, as amended, authorizes the Board of County Commissioners to impose an annual collection and recycling special assessment against all improved residential real property within the Brevard County Solid Waste Collection and Recycling Program Municipal Service Benefit Unit, "Benefit Unit"; and

WHEREAS, the developed residential properties within the Benefit Unit derive a special benefit above and beyond the general benefit received by all property or the public as a result of the services provided through the Brevard County Solid Waste Collection and Recycling Program; and

WHEREAS, the Board of County Commissioners finds that the collection and disposal of solid waste constitutes a benefit to all developed residential property within the Benefit Unit that is equal to, or in excess of, the cost of providing the services; and

WHEREAS, Section 94-233, Code of Ordinances of Brevard County, Florida, as amended, provides that on or before the fifteenth day of September of each year the Board of County Commissioners of Brevard County, Florida, shall hold a public hearing for the purpose of adopting a schedule of annual assessments, rates and charges to be

imposed upon the owners of all residential improved real property within the unincorporated areas of Brevard County ; and

WHEREAS, on January 31, 2008, the Board of County Commissioners approved a resolution authorizing the uniform method of collection of these non-ad valorem assessments by the Brevard County Tax Collector via the Tax Roll for each year this Rate Resolution is in effect; and

WHEREAS, in compliance with the requirements of Section 197.3632, Florida Statutes, notice of the January 31, 2008, public hearing to adopt this resolution was published in the January 9th issue of the Florida Today newspaper and notices were mailed to each owner of property within the Benefit Unit on January 4, 2008.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, that:

Section 1. SCHEDULE ADOPTED. The Board of County Commissioners does hereby adopt a schedule of Annual Solid Waste Collection and Recycling Program Special Assessments for County Fiscal Year October 1, 2008 through September 30, 2013, pursuant to the provisions of Chapter 94, Article IV, Division 2, Code of Ordinances of Brevard County, Florida, as amended, for all improved real property within the "Benefit Unit", that is attached hereto as Schedule "A". ("Code" used hereafter shall mean "Code of Ordinances of Brevard County, Florida").

Section 2. RATE RESOLUTION DECLARED. This Resolution constitutes the Rate Resolution specified in Chapter 94, Article IV, Division 2 of the Code, as amended.

Section 3. DEFINITIONS. For the purpose of this schedule of Annual Solid Waste Collection and Recycling Program Special Assessments the following definitions shall apply:

(a) Improved Real Property: means any real property located in the unincorporated areas of the county that generates, or is capable of generating, solid waste and that contains a building, structure or other improvements designed or constructed, or capable of use for, or is being used for human habitation, human activity or commercial enterprise. Real property becomes improved real property following construction completion and the initial issuance of a certificate of occupancy.

(b) Residential Improved Real Property: means all improved real property used for either a multifamily residence, or a single-family residence, including trailer parks.

(c) Square Feet: refers to the size of the buildings, structures, or other improvements located on such property.

(d) Governmental Agencies: means all state, federal or local agencies or units of government located within the county, including, but not limited to, the school

board of the county, all municipalities within the county, all special districts and municipal service taxing units with all or part of their boundaries within the county and any municipality or special district or other unit of government whose boundaries are not within the county but which is the owner of improved real property within the county.

(e) Benefit Unit: means the unincorporated areas of Brevard County.

(f) Billing Units: the number of units established per parcel of improved residential property which, when multiplied by the applicable base, produces the solid waste collection and recycling program special assessment.

Section 4. CALCULATION OF COLLECTION AND RECYCLING ASSESSMENTS.

(a) The property's classification shall be determined by the "use code" established by the Brevard County Property Appraiser in maintaining and classifying real property on the Brevard County real property assessment roll.

(b) To determine the Solid Waste Collection and Recycling Program Special Assessment for all improved real property within the "Benefit Unit", the number of billing units for the property's corresponding classification set forth in Section 1 and Section 2 of this resolution, Schedule "A" shall be multiplied by the applicable base billing unit set forth in section 3 of this resolution, Schedule "A".

Section 5. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this Resolution.

Section 8. EFFECTIVE DATE. This Special Assessment shall be effective from October 1, 2008 through September 30, 2013

RESOLVED this 31 day of January 2008.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA

BY:



Scott Ellis, Clerk

BY:



Truman Scarborough, Chairman
(As approved by the Board on January 31, 2008)

Reviewed for legal form and content:



ASSISTANT COUNTY ATTORNEY

SCHEDULE "A"

ANNUAL SOLID WASTE COLLECTION AND RECYCLING
PROGRAM SPECIAL ASSESSMENTS
OCTOBER 1, 2008 THROUGH SEPTEMBER 30, 2013

Section 1. RESIDENTIAL IMPROVED REAL PROPERTY:

(a) Single Family Residence: Any building or structure designed or constructed for and capable of use as a residence for one family regardless of the type of structure. Such term includes a mobile home or a condominium parcel used for a mobile home or trailer or mobile home cooperative or a condominium park home that is erected on a separate parcel of property and not included within the definition of a trailer park.

(b) Residential Condominium Unit/Cooperative Unit: Any portion of a building or structure designed or constructed for and capable of use as a residence for one family and such unit being owned or offered for sale under the condominium or cooperative concept of ownership.

(c) Residential Townhouse Unit: Any portion of a building or structure designed or constructed for and capable of use as a residence for one family and such unit being owned or offered for sale under the townhouse concept of ownership.

(d) Multiple Family Residence/Courts: Any building or structure or portion of any building or structure designed or constructed for and capable of use for one or more permanent residence(s) in which each unit is not individually owned.

(e) Trailer Park: Any improved real property divided into spaces for the erection and maintenance of trailers and mobile homes.

(f) Condominium Recreational Vehicle: Any improved real property divided into spaces in which all the spaces are intended for use as, or are offered to the public for use as, spaces for transient or temporary use by recreational vehicles.

Section 2. RESIDENTIAL IMPROVED PROPERTY BILLING UNITS:

1. Billing Units of .39 Per Unit:
Square Footage: Not Applicable

Condominium Recreational Vehicle, Condominium – Improved RV lot – No RV, Condominium Unit with site improvement.

2. Billing Units of .75 Per Unit:
Square Footage: Not Applicable

Section 3. APPLICABLE BASE RATE. Pursuant to the provisions of Chapter 94, Article IV, Division 2 of the Code, as amended, the base rate for residential improved real property is equivalent to \$125.70 per billing unit per year.