

ORDINANCE 89 - 4

AN ORDINANCE AMENDING ORDINANCE NO. 88-20, WHICH CREATED A MUNICIPAL SERVICES BENEFIT UNIT FOR LANDFILL SERVICES AND ESTABLISHED A SPECIAL ASSESSMENT; AMEND SPECIFICALLY SECTION 1, DEFINITIONS, (1) "COMMERCIAL"; SECTION 4, GOVERNING BODY OF THE DISTRICT, 4.1 AND 4.2; SECTION 7, SPECIAL ASSESSMENTS, PARAGRAPH 7.3(a), CHANGING THE COMMENCEMENT DATE; SECTION 8, COLLECTION AND ENFORCEMENT OF ASSESSMENTS, PARAGRAPHS 8.1, 8.2, AND 8.4(b), (c), (d); SECTION 10, USE OF FUNDS, PARAGRAPHS 10.1 AND 10.2; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Nassau County, Florida, adopted Ordinance 88-20; and

WHEREAS, the Board has determined that said ordinance should be amended to provide for the orderly collection of the assessments; and

WHEREAS, the Board has determined that it is in the best interest of the citizens of the County to make additional changes to the Ordinance.

NOW, THEREFORE BE IT ORDAINED this 15th day of November, 1988, by the Board of County Commissioners of Nassau County, Florida, the following:

1. SECTION 1. DEFINITIONS

(1) "Commercial" means the pickup, by a hauler, of solid waste materials that are placed in a green or brown dumpster or container with a capacity of two (2) yards or more. The ~~units~~ businesses utilizing said dumpster or containers shall be classified as commercial accounts and billed by the haulers as commercial. Any container of less than two (2) yards shall be classified as a "Dwelling Unit" and assessed fifty dollars (\$50.00) per year.

2. SECTION 4. GOVERNING BODY OF THE DISTRICT

~~4.1-The-MSBU-Board-shall-consist-of-the-Board-of-County Commissioners,---as---provided---by---Section---125.01(2),---Florida~~

~~Statutes.---The-MSBU-Board-may-have-eight-(8)-members-~~

4.1 The Governing Board of the District shall be the Board of County Commissioners.

~~4.2--One-(1)-member-of-each-City-Commission-within-Nassau County-may-be-appointed-to-the-MSBU-Board-by-the-Board-of-County Commissioners-~~

3. SECTION 7. SPECIAL ASSESSMENTS

7.3 The following special assessments are hereby imposed:

(a) For each dwelling unit on a parcel: \$50.00, and said \$50.00 special assessment shall commence on ~~August--17--1988~~ October 1, 1988, and ending ~~July-31-1989~~ September 30, 1989, and the benefits to be conferred by the MSBU are deemed to be in excess of the cost hereof. The annual assessment shall be ~~August~~ October 1 to July-31 September 30 of each year.

4. SECTION 8. COLLECTION AND ENFORCEMENT OF ASSESSMENTS

~~8.1 Special-assessments-for-each-dwelling-unit-shall-be imposed-as-of-August-1,-1988,-and-are-due-and-payable-beginning on-August-17-1988,-and-delinquent-on-September-17-1988-~~

Special assessments for each dwelling unit shall be imposed as of October 1, 1988, and as of October 1 of each succeeding year. The assessment for 1988-1989 will not be mailed prior to November 16, 1988, and shall be paid no later than December 16, 1988, and shall be delinquent on December 17, 1988.

8.2 The assessments provided for herein shall constitute liens against the property subject thereto from ~~August-17-1988~~ October 1, 1988, and October 1 of each succeeding year until fully paid and discharged, or barred by law. Such liens shall be superior in rank and dignity to all other liens, encumbrances, titles and claims in or to the real property involved, except liens for ad valorem taxes.

8.4 If the ad valorem tax method of collection is not adopted, assessments shall be collected and enforced as follows:

(a) The special assessment shall be assessed against the owner and the parcel as listed on the Property Appraiser's Assessment roll, regardless of occupancy. Each person against whom an assessment is made shall be given written notice by U. S. Mail, addressed the same as the ad valorem tax notices, of the amount of the assessment, the dates when due and delinquent.

~~----- (b) -- A second notice of each special assessment shall be mailed to the owner of each parcel which has not paid the applicable assessment on or before September 1 of the fiscal year for which imposed, stating the amount of the assessment, the date delinquent and the delinquency penalties, including the lien rights and that the property is subject to foreclosure and costs.~~

(b) The schedule for payment for the assessment billing, for the years following the 1988-1989 fiscal year shall provide for the assessment to be mailed, if possible, at or about the same time the billing for the ad valorem taxes. The time and method for the billing shall be established by the Board, pursuant to a Resolution to be adopted by the Board. The assessment shall be delinquent on April 1 of each succeeding year.

~~----- (c) -- All special assessments shall bear an initial penalty equal to 3.0% of the assessment if not paid by September 31 of the fiscal year for which assessed, and an additional penalty of 1.0% per month on the delinquent principal beginning November 1 until the assessment is paid in full.~~

(c) The Tax Collector shall not accept partial payments on special assessment bills.

~~----- (d) -- Payment of special assessment by installment shall not be allowed in the same manner and form as provisions for payment of ad valorem taxes by installment, without approval of the MSBU Board. To the extent permitted by law, the method of notice and~~

~~manner-of-participation-shall-conform-to-like-provisions-for-the
ad-valorem-installment-method:~~

~~(e)~~(d) Liens for special assessments shall continue and remain in effect against the parcels of property for the year the assessment has been made for a period of five (5) years from October 1 of the year in which imposed, or until the assessment is paid or discharged as herein provided, whichever occurs first.

(e) On or before February 1, 1989, the Tax Collector shall prepare a list of outstanding and uncollected MSBU special assessments for the 1988-1989 year and shall deliver such list to the Clerk. Such list shall contain the amount of each outstanding special assessment, a legal description of the real property against which the special assessment is imposed, and the name of the owner of such real property as indicated on the special assessment roll.

(f) On or before ~~November~~ June 1 of each succeeding year, the tax collector shall prepare a list of outstanding and uncollected MSBU special assessments for each year and shall deliver such list to the Clerk. Such list shall contain the amount of each outstanding special assessment, a legal description of the real property against which the special assessment is imposed, and the name of the owner of such real property as indicated on the special assessment roll.

(j) The Tax Collector may receive a two percent (2%) fee plus commission for her services. The amount of the fee shall be designed to offset the administrative costs associated with the collection of special assessment billings. The MSBU Board, in consultation with the Tax Collector, shall establish the fee commission. The Clerk may receive a fee for his services. The amount of the fee shall be designed to offset the administrative costs associated with the special assessment. The MSBU Board, in

consultation with the Clerk, shall establish the fee by Resolution.

5. SECTION 10. USE OF FUNDS

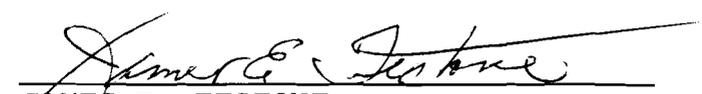
10.1 A ~~separate~~ fund shall be established for all MSBU revenue, to be known as the Service Fund, which funds shall only be expended for the provision of solid waste management and disposal services or facilities.

10.2 The ~~separate~~ fund shall be administered by the Clerk of the Court in his capacity as Chief Financial Officer of the County.

6. EFFECTIVE DATE

This Ordinance shall become effective pursuant to law.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



JAMES E. TESTONE
Its: Chairman

ATTEST:



T. J. GREESON
Its: Ex-Officio Clerk