

ORDINANCE 91 - 17

AN ORDINANCE AMENDING ORDINANCE 88-20, AS AMENDED; WHICH CREATED A MUNICIPAL SERVICE BENEFIT UNIT FOR LANDFILL SERVICES WITHIN THE INCORPORATED AND UNINCORPORATED AREAS OF NASSAU COUNTY, FLORIDA; SPECIFICALLY AMENDING SECTIONS 1 through 16; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Sections 125.01 and 403.706, Florida Statutes, grant the Board of County Commissioners the power to provide and regulate solid waste collection and disposal; and

WHEREAS, the residents of Nassau County benefit from the County landfill and the landfill is a necessity; and

WHEREAS, it is necessary for the promotion of the common interest of the people of the County to provide for the effectuation and financing of a solid waste disposal and resource recovery system, and it is necessary to the health, safety, and welfare of the citizens and residents of the County to provide an adequate solid waste disposal and resource recovery system for all citizens and interest within the County; and

WHEREAS, it is the purpose of this Ordinance to implement the provisions of Chapter 403, Florida Statutes, and the covenants contained in any ordinance, resolution, or indenture securing the issuance of bonds; and

WHEREAS, it is necessary to amend Ordinance 88-20, as amended, eliminating the Municipal Service Benefit Unit and to clarify the County's solid waste management; and

WHEREAS, this Ordinance is adopted under the authority and power granted the Board under, Section 125.01, Florida Statutes; Chapter 403, Florida Statutes; and Section 197.3631, Florida Statutes, and other applicable laws.

NOW, THEREFORE, BE IT ORDAINED this 14th day of August, 1991, by the Board of County Commissioners of Nassau County, Florida, that Ordinance 88-20, as amended, shall be further amended as follows:

SECTION 1. DEFINITIONS

1.1 As used in this Ordinance, the following terms shall have the following meanings:

(a) "Board" means the Board of County Commissioners of Nassau County, Florida, ~~or--the--MSBU--Board,--whichever--is~~ applicable.

(b) "County" means Nassau County, Florida.

(c) "Exempt Private Property" means property which is exempt from the payment of ad valorem taxes, excluding property owned by Federal, State, or municipal governments and agencies or subdivisions thereof.

(d) "Exempt Public Property" means property which is exempt from the payment of ad valorem taxes and owned by Federal, State, or municipal governments or agencies and subdivisions thereof, which are exempt from taxation under Federal or State law.

(e) "Hazardous Waste" means materials or combinations of materials which require special management techniques because of their acute or chronic effect on air ~~or~~ and water quality, wildlife and other biota, and includes, but is not limited to, volatile, chemical, biological, explosive, flammable, radioactive, infectious, or toxic materials.

(f) "Improved Taxable Real Property" means all parcels of residential and commercial real property ~~in the MSBU~~ that have been improved to the point where the improvements are capable of ~~being occupied, a permanent electric utility connection has been made, a Certificate of Occupancy has been issued, Move-On-Permit issued, or it has been classified as improved by the Property Appraiser, whichever occurs first.~~ generating garbage and solid materials.

~~----- (g) -- "MSBU" means the Municipal Service Benefit Unit created by this Ordinance.~~

~~(h) (g) "Owner" means the person or persons listed on each annual assessment roll, even though the roll may not be current~~

~~as-to-record-title.~~ owning an interest in improved real property located within the County.

{i} (h) "Person" includes an individual, association, partnership, professional association, joint venture, corporation, municipality, government agency, or institution.

{j} (i) "Solid Waste." means garbage, rubbish, trash, or other discharge solid or semi-solid materials resulting from domestic, commercial, industrial, agricultural, and governmental operations, excluding solids dissolved in sewage effluent or other water pollutants in water resources, such as suspended particles or dissolved materials in irrigation flows. As used herein, the term "solid waste" does not include hazardous waste, sludge, or like substances or abandoned vehicles.

{k} (j) "Dwelling Unit". The term "Dwelling Unit" as used herein shall refer to any structure suitable or commonly used for residential purposes by a single family or familial group, and includes all single family residences including modular homes and mobile homes, and includes each apartment, townhouse, condominium or cooperative unit of a multi-family structure. All mobile homes shall be included in this definition whether or not a mobile home has an "RP" tag, except mobile homes of less than four hundred (400) square feet of actual floor space, which are not occupied as a dwelling on a continuing and regular basis.

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Further, all residences are included whether or not occupied, except mobile homes held as inventory on a sale lot by a mobile home dealer.

~~----- (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 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.~~

~~(m) (k) "Mobile Home Park" shall be a lot or parcel under single ownership or control designed and developed for the purpose of providing spaces for three (3) or more mobile homes intended to be used for temporary or permanent living facilities.~~

~~(n) (1) "Travel Trailer and Recreational Vehicle Space" shall be a lot or parcel designed or developed for the purpose of providing spaces for two (2) or more recreational vehicle units to be used as temporary or permanent living facilities.~~

~~(m) "Annual Disposal Assessment" - means the annual assessment imposed upon a parcel of real property for the disposal of solid waste for the applicable year based upon the~~

classification of use of such parcel of property as specified in the Rate Resolution.

(n) "Annual Disposal Assessment Roll" - means the list prepared by the Tax Collector and confirmed by the Board each year containing a summary description of each parcel of real property within the County, the names and address of the owner of each such parcel as indicated on the records maintained by the Property Appraiser and the assessment authorized by this Ordinance against each parcel.

(o) "Clerk" - means the Clerk of the Circuit Court of Nassau County, Florida.

(p) "Commercial Container" - shall mean any portable non-absorbent, enclosed container with a close fitting cover, or doors, approved by the Board, which is used to store large volumes of refuse. A commercial container must be capable of being serviced by mechanical equipment.

(q) "Commercial Rubbish and Trash" - shall mean combustibles such as paper, wood and yard trimmings, and non-combustibles such as metal, plastic, glass, stone, and dirt, generated by commercial establishments. This item shall not include garbage, as herein defined.

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(r) "Commercial Solid Waste" - shall mean garbage, rubbish and trash resulting from the normal activities of commercial establishments.

(s) "Construction Materials" - shall mean the wood, masonry, metal, dirt and other debris which are the direct by-products of construction activities discarded by builders, developers, contractors, and the like, but which shall contain no garbage or waste material which shall putrescible or fall within the term "garbage" as herein defined.

(t) "Duplex Residence" - shall mean and include an attached two (2) family structure designed or intended for occupancy by two (2) families or households.

(u) "Garbage Can" - shall mean and include any cylindrical, light-gauged steeled, plastic or galvanized receptacle closed at one end and opened at the other, furnished with a tight fitting top or lid and appropriate lifting handles, not more than thirty-two (32) gallons capacity and not weighing more than forty (40) pounds when full.

(v) "Governmental Agency" - any local, state, or federal agency.

(w) "Hazardous Material" - shall mean garbage, rubbish, trash, or other solid, semi-solid or liquid wastes which are hazardous by reason of pathological, explosive, radiological,

toxic or corrosive characteristics and which are defined as hazardous wastes by the U.S. Environmental Protection Agency (EPA).

(x) "Horticulture Trash or Trash" - shall mean shrubbery cuttings or clippings, palm fronds, small tree branches (not to exceed four (4) feet in length and four (4) inches in diameter), bushes or shrubs, or other organic matter generated as refuse in the care of lawns, gardens, hedges, bushes, and trees. Large branches, trees, or bulky non-combustible materials not susceptible to normal loading and collection in "load packer" type sanitation equipment used for regular collection from domestic households are not included in this definition.

(aa) "Property Appraiser" - means the Property Appraiser of Nassau County, Florida.

(bb) "Residential" - shall mean and include a detached single family structure designed for occupancy by one person or by one family. Each mobile home and trailer shall be deemed a "residence". Each unit of a duplex residence, condominium and apartment shall be deemed a single family structure and residential.

(cc) "Residential Waste" - shall mean garbage, rubbish and trash generated by residential properties, as defined herein. It shall not include hazardous wastes ad defined herein.

(dd) "Solid Waste Disposal and Resource Recovery System or "System" - The "System" shall include, by way of enumeration and not by limitation, County operated or contracted active landfills, inactive or closed landfills, digesters and incinerators.

(ee) "Special Materials" - shall mean bulky materials or other special wastes that are not stored in standard storage containers and cannot be picked up by normally-used collection vehicle. Wastes such as major appliances, furniture, building materials, tree limbs, noncontainerized trash piles, and any unusually large amount of refuse not suitable for containerization will be picked up a a special service of Grantee and billed separately to the customer on the basis of labor, truck costs, and dumping charges.

(ff) "Special Wastes" - means any wastes that require extraordinary management. They include, but are not limited to, abandoned automobiles, inoperative and discarded refrigerators, ranges, washers, water heaters, and other similar domestic and commercial appliances, used tires, waste oil, sludges, dead animals, septic tank pumpings.

(gg) "Tax Collector" - shall mean the Tax Collector of Nassau County, Florida.

(hh) "Tipping Fees" - means the fees and service charges fixed annually to be paid to the County for receiving and disposing of solid waste delivered to the System which may be imposed by the Board for solid waste generated inside the County or in addition to the Annual Disposal Assessments.

(ii) "Triplex Residence - shall mean and include a detached three (3) family structure designed or intended for occupancy by three (3) families or households.

(jj) "Year" - means the calendar year.

1.2 Reference to any office or officer includes any person authorized by law to perform the duties of such office or officer.

1.3 Unless the context otherwise requires, words in singular include the plural, and the plural include the singular; and words of masculine gender include the feminine and the neuter.

SECTION 2.---CREATION-OF-NASSAU-COUNTY-MUNICIPAL-SERVICE

-----BENEFIT-UNIT,---BOUNDARIES-AND-PURPOSES

~~-----2.1---Pursuant-to-the-powers-granted-to-the-Board-by-the Florida-Constitution-and-Florida-Statutes,---there-is---hereby created-a-Municipal-Service-Benefit-Unit-known-as-the-MSBU-~~

~~-----2.2--The boundaries and jurisdiction of the MSBU shall include all the incorporated and unincorporated areas of Nassau County.~~

~~-----2.3--The purpose of the Unit is to promote the health and welfare of the residents of the County by providing for the safe and effective management and disposal of solid waste generated in the incorporated and unincorporated areas of Nassau County.~~

SECTION 2. PURPOSE

2.1 It is the purpose of this Ordinance; to establish a schedule of fees and assessments for the disposition of solid waste from Real Property in the County to assist in paying for the costs of the financing and the operation and maintenance of the Solid Waste Disposal and Resource Recovery System; and to provide for a method and procedure for the collection of such established fees and assessments.

~~-----SECTION 3.--DURATION--The MSBU shall exist until terminated by repeal of this Ordinance.~~

SECTION 3. DETERMINATION OF ANNUAL DISPOSAL ASSESSMENTS AND CHARGES; PUBLIC HEARING

3.1 It is hereby declared that the construction, operation, and maintenance of the Solid Waste Disposal and Resource Recovery System is a benefit and improvement to all real property in the County regardless of use and occupancy of such property. The

construction, operation, and maintenance of the Solid Waste Disposal and Resource Recovery System directly improves and benefits all real property by ensuring a source for the disposal of solid waste being generated, or potentially to be generated, on such real property that is practical and compatible with the health and safety of all citizens in the County.

3.2 The Board shall:

(a) Adopt a budget for the operation and maintenance of the Solid Waste Disposal and Resource Recovery System for each fiscal year.

(b) Insure that the fees and assessments shall never exceed the benefits conferred by the County in providing the solid waste disposal services and shall not exceed the fair and reasonable portion of the cost to the County of providing the services.

(c) Insure that assessments upon real property will be derived from a rate/unit schedule based upon land use activity or projected activity.

(d) Adopt a resolution, as necessary, incorporating a schedule of Tipping Fees to be charged by the County for receiving and disposing of solid waste within the County and for any special waste.

(e) At any time during the year, when it is determined by the Board of County Commissioners that the previously established

annual assessments and services charges will be insufficient to pay all applicable debt service and operation and maintenance costs of the Solid Waste Disposal and Resource Recovery System and to satisfy all obligations of the County under any related bond resolution or trust indenture, the Board may adopt, levy, and collect a supplemental tipping fee. This fee shall be collected at the point of disposal of the solid waste and shall be established in the same manner as the annual Tipping Fees. The supplemental Tipping Fee shall be sufficient when coupled with the assessments or service charges to fund debt service and operation and maintenance for the remainder of the fiscal year. Said fee shall remain in effect until funds from the subsequent assessments or services charges are sufficient to cover costs of operation and maintenance and all other obligations of the County under any related bond resolution or trust indenture.

(g) In fixing Tipping Fees, the Board may reasonably classify types of solid waste.

(h) If the Board so determines that there is no requirement for an annual assessment, there need be none adopted for a particular year. If tipping fees are not required either, then they need not be levied for a particular year.

-----SECTION 4.--GOVERNING BODY OF THE DISTRICT

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

SECTION 4. ANNUAL DISPOSAL ASSESSMENT SCOPE

4.1 The Annual Disposal Assessment established herein applicable to each parcel of Real Property within the County and shall be the rate and charge for each unit multiplied by the number of units on each parcel.

4.2 The Annual Disposal Assessments shall be imposed against the owners of all real property in the County as of the last day of the year preceding the year for which the Annual Disposal Assessment is imposed regardless of the occupancy of such property on said date.

~~-----SECTION 5.---ADVISORY BOARD~~

~~-----5.1--The Governing Board may have an Advisory Board from which it may receive advice and recommendations.-- Said Advisory Board shall be appointed by the Board of County Commissioners after consultation with members of the MSBU Board.-- The number of members of the Advisory Board shall be determined by the Board of County Commissioners.--- The MSBU Board may provide for reimbursement of expenses for the Advisory Board.-- Said expenses may be paid from the assessments collected by the Board.~~

SECTION 5. ANNUAL DISPOSAL ASSESSMENT LIEN

5.1 Such assessment shall be a lien upon the land so assessed prior in superiority to all other liens and assessments against said lands, equal in rank to County ad valorem taxes, until said charges are paid. Said charges shall become a lien on said lands from October 1 of the year for which said charge is made and shall be payable no later than February 16 of each year without discounts to the Tax Collector, but shall not become delinquent unless unpaid on February 17 of the year. The Tax Collector shall, upon payment of the County taxes against any property subject to said assessment, collect therewith said assessment unless such assessment shall have been sooner paid.

~~-----SECTION-6.--POWERS-OF-MUNICIPAL-SERVICE-BENEFIT-UNIT~~

~~-----6.1--The-MSBU-and-the-Governing-Board-shall-have-all-the powers--necessary--or--convenient--to--provide--the--services contemplated-by-this-ordinance,--and-such-powers-as-provided-by the-Constitution-and-laws-of-the-State-of-Florida,--including,--but not-limited-to:~~

~~-----{a)--The-power-to-levy-special-assessments-in-substantially the-same-manner-as-ad-valorem-taxes-are-collected-as-provided-in Florida-Statutes,--Chapter-170.~~

~~-----{b)--The-power-to-enter-into-contracts-for-the-provision-of services-and-facilities-by-third-parties-for-landfill-services.~~

----- (e) --- To issue bonds to finance the cost of projects payable from the proceeds of special assessments in the same manner as provided in Chapter 170, Florida Statutes, said bond issue shall only be with the consent of the Board of County Commissioners.

----- (e) --- Regulate and contract the use of the designated landfill areas subject to approval by the Board of County Commissioners. The MSBU Board may regulate said landfill areas by approving permits for the regulation of commercial landfill haulers.

----- (f) --- To enter into agreements with the Nassau County Property Appraiser and/or the Nassau County Tax Collector pursuant to Florida Statutes, Section 197.363, and to otherwise perform such acts as are necessary to comply with applicable laws in order to collect the special assessments levied by this Ordinance as provided for ad valorem taxes, and to collect such assessments as provided for ad valorem tax, notwithstanding anything herein to the contrary.

----- (g) --- To promulgate the rules and regulations for operation of the County landfills subject to the approval of the Board of County Commissioners.

----- (h) --- To enter into inter-local agreements with municipalities concerning providing of the any services described herein.

SECTION 6. ANNUAL DISPOSAL ASSESSMENT ROLL

6.1 The Tax Collector shall cause a special assessment roll to be prepared, containing a summary description of each parcel of improved real property, the name and address of the owner, a parcel number, and the amount of the assessment. Said roll shall conform, to the extent possible, with the listing and classification of parcels on the annual property assessment roll prepared by the County's Property Appraiser.

6.2 The Board shall review the Annual Disposal Assessment Roll prepared by the Tax Collector. The Board shall make such changes or additions as necessary.

SECTION 7. SPECIAL ASSESSMENTS

7.1 ~~The improvement of a parcel of real property to the extent that it is capable of being occupied is prima facie evidence that solid wastes are being generated or accumulated on such property, and the solid waste management and disposal facilities and services to be provided by the MSBU constitute an essential municipal service which will substantially benefit the property owner.~~ The Board shall have the power to impose special assessments upon all the improved real property within the unincorporated and incorporated areas of Nassau County as provided by law and this Ordinance. Assessable property shall include exempt private property, but shall not include exempt

public property. Newly constructed residential property shall be assessable upon connection of permanent electric utility service or issuance of a Certificate of Occupancy or Move-On permit, whichever occurs first.

~~-----7.2--The MSBU, acting by and through its Board, shall have the power to impose special assessments upon all the improved real property within the boundaries of the MSBU, as provided by law and this Ordinance.--Assessable property shall include exempt private property, but shall not include exempt public property. Newly constructed residential or commercial property shall be assessable upon connection of permanent electric utility service or issuance of a Certificate of Occupancy or Move-On permit, whichever occurs first.~~

7.3 7.2 The following special assessments are hereby imposed:

(a) For each dwelling unit on a parcel: \$100.00, and said \$100.00 special assessment shall commence on October 1 ~~7-1989,~~ ~~and ending September 30, 1990,~~ ~~and the benefits to be conferred by the MSBU are deemed to be in excess of the cost hereof.--The annual assessment shall be October 1 to September 30 of each year thereafter.~~ of each year for the period October 1 through September 30 of the following year and shall continue each year thereafter.

~~----- (e) -- Mobile home parks and travel trailer and recreational vehicle-- defined-- areas-- shall-- be-- assessed-- one-- hundred-- dollars (\$100.00)-- for-- each-- space--.~~

(b) Mobile home parks shall be assessed \$100.00 per year for each mobile home. If the mobile home is not owned by the property owner, the owner of the mobile home shall be billed by the Tax Collector. The mobile home park owner shall be responsible for providing the mobile home owner's name to the Tax Collector. If the information is not provided by the time the assessment is mailed out, the mobile home park owner shall be responsible for the assessment. Further, if the mobile home owner in a mobile home not owned by the park owner has not paid the assessment by February 16th of each year, the mobile home park owner shall be responsible for said amount. If, in addition to each mobile home assessed \$100.00, there is use of a commercial container, the commercial tipping fee will be exempt.

(c) Travel trailer and recreational vehicle defined areas shall be subject to commercial tipping fees upon proof that the areas utilize commercial receptacle(s).

(d) All hotels, motels, shall not be assessed the \$100.00 per unit fee upon proof that a particular unit is utilizing a commercial receptacle(s) and shall be subject to commercial tipping fees.

~~-----7.4--The rate or schedule of special assessments shall be reviewed semi-annually by the MSBU Board and said rates or schedule may be changed by Resolution adopted by the MSBU Board.~~

~~-----7.5--Upon adoption of the rate or schedule of assessment, the Tax Collector shall cause a special assessment roll to be prepared, containing a summary description of each parcel of improved real property, the name and address of the owner, a parcel number, and the amount of the assessment. Said roll shall conform, to the extent possible, with the listing and classification of parcels on the annual property assessment roll prepared by the County's Property Appraiser.~~

~~-----7.6--The MSBU Board shall review and approve the special assessment roll as prepared, making such changes and additions as the Board deems appropriate to conform with the rate or schedule adopted by the Board.~~

~~-----7.7--The MSBU Board shall have the power to hear and adjudge protests based upon errors or omissions in the imposition of an assessment on, or in the classification of any parcel, provided a request for hearing is first made in writing to the Board stating the grounds for protest.~~

7.8 7.3 For property improved after the effective date of the Property Appraiser's property assessment roll, for which a Building Permit or Move-On permit are issued or a permanent

electric utility connection made prior to the effective date of the next property assessment roll, a pro-rated assessment shall be imposed for the period from the date of such connection or Certificate through September 30th the following calendar year, based upon the current rate of assessment. Such assessments shall be collected by the County and Cities prior to and as a condition of issuance of the Certificate or the permanent electrical connection, whichever occurs first.

7.9 7.4 If it is discovered that any special assessment has been omitted from the current years assessment roll, the assessment may be added during the current year.

~~-----7.10--The-special-assessments-provided-for-hereby-shall-not include-services-or-facilities-for-the-disposal-of-any-hazardous, infectious-or-toxic-waste,--"white"-goods-as-they-are-commonly known,--or--junked--or--abandoned--vehicles,--except--as--expressly provided-by-the-Board.~~

SECTION 8. ANNUAL DISPOSAL ASSESSMENT ROLL - CORRECTION

8.1 No ministerial act of omission or commission on the part of the County, Property Appraiser, Tax Collector, Board, or Clerk shall operate to defeat the levy of the Annual Disposal Assessment imposed by the Board under the provisions of this ordinance. Provided, however, any ministerial acts of omission may be corrected at any time by the officers or party responsible

for them in like manner as provided under this Ordinance for performing such acts in the first place, and when so corrected, they shall be construed as valid ab initio and shall in no way affect any process of law or the enforcement of the Annual Disposal Assessment imposed under the provisions of this Ordinance.

SECTION 9. COLLECTION AND ENFORCEMENT OF ASSESSMENTS

~~8.1~~ 9.1 Special assessments for each dwelling unit shall be imposed as of October 1, 1988, ~~and as of October 1~~ of each ~~succeeding~~ year. The assessments ~~for 1988-1989 will not be mailed prior to November 16, 1988, and~~ shall be paid no later than February 16, 1989, and shall be delinquent on February 17.

~~8.2~~ 9.2 The assessments provided for herein shall constitute liens against the property subject thereto from October 1, 1988, of each 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.

~~8.3~~ ~~--- If the ad valorem method of collection is adopted pursuant to Section 197.363, Florida Statutes, each assessment shall then be collected and enforced as ad valorem taxes are collected and enforced, and subject to all collection provisions of Chapter 197, Florida Statutes, including provisions related to~~

~~discounts, payment by installment, penalty for delinquency, and issuance of tax certificates and tax deeds for non-payment. If any MSBU special assessment lien becomes delinquent by not being fully paid by October 1 of the year for which the MSBU special assessment is imposed and remains delinquent, the Clerk, upon receipt of the lists of outstanding and uncollected MSBU special assessments for such year from the tax collector, shall cause to be prepared a Notice of Lien containing the amount of the delinquent special assessment including the amount of applicable interest, a legal description of the real property against which the lien is imposed and the name of the owner of such real property as indicated on the real property assessment roll maintained by the property appraiser. The Notice of Lien shall be recorded in the public records of the County.~~

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

9.4 The method of collection shall be as follows:

(a) The special assessment shall be assessed against the owner and the parcel, except as set forth in Section 7.2, 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) ~~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 as 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 Tax Collector is vested with the power to collect payments of all annual assessments for distribution to the Board. The assessment shall be delinquent on February 17th of each succeeding year.

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

(d) Liens for special assessments shall continue and remain in effect against the parcels of property for the year the assessment has been made 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)~~ (e) On or before June 1 of each succeeding year, the tax collector shall prepare a list of outstanding and uncollected MSBV 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. The Clerk shall prepare and insure that a notice of lien is recorded on all outstanding and uncollected special assessments. The form for the lien shall be approved by the Board and the lien executed by the Chairman.

~~(g)~~ (f) After recording the Notice of Lien, a special assessment lien may be discharged by payment of the special assessment and all applicable penalties, plus a service fee of ten dollars (\$10.00), to the Clerk of the Circuit Court. Upon receipt of such payment, the Clerk shall cause evidence of satisfaction and discharge to be provided in the record.

~~(h)~~ (g) The payment of delinquent special assessments may be enforced by the Board at any time after recording of the Notice of Lien for the amount of the special assessment and all

penalties, plus costs and reasonable attorney's fees by a proceeding in equity to foreclose the special assessment lien in the same manner as a mortgage foreclosure, or in any other manner authorized by law. In any such enforcement proceedings, one or more parcels may be joined in the same suit.

~~{i}--A written certificate of the Clerk as to the amounts due on a special assessment shall be binding upon the MSBU.~~

{j} (h) 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 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.

SECTION 9. COMMERCIAL AND RESIDENTIAL HAULERS

~~-----SECTION 9.---COMMERCIAL~~

~~-----9.1---As set forth in 7.3(b), all units and businesses defined as commercial shall be charged by the haulers, and the haulers shall pay the board pursuant to the provisions set forth herein.~~

~~-----9.2--The haulers payment requirements to the Board are set forth in Paragraph 7.3(b).--If said payments are not paid within the thirty--(30)--day requirement,--the outstanding balance shall bear a penalty of five percent--(5%)--each month until paid.--If the payment is not made within thirty--(30)--days of the date established,--the hauler's privilege to use the landfill shall be suspended until the outstanding balance is paid.~~

9.1 Commercial and residential haulers shall be required to pay tipping fees for the use of the County designated landfill facility. The rates shall be as established by the Board by Resolution, to be adopted each year at a regularly held public hearing. Regulations pertaining to haulers use of the facility shall be set forth by Resolution.

SECTION 10. SOLID WASTE FUND

~~-----SECTION 10.--USE OF FUNDS~~

~~-----10.1--A 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.~~

10.1 A fund shall be established for all solid waste revenue and utilized for solid waste disposal and resource recovery systems.

10.2 The fund shall be administered by the Clerk of the Court in his capacity as Chief Financial Officer of the County, pursuant to Direction of the Board.

~~10.3--Nothing-contained-herein-shall-prevent-the-County-from expending-its-own-funds,-in-addition-to-those-of-the-MSBU,-for the-purposes-hereof.---The-Board-is-expressly-authorized-to reserve-all-MSBU-funds-for-future-capital-expenses-or-costs associated-with-MSBU-services-or-facilities.~~

SECTION 11. TIPPING FEES

11.1 Tipping Fees for the receipt and disposition by the County of solid waste from sources other than Real Property within the County and Supplemental Tipping Fees shall be collected by the County directly. In addition, in the event the Annual Disposal Assessment is ever determined by a court of competent jurisdiction to be invalid, the Board of County Commissioners is hereby authorized to utilize tipping fees ad authorized herein to finance operation and maintenance of the Solid Waste Disposal and Resource Recovery System and to fund all obligations under any bond resolution or trust indenture.

11.2 Tipping fees shall be established by the Board of County Commissioners each and every year by resolution.

SECTION ~~11~~ 12. INDIGENT RELIEF

~~11-1~~ 12.1 It shall be the policy of the ~~Governing-Body~~
Board that the liens for non-payment of special assessments shall
not result in the loss of the property of an indigent property
owner solely by reason of lien foreclosure.

~~11-2~~ 12.2 The ~~governing body of the District~~ Board shall
reserve sufficient ~~of the anticipated revenues~~ funds from ~~special~~
~~assessments in each fund~~ general revenues to provide for ~~special~~
~~assessments upon the homestead property owners who are indigent.~~
indigent relief.

~~11-3~~ 12.3 An application made under oath by the property
owner demonstrating his indigency must be presented ~~to--the~~
~~governing body of the District~~ Board in order for the Board to
consider said application. All determinations of indigency shall
be made by the Board pursuant to reasonable and
non-discriminatory standards adopted and published by the Board.

SECTION 1213. ANNUAL DISPOSAL CHARGE TO GOVERNMENTAL
AGENCIES

12 13.1 All Governmental Agencies owning Real Property
within the County shall pay the Annual Disposal Assessment
imposed under the provisions of this ordinance.

~~-----SECTION 12.---CONSTRUCTION---This Ordinance shall be deemed to~~
~~be cumulative and supplemental and in addition to any other act,~~
~~law, or ordinance relating to municipal service taxing or benefit~~

~~units, provided, however, that this Ordinance shall supersede and repeal any existing ordinance, special law, or County regulation which is in direct conflict herewith, to the extent of such conflict. The provisions of this Ordinance shall be liberally construed in order to effectively carry out its purpose in the interest of the public health, safety, and welfare of the citizens of Nassau County and the State of Florida.~~

SECTION 14. APPLICABILITY OF ANNUAL DISPOSAL SERVICE CHARGE TO TAX EXEMPT IMPROVED REAL PROPERTY

14.1 The exemption of property from taxation under Florida Statutes, Chapter 196, or any other law or Constitutional provision shall not relieve the Owner of any Real Property in the County from the provisions of this Ordinance or from the imposition by the Board of the Annual Disposal Assessment applicable to such property as specified in the Rate Resolution adopted under the provisions of Section 3 of this ordinance. The provisions of this ordinance and the Annual Disposal Assessment imposed by the Board shall be fully applicable to such real property.

~~-----SECTION 15. TIPPING FEES~~

~~-----15.1 There shall be a tipping fee payable for use of the County landfill facility. The fee schedule shall be as follows:~~

~~-----{a} Residential fee: \$15.00 per ton.~~

~~----- (b) -- Commercial and Industrial fee: -- \$45.00 per ton.~~

~~----- (c) -- Residential Refuse Fee: -- \$.25 per bag -- up to thirty
(30) -- gallon bag.~~

SECTION 15. SPECIAL WASTE

15.1 Special waste generated in Nassau County which cannot be handled by the County pursuant to law or permit conditions established by agencies of governments having jurisdiction over solid waste disposal shall not be delivered to the System, but shall be handled and disposed of as is or may be provided by State or Federal law or County Ordinance entirely at the expense of the person or governmental agency responsible for creating it or bring it into the County.

15.2 As to Special Waste which may be lawfully handled by the County, the County may incorporate in the Rate Resolution adopted under Section 5 of this Ordinance, a surcharge in addition to the Annual Assessment and Tipping Fees.

SECTION 16. -- REGULATIONS

~~----- The Board of County may promulgate rules and regulations governing the use of the designated landfill in Nassau County. Said rules and regulations shall be set forth in resolution form. Said rules and regulations shall be conspicuously placed at the designated landfill and provided to the landfill operator.~~

SECTION 16. CONSTRUCTION

This Ordinance shall be deemed to cumulative and supplemental and in addition to any other act, law, or ordinance relating to municipal service taxing or benefit units, provided, however, that this Ordinance shall supersede and repeal any existing ordinance, special law, or County regulation which is in direct conflict herewith, to the extent of such conflict. The provisions of this Ordinance shall be liberally construed in order to effectively carry out its purpose in the interest of the public health, safety, and welfare of the citizens of Nassau County and the State of Florida.

SECTION--13. SECTION 17. SEVERABILITY If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held or declared to be unconstitutional, invalid, or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, after the exclusion of such part or parts, shall be deemed to be valid, as if such part or parts had not been included herein. If this Ordinance or any provision hereof shall be held inapplicable to any person, group of persons, property, or kind of property, circumstances or set of circumstances, such holding shall not affect the application hereof to any other person, property, or circumstance.

~~SECTION-14.~~ SECTION 18. EFFECTIVE DATE A certified copy of this Ordinance shall be filed in the Office of the Secretary of State within ten (10) days after enactment, and this Ordinance shall take effect October 1, 1991.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



JIM B. HIGGINBOTHAM
Its: Chairman

ATTEST:



T. J. GREEFFON
Its: Ex-Officio Clerk
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