

ORDINANCE

AN ORDINANCE REPEALING ORDINANCE NO. 94-7, AN ORDINANCE RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE, RECOVERED MATERIAL, YARD TRASH, AND WHITE GOODS IN THE UNINCORPORATED AREAS OF SEMINOLE COUNTY, FLORIDA AND ENACTING THIS ORDINANCE; PROVIDING FOR LEVELS OF MANDATORY SOLID WASTE SERVICES IN LIEU OF VOLUNTARY SOLID WASTE SERVICES; PROVIDING DEFINITIONS; CREATING THE "SEMINOLE COUNTY SOLID WASTE RESIDENTIAL UNIT COLLECTION AND DISPOSAL MUNICIPAL SERVICES BENEFITS UNIT; AUTHORIZING THE IMPOSITION AND COLLECTION OF ASSESSMENTS AGAINST RESIDENTIAL UNITS WITHIN UNINCORPORATED SEMINOLE COUNTY TO PROVIDE SOLID WASTE MANAGEMENT, COLLECTION, AND DISPOSAL SERVICES AND FACILITIES; PROVIDING EXEMPTIONS FROM COLLECTION SERVICES ASSESSMENTS FOR QUALIFYING LOW INCOME, LIMITED ACCESS, COMBINED RESIDENTIAL AND COMMERCIAL CONTAINER USE RESIDENTIAL UNITS AND AGRICULTURAL RESIDENTIAL UNITS; PROVIDING FOR DENIAL OF AND REVOCATION OF EXEMPTIONS FOR RESIDENTIAL UNITS IN VIOLATION OF LAWS, RULES OR REGULATIONS RELATED TO PROPER DISPOSAL OF SOLID WASTE; PROVIDING FOR POWERS AND DUTIES OF THE BOARD INCLUDING THE POWER TO ASSESS RESIDENTIAL UNITS BENEFITTING FROM SOLID WASTE MANAGEMENT, COLLECTION, AND DISPOSAL SERVICES; PROVIDING FOR AN ALTERNATIVE BILLING SYSTEM TO BE ESTABLISHED BY RESOLUTION TO COLLECT FROM UNITS NOT ASSESSED; PROVIDING FOR A PER RESIDENTIAL UNIT ASSESSMENT FORMULA; PROVIDING FOR ASSESSMENT AND COLLECTION UNDER THE UNIFORM METHOD OF ASSESSMENT; PROVIDING FOR RESIDENTIAL UNIT QUARTERLY BILLING AS AN OPTION TO NON-AD VALOREM ASSESSMENTS IN ACCORDANCE WITH SECTION 197.3632, FLORIDA STATUTES; PROVIDING FOR CORRECTION OF ERRORS AND OMISSIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 403.706, Florida Statutes, authorizes the Board of County Commissioners of Seminole County to regulate the disposal and collection of solid waste in the unincorporated County; and

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 MARYANNE MORSE
 CLERK OF CIRCUIT COURT
 SEMINOLE COUNTY, FLORIDA
 BY *Caryn Cole*
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MARYANNE MORSE
 CLERK OF CIRCUIT COURT
 SEMINOLE COUNTY, FL

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WHEREAS, Section 403.706, Florida Statutes, authorizes the Board of County Commissioners of Seminole County to provide for the operation of solid waste disposal facilities to meet the needs of all incorporated and unincorporated areas within the County; and

WHEREAS, Section 125.01(1)(g), Florida Statutes, authorizes the Board of County Commissioners of Seminole County to establish a municipal services benefits unit for any part or all of the unincorporated area of the County to provide for solid waste collection and disposal; and

WHEREAS, the Board of County Commissioners of Seminole County endeavors to comply with the requirements of the "Solid Waste Management Act of 1988", as amended, to reduce, recycle and re-use solid waste; and

WHEREAS, it is necessary and essential that the County address various environmental concerns related to solid waste collection and disposal in the unincorporated area; and

WHEREAS, the regulation of the collection and disposal of solid waste within the unincorporated area serves a public purpose and promotes the health, safety, and welfare of the residents of Seminole County; and

WHEREAS, under Chapter 235, Seminole County Code, the Board of County Commissioners has established by contract exclusive franchise service areas for the unincorporated area; and

WHEREAS, the Board of County Commissioners has contracted with private entities to provide solid waste services to residential

units within the established service areas in unincorporated Seminole County;

WHEREAS, the imposition of non-ad valorem solid waste assessments is an equitable and efficient method of allocating and apportioning the solid waste management, solid waste, recycling, yard trash, white goods and disposal costs proportionally among benefitted residential units within the unincorporated area; and

WHEREAS, alternative billing systems are necessary to collect solid waste management, solid waste, recycling, yard trash, white goods and disposal costs proportionally among residential units in the unincorporated area that are not assessed under non-ad valorem solid waste assessments.

WHEREAS, the Seminole County Board of County Commissioners has determined that it is in the best interests of the County to provide owners of residential units with a quarterly billing system as an option to non-ad valorem assessments in accordance with Section 197.3632, Florida Statutes.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. Repeal. Ordinance No. 94-7 is repealed in its entirety and this Ordinance is enacted.

Section 2. Short Title. This Article shall be known and referred to as the "Seminole County Solid Waste Residential Unit Collection and Disposal Municipal Services Benefits Unit".

Section 3. Definitions. As used in this Article, the following terms shall have the following meanings, unless the context clearly otherwise requires:

Dwelling Unit - A residential living unit with kitchen facilities.
Federal Poverty Level Guidelines - The most current annual update of the poverty income guidelines established by the United States Department of Health and Human Services, as published from time to time in the Federal Register.

Income Exemption Standard - The combined gross income of all lawful occupants of a residential unit, which is equal to or less than one hundred fifty percent (150%) of the Federal Poverty Level Guidelines for the total number of occupants occupying the residential unit.

Solid Waste Assessment - The non-ad valorem assessment imposed by the County on residential units to provide solid waste management and the provision of solid waste, recycling, yard trash and white goods collection and disposal services in the unincorporated area.

Residential Unit - This term includes service to dwelling units, mobile homes in mobile home parks or mobile home subdivisions and multi-family dwelling units receiving individual collection for each dwelling unit, but does not include mobile homes in mobile home parks, mobile home subdivisions or multi-family dwelling units using commercial container collection service.

Services - This term includes collectively or in part: solid waste service, recycling service, yard trash service, or white goods service or any combination of those services provided to residential units in the unincorporated area with the levels of those services established by franchise service agreements including

subsequent amendments as awarded by the County and disposal services including administrative solid waste management.

Section 4. Creating Unit; Services. The Board of County Commissioners creates within the unincorporated Seminole County the "Seminole County Solid Waste Residential Unit Collection and Disposal Municipal Services Benefits Unit" for the purpose of providing services to residential units within the unit. The unit shall encompass the following described area of Seminole County, Florida:

all the territories of Seminole County, which territories are not now, nor hereafter, within the corporate limits of any municipality.

The services unit shall include disposal services and administrative solid waste management services to all residential units in the unincorporated area and collection services at the level selected by the residential unit under the County's franchise service agreements unless the residential unit is exempt from collection services as provided in this Article.

Section 5. Collection Services Exemptions.

(a) Residential units qualifying for exemption under this section shall be exempt from assessments for collection services. Exempt residential units shall receive no collection services. The owner of a residential unit may be exempt from assessments for collection services upon filing a completed application in accordance with the rules and regulations of the County related to applications for exemptions for the following exemption classifications:

(1) Low Income Exemptions. To qualify for low income exemption, the owner shall:

(A) occupy the residential unit and be entitled to a homestead exemption under Chapter 196, Florida Statutes; and

(B) for the twelve (12) months immediately prior to the date of application, the occupants of the residential unit shall qualify under the income exemption standard.

(2) Access Exemptions. To qualify for an access exemption, the owner shall:

(A) demonstrate that access by collection vehicles or pick-up accessibility is unreasonable; and

(B) the County's franchised contractor must concur that access by collection vehicles or pick-up accessibility cannot be reasonably accomplished.

(3) Residential and commercial container combined use property. To qualify for a residential and commercial container combined use exemption, the owner shall demonstrate that the residential unit is:

(A) used as both a dwelling unit and for a commercial or other special use purpose; and

(B) serviced by a commercial container service authorized to do business under a Seminole County commercial certificate of necessity.

(4) Agricultural zoned property. To qualify for an agricultural zoned property exemption, the owner shall demonstrate that the residential unit is:

(A) zoned agricultural under the Seminole County Land Development Code; and

(B) equal to or in excess of two and one-half (2 1/2) acres in size.

(b) Exemption from annual assessment for collection services under this section is conditioned upon proper disposal of solid waste, yard trash and white goods. An annual application for exemption shall be denied or an exemption that has been granted shall be automatically revoked in the event that a residential unit or the owner of a residential unit has been found in violation of any statute, ordinance, regulation, or rule related to disposal of solid waste, yard trash or white goods by any court, Code Enforcement Board or other enforcement authority, including the civil infraction citation process. The owner of the residential unit shall not be entitled to apply or obtain a new exemption for a period of three (3) years from the most recent violation as defined above.

(c) An interim collection services assessment shall be imposed upon any residential unit that has been exempted in the event that the owner during the fiscal year in which the exemption is in force sells or conveys the residential unit to a person not qualified for the exemption or otherwise fails to qualify for the exemption during the fiscal year. The interim collection services assessment shall be calculated on a monthly rate which shall be one-twelfth (1/12) of the collection services assessment for the fiscal year.

(d) Residential units qualifying for collection services assessment exemption under this section shall not be exempt from the disposal service assessment.

Section 6. Powers and Duties of Board. The unit shall be governed by the Board of County Commissioners of Seminole County, Florida, which board shall have the following powers and duties:

(a) to provide for the collection and disbursal by the County of funds as necessary to pay the expenses for services within the unit;

(b) to provide for or contract for disposal and collection services;

(c) to levy special assessments upon residential units benefitted by disposal and collection services;

(d) to provide, by duly adopted resolution, alternative billing systems to collect solid waste management, solid waste, recycling, yard trash, white goods and disposal costs proportionally among residential units in the unincorporated area that are not assessed under non-ad valorem solid waste assessments for the availability of services and the provision of services to those units; and

(e) to require payment of solid waste management, solid waste, recycling, yard trash, white goods and disposal costs as a condition for issuance of building permits and to deny issuances of building permits when the fees are not paid.

(f) to adopt such additional rules and regulations as may be necessary to implement or administer the provisions of this Article.

Section 7. Assessment Formula. The assessment formula used to determine the amount to be assessed is the per residential unit method.

Section 8. Method of Assessment and Collection. Assessments governed by this Article shall be assessed and collected in accordance with the uniform method pursuant to Section 197.3632, Florida Statutes, or optionally at the election of the residential unit owner, under a quarterly billing system. In the event that any residential unit owner elects quarterly billing and payments become delinquent for two (2) consecutive billing periods or more, then the delinquent amount shall be assessed for that residential unit on the non-ad valorem assessment together with the following year's solid waste assessment.

Section 9. Correction of Errors and Omissions. No act of error or omission on the part of the Property Appraiser, Tax Collector, Board of County Commissioners or their deputies or employees, shall operate to release or discharge any obligation for payment of assessments imposed by the Board of County Commissioners under this Article.

Section 10. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of

this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

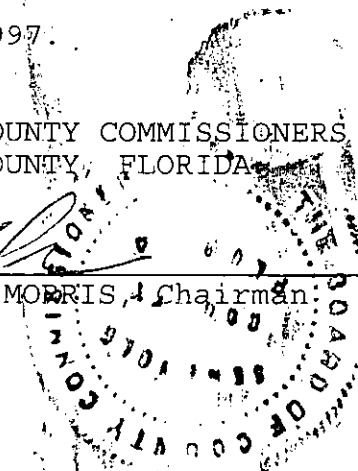
Section 11. Codification. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Seminole County Code and the word "ordinance" may be changed to "section," "article," or other appropriate word or phase and the sections of this Ordinance may be renumbered or relettered to accomplish such intention; providing, however, that Sections 10, 11 and 12 shall not be codified.

Section 12. Effective Date. This Ordinance shall take effect upon receipt of official acknowledgment by the Clerk of the Board of County Commissioners from the Department of State that this Ordinance has been filed with the Department of State.

ENACTED this 12th day of August, 1997.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: 
RANDALL C. MORRIS, Chairman



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