

Meeting Date
09/09/2014



AGENDA	
Section	Public Hearing
Item No.	I B 5

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Resolutions RE: Adoption of Solid Waste Special Assessments, Fees and Charges and Ratification, Confirmation and Certification of the Solid Waste Special Assessment Rolls
DEPT/OFFICE:	Solid Waste Management Department

Requested Action:
 It is recommended that the Board of County Commissioners adopt: 1) the Annual Solid Waste Disposal Special Assessment Rate Resolution; 2) the Annual Solid Waste Collection and Recycling Special Assessment Rate Resolution; 3) the Solid Waste Impact Fee Rate Resolution; 4) the Schedule of Special Rates and Gate Charges; 5) Special Rates and Charges for Improved Non-Residential Property and Compensation Rates to be paid the Collector; 6) Other Resolutions Ratifying, Confirming and Certifying the Annual Disposal, Collection and Recycling Special Assessment Rolls.

Summary Explanation & Background:
 Chapter 94, Brevard County Code provides that on or before the fifteenth day of September of each year the Board shall hold a public hearing and adopt the rate resolutions listed above. Public hearings are only required for the Disposal, Collection and Recycling; and the Special Rates and Charges for Improved Non-Residential Property and Compensation Rates to be paid the Collector.

The proposed base rate for Collection and Recycling is \$128.21 for FY2015. This is a 2% increase over the current rate of \$125.70 and was previously approved by the Board on August 20, 2013. The compensation paid to the Collector for residential collection, reflects a .9% increase in the rates for FY2015, increasing the rate to \$127.80. The contract allows for annual COLA increases based on the CPI or 3%, whichever is lower. The base rate for residential and commercial disposal did not change, the impact fee rate did not change, and the Schedule of Special Rates and Charges which are charged for the use of the County's Landfills contains no changes.

Fiscal Impact: (As of August 4, 2014)



1. Solid Waste Disposal Assessments	\$22,563,225
2. Solid Waste Collection & Recycling Assessments	\$12,213,220
3. Special Rates and Charges	\$ 1,800,000

Contact: Euripides Rodriguez, Solid Waste Director
Phone: (321) 633-2042

Clerk to the Board Instructions: Please sign and attest three (3) copies of each resolution and return two (2) originals to the Department.

Exhibits Attached: Resolutions / 3 each

Contract /Agreement (If attached):	Reviewed by County Attorney	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
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County Manager	Assistant County Manager, Mel Scott	Department Director: Euripides Rodriguez
Stockton Whitten 		



Tammy Etheridge, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972

September 10, 2014

MEMORANDUM

TO: Euripides Rodriguez, Solid Waste Management Director

RE: Item I.B.5., Resolutions Adopting the Solid Waste Special Assessments, Fees and Charges, and Ratification, Confirmation, and Certification of the Solid Waste Special Assessment Rolls

The Board of County Commissioners, in special session on September 9, 2014, adopted Resolution Nos. 14-136, 14-137, 14-138, 14-139, 14-140, 14-141, and 14-142, for the Annual Solid Waste Disposal Special Assessment Rate; the Annual Solid Waste Collection and Recycling Special Assessment Rate; the Solid Waste Impact Fee Rate; Schedule of Special Rates and Gate Charges; Special Rates and Charges for Improved Non-Residential Property and Compensation Rates to be paid by Collector; and other Resolutions Ratifying, Confirming, and Certifying the Annual Disposal, Collection, and Recycling Special Assessment Rolls. Enclosed are two fully-executed copies of the Resolutions.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge

Tammy Etheridge, Deputy Clerk

/clm

Encls. (a/s)

cc: Finance
Budget

RESOLUTION NO. 14- 136

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS RATIFYING,
CONFIRMING AND CERTIFYING THE ANNUAL DISPOSAL SPECIAL
ASSESSMENT ROLL FOR THE COUNTY FISCAL YEAR BEGINNING
OCTOBER 1, 2014 AND FORWARDING THE SAME TO THE TAX
COLLECTOR'S OFFICE FOR COLLECTION IN THE SAME MANNER AS AD
VALOREM TAXES ARE COLLECTED

WHEREAS, Chapter 94, Article IV., Division 2., 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 certify the Disposal Assessment Roll to the Brevard County Tax Collector; and

WHEREAS, an Annual Disposal Special Assessment Roll has been prepared, a summary of which is attached to and made a part of this Resolution by this reference, and labeled Exhibit "A"; and

WHEREAS, the Board has reviewed the Annual Disposal Special Assessment Roll to be sent to the Tax Collector; and

WHEREAS, the Board is satisfied that the Annual Disposal Special Assessment Roll has been prepared in conformity with the Schedule of Annual Disposal Special Assessments adopted by the Board on August 23, 2005; and

WHEREAS, a copy of such Annual Disposal Special Assessment Roll will be sent to the Brevard County Tax Collector for collection in the same manner as ad valorem taxes are collected.

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

1. The Board of County Commissioners of Brevard County, Florida, hereby ratifies, confirms and certifies that the Annual Disposal Special Assessment roll for County fiscal year beginning October 1, 2014, is in conformity with the Schedule of Annual Disposal Special Assessments adopted by the Board on August 23, 2005.

2. The Board of County Commissioners of Brevard County, Florida, hereby certifies, ratifies and confirms such Annual Disposal Assessment Roll as sent to the Tax Collector. The Tax Collector shall collect such special assessments in the same manner as ad valorem taxes are collected.

3. A certified copy of this resolution shall be delivered to the Tax Collector of Brevard County, Florida.

4. This resolution shall take effect immediately upon adoption.

RESOLVED this 9th day of September 2014.

ATTEST:

BY:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS OF

BY:



Mary Bolin Lewis, Chairman
Brevard County Commission

(As approved by the Board on September 9, 2014)

RESOLUTION NO. 14-137

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS RATIFYING,
CONFIRMING AND CERTIFYING THE ANNUAL COLLECTION AND
RECYCLING PROGRAM SPECIAL ASSESSMENT ROLL FOR THE COUNTY
FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND FORWARDING THE
SAME TO THE TAX COLLECTOR'S OFFICE FOR COLLECTION IN THE SAME
MANNER AS AD VALOREM TAXES ARE COLLECTED

WHEREAS, Chapter 94, Article IV., Division 2., 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 certify the Collection and Recycling Special Assessment Roll to the Brevard County Tax Collector; and

WHEREAS, an Annual Collection and Recycling Program Special Assessment Roll has been prepared, a summary of which is attached to and made a part of this Resolution by this reference, and labeled Exhibit "A"; and

WHEREAS, the Board has reviewed the Annual Collection and Recycling Program Special Assessment Roll to be sent to the Tax Collector; and

WHEREAS, the Board is satisfied that the Annual Collection and Recycling Program Special Assessment Roll has been prepared in conformity with the Schedule of Annual Collection and Recycling Program Special Assessments adopted by the Board on September 9, 2014; and

WHEREAS, a copy of such Annual Collection and Recycling Program Special Assessment Roll will be sent to the Brevard County Tax Collector for collection in the same manner as ad valorem taxes are collected.

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

1. The Board of County Commissioners of Brevard County, Florida, hereby ratifies, confirms and certifies that the Annual Collection and Recycling Program Special Assessment Roll for County fiscal year beginning October 1, 2014, is in conformity with the Schedule of Annual Collection and Recycling Program Special Assessments adopted by the Board on September 9, 2014.

2. The Board of County Commissioners of Brevard County, Florida, hereby certifies, ratifies and confirms such Annual Collection and Recycling Program Assessment Roll as sent to the Tax Collector. The Tax Collector shall collect such special assessments in the same manner as ad valorem taxes are collected.

3. A certified copy of this resolution shall be delivered to the Tax Collector of Brevard County, Florida.

4. This resolution shall take effect immediately upon adoption.

DONE AND ADOPTED in Regular Session this 9th day of September 2014.

ATTEST:

BY:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

BY:



Mary Bolin Lewis, Chairman
Brevard County Commission

(As approved by the Board on September 9, 2014)

RESOLUTION NO. 14- 138

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS APPROVING
THE IMPOSITION OF AN ANNUAL SOLID WASTE COLLECTION AND
RECYCLING PROGRAM SPECIAL ASSESSMENT, SERVICE FEES, AND
CHARGES 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, 2014

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, service fee, or charge, 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, fees, rates and charges to be imposed upon the owners of all residential improved real property within the unincorporated areas of Brevard County for solid waste collection and recycling; 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, on January 28, 2014, adopted Ordinance No. 14-03, amending Chapter 94 of the Brevard County Code of Ordinances, specifically, Section 94-232, Determination of annual special assessments and service fees. Section 94-232(c), Any improved property that is exempt from taxation or from the imposition of special assessments, and/or any property that does not receive a property tax bill, but receives collection, recycling and/or disposal services, shall pay for such services annually as invoiced by the director.

WHEREAS, on March 21, 2013, the Board of County Commissioners entered into a new collection services contract, becoming effective on October 1, 2013 and running through September 30, 2020. The base rate for the collection and recycling non-ad valorem assessments is shown in Section 3 of Exhibit A; and

WHEREAS, notice of the September 9, 2014 public hearing to adopt this resolution was published in the August 19, 2014 and the September 2, 2014 issue of the Florida Today, a newspaper of general circulation in Brevard.

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 and service fees for County Fiscal Years October 1, 2014 through September 30, 2015, 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, Service Fees, and charges, 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 6. EFFECTIVE DATE. This Special Assessment shall be effective from October 1, 2014 through September 30, 2015.

RESOLVED this 9th day of September 2014.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA

BY:



Scott Ellis, Clerk

BY:



Mary Bolin Lewis, Chairman
Brevard County Commission
(As approved by the Board on September 9, 2014)

SCHEDULE "A"

ANNUAL SOLID WASTE COLLECTION AND RECYCLING
PROGRAM SPECIAL ASSESSMENTS
OCTOBER 1, 2014 THROUGH SEPTEMBER 30, 2015

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 unit with Utilities, Condominium – Improved with no Manufactured Home, Condominium Unit with site improvements.

2. Billing Units of .75 Per Unit:

Square Footage: Not Applicable

Cooperative Unit, Condominium Unit Multiple Family, Garden Apartments – 1 Story – 10 To 49 Units, Garden Apartments – 1 Story – 50 Units & Up, High Rise Apartments – 4

Stories & Up, Low Rise Apartments 10 – 49 units 2/3 Stories, Low Rise Apartments 50 Units & Up 2/3 Stories. Condominium Unit – Time Share Condo, Condominium Unit-Vacant Land or Building not Complete, Quadruplex (each unit), Sixplex (each unit, and each additional unit), Multiple Living Units (5 to 9 units), Multiple Living Units (5-9 units, not attached), Manufactured Housing – Park Rentals (4 to 9 units), Manufactured Housing – Park Rentals (10 to 25 units), Manufactured Housing – Park Rentals (26 to 50 units), Manufactured Housing – Park Rentals (51 to 100 units), Manufactured Housing – Park Rentals (101 to 150 units), Manufactured Housing – Park Rentals (151 to 200 units), Manufactured Housing – Park Rentals (200 or more units), Vacant Residential Land-Multi-Family Platted, Vacant Residential Land-Multi Family Unplatted-Less than 5 Acres.

3. Billing Units of 1 Per Unit:

Square Footage: Not Applicable

Single Family Residence, Manufactured Housing (single, double, or triple Wide), Condominium Manufactured Home Park, Cooperative, Townhouse, Manufactured Housing Rental Lot Improvements (with manufactured home), Residential Related Amenity on Manufactured Home Site, Manufactured Housing Rental Lot with improvements (no manufactured home), Manufactured Housing Rental Lot Without Improvements (with manufactured home), Condominium Unit – Single Family Residence and RV Cabin Homes, Condominium – Manufactured Housing Rental Lot With Improvements (with manufactured home), Cooperative – Manufactured Home – Improved, Residential Related Amenities, Cooperative Manufactured Housing Rental Lot With Improvements (with manufactured home), Cooperative – Improved (without manufactured home), Single Family - Modular, Cooperative With Site Improvements, Duplex (each unit), Half Duplex Used as Single Family Residence, Triplex (each Unit), House and Improvement Not Suitable for Occupancy, Crop Land – Soil Class I With Residence, Soil Class II With Residence, Soil Class III With Residence, Grazing Land – Soil Class I With Residence, Grazing Land – Soil Class II With Residence, Grazing Land – Soil Class III With Residence, Grazing Land – Soil Class IV With Residence, Grazing Land – Soil Class V With Residence, Grazing Land – Soil Class VI With Residence, Orchard Grove – All Grove With Residence, Orchard Grove – Part Grove & Part not Planted With Residence, Combination – Part Orchard Grove & Part Pasture Land With Residence, Mixed Tropical Fruits With Residence, Townhouse Apartments, Townhouse – Two or More Units, Two Residential Units-Not Attached), Two or More Manufactured Housing Rental Lots (with manufactured home(s)), Two or More Manufactured Housing Rental Lots (without manufactured home(s)), Three or Four Living Units – Not Attached, House and Mobile Home, Two or Three Mobile Homes-Not A Park, Vacant – Less than 5 Acres – Not Covered by Another Code – not Government Owned, Vacant Residential Land – Multi-Family Platted, Vacant Residential Land – Multi-Family Unplatted – Less than 5 Acres, Vacant Residential Land-Single Family Unplatted-Less than 5 Acres, Vacant Residential Land-Single Family Unplatted - Greater than 5 Acres Vacant Residential Land-Single Family Platted, Vacant Mobile Home Site Platted, Vacant Mobile Home Site, Unplatted, Vacant Co-op Land, Vacant Co-op with Utilities.

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 \$128.21 per billing unit for FY 2015 (October 1, 2014 through September 30, 2015).

RESOLUTION NO. 14- 139

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS APPROVING THE IMPOSITION OF A SOLID WASTE IMPACT FEE ON ALL NEWLY IMPROVED REAL PROPERTY WITHIN BOTH THE INCORPORATED AND UNINCORPORATED AREAS OF BREVARD COUNTY, TO HELP FINANCE FACILITIES REQUIRED AS A RESULT OF NEW DEVELOPMENT AND NEW USERS, AND PROVIDING FOR INTEREST AGAINST DELINQUENT IMPACT FEES ON IMPROVED COMMERCIAL PROPERTIES FOR THE COUNTY FISCAL YEAR BEGINNING OCTOBER 1, 2014

WHEREAS, under the authority of chapter 403.706, Florida Statutes, Brevard County has the responsibility and power 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, authorized 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 granted the Board of County Commissioners the power 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, the Brevard County Comprehensive Plan states that the imposition of impact fees is one of the land use control devices that assures that new development would help finance additional facilities required as a result of the new development so as to provide a minimum level of capital facilities; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, has determined that Brevard County must expand its solid waste disposal system in order to maintain current solid waste disposal standards if new development and new users are to be accommodated without decreasing current standards, and in order to promote and protect the public health, safety and welfare; and

WHEREAS, the Florida Legislature through enactment of, Section 163.3202(3), Florida Statutes, has sought to encourage local governments to enact impact fees as land development regulations; and

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

WHEREAS, the Board of County Commissioners of Brevard County, Florida, enacted Chapter 94, Article IV., Division 3, Code of Ordinances of Brevard County,

Florida, as amended, relating to the imposition of an impact fee on all newly improved property within both the incorporated and unincorporated areas of Brevard County; and

WHEREAS, Chapter 94, Article IV., Division 3, Code of Ordinances of Brevard County, Florida, as amended, provides that the Board of County Commissioners of Brevard County, Florida, shall hold a public hearing and adopt a rate resolution establishing a schedule of impact fees to be imposed pursuant to this division; and

WHEREAS, said public hearing was set for September 9, 2014, at 9:00 a.m., in the Brevard County Government Center, Commission Board Room, Building C, First Floor, 2725 Judge Fran Jamieson Way, Viera, Florida; and

WHEREAS, notice of said public hearing was published in the August 19, 2014 and September 2, 2014, issues of the FLORIDA TODAY Newspaper, a newspaper of general circulation in Brevard County, Florida.

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 the schedule of Solid Waste Impact Fees for October 1, 2014, through September 30, 2015, pursuant to the provisions of Chapter 94, Article IV., Division 3., Code of Ordinances of Brevard County, Florida, as amended, that is attached hereto as Schedule "A". ("Code" used hereafter shall mean "Brevard County Code of Ordinances").

Section 2. DEFINITIONS. For the purpose of this schedule of Solid Waste Impact Fees the following definitions shall apply:

(a) Improved Real Property: that definition provided in Chapter 94, Article I., Section 94-1., of the Code, as amended.

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

(c) Governmental Agencies: that definition provided in Chapter 94, Article I., Section 94-1., of the Code, as amended.

(d) Billing Units: the number of units established per parcel of improved real property which, when multiplied by the applicable base, produces the solid waste impact fee.

Section 3. CALCULATION OF IMPACT FEES.

(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 Impact Fees for all improved real property, 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".

(c) The method described in Section 4 of this resolution, Schedule "A"; shall be used to determine the Solid Waste Impact Fees for (1) any commercial improved real property which commences to use the County's Solid Waste Facilities for the first time after October 1, 1998; or if, (2) there is not a commercial classification within Section 2 of this resolution, Schedule "A", that corresponds to the property's use and building size; or (3) the property has mixed commercial uses; or (4) the County determines that the commercial property has a different use than that shown in the Brevard County Property Appraiser's records; or (5) the owner of the commercial property can show that the commercial use classification which applies to the property is inequitable. Once the individual calculation of solid waste impact fees method has been used, that calculation shall control, regardless of the applicable classification which may apply under Section 2, of this resolution, Schedule "A", if any. Any parcel billed according to the individual calculation method shall be charged for all debris brought in, whether on their assessment, through landfill charges, or as a combination of, as the billing method is based on actual weight or volume.

Section 4. INTEREST ON DELINQUENT COMMERCIAL IMPACT FEES.

(a) Effective October 1, 1999, for any lien recorded for impact fees imposed upon/against improved commercial real property pursuant to this resolution, there shall accrue a simple interest rate of eighteen percent (18%) annually beginning on the date of the lien. No release of lien shall be issued until full payment is made to the County for the original impact fee amount of the lien, the accumulated interest, and the associated costs of recording the lien and the release of lien, attorney fees, and other administrative costs.

(b) Collection of impact fees, associated interest and costs (as provided for in subsection (a) above) shall be in accordance with Chapter 94, Article IV., Division 3, Section 94-260., of the Code, as amended.

(c) Interest shall continue to accrue on the full amount of the impact fee until the entire amount of the impact fee, accumulated interest, and costs and fees as referred to in subsection (a) above are paid.

(d) Until fully paid and discharged, or waived by law, such lien shall remain a lien equal in rank and dignity with the lien of county Ad Valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles, and claims in, to, or against the real property involved.

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 6. EFFECTIVE DATE. This Resolution shall take effect October 1, 2014.

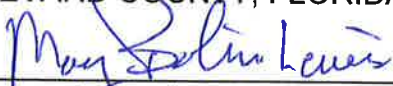
RESOLVED this 9th day of September 2014.

ATTEST:

BY: 

Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

BY: 

Mary Bolin Lewis, Chairman
Brevard County Commission
(As approved by the Board on September 9, 2014)

SCHEDULE "A"

SOLID WASTE IMPACT FEES
OCTOBER 1, 2014 THROUGH SEPTEMBER 30, 2015

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.

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

Cooperative Unit, Condominium Unit Multiple Family, Garden Apartments – 1 Story – 10 To 49 Units, Garden Apartments – 1 Story – 50 Units & Up, High Rise Apartments – 4

Section 2. COMMERCIAL IMPROVED REAL PROPERTY.

COMMERCIAL IMPROVED PROPERTY BILLING UNITS:

1. Billing Units of .14 Per Unit:
Square Footage: Not Applicable

Camp – Other than for Mobile Homes, Campground – Trailers, Campers, Tents

2. Billing Units of .18 Per Unit:
Square Footage: Not Applicable

Full Service Hotel, Extended Stay or Suite Hotel, Limited Service Hotel, Luxury Hotel/Resort, Motor Inn, Convention Hotel/Resort.

3. Billing Units of .27 Per Unit:
Square Footage: Not Applicable

Labor Camps, Migrant Camps and Boarding Homes.

4. Billing Units of .35:
Square Footage: Up to 500

Condominium Office Units.

5. Billing Units of .75:
Square Footage: From 501 to 1,000

Condominium Office Units.

6. Billing Units of 1.00:
Square Footage: Not Applicable

Car Wash, Children's Home, Clubs, Lodges, Union Halls, Fraternity or Sorority Home, Utility Gas Companies - Improved, Leased County/City Property-Vacant (That does not Qualify in Another Code), Nursery (Non-Agricultural), Nursery with Residence, Nursery with Building Other Than Residence, Nurseries-Vacant, Service Stations, Water & Sewer Service, Condominium Unit-Vacant Land or Building not Complete, Vacant Commercial Common Area, Vacant Commercial Land, Vacant Land – Institutional, Commercial Shell Building (Condo) Not Totally Complete-Vacant, Commercial Shell Building (Other) Not Totally Complete-Vacant, Vacant Industrial Land, Utility Gas Companies-Vacant.

Square Footage: Up to 1,000

Restaurants/Cafeterias, Fast Food Restaurant, Restaurant – Condominium.

Square Footage: Up to 2,000

Bars, Cocktail Lounges, Night Clubs, Financial Institution, Financial Institution - Branch Facilities.

Square Footage: Up to 3,000

Utility – Electric Companies - Improved, Utility - Telephone and Telegraph – Improved.

Square Footage: Up to 5,000

Church, Church-Owned Private Schools, Warehousing, Distribution and Trucking Terminal, Van & Storage Warehousing, Mini Warehousing, Office Building – Single Tenant – 1 Story, Office Building – Multi Tenant - 1 Story, Office Building – Multi Story – Single Tenant, School Privately Owned, Professional Building – 1 Story – 1 Tenant, Professional Building – Multi Tenant – 1 Story, Professional Building – Single Tenant - 2 or More Stories, Professional Building – Multi Tenant – 2 or More Stories, Professional/Office Complex.

Square Footage: Up to 6,000

Mortuaries.

Square Footage: Up to 8,000

Open Storage – Auto Wrecking Yards, Equipment and Material Storage, Fuel Storage, Junk Yards, New and Used Buildings Supplies.

Square Footage: Up to 10,000

Day Care Center, Electrical Repair Shops, Laundries Excluding Automotive, Radio and TV Repair Shops, Refrigeration Service Shops, Service Shops, Paint Shops, Packing Plant – Fruit and Vegetable, Meat Packing Plant.

Square Footage: Up to 15,000

Church Owned Educational Building.

Square Footage: In Excess of 1,000

Condominium Office Units.

7. Billing Units of 2.49:

Square Footage: Not Applicable

Florists

Square Footage: Up to 4,000

Wholesale Outlets.

Square Footage: From 5,001 to 10,000

Church, Church-Owned Private Schools, Private Schools.

Square Footage: From 6,001 to 10,000

Mortuaries.

8. Billing Units of 3.98:

Square Footage: From 1,001 to 3,000

Restaurants/Cafeterias, Fast Food Restaurants, Restaurants – Condominium.

Square Footage: From 8,000 to 12,000

Auto Wrecking Yards, Equipment and Material Storage, Fuel Storage, Junk Yards, New and Used Building Supplies, Open Storage.

9. Billing Units of 5.32:

Square Footage: From 2,001 to 15,000

Financial Institutions, Financial Institutions - Branch Facility.

Square Footage: From 4,001 to 8,000

Wholesale Outlets.

Square Footage: From 5,001 to 10,000

Office Building – 1 Story – Single Tenant, Office Building – 1 Story – Multi Tenant, Office Building – Multi Story – Single Tenant, Professional Building – 1 Story – 1 Tenant, Professional Building – Multi Story – Multi Tenant, Professional Building – Multi Story – Single Tenant, Professional Building – Multi Story – Multi Tenant, Professional/Office Complex.

10. Billing Units of 6.64:

Square Footage: From 2,001 to 5,000

Bars, Cocktail Lounges, Nightclubs

Square Footage: From 3,001 to 6,000

Restaurants/Cafeterias, Fast Food Restaurants, Restaurant – Condominium.

Square Footage: From 5,001 to 15,000

Warehousing, Distribution Terminals, Mini Warehousing, Trucking Terminals, Van and Storage Warehousing.

11. Billing Units of 7.98:

Square Footage: From 6,001 to 9,000

Cafeterias/Restaurants, Fast Food Restaurants, Condominium Restaurants.

Square Footage: From 8,001 to 15,000

Wholesale Outlets

Square Footage: From 10,001 to 20,000

Office Building – 1 Story – Single Tenant, Office Building – 1 Story – Multi Tenant, Office Building – Multi Story – Single Tenant, Professional Building – 1 Story – 1 Tenant, Professional Building – Multi Story – Multi Tenant, Professional Building – Multi Story – Single Tenant, Professional Building – Multi Story – Multi Tenant, Professional/Office Complex.

12. Billing Units of 13.30:

Square Footage: From 10,001 to 40,000

Church-Owned Private Schools, Private Schools.

13. Billing Units of 15.96:

Square Footage: In Excess of 3,000

Improved Electrical Utility Companies, Improved Telephone and Telegraph Utility Companies.

IMPROVED REAL PROPERTY SUBJECT TO AN INDIVIDUAL CALCULATION OF SOLID WASTE IMPACT FEE:

The following improved real property shall pay a Solid Waste Impact Fee equivalent to the appropriate category of commercial improved real property based upon an individual determination of the annual volume of solid waste generated by the particular parcel of improved real property. The individual determination of annual volume of solid waste generated by the particular parcel of improved real property shall be calculated based upon the size and type of the container used, or recommended for use, by the particular parcel of improved real property.

INDIVIDUAL VOLUME CATEGORY:

Square Footage:

Not Applicable

Air Port Authorities, Airports – Commercial, Airports - Private, Arenas (Enclosed), Arenas (Open Air) with Supporting Facilities, Assisted Care Living Facilities, Auditoriums (enclosed), Stadium – Not Enclosed, Bed & Breakfast, Bee Farms (Honey), Bottlers and Brewers Distilleries, Wineries, Canneries (Fruits and Vegetables), Clay Plant, Clinics, Commercial Related Amenities – May Have Building(s), Concrete/Asphalt Plant, Convenience Store, Convenience Store with Gas Pumps, Country Club with Support Facilities, Colleges, Libraries, Condominium-Store, Condominium-Warehousing, Condominium – Miscellaneous – Not Covered by other Codes, May Have Building, Convalescent Home (Nursing Home), Correctional Facility, County Agency Other Than Board of County Commissioners, County Owned Land Improved, Crematoriums, Canaveral Port Authority – Improved, Melbourne Airport Authority – Improved, Dairies with buildings other than residence, Dairies with residence, Dealership Sales/Service Center, Department Store, Dog Kennel, Theater,- Drive In, Driving Ranges, Federal Owned Land-Improved, Feed Lots - Vacant, Fire Station-Non Governmental, Fitness Center, Flea Markets, Garage/Auto Body/Auto Paint Shop, Mini-Lube Service Specialist, Golf Courses, Green Houses, Gymnasium, Home for the Aged, Horse Stable, Improvement-Not Suitable for Any Other Code may have Buildings, Improved Commercial Common Area, Insurance Company Office, Heavy Equipment Manufacturing, Heavy Industrial, Auto and Aircraft Plants, Foundries, Steel Fabricating Plants, Hospitals, Housing Authority Improved, Large Machine Shops, Leased County/City Property Improved, Light Manufacturing (Instrument Manufacturing, Light Manufacturing, Printing Plants, Small Equipment Manufacturing Plants, Small Machine Shops, Locally Assessed Railroad Property, Marinas, Mineral Processing, Mixed Use – Commercial Property, Commercial Shell Building (Condo), Municipal Owned Land Improved, Shopping Centers - Neighborhood, Office Building – Multi Story – Multi Tenant, Office – shell Building, Other Food Processing Plants, Candy and Potato Chip Factories, Bakeries, Permanent Exhibit, Phosphate Processing Refinery, Pool Halls, Skating Rinks, Bowling Alleys, Postal Facility, Poultry Farms, College – Private, Hospital – General – Privately Owned, Produce House, School – Public – Improved Parcels, Rabbit Farms, Race Tracks/Wagering Attractions, Radio or TV Stations, Recreation Hall, Recreational Area-Governmental-Vacant, Retail Drug Stores-Not Attached, Retail – Shell Building, Retail Stores – 1 Unit, Retail Store-Multiple Units, Retail Tire Store, Retirement Home, Rock and Gravel Plants, Sawmills, Lumber Yards, Planing Mills, Regional Shopping Mall, Shopping Complex-Community/Neighborhood, Shopping Center-Neighborhood, State Owned Land Improved, Supermarket, Theater-Enclosed, Tourist Attractions, Tropical Fish Farms, Used Automobile Sales, Recreational Vehicle or Mobile Home Sales New/Used, Utility Division Properties.

Square Footage:

In Excess of 5,000

Night Clubs, Cocktail Lounges, Bars.

Square Footage: In Excess of 9,000

Restaurant/Cafeteria, Fast Food Restaurants, Restaurant – Condominium.

Square Footage: In Excess of 10,000

Churches, Day Care Center, Meat Packing Plant, Mortuary, Service Shop, Radio & T.V. Repair, Refrigeration Service, Paint Shop, Electric, Repair, Laundries Excluding Automotive, Packing Plant-Fruit and Vegetable.

Square Footage: In Excess of 12,000

Open Storage - New/Used Building Supplies, Junk/Auto Wrecking Yards, Fuel Storage, Equipment and Material Storage.

Square Footage: In Excess of 15,000

Church Owned Education Building, Warehousing, Distribution Terminals, Financial Institution, Financial Institution – Branch Facility, Mini Warehousing, Trucking Terminals, Van and Storage Warehousing, Wholesale Outlet.

Square Footage: In Excess of 20,000

Office Building - 1 Story - Single Tenant, Office Building - Multi Tenant - 1 Story, Office Building - Multi Story - Single Tenant, Professional Building - 1 Story – 1 Tenant, Professional Building - Multi Story - Multi Tenant, Professional Building - Single Tenant - (2 or More Stories), Professional Building - Multi Tenant - (2 or More Stories), Professional/Office Complex.

Square Footage: In Excess of 40,000

School-Private, School-Private Church Owned.

Section 3. APPLICABLE BASE RATE. Pursuant to the provisions of Chapter 94, Article IV., Division 3., of the Code, as amended, the following Schedule of Solid Waste Impact Fees is hereby adopted.

(a) The base for residential improved real property is equivalent to \$160.00 per billing unit.

(b) The base for commercial improved real property is equivalent to \$467.20 per billing unit.

Section 4. INDIVIDUAL VOLUME CATEGORY. Pursuant to the provisions of Chapter 94, Article IV. Division 3. of the Code, as amended, the following commercial individual volume category schedule of solid waste impact fees is hereby adopted.

(a) A Solid Waste Impact Fee equivalent to the appropriate category of commercial improved real property based on an individual determination of the estimated annual volume of solid waste generated by the particular parcel of improved real property. The number of billing units for each parcel of improved real property in this category shall be calculated by multiplying the individual determination of the estimated annual volume generated based upon \$6.00 per cubic yard for non-compacted containers, \$24.00 per cubic yard for compacted containers.

(b) The minimum Solid Waste Impact Fee for commercial improved real property in this category shall be one (1) billing unit multiplied by the commercial base rate set forth in Section 3 of this resolution, Schedule "A".

(c) When a new land use classification code is established by the Property Appraiser, the Solid Waste Director will assign a category which best describes the expected solid waste generation.

(d) When there is a group of commercial condominium improvements, and the owners of record have requested the service charges be shared, the assessment will be prorated in accordance with the square footage of each unit within the complex based on the individual volume category.

RESOLUTION NO. 14-140

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS ADOPTING A SCHEDULE OF SPECIAL RATES AND GATE CHARGES CHARGED USERS OF THE COUNTY'S LANDFILLS, TO ASSIST IN DEFRAYING THE COST TO CONSTRUCT, OPERATE AND MAINTAIN A SOLID WASTE DISPOSAL SYSTEM, FOR THE COUNTY FISCAL YEAR BEGINNING OCTOBER 1, 2014

WHEREAS, under the authority of Chapter 403.706, Florida Statutes, Brevard County has the responsibility and power 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, authorized 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 granted the Board of County Commissioners the power 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, 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, said public hearing was set for September 9, 2014 at 9:00 a.m., in the Brevard County Government Center, Commission Board Room, Building C, First Floor, 2725 Judge Fran Jamieson Way, Viera, Florida; and

WHEREAS, notice of said public hearing was published in the August 19, 2014 and September 2, 2014 issues of the FLORIDA TODAY Newspaper, a newspaper of general circulation in Brevard County, Florida.

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 the schedule of Special Rates, effective beginning October 1, 2014, that is attached hereto as Schedule "A".

Section 2. FINDINGS. It is hereby ascertained, determined and declared that:

(a) Certain types of solid waste, because of the nature, cannot be disposed of at the solid waste disposal facilities maintained by the County according to normal operating procedures of the facilities and must be specially handled according to other approval criteria.

(b) The operation and maintenance of a separately owned and maintained landfill for the disposal of such solid waste described in Section 2(a) above increases the county's capital and operations costs for the solid waste disposal program.

(c) The cost of the disposal of solid waste generated in construction, renovation or demolition projects, or new improvements on real property is not assessed when brought in by commercial or governmental entities.

(e) The cost of disposal of debris and waste accumulated from land clearing and excavating from totally or partially unimproved real property is not assessed against such real property.

(f) The cost of disposal of special solid wastes generated from improved real property within Brevard County is not assessed against such real property.

(g) Since all improved real property within Brevard County is assessed or charged for the operation and maintenance of the disposal system in the County it would be unfair to assess such property for disposal from illegal dumping on any real property located within Brevard County.

(h) Since all residential improved real property within Brevard County is assessed for the operation of the Household Hazardous Waste Program it would be unfair to assess such residences any additional charges for recycled paint.

(i) Solid waste generated outside of the boundaries of Brevard County will not be permitted to be disposed of at the Brevard County solid waste disposal facilities since the cost of the operation and maintenance of such facilities is assessed or charged against all improved real property within Brevard County only and not against properties outside Brevard County.

(j) The federal government will be charged for the disposal of all solid waste at the Brevard County disposal facilities since it has not agreed to the imposition of an annual disposal special assessment against improved real property included within the jurisdiction of the federal installations. It is unfair to permit disposal of solid waste at the Brevard County facilities without charge.

Section 3. SPECIAL RATES. In recognition of the findings set forth in Section 2 of this Resolution, the schedule of rates, charges and fees set forth in Schedule "A", "Special Rates" (incorporated in this Resolution by reference) is hereby adopted. The appropriate rate(s) set forth in Schedule "A" for the types of solid waste defined therein shall be charged at the time of delivery of such solid waste and such

charge shall be in addition to the appropriate assessment under the Annual Disposal Special Assessments set forth in Rate Resolution adopted on September 9, 2014.

Section 4. 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 5. EFFECTIVE DATE. This Resolution shall take effect October 1, 2014.


RESOLVED this 9th day of September 2014.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA

BY: 

Scott Ellis, Clerk

BY: 

Mary Bolin Lewis, Chairman
Brevard County Commission
(As approved by the Board on September 9, 2014)

SCHEDULE "A"

SPECIAL RATES EFFECTIVE OCTOBER 1, 2014

Section 1 DEFINITIONS. For the purpose of applying the rates set forth in this Special Rate Schedule, the following definitions shall control:

(a) "Solid Waste": that definition provided in Chapter 94, Article I., Section 94-1., of the Code of Ordinances of Brevard County, Florida, hereinafter referred to as the "Code", as amended.

(b) "Land Clearing Debris": that definition provided in Chapter 94, Article I., Section 94-1., of the Code, as amended.

(c) "Construction Debris": Discarded materials generally considered not to be water soluble and which are non hazardous in nature, including but not limited to, steel, concrete, glass, brick, asphalt material, pipe, gypsum wall board and lumber from construction, renovation or demolition projects or new improvements to a structure.

(d) "Account in Good Standing": Accounts that have been in existence for more than five (5) years, and have been in good standing (all payments made within 60 days), are eligible for a refund of the security deposit upon request. Any future delinquencies will require a new security deposit.

(e) "Yard Waste": Any vegetative matter generated from improved real property such as leaves, grass or shrubbery cuttings resulting from the care of lawns or landscape maintenance. Such term does not include large quantities of sod, dirt, land clearing debris, or other materials requiring special handling.

(f) "Gate Account": An account established by a person or entity for the use of the Solid Waste Management facilities operated by the Board, as required by Section 94-277, Code of Ordinances of Brevard County

NOTE: Brevard County reserves the right to refuse acceptance of any waste.

Section 2 DEPOSITS.

(a) Users, excluding customers in good standing as defined above, and remaining in good standing, and governmental agencies or their Agents, disposing of solid waste not included in the annual disposal special assessment, such as, land clearing debris, construction debris, tires, yard waste, and Special Solid Waste at Brevard County's Solid Waste Disposal Facilities, shall provide the applicable security deposit by depositing cash, a surety bond or a letter of credit to the Brevard County Finance Department, as required by Section 3(d) below, in an amount sufficient to pay

estimated charges for a period of two (2) months or \$200, whichever is greater, as determined by the Solid Waste Director.

(b) Accounts in existence for more than five years, and that have been an account in good standing with Brevard County Solid Waste for the preceding five years, are eligible for reimbursement of the security deposit upon request.

(c) Any account that defaults on payment, or has been closed for any reason, shall be required to pay all outstanding balances in full and may be required to provide an additional security deposit in order to meet requirements in section (a) above.

Section 3 SPECIAL RATES.

(a) Solid Waste Generated by Governmental Agencies:

Solid waste generated on improved real property owned by governmental agencies that were assessed or not assessed a Solid Waste Impact Fee.

Assessed	\$ 29.50/ton
	\$ 8.94/yd ³ *

Construction Debris not mixed with any other solid waste.	\$ 23.66/ton
	\$ 7.17/yd ³ *

Not Assessed	\$ 34.98/ton
	\$ 10.60/yd ³ *

Construction Debris not mixed with any other solid waste.	\$ 23.66/ton
	\$ 7.17/yd ³ *

Solid Waste above that is projected to be assessed under the Annual Disposal Special Assessment:	\$ 29.50/ton
	\$ 8.94/yd ³ *

(b) Solid waste delivered to a solid waste disposal facility that is in addition to the amount projected in the Annual Disposal Special Assessment.

Municipal Sludge from municipal wastewater treatment plants:	\$ 25.00/ton
	\$ 7.58/yd ³ *

Land Clearing Debris not mixed with any other solid waste:	\$ 23.66/ton
	\$ 7.17/yd ³ *

Construction Debris not mixed with any other solid waste.

\$ 23.66/ton
\$ 7.17/yd³*

Renovation/Demolition Debris brought in by commercial entities for any improved commercial or governmental real property:

\$ 23.66/ton
\$ 7.17/yd³*

Clean Concrete not mixed with any other solid waste.

\$ 0.00/ton
\$ 0.00/yd³*

Cardboard Only Loads not mixed with other solid waste.

\$ 0.00/Ton
\$ 0.00/yd³*

NOTE: Wood pallets, fencing and other lumber are considered and charged as Construction Debris.

Special Solid Wastes: Includes those wastes which are not normally included under the definition of municipal solid waste, land clearing, or yard waste mixed with other Solid Waste. All require pre-disposal approval by the Solid Waste Director or designee except disposal of land clearing or yard waste mixed with other solid waste, with the exception of tires, which shall not be mixed.

Aloe extracts; burn residue from solid rocket boosters; chemical containers which have been rendered legally empty; industrial sludge; dried paints and coatings; fly ash; ash from other incineration processes; land clearing; construction, renovation, or demolition debris; yard waste mixed with other solid waste; non-hazardous chemical compounds or other materials, which in the opinion of the Director require review and/or chemical analyses to determine acceptability. Any load that requires staff assistance to unload or separate.

\$ 41.00/ton
\$ 12.42/yd³*

Asbestos

\$100.00/ton
\$ 30.30/yd³*

Non-saturated, non-hazardous contaminated soils:

0 - 25 tons per event

\$ 41.00/ton
\$ 12.42/yd³*

26th ton and greater per event

\$ 82.00/ton
\$ 24.85/yd³*

Tires - whole or shredded

\$ 95.00/ton

\$ 28.79/yd³*

Cut or shredded tires must be in accordance with Florida Administrative Code (Waste Tire Rule)

Perforated empty 55 gallon drums

\$ 1.00/drum

* The cubic yard (yd³) rate shall apply when the Solid Waste Management Department's weight scale(s) are inoperable, or vehicles do not fit on the scales.

(c) Solid Waste Operating Permits:

Roll-Off Container Service Operating Permits

\$600/5 years

(d) Gate Account Security Deposits

All others will pay a security deposit equal to estimated charges for a period of two (2) months or \$200, whichever is greater, as determined by the Solid Waste Director or designee.

RESOLUTION NO. 14 - 141

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS ADOPTING A SCHEDULE OF ANNUAL RATES, ASSESSMENTS, SERVICE FEES, AND CHARGES, TO CONSTRUCT, OPERATE AND MAINTAIN A SOLID WASTE DISPOSAL SYSTEM, AGAINST ALL IMPROVED REAL PROPERTY WITHIN BOTH THE INCORPORATED AND UNINCORPORATED AREAS OF BREVARD COUNTY; AND PROVIDING FOR INTEREST AGAINST DELINQUENT ASSESSMENTS ON IMPROVED COMMERCIAL PROPERTIES FOR THE COUNTY FISCAL YEAR BEGINNING
OCTOBER 1, 2014

WHEREAS, under the authority of Chapter 403.706, Florida Statutes, Brevard County has the responsibility and power 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, authorized 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 granted the Board of County Commissioners the power 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, 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, the Board of County Commissioners of Brevard County, Florida, has enacted Chapter 94, Article III., Division 2., and Article IV., Division 2., Code of Ordinances of Brevard County, Florida, relating to the disposal of solid waste within Brevard County and to the mandatory imposition of an annual disposal special assessment, or service fee, against all improved real property within both the incorporated and unincorporated areas (benefit unit) of Brevard County to pay for the cost of providing a solid waste disposal system; and

WHEREAS, on January 28, 2014, adopted Ordinance No. 14-03, amending Chapter 94 of the Brevard County Code of Ordinances, specifically, Section 94-232, Determination of annual special assessments and service fees. Section 94-232(c), Any improved property that is exempt from taxation or from the imposition of special assessments, and/or any property that does not received a property tax bill, but receives collection, recycling and/or disposal services, shall pay for such services annually as invoiced by the director.

WHEREAS, all improved real property within the incorporated and unincorporated areas of Brevard County receive a direct and special benefit from the services provided through the solid waste disposal system; and

WHEREAS, Chapter 94, Article IV., Division 2., 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 rates, assessments, service fees, and charges to be imposed for the ensuing County fiscal year upon the owners of all residential and commercial improved property in both the unincorporated and incorporated areas of Brevard County; and

WHEREAS, said public hearing was set for September 9, 2014 at 9:00 a.m., in the Brevard County Government Center, Commission Board Room, Building C, First Floor, 2725 Judge Fran Jamieson Way, Viera, Florida; and

WHEREAS, notice of said public hearing was published in the August 19, 2014 and September 2, 2014 issues of the FLORIDA TODAY Newspaper, a newspaper of general circulation in Brevard County, Florida.

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 the schedule of Annual Disposal Special Assessments and service fees, effective October 1, 2014, through September 30, 2015, pursuant to the provisions of Chapter 94, Article IV., Division 2. Code of Ordinances of Brevard County, Florida, that is attached hereto as Schedule "A". ("Code" used hereafter shall mean "Brevard County Code of Ordinances").

Section 2. FINDINGS. It is hereby ascertained, determined and declared that:

(a) Certain types of solid waste, because of the nature, cannot be disposed of at the solid waste disposal facilities maintained by the County according to normal operating procedures of the facilities and must be specially handled according to other approval criteria.

(b) The operation and maintenance of a separately owned and maintained landfill for the disposal of such solid waste described in Section 2(a) above increases the county's capital and operations costs for the solid waste disposal program.

(c) The annual disposal special assessment and service fees imposed against improved real property within Brevard County includes solid waste generated from improved real property.

(d) The cost of the disposal of solid waste generated in construction, renovation or demolition projects, or new improvements on real property is not assessed when brought in by commercial or governmental entities.

(e) The cost of disposal of debris and waste accumulated from land clearing and excavating from totally or partially unimproved real property is not assessed against such real property.

(f) The cost of disposal of special solid wastes generated from improved real property within Brevard County is not assessed against such real property.

(g) Since all improved real property within Brevard County is assessed or charged for the operation and maintenance of the disposal system in the County it would be unfair to assess such property for disposal from illegal dumping on any real property located within Brevard County.

(h) Since all residential improved real property within Brevard County is assessed for the operation of the Household Hazardous Waste Program it would be unfair to assess such residences any additional charges for recycled paint.

(i) Solid waste generated outside of the boundaries of Brevard County will not be permitted to be disposed of at the Brevard County solid waste disposal facilities since the cost of the operation and maintenance of such facilities is assessed or charged against all improved real property within Brevard County only and not against properties outside Brevard County.

(j) The federal government will be charged for the disposal of all solid waste at the Brevard County disposal facilities since it has not agreed to the imposition of an annual disposal special assessment against improved real property included within the jurisdiction of the federal installations. It is unfair to permit disposal of solid waste at the Brevard County facilities without charge.

Section 3. RATE RESOLUTION DECLARED. This Resolution constitutes the Rate Resolution specified in Chapter 94, Article IV., Division 2. of the Code, as amended.

Section 4. DEFINITIONS. For the purpose of this schedule of Solid Waste Disposal Special Assessments the following definitions shall apply:

(a) "Improved Real Property": that definition provided in Chapter 94, Article I., Section 94-1., of the Code, as amended.

(b) "Square Feet": refers to the size of the buildings, structures, or other improvements located on improved real property.

(c) "Governmental Agencies": that definition provided in Chapter 94, Article I., Section 94-1., of the Code, as amended.

(d) "Billing Units": the number of units established per parcel of improved real property which, when multiplied by the applicable base, produces the solid waste disposal special assessment.

(e) "Solid Waste": that definition provided in Chapter 94, Article I., Section 94-1., of the Code, as amended.

(f) "Benefit Unit": All improved properties within the unincorporated and incorporated areas of Brevard County.

Section 5. CALCULATION OF DISPOSAL ASSESSMENT AND SERVICE FEES.

(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 Disposal Special Assessment or Service Fee for all improved real property, 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".

(c) The method described in Section 4 of this resolution, Schedule "A", shall be used to determine the Solid Waste Disposal Special Assessment or Service Fee for (1) any commercial improved real property which commences to use the County's Solid Waste Management Facilities for the first time after October 1, 1998; or if, (2) there is not a commercial classification within Section 2 of this resolution, Schedule "A" that corresponds to the property's use and building size; or (3) the property has mixed commercial uses; or (4) the County determines that the commercial property has a different use than that shown in the Brevard County Property Appraiser's records; or (5) the owner of the commercial property can show that the commercial use classification which applies to the property is inequitable. Once the individual calculation of solid waste disposal special assessment or service fee method has been used, that calculation shall control, regardless of the applicable classification which may apply under Section 2 of this resolution, Schedule "A", if any. Any parcels billed according to the individual calculation method shall be charged for all debris brought in, whether on their assessment, service fee, through landfill charges, or as a combination of, as the billing method is based on actual weight or volume.

Section 6. INTEREST ON DELINQUENT COMMERCIAL ASSESSMENTS.

(a) Effective October 1, 1999, for any lien recorded for assessments or service fees imposed upon/against improved commercial real property pursuant to this resolution, there shall accrue a simple interest rate of eighteen percent (18%) annually beginning on the date of the lien. No release of lien shall be issued until full payment is made to the County for the original assessment or service fee, of the lien, the accumulated interest, and the associated costs of recording the lien and the release of lien, attorney fees, and other administrative costs.

(b) Collection of assessments, service fees, associated interest, and costs (as provided for in subsection (a) above) shall be in accordance with Chapter 94, Article IV., Division 2., Section 94-236., of the Code, as amended.

(c) Interest shall continue to accrue on the full amount of the assessment or service fee until the entire amount of the assessment or service fee, accumulated interest, and costs and fees as referred to in subsection (a) above are paid.

(d) Until fully paid and discharged, or waived by law, such lien shall remain a lien equal in rank and dignity with the lien of county ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles, and claims in, to, or against the real property involved.

Section 7. 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 Resolution shall take effect October 1, 2014.

RESOLVED this 9th day of September 2014.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA

BY: 

Scott Ellis, Clerk

BY: 

Mary Bolin Lewis, Chairman
Brevard County Commission
(As approved by the Board on September 9, 2014)

SCHEDULE "A"

ANNUAL SOLID WASTE DISPOSAL
PROGRAM SPECIAL ASSESSMENTS
OCTOBER 1, 2014 THROUGH SEPTEMBER 30, 2015

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.

RESIDENTIAL IMPROVED PROPERTY BILLING UNITS:

1. Billing Units of .39 Per Unit:

Square Footage: Not Applicable

Condominium unit with Utilities, Condominium – Improved with no Manufactured Home, Condominium Unit with site improvements.

2. Billing Units of .75 Per Unit:

Square Footage: Not Applicable

Cooperative Unit, Condominium Unit Multiple Family, Garden Apartments – 1 Story – 10 To 49 Units, Garden Apartments – 1 Story – 50 Units & Up, High Rise Apartments – 4

Stories & Up, Low Rise Apartments 10 – 49 units 2/3 Stories, Low Rise Apartments 50 Units & Up 2/3 Stories. Condominium Unit – Time Share Condo, Condominium Unit-Vacant Land or Building not Complete, Quadruplex (each unit), Sixplex (each unit, and each additional unit), Multiple Living Units (5 to 9 units), Multiple Living Units (5-9 units, not attached), Manufactured Housing – Park Rentals (4 to 9 units), Manufactured Housing – Park Rentals (10 to 25 units), Manufactured Housing – Park Rentals (26 to 50 units), Manufactured Housing – Park Rentals (51 to 100 units), Manufactured Housing – Park Rentals (101 to 150 units), Manufactured Housing – Park Rentals (151 to 200 units), Manufactured Housing – Park Rentals (200 or more units), Vacant Residential Land-Multi-Family Platted, Vacant Residential Land-Multi Family Unplatted-Less than 5 Acres.

3. Billing Units of 1 Per Unit:

Square Footage:

Not Applicable

Single Family Residence, Manufactured Housing (single, double, or triple Wide), Condominium Manufactured Home Park, Cooperative, Townhouse, Manufactured Housing Rental Lot Improvements (with manufactured home), Residential Related Amenity on Manufactured Home Site, Manufactured Housing Rental Lot with improvements (no manufactured home), Manufactured Housing Rental Lot Without Improvements (with manufactured home), Condominium Unit – Single Family Residence and RV Cabin Homes, Condominium – Manufactured Housing Rental Lot With Improvements (with manufactured home), Cooperative – Manufactured Home – Improved, Residential Related Amenities, Cooperative Manufactured Housing Rental Lot With Improvements (with manufactured home), Cooperative – Improved (without manufactured home), Single Family - Modular, Cooperative With Site Improvements, Duplex (each unit), Half Duplex Used as Single Family Residence, Triplex (each Unit), House and Improvement Not Suitable for Occupancy, Crop Land – Soil Class I With Residence, Soil Class II With Residence, Soil Class III With Residence, Grazing Land – Soil Class I With Residence, Grazing Land – Soil Class II With Residence, Grazing Land – Soil Class III With Residence, Grazing Land – Soil Class IV With Residence, Grazing Land – Soil Class V With Residence, Grazing Land – Soil Class VI With Residence, Orchard Grove – All Grove With Residence, Orchard Grove – Part Grove & Part not Planted With Residence, Combination – Part Orchard Grove & Part Pasture Land With Residence, Mixed Tropical Fruits With Residence, Townhouse Apartments, Townhouse – Two or More Units, Two Residential Units-Not Attached), Two or More Manufactured Housing Rental Lots (with manufactured home(s)), Two or More Manufactured Housing Rental Lots (without manufactured home(s)), Three or Four Living Units – Not Attached, House and Mobile Home, Two or Three Mobile Homes-Not A Park, Vacant – Less than 5 Acres – Not Covered by Another Code – not Government Owned, Vacant Residential Land – Multi-Family Platted, Vacant Residential Land – Multi-Family Unplatted – Less than 5 Acres, Vacant Residential Land-Single Family Unplatted-Less than 5 Acres, Vacant Residential Land-Single Family Unplatted - Greater than 5 Acres Vacant Residential Land-Single Family Platted, Vacant Mobile Home Site Platted, Vacant Mobile Home Site, Unplatted, Vacant Co-op Land, Vacant Co-op with Utilities.

Section 2. COMMERCIAL IMPROVED REAL PROPERTY

COMMERCIAL IMPROVED PROPERTY BILLING UNITS:

1. Billing Units of .14 Per Unit:
Square Footage: Not Applicable

Camp – Other than for Mobile Homes, Campground – Trailers, Campers, Tents

2. Billing Units of .18 Per Unit:
Square Footage: Not Applicable

Full Service Hotel, Extended Stay or Suite Hotel, Limited Service Hotel, Luxury Hotel/Resort, Motor Inn, Convention Hotel/Resort.

3. Billing Units of .27 Per Unit:
Square Footage: Not Applicable

Labor Camps, Migrant Camps and Boarding Homes.

4. Billing Units of .35:
Square Footage: Up to 500

Condominium Office Units.

5. Billing Units of .75:
Square Footage: From 501 to 1,000

Condominium Office Units.

6. Billing Units of 1.00:
Square Footage: Not Applicable

Car Wash, Children's Home, Clubs, Lodges, Union Halls, Fraternity or Sorority Home, Utility Gas Companies - Improved, Leased County/City Property-Vacant (That does not Qualify in Another Code), Nursery (Non-Agricultural), Nursery with Residence, Nursery with Building Other Than Residence, Nurseries-Vacant, Service Stations, Water & Sewer Service, Condominium Unit-Vacant Land or Building not Complete, Vacant Commercial Common Area, Vacant Commercial Land, Vacant Land – Institutional, Commercial Shell Building (Condo) Not Totally Complete-Vacant, Commercial Shell Building (Other) Not Totally Complete-Vacant, Vacant Industrial Land, Utility Gas Companies-Vacant.

Square Footage: Up to 1,000

Restaurants/Cafeterias, Fast Food Restaurant, Restaurant – Condominium.

Square Footage: Up to 2,000

Bars, Cocktail Lounges, Night Clubs, Financial Institution, Financial Institution - Branch Facilities.

Square Footage: Up to 3,000

Utility – Electric Companies - Improved, Utility - Telephone and Telegraph – Improved.

Square Footage: Up to 5,000

Church, Church-Owned Private Schools, Warehousing, Distribution and Trucking Terminal, Van & Storage Warehousing, Mini Warehousing, Office Building – Single Tenant – 1 Story, Office Building – Multi Tenant - 1 Story, Office Building – Multi Story – Single Tenant, School Privately Owned, Professional Building – 1 Story – 1 Tenant, Professional Building – Multi Tenant – 1 Story, Professional Building – Single Tenant - 2 or More Stories, Professional Building – Multi Tenant – 2 or More Stories, Professional/Office Complex.

Square Footage: Up to 6,000

Mortuaries.

Square Footage: Up to 8,000

Open Storage – Auto Wrecking Yards, Equipment and Material Storage, Fuel Storage, Junk Yards, New and Used Buildings Supplies.

Square Footage: Up to 10,000

Day Care Center, Electrical Repair Shops, Laundries Excluding Automotive, Radio and TV Repair Shops, Refrigeration Service Shops, Service Shops, Paint Shops, Packing Plant – Fruit and Vegetable, Meat Packing Plant.

Square Footage: Up to 15,000

Church Owned Educational Building.

Square Footage: In Excess of 1,000

Condominium Office Units.

7. Billing Units of 2.49:
Square Footage: Not Applicable

Florists

Square Footage: Up to 4,000

Wholesale Outlets.

Square Footage: From 5,001 to 10,000

Church, Church-Owned Private Schools, Private Schools.

Square Footage: From 6,001 to 10,000

Mortuaries.

8. Billing Units of 3.98:

Square Footage: From 1,001 to 3,000

Restaurants/Cafeterias, Fast Food Restaurants, Restaurants – Condominium.

Square Footage: From 8,000 to 12,000

Auto Wrecking Yards, Equipment and Material Storage, Fuel Storage, Junk Yards, New and Used Building Supplies, Open Storage.

9. Billing Units of 5.32:

Square Footage: From 2,001 to 15,000

Financial Institutions, Financial Institutions - Branch Facility.

Square Footage: From 4,001 to 8,000

Wholesale Outlets.

Square Footage: From 5,001 to 10,000

Office Building – 1 Story – Single Tenant, Office Building – 1 Story – Multi Tenant, Office Building – Multi Story – Single Tenant, Professional Building – 1 Story – 1 Tenant, Professional Building – Multi Story – Multi Tenant, Professional Building – Multi Story – Single Tenant, Professional Building – Multi Story – Multi Tenant, Professional/Office Complex.

10. Billing Units of 6.64:

Square Footage: From 2,001 to 5,000

Bars, Cocktail Lounges, Nightclubs

Square Footage: From 3,001 to 6,000

Restaurants/Cafeterias, Fast Food Restaurants, Restaurant – Condominium.

Square Footage: From 5,001 to 15,000

Warehousing, Distribution Terminals, Mini Warehousing, Trucking Terminals, Van and Storage Warehousing.

11. Billing Units of 7.98:

Square Footage: From 6,001 to 9,000

Cafeterias/Restaurants, Fast Food Restaurants, Condominium Restaurants.

Square Footage: From 8,001 to 15,000

Wholesale Outlets

Square Footage: From 10,001 to 20,000

Office Building – 1 Story – Single Tenant, Office Building – 1 Story – Multi Tenant, Office Building – Multi Story – Single Tenant, Professional Building – 1 Story – 1 Tenant, Professional Building – Multi Story – Multi Tenant, Professional Building – Multi Story – Single Tenant, Professional Building – Multi Story – Multi Tenant, Professional/Office Complex.

12. Billing Units of 13.30:

Square Footage: From 10,001 to 40,000

Church-Owned Private Schools, Private Schools.

13. Billing Units of 15.96:

Square Footage: In Excess of 3,000

Improved Electrical Utility Companies, Improved Telephone and Telegraph Utility Companies.

IMPROVED REAL PROPERTY SUBJECT TO AN INDIVIDUAL CALCULATION OF SOLID WASTE SPECIAL ASSESSMENT:

The following improved real property shall pay a Solid Waste Disposal Program Special Assessment or service fee equivalent to the appropriate category of commercial improved real property based upon an individual determination of the annual volume of solid waste generated by the particular parcel of improved real property. The individual determination of annual volume of solid waste generated by the particular parcel of improved real property shall be calculated based upon the size and type of the container used, or recommended for use, by the particular parcel of improved real property, and any landfill charges that may apply to that particular parcel of improved real property.

INDIVIDUAL VOLUME CATEGORY:

Square Footage:

Not Applicable

Air Port Authorities, Airports – Commercial, Airports - Private, Arenas (Enclosed), Arenas (Open Air) with Supporting Facilities, Assisted Care Living Facilities, Auditoriums (enclosed), Stadium – Not Enclosed, Bed & Breakfast, Bee Farms (Honey), Bottlers and Brewers Distilleries, Wineries, Canneries (Fruits and Vegetables), Clay Plant, Clinics, Commercial Related Amenities – May Have Building(s), Concrete/Asphalt Plant, Convenience Store, Convenience Store with Gas Pumps, Country Club with Support Facilities, Colleges, Libraries, Condominium-Store, Condominium-Warehousing, Condominium – Miscellaneous – Not Covered by other Codes, May Have Building, Convalescent Home (Nursing Home), Correctional Facility, County Agency Other Than Board of County Commissioners, County Owned Land Improved, Crematoriums, Canaveral Port Authority – Improved, Melbourne Airport Authority – Improved, Dairies with buildings other than residence, Dairies with residence, Dealership Sales/Service Center, Department Store, Dog Kennel, Theater,- Drive In, Driving Ranges, Federal Owned Land-Improved, Feed Lots - Vacant, Fire Station-Non Governmental, Fitness Center, Flea Markets, Garage/Auto Body/Auto Paint Shop, Mini-Lube Service Specialist, Golf Courses, Green Houses, Gymnasium, Home for the Aged, Horse Stable, Improvement-Not Suitable for Any Other Code may have Buildings, Improved Commercial Common Area, Insurance Company Office, Heavy Equipment Manufacturing, Heavy Industrial, Auto and Aircraft Plants, Foundries, Steel Fabricating Plants, Hospitals, Housing Authority Improved, Large Machine Shops, Leased County/City Property Improved, Light Manufacturing (Instrument Manufacturing, Light Manufacturing, Printing Plants, Small Equipment Manufacturing Plants, Small Machine Shops, Locally Assessed Railroad Property, Marinas, Mineral Processing, Mixed Use – Commercial Property, Commercial Shell Building (Condo), Municipal Owned Land Improved, Shopping Centers - Neighborhood, Office Building – Multi Story – Multi Tenant, Office – Shell Building, Other Food Processing Plants, Candy and Potato Chip Factories, Bakeries, Permanent Exhibit, Phosphate Processing Refinery, Pool Halls, Skating Rinks, Bowling Alleys, Postal Facility, Poultry Farms, College – Private, Hospital – General – Privately Owned, Produce House, School – Public – Improved Parcels, Rabbit Farms, Race Tracks/Wagering Attractions, Radio or TV Stations, Recreation Hall, Recreational Area-Governmental-Vacant, Retail Drug Stores-Not Attached, Retail – Shell Building, Retail Stores – 1 Unit, Retail Store-Multiple Units, Retail Tire Store, Retirement Home, Rock and Gravel Plants, Sawmills, Lumber Yards, Planing Mills, Regional Shopping Mall, Shopping Complex-Community/Neighborhood, Shopping Center-Neighborhood, State Owned Land Improved, Supermarket, Theater-Enclosed, Tourist Attractions, Tropical Fish Farms, Used Automobile Sales, Recreational Vehicle or Mobile Home Sales New/Used, Utility Division Properties.

Square Footage:

In Excess of 5,000

Night Clubs, Cocktail Lounges, Bars.

Square Footage:

In Excess of 9,000

Restaurant/Cafeteria, Fast Food Restaurants, Restaurant – Condominium.

Square Footage: In Excess of 10,000

Churches, Day Care Center, Meat Packing Plant, Mortuary, Service Shop, Radio & T.V. Repair, Refrigeration Service, Paint Shop, Electric, Repair, Laundries Excluding Automotive, Packing Plant-Fruit and Vegetable.

Square Footage: In Excess of 12,000

Open Storage - New/Used Building Supplies, Junk/Auto Wrecking Yards, Fuel Storage, Equipment and Material Storage.

Square Footage: In Excess of 15,000

Church Owned Education Building, Warehousing, Distribution Terminals, Financial Institution, Financial Institution – Branch Facility, Mini Warehousing, Trucking Terminals, Van and Storage Warehousing, Wholesale Outlet.

Square Footage: In Excess of 20,000

Office Building - 1 Story - Single Tenant, Office Building - Multi Tenant - 1 Story, Office Building - Multi Story - Single Tenant, Professional Building - 1 Story – 1 Tenant, Professional Building - Multi Story - Multi Tenant, Professional Building - Single Tenant - (2 or More Stories), Professional Building - Multi Tenant - (2 or More Stories), Professional/Office Complex.

Square Footage: In Excess of 40,000

School-Private, School-Private Church Owned.

Section 3. APPLICABLE BASE RATE. Pursuant to the provisions of Chapter 94, Article IV., Division 2. of the Code, as amended, the following schedule of Solid Waste Disposal Special Assessments and Service Fees is hereby adopted.

(a) The base for residential improved real property is equivalent to \$57.00 per billing unit per year.

(b) The base for commercial improved real property is equivalent to \$164.51 per billing unit per year.

Section 4. INDIVIDUAL VOLUME CATEGORY. Pursuant to the provisions of Chapter 94, Article IV., Division 2. of the Code, as amended, the following commercial individual volume category schedule of Solid Waste Disposal Special Assessments or Service Fees is hereby adopted.

(a) An Annual Solid Waste Disposal Special Assessment or Service Fee equivalent to the appropriate category of commercial improved real property based on an individual determination of the estimated annual volume of all solid waste generated by the particular parcel of improved real property. The number of billing units for each parcel of improved real property is multiplied by the commercial base rate set forth in Section 3 of this resolution in order to determine the Solid Waste Disposal Special Assessment or Service Fee. The number of billing units is calculated as follows:

(1) Regular Dumpsters, Open Top Roll-offs, and Gallon Cans - Billing Units are calculated by multiplying the total cubic yards by \$2.21 and dividing by the applicable base rate. For example, a 2CY dumpster being picked up twice a week is equivalent to 208 cubic yards per year. $208 * \$2.21 = \$459.68 / \$164.51 = 2.79$ Billing Units. The amount of the assessment would be \$459.68.

(2) Compactors - Billing Units are calculated by multiplying the total cubic yards by \$8.94 and dividing by the applicable base rate. For example, a 2CY compactor being picked up twice a week is equivalent to 208 cubic yards per year. $208 * \$8.94 = \$1,863.68 / \$164.51 = 11.33$ Billing Units. The amount of the assessment would be \$1,863.90 (rounding).

(3) Gate Accounts and Compactors on Call - Tonnage is added to individual volume category parcels by multiplying the tonnage by \$29.50 and dividing by \$164.51 to get the Billing Units. For example, $7.8 \text{ tons} * \$29.50 = \$230.10 / 164.51 = 1.40$ Billing Units.

(b) The minimum Annual Solid Waste Disposal Special Assessment or Service Fee for commercial improved real property in this category shall be one (1) billing unit multiplied times the commercial base rate set forth in Section 3 of this resolution, Schedule "A".

(c) When a new land use classification code is established by the Property Appraiser, the Solid Waste Director will assign a category which best describes the expected solid waste generation.

(d) When there is a group of commercial condominium improvements, and the owners of record have requested the service charges be shared, the assessment or service fee will be prorated in accordance with the square footage of each unit within the complex based on the individual volume category.

RESOLUTION NO. 14- 142

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS APPROVING
THE SCHEDULE OF SPECIAL RATES AND CHARGES FOR NON-
RESIDENTIAL IMPROVED REAL PROPERTY WITHIN THE
UNINCORPORATED AREA, AND IMPROVED REAL PROPERTY NOT WITHIN
THE BENEFIT UNIT, AND THE SCHEDULE OF COMPENSATION RATES TO
BE PAID COLLECTORS FOR CURBSIDE COLLECTION PROVIDED TO ALL
IMPROVED RESIDENTIAL REAL PROPERTY WITHIN THE SOLID WASTE
COLLECTION AND RECYCLING BENEFIT UNIT FOR COUNTY FISCAL YEAR
BEGINNING OCTOBER 1, 2014

WHEREAS, under the authority of Chapter 403.706, Florida Statutes, Brevard County has the responsibility and power 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, authorized 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 granted the Board of County Commissioners the power 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, 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, Chapter 403.706, Florida Statutes, requires that Brevard County plan and implement an efficient and environmentally acceptable solid waste management program to handle solid waste generated within the County and to provide for reduction in the amount of said solid waste disposed of at the County's solid waste management facilities through the implementation of a recycling program; and

WHEREAS, Florida Statutes Section 403.7032, establishes a new statewide recycling goal of 75% to be achieved by the year 2020; and

WHEREAS, the act requires counties to develop and implement recycling programs within their jurisdictions to return valuable materials to productive use, to conserve energy and natural resources, and to protect capacity at solid waste management facilities; and

WHEREAS, Chapter 94, Article IV., Division 2., Code of Ordinances of Brevard County, Florida, as amended, authorized the Board of County Commissioners to impose an annual Collection and Recycling special assessment or service fee against

all improved residential real property the Brevard County Solid Waste Collection and Recycling Program Municipal Service Benefit Unit, "Benefit Unit"; and

WHEREAS, Chapter 94, Article IV., Division 2., Brevard County Code of Ordinances, 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, service fees, rates and charges to be imposed upon the owners of all residential and commercial improved real property within the unincorporated areas of Brevard County for the ensuing County fiscal year, and to establish the rates, assessments, service fees, and charges that shall apply to commercial improved real property within the unincorporated area of the County, and to residential improved real property not within the "Benefit Unit"; and

WHEREAS, Chapter 94, Article IV., Division 2., Code of Ordinances Brevard County, Florida as amended, provides each year the Board of County Commissioners of Brevard County, Florida, shall approve the amount and method of payment to the collector for his performance under the collection agreement within the "Benefit Unit"; and

WHEREAS, said public hearing was set for September 9, 2014, in the Brevard County Government Center, Commission Board Room, Building C, First Floor, 2725 Judge Fran Jamieson Way, Viera, Florida; and

WHEREAS, notice of said public hearing was published in the August 19, 2014 and September 2, 2014 issues of the FLORIDA TODAY Newspaper, a newspaper of general circulation in Brevard County, Florida.

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

Section 1. SPECIAL RATES AND CHARGES. The Board of County Commissioners does hereby adopt a Schedule of Rates for containers for all non-residential improved real property within the unincorporated area of Brevard County and rates for all residential improved real property within said unincorporated areas, but not within the "Benefit Unit," which Schedule of Special Rates and Charges is attached hereto as Schedule "A".

Section 2. COMPENSATION RATES. The Board of County Commissioners does hereby adopt compensation rates to be paid to the collector for curbside solid waste and recycling collection services provided to all residential improved real property within the "Benefit Unit" which Schedule of Compensation Rates is attached hereto as Schedule "B".

Section 3. RATE RESOLUTION DECLARED. This Resolution constitutes the Rate Resolution specified in Chapter 94, Article IV., Division 2. of the Code, as amended.

Section 4. DEFINITIONS. For the purpose of this schedule of Annual Solid Waste Collection and Recycling Program Special Assessments and service fees, the following definitions shall apply:

(a) Improved Real Property: that definition provided in Chapter 94, Article I., Section 94-1., of the Code, as amended.

(b) Residential Improved Real Property: that definition provided in Chapter 94, Article I., Section 94-1., of the Code, as amended.

(c) Benefit Unit: that definition provided in Chapter 94, Article I., Section 94 1., of the Code, as amended.

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 6. EFFECTIVE DATE. This Resolution shall take effect October 1, 2014.

RESOLVED this 9th Day of September 2014.

ATTEST:

BY:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA

BY:



Mary Bolin Lewis, Chairman
Brevard County Commission

(As approved by the Board on September 9, 2014)

SCHEDULE "A"

SCHEDULE OF SPECIAL RATES AND CHARGES
OCTOBER 1, 2014 THROUGH SEPTEMBER 30, 2015

Section 1. **NON-RESIDENTIAL IMPROVED REAL PROPERTY:**

- | | | |
|-----|---|-----------------------------|
| (a) | Collection Fee Per Cubic Yard (Non-Compacted) | \$3.82/per yd ³ |
| (b) | Collection Fee Per Cubic Yard (Compacted) | \$14.42/per yd ³ |
| (c) | <u>Collection Fee for Individual Containers:</u> | |
| | (1) One 96 Gallon Cart | \$ 31.76 |
| | (2) Each Additional 96 Gallon Cart | \$ 31.76 |
| | (3) One 64 Gallon Cart | \$ 24.05 |
| | (4) Each Additional 64 Gallon Cart | \$ 24.05 |
| | (5) One 35 Gallon Cart | \$ 11.26 |
| | (6) Each Additional 35 Gallon Cart | \$ 11.26 |

Section 2. **CONTAINER RENTAL/LEASE:**

- | | | | |
|-----|---|------------------|-----------------------|
| (a) | <u>Dumpster Rental/Lease Fees (Non-Compacted):</u> | | |
| | | <u>Yard Size</u> | <u>Monthly Rental</u> |
| | | 2 | \$ 21.67 |
| | | 3 | \$ 24.59 |
| | | 4 | \$ 27.39 |
| | | 6 | \$ 33.24 |
| | | 8 | \$ 38.93 |
| (b) | <u>Dumpster Rental/Lease Fees (Compacted):</u> | | |
| | | <u>Yard Size</u> | <u>Monthly Rental</u> |
| | | 2 - 8 | \$100.87 |
| (c) | <u>Compactor Rental/Lease Fees:</u> | | |
| | | <u>Yard Size</u> | <u>Monthly Rental</u> |
| | | 15 - 40 | \$100.87 |

Section 3. **PULL CHARGES:**

(a) Compactor Charge Per Pull:

<u>Yard Size</u>	<u>Pull Charge</u>
15 - 19	\$179.73
20 - 24	\$204.81
25 - 30	\$228.64
34 - 40	\$253.70

Section 4. **LIMITATIONS:**

(a) Rental/lease rates for containers may be negotiated between the customer and the collector, but will not exceed the rates established herein.

(b) Rental/lease rates for containers includes: Monthly rental/lease fee, and any and all other fees, e.g., drop-off, maintenance, roll-out, casters, etc. Only those fees as set forth herein are allowed to be charged.

SCHEDULE "B"

SCHEDULE OF COMPENSATION RATES TO BE PAID TO COLLECTOR FOR
RESIDENTIAL CURBSIDE COLLECTION SERVICES PROVIDED
OCTOBER 1, 2014 THROUGH SEPTEMBER 30, 2015

Section 1. COMPENSATION RATES:

- (a) Single Family Residence, Residential Mobile Home, Condominium Mobile Home, Condominium Park Home, Cooperative Mobile Home, and Residential Townhouse Unit: \$10.65 per month, per unit.
- (b) Residential Condominium Unit, Cooperative Unit, Multiple Family Residence, Courts and Trailer Park: \$7.98 per month, per unit.
- (c) Condominium Recreational Vehicle Unit: \$4.15 per month, per unit.