

ORDINANCE NO. 2008-16

AN ORDINANCE OF HERNANDO COUNTY, FLORIDA, AMENDING SECTION 14-64.14 OF THE HERNANDO COUNTY CODE BY REVISING THE DATE FOR ADOPTING BUDGETS, RATES, FEES AND CHARGES FOR SOLID WASTE DISPOSAL GENERALLY AND FOR ANNUAL DISPOSAL ASSESSMENTS IN PARTICULAR; BY SPECIFYING THAT A METHODOLOGY RESOLUTION IS REQUIRED ONLY IF THE METHODOLOGY IS CHANGED FROM THE PRIOR YEAR; AND BY AUTHORIZING THE COUNTY ADMINISTRATOR OR DESIGNEE TO PROVIDE THE PROPERTY APPRIASER WITH AN ESTIMATE OF A PROJECTED ASSESSMENT TO THE EXTENT THAT THE BOARD DIRECTS THAT THE TRUTH IN MILLAGE NOTICE SHALL INCLUDE SUCH ASSESSMENTS; PROVIDING FOR SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

FILED
2008 JUL 22 PM 1:01
TALLAHASSEE, FLORIDA

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

SECTION 1.

Section 14-64.14 of the Hernando County Code of Ordinances is hereby amended to read as follows, with underlined language added and struck-through language deleted, in order to make the process of setting budgets, fees, rates, charges and assessments for solid waste disposal consistent with the dates for other County budget actions.

Sec. 14-64.14. Determination of annual disposal assessments and charges; public hearing.

(a) It is hereby declared that the construction, operation and maintenance of the solid waste disposal and resource recovery system is a benefit and improvement to all real property in the county regardless of use and occupancy of such property. The construction, operation and maintenance of the solid waste disposal and resource recovery system directly improves and benefits all real property by ensuring a source for

the disposal of solid waste being generated, or potentially to be generated, on such real property that is practical and compatible with the health and safety of all citizens in the county.

(b) On or before the ~~first day of August~~ September 30 of each year or as otherwise required by Chapter 403, Florida Statutes, and after a public hearing, the board shall:

(1) Adopt a budget for the operation and maintenance of the solid waste disposal and resource recovery system for the next fiscal year.

(2) Adopt a resolution incorporating a determination of annual rates, fees, charges, assessments or service charges to be imposed upon the owners of real property in the county to be levied and assessed against the real property and collected as is provided in this division. The methodology of the assessment levy will be determined annually and, to the extent revised from the prior year's assessment, adopted by resolution.

Such rates, fees, charges, assessments or service charges shall never exceed the benefits conferred by the county in providing the solid waste disposal services and shall not exceed the fair and reasonable portion of the cost to the county of providing the services.

(3) Assessments upon real property will be derived from a rate/unit schedule based upon land use activity or projected activity.

(4) Adopt a resolution, as necessary, incorporating a schedule of tipping fees to be charged by the county for receiving and disposing of solid waste within the county, for receiving and disposing of hazardous waste and special waste, and for waste generated by sources outside the county.

(5) At any time during the year when it is determined by the board of county commissioners that the previously established annual rates, fees, charges, assessments and service charges will be insufficient to pay all applicable debt service and operation and maintenance costs of the solid waste disposal and resource recovery system and to satisfy all obligations of the county under any related bond resolution or trust indenture, the board may adopt, levy and collect a supplemental tipping fee. This fee shall be collected at the point of disposal of the solid waste and shall be established in the same manner as the annual tipping fees. The supplemental tipping fee shall be sufficient when coupled with the annual rates, fees, charges, assessments or service charges to fund debt service and operation and maintenance for the remainder of the fiscal year. Said fee

shall remain in effect until funds from the subsequent annual rates, fees, charges, special assessments or service charges are sufficient to cover costs of operation and maintenance and all other obligations of the county under any related bond resolution or trust indenture.

In fixing tipping fees, the board may reasonably classify types of solid waste.

Notice of the time, place and purpose of the public hearing required by this section shall be given by publication in a newspaper of general circulation in the county once each week for two (2) weeks prior to the hearing.

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

(c) To the extent that the board elects or is otherwise required to include amounts of non-ad valorem assessments on any notice to taxpayers in advance of the hearing required herein or for use in the Truth in Millage statutory notice, the county administrator or his or her designee is hereby authorized to estimate the annual disposal assessment from the best information available and to provide such projected amount for the purpose of any such notice.

SECTION 2. INCLUSION IN THE CODE

It is the intention of the Board of County Commissioners of Hernando County, Florida and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this ordinance may be renumbered or relettered to accomplish such intention, and that the word "ordinance" may be changed to "section", "article", or other appropriate designation.

SECTION 3. SEVERABILITY

If any section, subsection, sentence, clause phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, or administrative agency, such portion shall be deemed a separate, distinct and independent provision, and except as otherwise expressly provided herein, such holding shall not affect

the validity of the remaining portions thereof, all of which will remain in full force and effect, except as otherwise provided for herein.

SECTION 4. EFFECTIVE DATE

This ordinance shall become effective upon filing with the Department of State.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular Session this 15th day of July, 2008.

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**



Attest: *Karen Nicolai*
KAREN NICOLAI
Clerk

By: *Christopher A. Kingsley*
CHRISTOPHER A. KINGSLEY
Chairman

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY *KW* 7/15/08
County Attorney's Office