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INDEXED, FILMED AND  
KAREN NICHOLS  
DEPUTY CLERK

**ORDINANCE 92- 24**

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FILED FOR RECORD  
KAREN NICHOLS  
HERNANDO COUNTY, FL

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001500

**AN ORDINANCE OF HERNANDO COUNTY, FLORIDA  
CREATING A MUNICIPAL SERVICE BENEFIT UNIT TO BE  
KNOWN AS THE "SOUTHWEST HERNANDO COUNTY SOLID  
WASTE COLLECTION MUNICIPAL SERVICE BENEFIT UNIT";  
PROVIDING FOR FINDINGS; PROVIDING FOR  
DEFINITIONS; PROVIDING FOR THE PURPOSE OF THE  
UNIT; PROVIDING FOR THE CREATION OF THE UNIT;  
PROVIDING FOR THE DESIGNATION OF THE GOVERNING  
BODY OF THE UNIT; PROVIDING FOR ADMINISTRATION;  
PROVIDING FOR INCLUSION IN THE COUNTY CODE;  
PROVIDING FOR SEVERABILITY; PROVIDING FOR AN  
EFFECTIVE DATE.**

DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

93 JAN -4 PM 2:21

FILED

**BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF  
HERNANDO COUNTY, FLORIDA:**

**SECTION I. FINDINGS**

*It is hereby found and declared by the Board of County Commissioners of  
Hernando County:*

**A.** *There is an excessive accumulation of refuse on private property; and an  
inordinate amount of littering on and near public rights-of-way within the unit and a  
pressing need for a comprehensive refuse collection system, requiring more stringent  
refuse disposal practices within the unit to protect the health, safety and welfare of the  
citizens of the unit.*

**B.** *It is necessary for the promotion of the common interest of the people of  
the unit to provide for the effectuation and financing of a refuse collection system and  
it is necessary to the health, safety and welfare of the citizens and residents of the unit  
to provide an adequate refuse collection system for all citizens and interest within the  
unit.*

**C.** *Sections 125.01 and 403.706, Florida Statutes, grant the Board the power  
to provide for an regulate refuse collection.*

**D.** *It is determined by the Board of County Commissioners that the  
establishment and maintenance of a refuse collection assessment unit, as provided for  
herein, will impart special benefits upon the real property within such unit for which a  
special assessment may be assessed and collected by the County, within the provisions  
of state law.*

**E.** *This division is adopted under the authority and power granted the Board*

by Section 125.02, Chapter 403 and Section 197.3632, Florida Statutes, and other applicable laws.

**SECTION II. DEFINITIONS**

*For the purpose of this ordinance, the definitions contained in this section shall apply unless otherwise specifically stated. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular, and words in the singular number include the plural. Words used herein and not otherwise defined shall have the meaning given to them in the Act.*

**A. "Annual Refuse Collection Assessment"**

*The annual assessment imposed upon a parcel of real property for the disposal of refuse for the applicable year based upon the classification of use of such parcel of property as specified in the rate resolution.*

**B. "Annual Refuse Collection Assessment Roll"**

*The list prepared by the County and confirmed by the Board each year containing a summary description of each parcel of real property within the unit, the name and address of the owner of each such parcel as indicated on the records maintained by the property appraiser, and the assessment authorized by this ordinance against each parcel.*

**C. "Board"**

*The Board of County Commissioners of Hernando County, Florida, or the governing body by any other name in which the general legislative powers of the County are vested.*

**D. "Clerk"**

*The Clerk of the Circuit Court of Hernando County, Florida.*

**E. "County"**

*Hernando County, Florida.*

**F. "Governmental Agency"**

*Any local, state or federal agency.*

**G. "Hazardous Waste"**

*Materials or combinations of material that require special management techniques because of their acute or chronic effects on air and water quality, on fish, wildlife or other*

biota, and on the health and welfare of the public. These materials include, but are not limited to, volatile, biological, explosive, flammable, radioactive and toxic materials.

**H. "Owner"**

The person or persons owning an interest in improved real property located within the unit.

**I. "Person"**

An individual, partnership, corporation, joint venture, private or public service company or entity, however organized.

**J. "Improved Real Property"**

All real property located in the unit that generates, refuse, and includes, but is not limited to, improved commercial real property and residential real property.

**K. "Property Appraiser"**

The Property Appraiser of Hernando County, Florida.

**L. "Rate Resolution"**

The resolution adopted under the provisions of this ordinance incorporating a schedule of annual rates, charges and assessments to be imposed upon the owners of all improved real property in the unit.

**M. "Solid Waste"**

Garbage and Trash, including, but not limited to, all putrescible and nonputrescible waste, combustible and noncombustible waste, and generally all materials such as paper, cardboard, grass clippings, tree or shrubbery trimmings, scrap wood, bedding, crockery, rubber tires, construction waste, industrial waste and all other waste materials.

**N. "Special Wastes"**

Any wastes that require extraordinary management. They include, but are not limited to, abandoned automobiles, inoperative and discarded refrigerators, ranges, washers, water heaters and other similar domestic and commercial appliances, used tires, waste oil, sludge, dead animals, septic tank pumpings and infectious and hazardous waste.

**O. "Tax Collector"**

*The Tax Collector of Hernando County, Florida.*

**P. "Year"**

*The calendar year.*

**SECTION III. PURPOSE**

*The purpose of this MSBU is to provide the identified property within the unit with solid waste collection services, pursuant to Florida Statute, 125.01(1)(q)1, 125.01(5)(a) and 125.0101(2).*

*It is also the purpose of this division to establish a schedule assessments for the collection of solid waste from real property in the unit to pay for the costs of the collection of the solid waste collection system, and to provide for a method and procedure for the collection of such established fees, rates, charges and assessments.*

**SECTION IV. CREATION OF UNIT**

*For the purpose of creating, establishing, maintaining, and operating a solid waste collection within the area described herein, there is hereby created a municipal service benefit unit to be known as the "Southwest Hernando County Solid waste Collection Municipal Service Benefit Unit" which shall be all the property located in Hernando County, Florida, within the boundaries described in Exhibit "A" attached hereto and made a part hereof by reference.*

**SECTION V. GOVERNING BODY**

*The governing body of the Southwest Hernando County Solid waste Collection Municipal Service Benefit Unit shall be the Board of County Commissioners of Hernando County, Florida.*

**SECTION VI. ADMINISTRATION**

**A.** *The Southwest Hernando County Solid waste Collection Municipal Service Benefit Unit shall be administered in accordance with the policies and procedures adopted by the Board of County Commissioners for the administration of all County departments, divisions and operations.*

**B.** *The Southwest Hernando County Solid waste Collection Municipal Service Benefit Unit shall have the following duties:*

1. To establish, maintain and operate a solid waste collection system as is necessary to implement the purpose of this division.

2. To provide for solid waste collection for improved residential property within the benefited area.

**C.** The County Administrator shall be responsible for administering the Southwest Hernando County Solid waste Collection Municipal Service Benefit Unit for the following to the extent necessary to implement the purpose of this division.

1. Negotiate and recommend to the Board of County Commissioners contracts for providing specific services.

2. Negotiate and recommend to the Board of County Commissioners contracts for purchase of such capital equipment as necessary.

3. Establish rules and regulations for the administration of the unit, not inconsistent with County policy or administrative rule.

4. Negotiate contracts with private companies for the purpose of providing a solid waste collection system.

5. Hire such personnel as are necessary to implement the purposes of this division.

6. Perform such other acts as are necessary to implement the purposes of this division to the extent consistent herewith.

**D.** The powers to be exercised by the Southwest Hernando County Solid waste Collection Municipal Service Benefit Unit are specifically made subject to all applicable state and county laws.

## **SECTION VII. ASSESSMENTS, LEVY AND LIEN PROVISIONS**

**A.** It is being recognized that the value of the benefits accrued by virtue of this division directly benefit equally all lots, tracts, parcels, cooperative parcels, and condominium parcels within the unit, the Board is hereby authorized to levy an annual service charge against each lot, tract, parcel, cooperative parcel and condominium parcel within the unit for the purposes set forth herein. The service charge imposed hereunder shall constitute a lien on all real property of the unit as of the date ad valorem taxes become liens. Unless fully paid and discharged or barred by law, said annual

*service charges shall remain liens 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. If the annual assessment levied on a lot is not paid, a tax certificate pertaining to the lot will be sold by the Tax Collector as set forth in Chapter 197, Florida Statutes.*

**B.** *The annual disposal assessments shall be imposed against the owners of all real property in the unit as of the last day of the year preceding the year for which the annual disposal assessment is imposed regardless of the occupancy of such property on said date.*

**C.** *When it shall appear that any annual assessment should have been assessed under the provisions of this ordinance against any parcel of real property, but such parcel of real property was omitted from the appropriate annual assessment roll because of error, the Board shall assess the applicable annual special assessment for the year in which such omission is discovered plus the unpaid applicable annual assessment for the prior two (2) years if such real property was subject to an annual assessment for either of such prior two (2) years.*

#### **SECTION VII. INCLUSION IN THE CODE**

*It is the intention of the Board of County Commissioners of Hernando County, Florida, and 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 VIII. SEVERABILITY**

*It is declared to be the intent of the Board of County Commissioners that, if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this ordinance.*

#### **SECTION IX. EFFECTIVE DATE**

*Certified copies of this ordinance shall be filed with the Department of State by the*

Clerk of the Board within ten (10) days after enactment by the Board of County Commissioners and shall take effect upon receipt of official acknowledgment from that office that such ordinance has been filed.

**ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS** in Regular Session

this 22nd day of December, 1992.

(SEAL)

BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA  
Attest: Karen Nicolai  
KAREN NICOLAI  
Clerk

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

By: John Richardson  
JOHN RICHARDSON  
Chairman

RBB/pv/12/16/92

## EXHIBIT "A"

### SOUTHWEST HERNANDO REFUSE COLLECTION MSBU

Commence at the intersection of U.S. 19 (Commercial Way) and County Line Road (CR 578) and run east along the centerline of County Line Road approximately 8 1/4 miles to a point approximately 4/10 of a mile east of the intersection of Linden Drive and County Line Road which will generally coincide for the purposes of this legal description with the southeast corner of Section 33, Township 23 South, Range 18 East; run north along the east section line approximately 3/4 of a mile to the point which joins the southern boundary of Spring Hill, Unit 12, to the eastern boundary of East Linden Estates; at that point, run east approximately 1/2 mile to the southeastern corner of Spring Hill, Unit 12; from that point, run north along the eastern boundary of Spring Hill, Unit 12, and continue north an additional distance along the eastern boundary of Spring Hill, Unit 13, to a point on the south section line of Section 22, Township 23 South, Range 18 East; run east along the section line which coincides with the southern most boundary of Spring Hill, Unit 24 to the southeast corner of Unit 24; run north along the eastern boundary of Unit 24 approximately 1 mile to the centerline of Spring Hill Drive (CR 574); then run northeast along the centerline of Spring Hill Drive approximately 800 feet to the intersection with Anderson Snow Road; then run in a generally northerly direction with some curvilinearity along the centerline of Anderson Snow Road approximately one mile to the intersection at the east end of Elgin Boulevard which parallels the south section line of Section 10, Township 23 South, Range 18 East; run west along the section line approximately 8/10 of a mile to the southwest corner of the section; then run north along the west section lines of Sections 3 and 10, Township 23 South, Range 18 East, a distance of approximately 1 1/2 miles to the point of intersection with the southern subdivision boundary of The Oaks; from that point run in an initial easterly direction in a counter clockwise movement around the perimeter of The Oaks subdivision boundary as found in the recorded plats of The Oaks, Units I, II, III, IV, and VI, as shown in Plat Book 20, Pages 21 and 22; Plat Book 21, Pages 17, 18, 28 and 29; Plat Book 22, Pages 44 and 45; and Plat Book 25, Pages 11 and 12, to the southeast corner of Section 33, Township 22 South, Range 18 East; then run north along the east section line of Section 33, Township 22 South, Range 18 East, to the northeast corner of the section which will coincide with the centerline of Cortez Boulevard (SR 50) for the purpose of this description; then run in a general westerly direction with some curvilinearity along the centerline of Cortez Boulevard for approximately 5 miles to the centerline of Commercial Way (U.S. 19); run in a general southwest direction with some curvilinearity along U.S. 19 approximately 6 miles to the point of beginning.

#### LESS and EXCEPT

The incorporated area of the City of Weeki Wachee, Florida, east of U.S. 19 (Commercial Way) and south of Cortez Boulevard (SR 50).

The Mandatory Solid Waste Collection Area contains approximately 28,397.10 acres (44.37 square miles) and has a perimeter of 30.42 miles.