



BOARD OF COUNTY COMMISSIONERS

Solid Waste Management Department

2725 Judge Fran Jamieson Way
Building A, Room 118
Viera, Florida 32940



September 21, 2016

Douglas Hoyt, Town Administrator
Town of Malabar
2725 Malabar Road
Malabar FL 32950

RE: Levy of Brevard County Solid Waste Charges for Fiscal Year
Beginning October 1, 2016, through September 30, 2017

Dear Mr. Hoyt,

The Brevard County Board of County Commissioners adopts each year, in accordance with the Laws of Florida and Brevard County Ordinance the rates, charges and fees necessary for the operation and maintenance of the County's Solid Waste Disposal Facilities. These facilities are for the use of all inhabitants of Brevard County.

On September 13, 2016 the Board of County Commissioners approved the enclosed assessments, charges, special handling rates and impact fees which will be imposed against all residents, businesses, and governmental agencies located within your jurisdiction for the referenced period.

The annual disposal assessment is imposed on all improved property on the ad valorem tax roll, for which the Brevard County Property Appraiser's Office has been notified that a Certificate of Occupancy (C.O.) has been issued. In addition, owners of newly improved property will receive an initial prorated assessment billing from this Department for the period beginning with the first full calendar month following the C.O. date through the end of the County's fiscal year.

Charges, based upon the enclosed "Special Solid Waste Rate Schedule" are also collected from generators of solid waste, new construction or land clearing debris acquired from unimproved property or bulk solid waste not included as part of the disposal assessment. These charges are levied by our weigh stations located at either the Central Disposal Facility or the Sarno Disposal Facility.

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In addition to the charges mentioned above, a one-time solid waste impact fee is imposed against properties that obtain a building permit, which make improvements to unimproved real property which commences to initially use the Brevard County Solid Waste Disposal Facilities.

I have included an informational notice that explains the impact fee in further detail. A copy of this notice has been furnished to your building department for public information. I am also enclosing a reference copy of Section 94-256., through Section 94-265., Division 3., Impact Fees, Article IV., Chapter 94, Brevard County Code, as amended.

If you, your staff or the public have any questions concerning the charges or services provided by the County's Solid Waste Management Department, please contact my office.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "W. Mack".

Walter E. Mack
Finance Officer

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cc: Daryl Munroe, Building Official

**Brevard County Board of County Commissioners
Solid Waste Management Department
Special Solid Waste Rate Schedule**

EFFECTIVE OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2017

Solid Waste Generated by Government Agencies:

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

Assessed	\$29.50/ton \$ 8.94/yd ³ *
Not Assessed	\$34.98/ton \$10.60/yd ³ *

Solid Waste above that projected under the Annual Disposal Special Assessment:

\$29.50/ton
\$ 8.94/yd³

Solid waste delivered to the solid waste disposal facilities that is in addition to the amount projected in the Annual Disposal Special Assessment.

Municipal Sludge:

\$25.00/ton
\$ 7.58/yd³*

The disposal of municipal waste water treatment plant sludge.

Land Clearing Debris:

\$23.66/ton
\$ 7.17/yd³*

Land clearing debris not mixed with any other Solid Waste.

Construction Debris:

\$23.66/ton
\$ 7.17/yd³*

Construction debris not mixed with any other Solid Waste. Contamination of construction debris with any amount of other types of solid waste including material, which is not from the actual construction structure, will cause it to be classified as other than construction debris.

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

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 debris or 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.	\$41.00/ton \$12.42/yd ³ *
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Asbestos	\$100.00/ton \$ 30.30/yd ³ *
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NOTICE

**Brevard County Board of County Commissioners
Solid Waste Management Department**

SOLID WASTE IMPACT FEE

To assure that new development bears a proportionate share of the cost of the capital expenditures necessary to provide solid waste disposal facilities for all inhabitants of Brevard County, the Board of County Commissioners established a solid waste impact fee on any real property which, after the first day of October, 1988, commences to initially use the solid waste facilities, or who seeks to develop land within the incorporated and unincorporated area of the county.

The impact fee applies to each parcel of newly improved real property within Brevard County, Florida, that has had a certificate of occupancy issued, regardless of the occupancy or previous ownership of the property on said date, and shall also apply to any real property which commences to initially use the Brevard County solid waste disposal facilities.

Additional information may be requested through the Brevard County Solid Waste Management Department at (321) 633-2042 or Fax (321) 633-2038.

Brevard County Board of County Commissioners
Solid Waste Management Department
Assessment and Impact Fee Rate Schedule

EFFECTIVE OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2017

Disposal Assessments

Residential Property - Incorporated & Unincorporated areas of the County

Single Family Residence/Mobile Home/Condominium or
Cooperative Mobile Home/Townhouse/Condominium Park Home \$ 57.00 per unit

Residential Condominium/Cooperative Unit/
Multiple Family/Courts/Trailer Parks \$ 42.75 per unit

Condominium Recreational Vehicle \$ 22.23 per unit

Commercial Property - Incorporated & Unincorporated areas of the County

Campgrounds/Camps \$ 23.03 per unit

Hotel/Motel \$ 29.61 per unit

Labor Camps/Migrant Camps/Boarding Homes \$163.52 per unit

Commercial Individual Category \$164.51 per unit (*)

Commercial Square Footage Category \$164.51 per unit (*)

Solid Waste Impact Fee

Residential Property - Incorporated & Unincorporated areas of the County

Single Family Residence/Mobile Home/Condominium or
Cooperative Mobile Home/Townhouse/Condominium Park Home \$160.00 per unit

Residential Condominium Unit/Cooperative Unit/
Multiple Family Residence/Courts/Trailer Park \$120.00 per unit

Condominium Recreational Vehicle \$ 62.40 per unit

Commercial Property - Incorporated & Unincorporated areas of the County

Campgrounds/Camps \$ 65.41 per unit

Hotel/Motel \$ 84.10 per unit

Labor Camps/Migrant Camps/Boarding Homes \$126.14 per unit

Commercial Individual Category \$467.20 per unit (*)

Commercial Square Footage Category \$467.20 per unit (*)

(*) *Commercial Properties in these categories require a case by case evaluation based on service. The Brevard County Solid Waste Management Department will provide, upon request, the correct amount of assessments and impact fees that will be due. Please call (321) 633-2042 or fax (321) 633-2038 if there are any questions.*

DIVISION 3. IMPACT FEES

Sec. 94-256. Solid waste impact fee district established; boundaries.

There is hereby established by the board of county commissioners a solid waste impact fee district, and the boundaries of such district shall be the official boundaries of the county, which includes all of the incorporated and unincorporated areas of the county.
(Code 1979, ⁺ 12-48)

Sec. 94-257. Trust fund established.

(a) There is hereby established a separate solid waste impact fee trust fund for the solid waste impact fee district established by section 94-256.

(b) Funds withdrawn from this account must be used in accordance with the provisions of section 94-261.
(Code 1979, ⁺ 12-49)

Cross reference(s)--Finance, ⁺ 2-131 et seq.

Sec. 94-258. Imposition of solid waste impact fee.

(a) A solid waste impact fee, incorporated in the rate resolution adopted under section 94-259, shall be imposed against each parcel of improved real property regardless of occupancy or previous ownership at one of the following times:

- (1) When an application for a building permit is made for an improvement on the property.
- (2) During construction of an improvement on the property.
- (3) Prior to issuance of a certificate of occupancy on the property.
- (4) Once a certificate of occupancy has been issued.

(b) A solid waste impact fee shall be imposed against improved real property which commences to use the county's solid waste management facilities for the first time after October 1, 1988.

(c) The applicable solid waste impact fee for such parcel shall be paid by the owner of the improved real property, or the owner of the applicable real property which commences to initially use or increase use of the county's solid waste management facilities.

(Code 1979, ⁺ 12-50)

Sec. 94-259. Public hearing; notice.

(a) The board of county commissioners shall hold a public hearing and adopt a rate resolution establishing a schedule of impact fees to be imposed pursuant to this division.

(b) Notice of the public hearing shall be published in a newspaper of general circulation in the county, at least twice; with the first publication being at least 20 days prior to the public hearing.

(Code 1979, ⁺ 12-51)

Sec. 94-260. Payment of impact fee.

(a) The solid waste impact fee shall be billed by the board of county commissioners or its authorized representative.

(b) Impact fees shall be due and payable when issued, and payment thereof shall be the obligation of the owner of record of the property for payment of said bill.

(c) All impact fees collected shall be properly identified as solid waste impact fees, and promptly transferred for deposit in the solid waste impact fee trust fund, to be held in an account as determined in section 94-257 and used solely for the purposes specified in this division.

(d) Impact fees shall become delinquent if not paid in full within 30 days of the billing date. Failure of the owner to receive any such bill shall not relieve the obligation for payment of the bill. The obligation to pay the impact fee shall run with the property regardless of ownership.

(e) All impact fees which become delinquent shall constitute, and are hereby imposed as liens against the real property against which the impact fees have been imposed. Until fully paid and discharged, or waived by law, such impacts 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.

(f) The solid waste impact fee liens may be recorded in the public records of the county, by the board of county commissioners or its authorized representative, at any time after the lien is created, and may be enforced by the board before or subsequent to such recording, in any manner provided by law.

(g) Unpaid liens shall remain and constitute liens against the real property involved until fully paid and discharged, or waived by law.

(h) All outstanding impact fee liens may be discharged and satisfied by payment to the board of county commissioners or its authorized representative the aggregate amount due for such outstanding impact fees, together with accrued collection fees or other additional amount specified by law for penalties and recording costs. When any such lien or liens have been fully paid or discharged, the director shall properly cause evidence of the satisfaction and discharge in public records of the county. Such lien or liens shall not be assigned by the county to any person.

(i) Additionally, the solid waste impact fee may, where interlocal agreements between the county and the local government entity exist, be collected by designated local government entities at the time, place and from the person who seeks to develop land by applying for a building permit, or is issued a certificate of occupancy.

(Code 1979, ¹ 12-52)

Sec. 94-261. Use of funds.

(a) The board of county commissioners shall be entitled to up to, but no more than, two percent of the funds collected pursuant to this division, to compensate for the administrative expense of collecting and administering this solid waste impact fee program. All remaining funds collected from solid waste impact fees shall be used for the purpose of capital improvements to, and expansion of, the county's solid waste disposal system. Such improvement shall be of the type made necessary by new development and new users.

(b) Funds shall be used exclusively for capital improvements or expansion within the solid waste impact fee district defined in section 94-256. Funds shall be expended in the order in which they are collected.

(c) Each fiscal year the county manager may present to the board of county commissioners a proposed capital improvement program for solid waste, assigning funds, including accrued interest, if any, from the above described solid waste impact fee trust fund, to specific solid waste improvement projects and related expenses. Monies, including accrued interest, if any, not assigned in any fiscal period shall be retained in the same solid waste impact fee trust fund until the next fiscal period, except as provided by the refund provisions of this division.

(Code 1979, ¹ 12-53)

Sec. 94-262. Refund of fees paid.

Any funds not expended or incurred by the end of the calendar quarter immediately following six years from the date the solid waste impact fee payment was received by the board shall, upon application of the then current owner, be returned to the then current owner, within 180 days after the expiration of the six-year period.

(Code 1979, [±] 12-54)

Sec. 94-263. Exemptions.

(a) The following shall be exempted from payment of the solid waste impact fee:

- (1) Alterations or expansion of an existing building where no additional units are created, and the use of the building is not changed, and where the resulting solid waste generated will not exceed the amount of solid waste generated from the building prior to its alteration or expansion.
- (2) The construction of accessory buildings or structures which will not produce or generate solid waste over and above that produced by the principal building or use of the subject real property.
- (3) The replacement of a residential land use with a new unit of residential land use of the same type, provided that no additional solid waste will be produced or generated over and above that produced or generated by the original residential land use.
- (4) The replacement of a nonresidential land use, building or structure with a new nonresidential land use, building or structure of the same size and use, provided that no additional solid waste will be produced or generated over and above that produced by the original use of the land.

(b) Any exemption must be claimed by the feepayer within 30 days after the issuance of the solid waste impact fee bill. Any exemption not so claimed shall be deemed waived by the feepayer.

(Code 1979, [±] 12-55)

Sec. 94-264. Notice of impact fees.

(a) The board of county commissioners shall provide a notice of solid waste impact fees, on such form as deemed appropriate by the board, to each applicant for a building permit in the unincorporated areas of the county.

(b) The board shall provide a solid waste impact fee notice to the building departments of each of the municipalities within the county. The municipalities shall provide the solid waste impact fee notices to each applicant for building permit within their jurisdiction affected by the provisions of this division.

(Code 1979, [±] 12-56)

Sec. 94-265. Review of impact fee schedule.

The solid waste impact fee schedule provided for in section 94-259 shall be reviewed by the board of county commissioners at least once each fiscal biennium.

(Code 1979, [±] 12-57)

Secs. 94-266--94-275. Reserved.