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ORDINANCE NO. 2010-13

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, RELATING TO THE PROVISION OF SOLID WASTE MANAGEMENT FEE ASSESSMENTS IN THE VILLAGE OF BISCAYNE PARK, FLORIDA; APPROVING THE SCHEDULE FOR SOLID WASTE COLLECTION AGAINST ASSESSED PROPERTY LOCATED WITHIN THE VILLAGE OF BISCAYNE PARK FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2010; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE

17 WHEREAS, Section 17.4 of the Village's Land Development Code authorizes the
18
19 imposition of solid waste management fees; and

20 WHEREAS, the purpose of the solid waste management fee assessment is to fund the
21
22 cost of providing solid waste services; and

23 WHEREAS, the imposition of a solid waste management fee assessment is an equitable
24
25 and efficient method of allocating and apportioning solid waste collection assessed costs among
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27 residential units; and

28 WHEREAS, consistent with Section 17.4 of the Village's Land Development Code, the
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30 Village Commission desires to impose a solid waste management fee assessment within the
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32 Village for the fiscal year beginning on October 1, 2010, using the tax bill collection methods;
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34 and

35 WHEREAS, on May 25, 2010, the Village Commission approved the assessment fee of
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37 \$558.00 per residential unit; and

38 WHEREAS, the total assessment from the solid waste management fee assessment
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40 throughout the Village is estimated to be \$727,074.00; now, therefore

1 BE IT ORDAINED BY THE VILLAGE COMMISSION OF THE VILLAGE OF
2 BISCAYNE PARK, FLORIDA, AS FOLLOWS:

3 **Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as
4 being true and correct and are hereby made a specific part of this Ordinance upon adoption
5 hereof.

6 **Section 2.** Authority. This Ordinance is adopted pursuant to provisions of Section
7 17.4 of the Land Development Code and Sections 166.021 and 166.041, Florida Statutes, and
8 other applicable provisions of law.

9 **Section 3.** Imposition of Solid Waste Management Fee Assessment.

10 (A) Residential units include all residential properties within the Village except for
11 buildings containing four (4) or more contiguous dwelling units that have contracted with a
12 County approved contractor.

13 (B) The assessed properties are hereby found to be specially benefitted by the
14 provision of the solid waste collection services in the amount of the solid waste management fee
15 assessment of \$558.00 per residential unit and are determined to be fairly and reasonably
16 apportioned.

17 (C) For the fiscal year beginning October 1, 2010, the total solid waste management
18 fee assessment throughout the Village is estimated to be \$727,074.00.

19 (D) The solid waste management fee assessment for solid waste collection services is
20 hereby approved and shall continue to be the current schedule for solid waste collection,
21 transportation, separation and disposal service in subsequent years unless and until a new
22 management fee assessment is established by separate ordinance.

1 (E) The solid waste management fee assessment shall constitute a lien upon the real
2 property, so assessed equal in rank and dignity with the liens of all state, county, district and
3 municipal taxes and other non-ad valorem assessment.

4 **Section 4.** Effect and Adoption of Ordinance. The adoption of this Ordinance shall
5 be the final adjudication of the issues presented unless proper steps shall be initiated in a court of
6 competent jurisdiction to secure relief within twenty calendar days from the date of this
7 assessment.

8 **Section 5. Severability.** The provisions of this Ordinance are declared to be
9 severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be
10 held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining
11 sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it
12 being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any
13 part.

14 **Section 6. Repeal of Conflicting Provisions.** To the extent any provisions of the
15 Code conflict with this Chapter, those provisions are repealed in its entirety.

16 **Section 7. Effective Date.** This Ordinance shall be effective upon adoption at
17 second reading retroactive to October 1, 2010.

18 The foregoing Ordinance was offered by Commissioner Anderson, who moved its adoption. The
19 motion was seconded by Commissioner Childress and upon being put to a vote, the vote was as
20 follows:

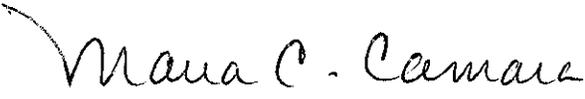
21 FIRST READING: October 5, 2010

22 SECOND READING: December 7, 2010

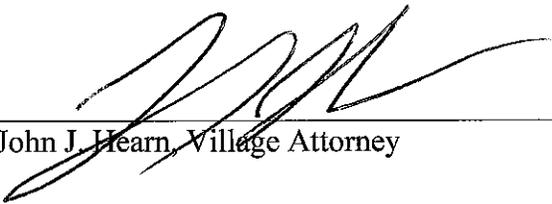
The foregoing ordinance upon being put to a vote, the vote was as follows:

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9 Roxanna Ross, Mayor

Mayor Ross : Yes
Vice Mayor Bernard: No
Commissioner Anderson: Yes
Commissioner Childress : Yes
Commission Cooper: No

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12 _____
13 Maria C. Camara, Village Clerk

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15 Approved as to form:

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19 _____
20 John J. Hearn, Village Attorney
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