

RESOLUTION NO. 11- 179

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, 2011

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, Brevard County Code of Ordinances, 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

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 effective October 1, 2011, until such time as it is changed by the Board of County Commissioners, pursuant to the provisions of Chapter 94, Article IV., Division 3., Brevard County Code of Ordinances, 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, 2011.

RESOLVED this 23rd day of August 2011.

ATTEST:

BY:


Mitch Needelman, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

BY:


Robin L. Fisher, Chairman
Brevard County Commission
(As approved by the Board on August 23, 2011)

SCHEDULE "A"

SOLID WASTE IMPACT FEES
OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2012

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

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, 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, Mobile Home (single, double, or triple), Condominium Manufactured Home Park, Cooperative Mobile Home – Improved Site, Cooperative – Vacant With Utilities, Townhouse Unit, Townhouse Apartments, Manufactured Housing Rental Lot Improvements (with manufactured home/mobile home), Residential Related Amenity on Manufactured Home Site, Manufactured Housing Rental Lot with improvements (may have manufactured home/mobile home), Manufactured Housing Rental Lot Without Improvements (may have manufactured home/mobile home), Condominium Unit – Single Family Residence and RV Cabin Homes, Condominium – Manufactured Housing Rental Lot With Improvements (with manufactured home), Condominium Unit – Vacant Land or Building Not Complete, Cooperative – Manufactured Home – Improved, Cooperative Manufactured Housing Rental Lot With Improvements (with manufactured home), Cooperative – Improved (without manufactured home), Modular Home, Cooperative With Site Improvements, Duplex (each unit), ½ Duplex Used as Single Family Residence, Residential Related Amenities, 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 – Two or More Units, Two Residential Units-Not Attached (SFR's), 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 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.

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 Washes, Children's Homes, Clubs, Lodges, Union Halls, Dead Storage Warehousing, Enclosed Theaters, Fraternity or Sorority Houses, Improved Gas Utility Companies, Leased County/City Property-Vacant (That does not Qualify in Another Code), Melbourne Airport Authority-Vacant, 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, 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, Distribution Terminals, Mini Warehousing, ~~Office Building – 1 Story – Single Tenant, Office Building – 1 Story – Multi Tenant,~~ Office Building – Multi Story – Single Tenant, Private Schools, Professional Building (Medical/Dental) – 1 Story – 1 Tenant, Professional Building (Medical/Dental) – Multi Story – Multi Tenant, Professional Building – Multi Story – Single Tenant, Professional Building – Multi Story – Multi Tenant, Professional/Office Complex, Trucking Terminals, Van and Storage Warehouse, Warehouse.

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 (Medical/Dental) – 1 Story – 1 Tenant, Professional Building (Medical/Dental) – 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 (Medical/Dental) – 1 Story – 1 Tenant, Professional Building (Medical/Dental) – 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, Arenas (Enclosed), Arenas (Open Air) with Supporting Facilities, Assisted Care Living Facilities, Auditoriums (enclosed), Auto and Aircraft Plants, Bed & Breakfast, Bee Farms (Honey), Bakeries, Bottlers and Brewers Distilleries, Bowling Alleys, Candy and Potato Chip Factories, 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, 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, Dairies with buildings other than residence, Dairies with residence, Dealership Sales/Service Center, Department Stores, Dog Kennel, Theater,- Drive In, Driving Ranges, Federal Owned Land-Improved, Feed Lots - Vacant, Fire Station-Non Governmental, Fitness Center, Flea Markets, Foundries, Garage/Auto Body/Auto Paint Shop, Golf Courses, Green Houses, Gymnasium, Home for the Aged, Horse Stable, Improvement-Not Suitable for Any Other Code may have Buildings, Improved Commercial Common Areas, Insurance Company Office, Heavy Equipment Manufacturing, Heavy Industrial, 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, Lumber Yards, Marinas, Mineral Processing, Mixed Use – Commercial Property, Municipal Owned Land Improved, Shopping Centers - Neighborhood, Office Building – Multi Story – Multi Tenant, Office – shell Building, Other Food Processing Plants, Permanent Exhibits, Phosphate Processing Refinery, Planing Mills, Pool Halls, Postal Facility, Poultry Farms, Airports - Private, 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, Retirement Home, Rock and Gravel Plants, Sawmills, Shopping Mall, Shopping Complex-Community/Neighborhood, Shopping Center-Neighborhood, Skating Rinks, Stadiums (Not Enclosed), State Owned Land Improved, Steel Fabricating Plants, Supermarkets, ~~Theater-Enclosed,~~ Tourist Attractions, ~~Tropical Fish Farms,~~ Used Automobile Sales, Utility Division Properties, Warehouse-Discount Store, Warehouse-Flex Space, Wineries.

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 - (Medical/Dental) – 1 Tenant, Professional Building - Multi Story - Multi Tenant (Medical/Dental), 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.