ORDINANCE NO. 25-___

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING CHAPTER 16, SOLID WASTE, ARTICLE II-MUNICIPAL SERVICE BENEFIT UNIT FOR SOLID WASTE SERVICES; AMENDING SECTION 16-51 (CODIFIED AS 16-73) IMPOSITION AND LEVY OF SOLID WASTE ASSESSMENT; PROVIDING FOR FINDINGS; PROVIDING FOR RESOLUTION OF CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to article VIII, section 1(f) of the Florida Constitution, and sections 125.01 and 125.66, Florida Statutes, the board has all powers of self-government to perform county functions and to render services in a manner not inconsistent with general law and such power may be exercised by the enactment of county ordinances and related resolutions; and

WHEREAS, pursuant to Section 403.706(1), Florida Statutes, the Board has the responsibility and authority to provide for the designation and operation of solid waste management facilities to meet the needs of all the incorporated and unincorporated areas within the county; and

WHEREAS, the Board previously adopted Marion County Ordinance 07-35, amending Chapter 16 of the County's Code of Ordinances which governs the Collection and disposal of Solid Waste in the County and established a Municipal Service Benefit Unit (MSBU) for Solid Waste Assessments; and

WHEREAS, the Board of County Commissioners now wishes to revise and update Chapter 16 of the Code; and

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Maron County, Florida as follows:

SECTION 1. RECITALS. The foregoing recitals are true and correct and are incorporated herein, but need not be set forth in the Marion County Code.

SECTION 2. AMENDMENTS. Per section 1-6.3 – Amendments to Code; effect of new ordinance; amendatory language, of the Marion County Code, **Chapter 16 of the Marion County Code, Solid Wastes, Article II, Municipal Service Benefit Unit for Solid Waste Services,** is hereby amended to read as follows (additions shown in <u>underline text</u> and deletions are shown in ~~strikeout~~ text):

Sec. 16-51 (Codified as 16-73). - Imposition and levy of solid waste assessment.

On each October 1 there is hereby imposed and levied a solid waste assessment against all assessable property within the MSBU.

(1) The amount of the solid waste assessment for all assessable property for each year shall be established by the board in accordance with the provisions of this article.

The amount of the solid waste assessment for all assessable property shall be two hundred fifteen dollars ($215.00) and may be adjusted annually by resolution ~~and, at a minimum, shall increase at a rate equal to 1.5 times the increase in the consumer price index during the prior year~~. The total amount of the solid waste assessment shall not exceed ~~one hundred forty~~ two hundred twenty-five dollars ($~~140.00~~225.00) per year for any assessable property. The county may implement a multi-tiered solid waste assessment, which sets different rates for different categories of residential property owners. However, the dollar amount of each annual solid waste assessment imposed and levied shall not exceed the value of the special and peculiar benefit provided to the residential property, based on a reasonable and fair apportionment of the special benefit.

(2) The solid waste assessment shall be imposed against all assessable property, whether actually occupied or not, existing on January 1 of the calendar year in which the solid waste assessment is made.

SECTION 3. CONFLICTS. In the event that the provisions of this ordinance are in conflict with any other ordinance, then the provisions of this Ordinance shall prevail.

SECTION 4. SEVERABILITY. It is hereby declared to be the intent of the Board of County Commissioners of Marion County that if any section, subsection, clause, phrase, or provision of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

SECTION 5. REPEAL OF ORDINANCES. All ordinances or parts of ordinances, in conflict with this ordinance are, to the extent of such conflict, hereby repealed.

SECTION 6. INCLUSION IN COUNTY CODE. It is the intent of the Board of County Commissioners of Marion County, Florida, and it is hereby provided that the provisions of this ordinance shall be incorporated into the Marion County Code of Ordinances and that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intent.

SECTION 7. EFFECTIVE DATE. A certified copy of this Ordinance shall be filed with the Secretary of State by the Clerk within ten (10) days after enactment by the Board of County Commissioners, and shall take effect upon such filing as provided in Section 125.66(2)(b), Florida Statutes.

DULY ADOPTED this ___ day of _____, 2025.

BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA

_____
KATHY BRYANT, CHAIRMAN

ATTEST:

_____
GREGORY C. HARRELL, CLERK