



Marion County

Board of County Commissioners

Public Hearing Meeting

Meeting Agenda

Wednesday, March 5, 2025

2:00 PM

McPherson Governmental
Campus Auditorium

**Public Hearing to Consider an Ordinance to Amend Chapter 16 of the Marion
County Code Related to the Solid Waste Residential Assessment**

INTRODUCTION OF PUBLIC HEARING BY CHAIRMAN KATHY BRYANT

PLEDGE OF ALLEGIANCE

ROLL CALL

PROOF OF PUBLICATION

STAFF PRESENTATION

1. [PUBLIC HEARING to Consider Adoption of an Ordinance Amending Chapter 16, Solid Waste, Article II-Municipal Service Benefit Unit for Solid Waste Services, Section 16-51 \(codified as 16-73\), Imposition and Levy of Solid Waste Assessment](#)

PUBLIC COMMENT

BOARD DISCUSSION AND CLOSING COMMENTS



Marion County
Board of County Commissioners Public
Hearing Meeting
Agenda Item

File No.: 2025-18332

Agenda Date: 3/5/2025

Agenda No.: 1.

SUBJECT:

PUBLIC HEARING to Consider Adoption of an Ordinance Amending Chapter 16, Solid Waste, Article II-Municipal Service Benefit Unit for Solid Waste Services, Section 16-51 (codified as 16-73), Imposition and Levy of Solid Waste Assessment

INITIATOR:

Matthew G. Minter, County Attorney

DEPARTMENT:

County Attorney

DESCRIPTION/BACKGROUND:

This draft ordinance modifies Marion County Ordinance 07-35 regarding the Municipal Service Benefit Unit for Solid Waste Services. Specifically, it revises Section 16-51 (codified as 16-73), Imposition and Levy of Solid Waste Assessment, following a revenue sufficiency study conducted by Stantec Consulting Services Inc. The proposed ordinance includes setting an initial Solid Waste Residential Assessment rate at \$215 with adjustment of the maximum cap of the assessment to \$225. It also eliminates the language requiring annual CPI increases and allows adjustments to be made annually by resolution as needed.

BUDGET/IMPACT:

None

RECOMMENDED ACTION:

Motion to approve ordinance.

LOCALIQ

The Gainesville Sun | The Ledger
Daily Commercial | Ocala StarBanner
News Chief | Herald-Tribune

PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Ashlyne Tuck
Marion County Attorneys' Office - 330
601 SE 25Th AVE # 108
Ocala FL 34471-2690

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of the Star Banner, published in Marion County, Florida; that the attached copy of advertisement, being a Govt Public Notices, was published on the publicly accessible website of Marion County, Florida, or in a newspaper by print in the issues of, on:

02/21/2025

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 02/21/2025

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost:	\$176.02	
Tax Amount:	\$0.00	
Payment Cost:	\$176.02	
Order No:	11044498	# of Copies:
Customer No:	533707	1
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THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KAITLYN FELTY
Notary Public
State of Wisconsin

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Marion County, Florida, will hold a public hearing for the purpose of considering the adoption of an Ordinance which is entitled as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING CHAPTER 16, SOLID WASTE, ARTICLE 11-MUNICIPAL SERVICE BENEFIT FOR SOLID WASTE SERVICES; 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.

THE MARION COUNTY BOARD OF COUNTY COMMISSIONERS proposes to consider the adoption of a modification to Marion County Code of Ordinances Chapter 16-73. The public hearing will be held by the Marion County Board of County Commissioners on Wednesday, March 5, 2025, at 2:00 p.m., or immediately following any previously scheduled hearing, at the McPherson Complex Commission Auditorium, 601 SE 25th Avenue, Ocala, Florida, 34471.

The proposed Ordinance may be inspected by the public at the Marion County Attorney Office, 601 SE 25th Avenue, Ocala, Florida, 34471, Telephone (352) 438-2330.

ALL PERSONS ARE ADVISED that, if a person decides to appeal any decision made by the Board of this public hearing, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For more information:

www.MarionFL.org/LocalAda

If reasonable accommodations of a disability are needed for you to participate in this meeting, please contact the ADA Coordinator/HR Director at (352) 438-2345 forty-eight (48) hours in advance of the hearing, so appropriate arrangements can be made.

PLEASE BE GOVERNED ACCORDINGLY.

Dated this 4th day of February, 2025
BOARD OF COUNTY COMMISSIONERS
MARION COUNTY FLORIDA
KATHY BRYANT, CHAIRMAN
PUBLISH DATE: February 21, 2025
11044498



Marion County Board of County Commissioners

Office of the County Attorney

601 SE 25th Ave.
Ocala, FL 34471
Phone: 352-438-2330
Fax: 352-438-2331

Business Impact Estimate

In accordance with Section 125.66(3)(a), F.S., a Business Impact Estimate (BIE) is required to be: 1) prepared before enacting certain ordinances and 2) posted on Marion County Board of County Commissioners' website no later than the date the notice proposed enactment/notice of intent to consider the proposed ordinance, is advertised in the newspaper (which, per Section 125.66(2)(a), F.S., is ten (10) days before the Public Hearing).

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING CHAPTER 16, SOLID WASTE, ARTICLE II-MUNICIPAL SERVICE BENEFIT FOR SOLID WASTE SERVICES; 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.

This Business Impact Estimate is provided in accordance with Section 125.66(3)(a), *Florida Statutes*. If one or more boxes are checked below, this means that the Marion County Board of County Commissioners is of the view that a business impact estimate is not required by state law for the proposed ordinance.

Notwithstanding, Marion County is preparing this BIE to prevent an inadvertent procedural issue from impacting the enactment of this proposed Ordinance. Marion County reserves the right to revise this BIE following its initial posting and to discontinue providing this information for proposed ordinances believed to be exempt under state law.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;

- c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
- d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

Consistent with the posting requirement set forth in Section 125.66(3)(a), F.S., the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this **21st day of February, 2025**.

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare): **The proposed ordinance establishes a revised cap for the solid waste assessment. This assessment provides funding for solid waste disposal services furnished to residents of unincorporated Marion County. The public purpose of this ordinance is to maintain the provision of these essential services, thereby promoting the public health, safety, and welfare of the aforementioned residents.**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in unincorporated Marion County, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur; **This ordinance imposes no direct costs on businesses as it applies to residential properties.**

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; **No new charges or fees are established under the ordinance for businesses.**

and

(c) An estimate of Marion County regulatory costs, including estimated revenues from any new charges or fees to cover such costs. **There are no regulatory costs and no revenues will be generated for Marion County by businesses.**

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **Indeterminate**

4. Additional information the governing body deems useful (if any): **None**

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 underline text 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