
CITY OF MARATHON, FLORIDA

**INITIAL ASSESSMENT RESOLUTION
SOLID WASTE**

ADOPTED JULY 30, 2002

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RESOLUTION NO. 02-07-89

A RESOLUTION OF THE CITY OF MARATHON, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE IN THE CITY OF MARATHON, FLORIDA; DESCRIBING THE METHOD OF ASSESSING SOLID WASTE COSTS AGAINST ASSESSABLE PROPERTY LOCATED WITHIN THE CITY OF MARATHON, FLORIDA; DETERMINING THE SOLID WASTE COST AND THE **INITIAL** SOLID WASTE SERVICE ASSESSMENTS; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Marathon, Florida ("the City"), has enacted Ordinance No. 02-07-13 (the "Ordinance"), which authorizes the imposition of annual Solid Waste Service Assessments for Solid Waste collection and disposal services, facilities or programs against certain Assessable Property within the City;

WHEREAS, a Solid Waste Service Assessment is being imposed upon all Residential Property within the City for Solid Waste management and disposal services and programs;

WHEREAS, the imposition of a Solid Waste Service Assessment for Solid Waste collection and disposal services, facilities and programs is an equitable and efficient method of allocating and apportioning Solid Waste Costs among parcels of Assessable Property located in the City; and

WHEREAS, the City Council desires to initiate an annual Solid Waste collection and disposal assessment program within the City, using the tax bill collection method for the Fiscal Year beginning on October 1, 2002.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. This resolution is adopted pursuant to the provisions of Ordinance No. 02-07-13, sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 2. PURPOSE AND DEFINITIONS. This resolution constitutes the Initial Assessment Resolution as defined in the Ordinance. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance. Unless the context indicates otherwise, words imparting the singular number include the plural number, and vice versa. As used in this Initial Assessment Resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires:

"Biohazardous Waste" means any Solid Waste which may present a threat of infection to humans. The term includes, but is not limited to, non-liquid human tissue and body parts, laboratory and veterinary waste which contains human disease-causing agents, used disposable sharps, human blood, and human blood products and body fluids, and other materials which represent a significant risk of infection to persons outside of the generating facility.

"Building" means any structure, whether temporary or permanent, built for support, shelter or enclosure of persons, chattel, or property of any kind. This terms shall include mobile homes or any vehicles serving in any way the function of a Building.

"Bulk Trash" means any non-vegetative large items of various types which cannot be cut for placement in a garbage container. Bulk Trash shall not include White Goods, automobiles and automotive components, internal combustion engines or Construction Debris. Bulk Trash shall include carpeting of any diameter if folded, tied and rolled or bundled and cut in lengths of six (6) feet or less.

"Condominium Property" shall mean Improved Property with an assigned DOR Code of 04.

"Construction Debris" means materials generally not water soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, or roofing material, pipe, gypsum wallboard, and lumber. Construction Debris shall include materials from the construction or destruction of a structure as part of a construction or demolition project, and including rocks, soils, stumps, and other vegetative matter which normally results from land clearing or land development operations for a construction or home improvement project.

"DOR Code" means a property use code established in Rule 12D-8.008, Florida Administrative Code, assigned by the Property Appraiser to Tax Parcels within the City.

"Dwelling Unit" means a Building, or a portion thereof, available to be used for residential purposes, consisting of one or more rooms arranged, designed, used, or intended to be used as living quarters for one family only.

"Estimated Solid Waste Service Assessment Rate Schedule" means that rate schedule attached hereto as Appendix C and hereby incorporated herein by reference, specifying the Solid Waste Costs determined in Section 5 of this Initial Assessment Resolution and the estimated Solid Waste Service Assessments established in Section 5 of this Initial Assessment Resolution.

"Garbage" means every refuse accumulation of animal, fruit, vegetable, or organic matter that attends the preparation, use, cooking and dealing in, or storage of, meats, fish, fowl, fruit or vegetables, and decay, putrefaction and the generation of noxious or offensive gases or odors, or which, during or after decay, may serve as breeding or feeding material for flies or other germ carrying insects.

"Hazardous Waste" means any materials defined as hazardous waste or hazardous materials under any applicable laws, rules or regulations.

"Improved Property" means all property within the incorporated area of the City on which a Building or other improvements have been placed or constructed, which improvement result in such property generating Solid Waste or being capable of generating Solid Waste.

"Multi-Family Residential Property" means Condominium Property and all other Improved Property which contains more than one Dwelling Unit.

"Prohibited Waste" means any Hazardous Waste, Biohazardous Waste, or Special Waste.

"Recyclable Materials" means those materials which are capable of being recycled and which would otherwise be processed or disposed of as Solid Waste such as:

- (a) newspapers, including the normal percentage of rotogravure and colored sections, but not including phone books, magazines, and any paper other than newspaper;
- (b) aluminum beverage cans, commingled with ferrous food containers;
- (c) high density polyethylene plastics ("HDPE") commingled with polyethylene terephthalate plastics ("PET");
- (d) clear glass;
- (e) brown glass; and
- (f) green glass.

Recovered Materials shall not include Prohibited Waste, white office paper, aerosol cans, pharmaceutical glass containers, medical waste containers, pesticide containers or containers originally containing Prohibited Waste.

"Residential Property" means all Improved Property used as Single-Family Residential and Multi-Family Residential Property except for Improved Property provided with commercial container service by an authorized commercial collection service provided at the time the Final Assessment Resolution is adopted.

"Single-Family Residential Property" means Improved Property which contains only one Dwelling Unit except for Condominium Property.

"Solid Waste" includes Garbage, Yard Trash, Bulk Trash, White Goods, or other discarded material resulting from normal housekeeping activities, and shall exclude Prohibited Waste.

"Solid Waste Cost" means the amount necessary to fund the City's collection and disposal of Solid Waste and the recycling activities of Recovered Materials that are allocable to Assessed Property during a Fiscal Year and shall include, but not be limited to: (A) the cost, whether direct or indirect, of all services, programs or facilities provided by the City, or through contractual arrangements with the City relating to Solid Waste management and disposal activities; (B) the cost of any indemnity or surety bonds and premiums for insurance; (C) the cost of salaries, volunteer pay, workers' compensation insurance, or other employment benefits; (D) the cost of computer services, data processing, and communications; (E) the cost of training, travel and per diem; (F) the recovery of unpaid or delinquent fees or charges advanced by the City and due for Solid Waste management and disposal services, programs or facilities allocable to specific parcels; (G) the cost of engineering, financial, legal or other professional services; (H) all costs associated with the structure, implementation, collection, and enforcement of the Solid Waste Service Assessments or a prior year's assessment for a comparable service, facility or program, including any service charges of the Tax Collector or Property Appraiser; (I) all other costs and expenses necessary or incidental to the acquisition, provision, or delivery of the services, programs or facilities funded by the Solid Waste Service Assessment, and such other expenses as may be necessary or incidental to any related financing authorized by the City Council; (J) a reasonable

amount for contingency and anticipated delinquencies and uncollectible Solid Waste Service Assessments; and (K) reimbursement to the City or any other Person for any monies advanced for any costs incurred by the City or such Person in connection with any of the foregoing items of Solid Waste Cost.

"Solid Waste Service Assessments" means a special assessment lawfully imposed by the City against Assessable Property to fund all or any portion of the Solid Waste Cost, providing a special benefit to property as a consequence of possessing a logical relationship to the value, use, or characteristics of the Assessable Property.

"Special Waste" means Solid Waste that requires special handling and management, including, but not limited to, asbestos, whole tires, used tires, used oil, lead-acid batteries, and Biohazardous Wastes and shall include items that exceed any size limitations for Yard Trash and Bulk Trash.

"Tax Parcel" means a parcel of property located within the City to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

"White Goods" means discarded refrigerators, washing machines, dryers, ranges, water heaters, freezers, air conditioning units, and other similar large appliances.

"Yard Trash" means vegetative matter resulting from normal yard and landscaping maintenance and shall include materials such as tree and shrub trimmings, grass clippings, palm fronds or small tree branches that shall not exceed four feet in length and four inches in diameter.

SECTION 3. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT AND FAIR APPORTIONMENT. It is hereby ascertained and declared that the Solid Waste Costs provide a special benefit to the Assessable Property based upon the following legislative determinations:

(A) The existence of any Building or other improvement on Improved Property results in such property generating Solid Waste or being capable of generating Solid Waste.

(B) It is fair and reasonable to use the DOR Codes to apportion the Solid Waste Cost among parcels of Residential Property located within the City because: (1) the Tax Roll database employing the use of such property use codes is the most comprehensive, accurate, and reliable information readily available to determine the property use and number of Dwelling Units for Improved Property within the City, and (2) the Tax Roll database is maintained by the Property Appraiser and is consistent with the coding of parcel designations on the Tax Roll which compatibility permits the development of an Assessment Roll in conformity with the requirements of the Uniform Assessment Collection Act.

(C) The size or value of Residential Property does not determine the scope and cost of Solid Waste collection and disposal services to be provided to such property. The use of Solid Waste collection and disposal services, facilities, and programs and the negotiated Franchisee agreements to provide solid waste collection and disposal services are driven by the existence of a Dwelling Unit and the average occupant population.

(D) Apportioning the Solid Waste Costs for Solid Waste collection and disposal services provided to Residential Property within the City on a per Dwelling Unit basis is compatible with the City's provision of those services and the use of the Tax Roll data base, is required to avoid cost inefficiency and unnecessary administration, and is a fair and reasonable method of apportioning Solid Waste Costs.

SECTION 4. SOLID WASTE COLLECTION AND DISPOSAL SERVICES.

(A) Upon the imposition of Solid Waste Service Assessments for Solid Waste collection and disposal against Assessable Property located within the City, the City shall cause Solid Waste collection and disposal services to be provided to such Assessable Property. Solid Waste Costs shall be paid from proceeds of the Solid Waste Service Assessments.

(B) It is hereby ascertained, determined, and declared that each parcel of Assessable Property will be benefited by the City's provision of Solid Waste collection and disposal services, facilities and programs in an amount not less than the Solid Waste Service Assessment upon such parcel computed in the manner set forth in this Initial Assessment Resolution.

SECTION 5. DETERMINATION OF SOLID WASTE COST; ESTABLISHMENT OF INITIAL SOLID WASTE SERVICE ASSESSMENTS.

(A) The Solid Waste Cost to be assessed and apportioned among benefited parcels for the Fiscal Year commencing October 1, 2002 is the amount determined in the Estimated Solid Waste Service Assessment Rate Schedule. The approval of the Estimated Solid Waste Service Assessment Rate Schedule by adoption of this Initial

Assessment Resolution determines the amount of the Solid Waste Cost. The remainder of such Fiscal Year budget for Solid Waste services and facilities shall be funded from available City revenue other than Solid Waste Service Assessments.

(B) For the Fiscal Year in which Solid Waste Service Assessments for Solid Waste collection and disposal services, facilities and programs are imposed, the Solid Waste Cost shall be allocated among all parcels of Assessed Property, based upon each parcels' classification as Residential Property and the number of Dwelling Units for such parcels. A rate of assessment equal to \$292.00 for each Dwelling Unit for Solid Waste collection and disposal services is hereby approved for Fiscal Year 2002-2003.

(C) The estimated Solid Waste Service Assessments specified in the Estimated Solid Waste Assessment Rate Schedule are hereby established to fund the specified Solid Waste Cost determined to be assessed in the Fiscal Year beginning October 1, 2002.

(D) The rate of the Solid Waste Service Assessments established in this Initial Assessment Resolution shall be the rates applied by the City Manager in the preparation of the initial Assessment Roll for the Fiscal Year commencing October 1, 2002, as provided in Section 6 of this Initial Assessment Resolution.

SECTION 6. ASSESSMENT ROLL.

(A) The City Manager is hereby directed to prepare, or cause to be prepared, an initial Assessment Roll for the Fiscal Year beginning October 1, 2002, in the manner provided in the Ordinance. Such initial Assessment Roll shall contain the following: (1) a summary description of all Assessable Property within the City conforming to the

description contained on the Tax Roll, (2) the name and address of the owner of record of each parcel as shown on the Tax Roll, and (3) the amount of the initial Solid Waste Service Assessment for Solid Waste collection and disposal services. The initial Assessment Roll shall be open to public inspection. The foregoing shall not be construed to require that the initial Assessment Roll be in printed form if the amount of the Solid Waste Service Assessment for each parcel of property can be determined by use of a computer terminal available to the public. Such Solid Waste Service Assessment for each parcel of Assessable Property shall be computed by multiplying the assessment rate by the number of Dwelling Units on such parcel.

(B) It is hereby ascertained, determined, and declared that the foregoing method of determining the Solid Waste Service Assessments for Solid Waste collection and disposal services (1) is a fair and reasonable method of apportioning the Solid Waste Cost among parcels of Assessable Property and (2) is an equitable and efficient mechanism to address payment delinquencies and recover funds advanced for Solid Waste collection and disposal services, facilities, and programs which are allocable to specific parcels of Assessable Property.

SECTION 7. AUTHORIZATION OF PUBLIC HEARING. There is hereby established a public hearing to be held at 6:30 p.m. on September 10, 2002, at the Marathon Government Center, 2798 Overseas Highway, Marathon, Florida, for the purpose of (A) receiving and considering any comments on the Solid Waste Service Assessments from affected property owners and (B) authorizing the imposition of such

Solid Waste Service Assessments for Solid Waste collection and disposal and collection on the same bill as ad valorem taxes.

SECTION 8. NOTICE BY PUBLICATION. The City Manager shall publish a notice, as required by Section 2.04 of the Ordinance, in substantially the form attached hereto as Appendix A. Such notice shall be published not later than August 20, 2002, in a newspaper generally circulated in Monroe County.

SECTION 9. NOTICE BY MAIL.

(A) The City Manager shall provide notice by first class mail to the Owner of each parcel of Assessable Property, as required by Section 2.05 of the Ordinance, in substantially the form attached hereto as Appendix B. Such notices shall be mailed not later than August 20, 2002.

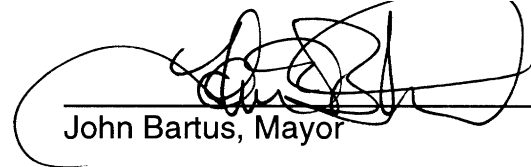
(B) If the City determines that the truth-in-millage ("TRIM") notice that is mailed by the Property Appraiser under section 200.069, Florida Statutes, also fulfills the requirements of paragraph (A) of this Section 9, then the separate mailing requirement described in paragraph (A) will be deemed fulfilled by the TRIM notice.

SECTION 10. EFFECTIVE DATE. This Initial Assessment Resolution shall take effect immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED THIS 30th day of July, 2002.

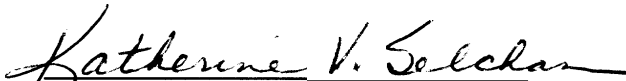
CITY OF MARATHON — DA

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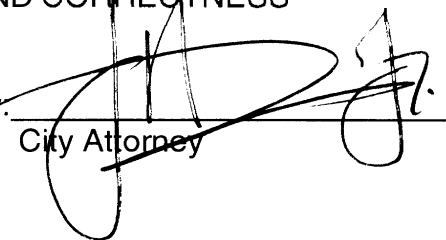
John Bartus, Mayor

ATTEST:



Katherine V. Solchan
City Clerk

APPROVED FOR FORM
AND CORRECTNESS

By: 

City Attorney

APPENDIX A

FORM OF NOTICE TO BE PUBLISHED

APPENDIX A

FORM OF NOTICE TO BE PUBLISHED

To Be Published by August 20,2002

NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF SOLID WASTE SERVICE SPECIAL ASSESSMENTS

Notice is hereby given that the City Council of the City of Marathon will conduct a public hearing to consider imposing solid waste special assessments against certain improved residential properties located within the incorporated area of the City to fund the cost of solid waste collection and disposal services, facilities and programs provided to such properties and to authorize collection of such assessments on the tax bill.

The hearing will be held at 6:30 p.m. on September 10, 2002, at the Marathon Government Center, 2798 Overseas Highway, Marathon, Florida, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the City Council within 20 days of this notice. If a person decides to appeal any decision made by the City Council with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the City at (305)743-0033, at least seven days prior to the date of the hearing.

The assessments will be computed by multiplying the number of dwelling units on each parcel by the rate of assessment. The rate of assessment for the upcoming fiscal year shall be \$292.00. Copies of the assessment roll, showing the amount of the assessment to be imposed against each parcel of property, and the legal documentation relating to the assessments are available for inspection at the City Offices, located at 10045-55 Overseas Highway, Marathon, Florida.

The assessments will be collected on the ad valorem tax bill to be mailed in November 2002, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If you have any questions, please contact the City Offices at (305) 743-0033, Monday through Friday between 9:00 a.m. and 5:00 p.m.

[INSERT MAP OF CITY]

**CITY CLERK
CITY OF MARATHON, FLORIDA**

APPENDIX B

FORM OF NOTICE TO BE MAILED

APPENDIX B

FORM OF NOTICE TO BE MAILED

*** * * * ***
NOTICE TO PROPERTY OWNER *** * * * ***

**City of Marathon
address
Marathon, Florida [zip code]**

MARATHON, FLORIDA NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF SOLID WASTE SERVICE NON-AD VALOREM ASSESSMENTS NOTICE DATE: AUGUST 20,2002
--

**Owner Name
Address
City, State Zip**

Tax Parcel # _____
Legal Description: _____

As required by Section 197.3632, Florida Statutes, notice is given by the City of Marathon (the "City"), that an annual assessment for solid waste services using the tax bill collection method, may be levied on your property for the fiscal year October 1, 2002 - September 30, 2003. The purpose of this assessment is to fund solid waste services benefiting residential property located within the City. The total annual solid waste assessment revenue to be collected within the City, is estimated to be \$1,527,364.00.

The total number of residential dwelling units on the above parcel is _____

The solid waste service assessment for the above parcel is \$_____

The maximum annual Solid Waste Service Assessment that can be imposed without further notice for the fiscal year 2002-03 and for future fiscal years for the above parcel is \$_____.

A public hearing will be held at 6:30 p.m. on September 10, 2002, at the Marathon Government Center, 2798 Overseas Highway, Marathon, Florida for the purpose of receiving public comment on the proposed assessments. You and all other affected property owners have a right to appear at the hearing and to file written objections with the City Council within 20 days of this notice. If you decide to appeal any decision made by the City Council with respect to any matter

considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the City at (305) 743-0033, at least seven days prior to the date of the hearing.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of City Council action at the above hearing (including the method of apportionment, the rate of assessment and the imposition of assessments), such action shall be the final adjudication of the issues presented.

Copies of the Solid Waste Service Assessment Ordinance, the Initial Assessment Resolution and the preliminary assessment roll are available for inspection at the City Offices located at 10045-55 Overseas Highway, Marathon, Florida.

Both the solid waste service non-ad valorem assessment amount shown on this notice and the ad valorem taxes for the above parcel will be collected on the ad valorem tax bill mailed in November 2002. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If there is a mistake on this notice, it will be corrected. If you have any questions regarding your solid waste service assessment, please contact the City Offices at (305) 743-0033, Monday through Friday between 9:00 a.m. and 5:00 p.m. If you have a correction, please fill out the enclosed correction request card and return it to the City immediately.

******* THIS IS NOT A BILL *******

APPENDIX C

**ESTIMATED SOLID WASTE SERVICE
ASSESSMENT RATE SCHEDULE**

APPENDIX C

**ESTIMATED SOLID WASTE SERVICE
ASSESSMENT RATE SCHEDULE**

SECTION C-1. DETERMINATION OF SOLID WASTE COSTS. The estimated Solid Waste Cost to be assessed for the Fiscal Year commencing October 1, 2002, is \$1,527,364.00.

SECTION C-2. ESTIMATED SOLID WASTE SERVICE ASSESSMENTS. The estimated Solid Waste Service Assessments to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Solid Waste Cost for the Fiscal Year commencing October 1, 2002, are hereby established as follows for the purpose of this Initial Assessment Resolution:

\$292.00	per Dwelling Unit
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