

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 151 SOLID WASTE; ARTICLE 1. GENERAL PROVISIONS; ARTICLE 3. ASSESSMENTS; ARTICLE 4. COLLECTION OF ASSESSMENTS; ARTICLE 5. COLLECTION AND DISPOSAL, GENERAL ORDINANCES, MARTIN COUNTY CODE; AND PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, APPLICABILITY, FILING WITH THE DEPARTMENT OF STATE, AN EFFECTIVE DATE, AND CODIFICATION.

WHEREAS, the Board of County Commissioners of Martin County, Florida, is authorized by provisions in Chapter 125, Florida Statutes, to provide for the health, safety, and general welfare of the residents of Martin County; and

WHEREAS, Chapter 151, Martin County Code of Ordinances codifies solid waste management, including its general provisions, impositions and collection of assessments, and collection and disposal of waste through franchisees.

WHEREAS, currently single-family dwelling units are afforded residential services, that includes curbside collections of solid waste, recyclables, and yard waste. These single-family units pay for these services upon being placed on the non-ad-valorem assessments roll.

WHEREAS, currently certain multifamily units are afforded residential services, that includes curbside collections of solid waste, recyclables, and yard waste. These multi-family units are included in the County's contract with its franchisee; however, these customers are billed individually by the contracted franchisee and are not subjected to the non-ad-valorem assessment roll.

WHEREAS, currently there exists multi-family units whose solid waste, recyclables, and yard waste is gathered under a commercial collection service due to their site plan and utilize containers/dumpsters for collection. These multi-family units are included in the County's contract with its franchisee; however, these customers are billed individually by the contracted franchisee and are not subjected to the non-ad-valorem assessment roll.

WHEREAS, this ordinance seeks to clearly define single dwelling units from multifamily units. The ordinance seeks to separately define those multifamily dwelling units who receive curbside residential services from those multifamily dwelling units who receive commercial services.

WHEREAS, this ordinance seeks to cause all multifamily dwelling units who receive curbside services to be placed on the non-ad-valorem assessment roll, instead of being billed directly from the County's contracted franchisee.

WHEREAS, by causing residents who receive curbside waste collection to be placed on the non-ad-valorem assessment roll, collection of such funds for such service will be streamlined and more efficiently handled.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, THAT:

PART ONE. AMENDMENT OF CHAPTER 151 SOLID WASTE; ARTICLE 1 GENERAL PROVISIONS, GENERAL ORDINANCES, MARTIN COUNTY CODE.

Chapter 151, Article 1, General Provisions is hereby amended as follows:

ARTICLE 1. GENERAL PROVISIONS

Sec. 151.1. Definitions.

When used in this chapter, the following terms shall have the following meanings, unless the context clearly indicates otherwise:

Assessment means a non-ad-valorem special assessment imposed by the County pursuant to this chapter to fund the residential services.

Assessment roll means the non-ad-valorem special assessment roll relating to the residential service(s), approved by a final assessment resolution pursuant to section 151.56 hereof.

Board means the Board of County Commissioners of Martin County, Florida.

Bulky waste means a large, discarded item that (a) is discarded by a customer as a result of the customer's normal housekeeping activities on their own premises and (b) cannot be placed in a garbage can because of its size, shape or weight. Bulky waste includes furniture, fixtures, ladders, bicycles, white goods, mattresses, and large pieces of carpet. Bulky waste does not include land clearing debris or exempt waste.

Certificate of occupancy means the written certification issued by the County in compliance with the Martin County Code of Ordinances, or by any municipality within Martin County in accordance with its applicable laws, that a single-family dwelling unit is ready for human occupancy and its intended use.

Clean debris means any solid waste which is virtually inert and which is not a pollution threat to groundwater or surface waters, and is not a fire hazard, and which is likely to retain its physical and chemical structure under expected conditions of disposal or use.

Clerk means the Clerk of the Circuit Court for the County, ex officio clerk of the board, or any other individual as may be duly authorized to act on the Clerk's behalf.

Closure means the cessation of operation of a solid waste management facility and the act of securing such a facility so that it will pose no significant threat to human health or the environment.

Commercial collection service means the collection of commercial solid waste.

Commercial container means: (i) a garbage receptacle or (ii) any container which: (a) consists of four permanently attached sides and a bottom; (b) is made of metal, durable plastic or other nonabsorbent material; (c) is designed to be freestanding; (d) is to be emptied and transported by mechanical means; and (e) is used to collect or store commercial solid waste or construction and demolition debris. Commercial containers include, but are not limited to, dumpsters, compactor units, and roll-on/roll-off containers.

Commercial property means all of the improved property located in the unincorporated areas of the County that is used for: (a) multifamily non-curbside dwelling units; or (b) commercial, nonresidential, governmental or industrial purposes.

Commercial solid waste means all types of solid waste generated on commercial property, including, but not limited to, solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, but excluding special wastes, industrial solid waste and hazardous waste.

Commercial trailer park means any improved real property divided into spaces for the erection and maintenance of mobile or modular homes or trailers in which the individual spaces are not individually owned.

Construction and demolition debris shall have the meaning provided in F.S. § 403.703(6). In general, construction and demolition debris means: (a) discarded materials generally considered to be not water-soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt material, pipe, gypsum wallboard, and lumber from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure, and including rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing or land development operations for

a construction project, including such debris from construction of structures at a site remote from the construction or demolition project site; (b) clean cardboard, paper, plastic, wood, and metal scraps from a construction project; (c) non-construction and demolition debris wood scraps; and (d) de minimis amounts of other nonhazardous wastes that are generated at construction or demolition projects, provided such amounts are consistent with best management practices of the industry. Mixing of construction and demolition debris with other types of solid waste will cause it to be classified as other than construction and demolition debris.

County means Martin County, Florida.

County Administrator means the chief executive officer of the County, or that individual's designee.

Curbside collection point means the location where the franchisee shall pick up the solid waste, yard waste and recyclable materials discarded by a customer at a single-family dwelling unit or multifamily-curbside dwelling unit. For a single-family dwelling unit, the curbside collection point is a place within six feet of the curb, the paved surface of a public roadway, or the closest accessible public right-of-way, or other location agreed to by the franchisee which will provide safe and efficient access for the collection crew and vehicle. If the resident of a single-family dwelling unit is physically unable to deliver the solid waste, yard waste or recyclable materials to the curbside collection point, or the residential structure is not readily accessible to the collection crew or vehicle, an alternative location may be designated by the customer and franchisee, at no extra cost to the customer. For multifamily-curbside dwelling units, the curbside collection point is the location or locations designated by the franchisee, in consultation with the customer, which will maximize the franchisee's economy when collecting solid waste, yard waste and recyclable materials, while also considering public health and the customer's convenience.

Customer means any person owning a ~~single-family~~ dwelling unit located within the MSBU or commercial property that is within a franchisee's service area, and all other persons subscribing to the solid waste and recyclable materials collection service provided by a franchisee under the terms of a franchise agreement and this chapter.

De minimis amount shall mean that: (a) with regard to a container of recovered materials, no more than three percent of the material in the container consists of solid waste; and (b) with regard to a container of construction and demolition debris, no more than three percent of the material in the container consists of solid wastes other than construction and demolition debris. The three percent limitation applies to both the volume and weight of the solid waste, as determined by visual inspections or actual measurements. If the contents of a

container exceed the three percent limitation, all of the contents of the container shall be handled and regulated as solid waste.

Department means the State of Florida Department of Environmental Protection.

Disposal means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or upon any land or water so that such solid waste or hazardous waste or any constituent thereof may enter other lands or be emitted into the air or discharged into any waters, including groundwaters, or otherwise enter the environment.

Exempt waste means materials that are not subject to and thus exempt from a franchisee's exclusive franchise to provide residential collection service or commercial collection service.

Final assessment resolution means the resolution described in section 151.56 hereof, which shall confirm, modify or repeal the initial assessment resolution and which shall be the final proceeding for the imposition of an assessment.

Fiscal year means the period commencing on October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the fiscal year for the County.

Franchise means the exclusive and/or nonexclusive contractual rights granted under this chapter by the board to collect, transport, process, and dispose of solid waste and/or recyclable materials generated or accumulated in the unincorporated areas of the County.

Franchise agreement means the written agreement between the franchisee and the board establishing the terms and conditions under which the County grants a franchise.

Franchisee means any person granted a franchise by the board for the right to collect, transport, process, and dispose of solid waste and/or recyclable materials generated or accumulated in unincorporated areas of the County.

Garbage means all kitchen and table food waste, and animal or vegetative waste that is attendant with or results from the storage, preparation, cooking, or handling of food materials.

Garbage receptacle means any commonly available light-gauge steel, galvanized metal, or plastic receptacle of a nonabsorbent material, not to exceed 32 gallons in capacity, which is closed at one end, open at the other end, and furnished with a tightly fitting lid and handles by which it may be lifted.

Generation means the act or process of producing solid waste or recyclable material.

Government property means real estate and other real property owned by the United States of America, the State of Florida, a county, a special district, a municipal corporation, or any of their respective agencies or political subdivisions.

Hazardous waste means solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or otherwise managed. The term does not include human remains that are disposed of by persons licensed under F.S. ch. 497.

Household waste means any solid waste, including garbage, trash, and rubbish, derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas.

Industrial solid waste means solid waste generated by manufacturing or industrial processes that is not a hazardous waste. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products or byproducts; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing or foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

Initial assessment resolution means the resolution described in section 151.52 of this chapter, which shall be the initial proceeding for the imposition of an assessment.

Interim residential services charge means the charge imposed by the County pursuant to section 151.62 of this chapter.

Land clearing debris means trees, tree trunks, limbs, stumps, bushes, root balls, vegetation, rocks, soil, and other materials resulting from a land clearing or lot clearing operation.

Lot means a parcel of land, distinguished from surrounding parcels by ownership boundaries and excluding public rights-of-way.

Materials recovery facility means a solid waste management facility that provides for the extraction from solid waste of recyclable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

Multifamily-non-curbside dwelling unit means (a) two or more dwelling units that are located within one building, are under one roof, or are located on one lot of land, a unit in a building with more than three and less than ten dwelling units located under one roof that is not a hotel or motel and (b) does not receive curbside services but instead receives commercial collection services. This also includes mobile or modular homes located in a commercial trailer park or a combination of single-family and multifamily dwelling units when such combination is governed by covenants that bind the units to certain mutual obligations which are typically enforced through a homeowners' or property owners' association.

Multifamily-curbside dwelling unit means (a) two or more dwelling units that are located within one building and/or are under one roof, (b) are located on one lot of land that is not a hotel or motel, and (c) the related parcel control number of such property receives curbside residential services. This also included mobile or modular homes or trailers that have residential permanent license tags and are erected on a separate parcel of property and are not included within the definition of a commercial trailer park.

Municipal service benefit unit or *MSBU* means any of the municipal service benefit units created by resolution of the board pursuant to section 151.31 hereof, that specially benefit from the residential services.

Non-construction and demolition debris wood scraps means unpainted, nontreated wood scraps from facilities manufacturing materials used for construction of structures or their components and unpainted, nontreated wood pallets provided the wood scraps and pallets are separated from other solid waste where generated and the generator of such wood scraps or pallets implements reasonable practices of the generating industry to minimize the commingling of wood scraps or pallets with other solid waste.

Operation, with respect to any solid waste management facility, means the disposal, storage, or processing of solid waste at and by the facility.

Ordinance means this Solid Waste Ordinance [Chapter 151].

Parcel (See: Lot)

Person means any and all persons, natural or artificial, including any individual, firm, partnership, or association; any social club, fraternal organization, estate, trust, receiver or syndicate; any municipal or private corporation, however organized, existing under the laws of Florida or any other state; any municipality,

district or county of this State or any other state; any governmental agency or political subdivision of any state or the federal government; and any group or combination of the above acting as a unit.

Processing means any technique designed to change the physical, chemical, or biological character or composition of any solid waste so as to render it safe for transport, amenable to recovery, storage or recycling, or safe for disposal, or reduced in volume or concentration.

Property Appraiser means the Martin County Property Appraiser.

Recovered material means metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. Recovered materials as described above are not solid waste. Recovered material does not include any material or substance that does not fit within one of the six categories described in this definition (metal, paper, glass, plastic, textile, or rubber).

Recovered materials processing facility means a facility engaged solely in the storage, processing, resale, or reuse of recovered materials. A recovered materials processing facility is not a solid waste management facility if it meets the conditions of F.S. § 403.7045(1)(e).

Recyclable materials means those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.

Recycling means any process by which solid waste, or materials which would otherwise become solid waste, are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

Recycling container means a receptacle for the collection and temporary storage of recyclable materials.

Residential collection service means the service of collection, transportation, and disposal of residential solid waste from all single-family dwelling units that are located within a respective MSBU that is funded by the assessment. Residential collection service does not include service to mobile or modular homes located in commercial trailer parks, nor multifamily dwelling units receiving commercial collection service.

Residential curbside recyclable material collection service means the service of collection, transportation, and delivery of recyclable materials to the

designated materials recovery facility from single-family dwelling units that are located within a respective MSBU area that is funded by the assessment.

Residential services means the residential collection service, residential curbside recyclable material collection service, and residential yard waste collection service provided by the County year round at the curbside collection point for the special benefit of the single-family dwelling units and multifamily-curbside dwelling units in the respective MSBUs in the unincorporated area of the County and funded by the assessment.

Residential yard waste collection service means the service of collection, transportation, and disposal of residential yard waste from single-family dwelling units located within a respective MSBU area that is funded by the assessment. This term does not include service to mobile homes located in commercial trailer parks, nor multifamily dwelling units receiving commercial collection service.

Resolution of intent means the resolution expressing the board's intent to collect assessments on the ad valorem tax bill required by the Uniform Assessment Collection Act.

Resource recovery means the process of recovering materials or energy from solid waste, excluding those materials or solid waste under control of the Nuclear Regulatory Commission.

Service cost means all of the costs associated with providing the residential services, including the costs associated with collecting the assessment pursuant to the Uniform Assessment Collection Act, and any other costs or expenses related thereto.

Single-family dwelling unit means: (a) any single-family that is not physically attached to any other dwelling by any means, which is surrounded by open space on all sides and which is the only dwelling unit on a lot, ~~duplex, or triplex dwelling unit with kitchen facilities for each unit~~ located within a respective MSBU, including mobile or modular homes or trailers that have residential permanent license tags and are erected on a separate parcel of property, and are not included within the definition of a commercial trailer park; and (b) the related single-family parcel control numbers of such properties that receives curbside residential services collection service, ~~residential curbside recyclable material collection service, and residential yard waste collection service.~~

Sludge includes the accumulated solids, residues, and precipitates generated as a result of waste treatment or processing, including wastewater treatment, water supply treatment, or operation of an air pollution control facility, and mixed liquids and solids pumped from septic tanks, grease traps, privies, or similar waste disposal appurtenances.

Solid waste means: sludge unregulated under the federal Clean Water Act or Clean Air Act; sludge from a waste treatment works, water supply treatment plant, or air pollution control facility; or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

Solid waste collection business means any person engaged in the collection, removal, transportation, or disposal of solid waste for profit. This definition shall not include any person engaged in the activities set forth in section 151.113 of this chapter.

Solid waste disposal facility means any solid waste management facility which is the final resting place for solid waste, including landfills and incineration facilities that produce ash from the process of incinerating municipal solid waste.

Solid waste disposal fee means the fee that may be imposed by the County pursuant to section 151.172 of this chapter.

Solid waste management means the process by which solid waste is collected, transported, stored, separated, processed, or disposed of in any other way, according to an orderly, purposeful, and planned program, which includes closure and long-term maintenance.

Solid waste management facility means any solid waste disposal area, volume reduction plant, transfer station, materials recovery facility, or other facility, the purpose of which is resource recovery or the disposal, recycling, processing, or storage of solid waste. The term does not include recovered materials processing facilities which meet the requirements of F.S. § 403.7046, except the portion of such facilities, if any, that is used for the management of solid waste.

Source separated means the recovered materials are separated from solid waste at the location where the recovered materials and solid waste are generated. The term does not require that various types of recovered materials be separated from each other and recognizes de minimis amounts of solid waste, in accordance with industry standards and practices, may be included in the recovered materials. Materials are not considered source separated when two or more types of recovered materials are deposited in combination with each other in a commercial collection container located where the materials are generated and when such materials contain more than ten-percent solid waste by volume or weight. For purposes of this subsection, the term "various types of recovered materials" means metals, paper, glass, plastic, textiles, and rubber.

Special wastes means solid wastes that can require special handling and management, including, but not limited to, white goods, waste tires, used oil, lead-

acid batteries, construction and demolition debris, ash residue, yard waste, non-construction and demolition debris wood scraps, and biological wastes.

Tax Collector means the Martin County Tax Collector.

Tax roll means the real property ad valorem tax assessment roll maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

Transfer station means a site or solid waste management facility that is used primarily or exclusively to process, store or hold solid waste for transport to another site or facility for processing or disposal.

Uniform Assessment Collection Act means F.S. §§ 197.3632 and 197.3635, or any successor statutes authorizing the collection of non-ad-valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

Unsanitary nuisance means the commission of any act or the giving of permission for the commission of any act of keeping, maintaining, propagating or permitting the existence of any solid waste or hazardous waste on any property by any person in a manner by which human health, safety or welfare may be threatened or impaired. The creation, maintenance or causing of any conditions capable of harboring, attracting or breeding flies, mosquitoes, other arthropods, rodents or vectors capable of physical harm or transmitting diseases to humans shall be considered an unsanitary nuisance.

Waste tire means a tire that has been removed from a motor vehicle and has not been retreaded or regrooved. "Waste tire" includes used tires and processed tires.

White goods means inoperative and discarded refrigerators, ranges, washers, water heaters, freezers, and other similar domestic and commercial large appliances.

Yard waste means vegetative matter resulting from yard and landscaping maintenance, including, but not limited to, shrub and tree trimmings, grass clippings, palm fronds, and branches. However, yard waste does not include land clearing debris.

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Sec. 151.3. General findings.

It is hereby ascertained, determined and declared that:

- 151.3.A. Article VIII, section 1 of the Florida Constitution and F.S. §§ 125.01 and 125.66 grant to the board all powers of local self-government to perform County functions and to render services for County purposes in a manner not inconsistent with general or special law, and such power may be exercised by the enactment of County ordinances.
- 151.3.B. In addition to its powers of self-government, the board is authorized by F.S. § 125.01(1)(q) and (r) to establish municipal service benefit units for all or any part of the unincorporated area within the County, or within the municipal boundaries of an incorporated area upon consent of the governing body of the affected municipality, to provide "garbage and trash collection and disposal" services, including recycling, from funds derived from special assessments levied with such municipal service benefit units.
- 151.3.C. Pursuant to F.S. § 403.706(1), the County has the primary responsibility and authority to provide for the operation of solid waste disposal facilities to meet the needs of all incorporated and unincorporated areas within the County.
- 151.3.D. All single-family dwelling units and multifamily-curb-side dwelling units within the unincorporated areas of the County generate or are capable of generating solid waste.
- 151.3.E. The imposition of an assessment upon single-family dwelling units and multifamily-curb-side dwelling units is a fair, equitable and reasonable method of allocating and apportioning the service costs among parcels of improved residential property within the unincorporated areas of the County.
- 151.3.F. The assessments imposed pursuant to this chapter will be imposed by the board, not the Property Appraiser or Tax Collector. Any activity of the Property Appraiser or Tax Collector under the provisions of this chapter shall be construed solely as ministerial.
- 151.3.G. The franchise requirements and other standards created by this chapter are necessary and appropriate to protect the public health, safety and welfare, and to ensure that the solid waste generated by Martin County is processed in a safe and responsible manner.

PART TWO. AMENDMENT OF CHAPTER 151 SOLID WASTE; ARTICLE 3. ASSESSMENTS; GENERAL ORDINANCES, MARTIN COUNTY CODE.

Chapter 151, Article 3, Assessments is hereby amended as follows:

ARTICLE 3 ASSESSMENTS

Sec. 151.51. Authority

The board is hereby authorized to impose assessments against property located within an MSBU to fund the service cost of the residential services. The assessment shall be computed in a manner that fairly and reasonably apportions the service cost among the parcels of property within the MSBU, based upon single-family dwelling units and the number of multifamily-curbside dwelling units on each parcel.

Sec. 151.52. Initial assessment resolution.

The initial proceeding for creation of an MSBU, where applicable, and imposition of an assessment shall be the board's adoption of an initial assessment resolution. The initial assessment resolution shall: (A) describe the property located within the proposed MSBU; (B) describe the residential services to be funded from proceeds of the assessments; (C) estimate the service cost; (D) describe with particularity the proposed method of apportioning the service cost among the single-family dwelling units and multifamily-curbside dwelling units located within the proposed MSBU, such that the owner of any single-family dwelling unit and multifamily-curbside dwelling units can objectively determine the amount of the assessment; (E) describe the provisions, if any, for reallocating the assessment upon future subdivision; and (F) include specific legislative findings that recognize the fairness provided by the apportionment methodology. Regardless of the number of dwelling units located on the parcel, each dwelling unit on a lot that receives curbside pick-up may constitute a separate non-ad-valorem assessment.

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Sec. 151.56. Adoption of final assessment resolution.

At the time named in such notice, or such time to which an adjournment or continuance may be taken, the board shall receive written objections and hear testimony of interested persons and may then, or at any subsequent meeting of the board, adopt the final assessment resolution which shall: (A) create the MSBU, where applicable; (B) confirm, modify or repeal the initial assessment resolution with such amendments, if any, as may be deemed appropriate by the board; (C) establish the maximum amount of the assessment for each single-family dwelling unit and each multifamily-curbside dwelling unit; (D) approve the assessment roll, with such amendments as it deems just and right; and (E) determine the method of collection.

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Sec. 151.61. Correction of errors and omissions.

151.61.A. No act of error or omission on the part of the board, County Administrator, Property Appraiser, Tax Collector, Clerk, or their respective

deputies or employees, shall operate to release or discharge any obligation for payment of any assessment imposed by the board under the provisions of this chapter.

151.61.B. The number of single-family dwelling units and multifamily-curbside dwelling units attributed to a parcel of property may be corrected at any time by the County Administrator. Any such correction which reduces an assessment shall be considered valid from the date on which the assessment was imposed and shall in no way affect the enforcement of the assessment imposed under the provisions of this chapter. Any such correction which increases an assessment or imposes an assessment on omitted property shall first require notice to the affected owner in the manner described in section 151.55 hereof, providing the date, time and place that the board will consider confirming the correction and offering the owner an opportunity to be heard.

151.61.C. After the assessment roll has been delivered to the Tax Collector in accordance with the Uniform Assessment Collection Act, any changes, modifications or corrections thereto shall be made in accordance with the procedures applicable to errors and insolvencies for ad valorem taxes.

Sec. 151.62. Interim residential services charge.

151.62.A. An interim residential services charge shall be imposed against the owners of all single-family dwelling units and multifamily-curbside dwelling units for which certificates of occupancy are issued by the County after the date of adoption of the final assessment resolution in any fiscal year. Until an assessment is levied against such single-family dwelling unit and multifamily-curbside dwelling unit in accordance with the procedures set forth in sections 151.51 through 151.61 of this chapter, the amount of the interim residential services charge shall be a pro rata portion of the assessment set forth in the final assessment resolution for the MSBU in which the single-family dwelling unit and multifamily-curbside dwelling unit is located.

151.62.B. The interim residential services charge shall be due and payable in full to the County at the time when the single-family dwelling unit and multifamily-curbside dwelling unit receives a certificate of occupancy. The interim residential services charge collected by the County shall be paid to the respective franchisee in accordance with the respective franchise agreement.

PART THREE. AMENDMENT OF CHAPTER 151 SOLID WASTE; ARTICLE 4. COLLECTION OF ASSESSMENTS, GENERAL ORDINANCES, MARTIN COUNTY CODE.

Chapter 151, Article 4, Collection of Assessments is hereby amended as follows:

ARTICLE 4. COLLECTION OF ASSESSMENTS

Sec. 151.82. Alternative method of collection.

In lieu of using the Uniform Assessment Collection Act, the County may elect to collect the assessment by any other method which is authorized by law or provided by this section 151.82 as follows:

151.82.A. The County shall provide assessment bills by first class mail to the owner of each affected parcel of property, other than government property. The bill or accompanying explanatory material shall include:

1. A brief explanation of the assessment;
2. A description of the calculation of the amount of the assessment as applied to each single-family dwelling unit and multifamily-curbside dwelling units;
3. The number of single-family dwelling units and multifamily-curbside dwelling units attributable to the parcel;
4. The total amount of the parcel's assessment for the appropriate period;
5. The location at which payment will be accepted;
6. The date on which the assessment is due; and
7. A statement that the assessment constitutes a lien against assessed property equal in rank and dignity with the liens of all State, County, district or municipal taxes and other non-ad-valorem assessments.

151.82.B. A general notice of the lien resulting from imposition of the assessments shall be recorded in the official records of Martin County, Florida. Nothing herein shall be construed to require that individual liens or releases be filed in the official records.

151.82.C. The County shall have the right to appoint or retain an agent to foreclose and collect all delinquent assessments in the manner provided by law. An assessment shall become delinquent if it is not paid within 30 days from the due date. The County or its agent shall notify any property owner who is delinquent in payment of an assessment within 60 days from the date such assessment was due. Such notice shall state in effect that the County or its agent will initiate a foreclosure action and cause the foreclosure of such property subject to a delinquent assessment in a method now or hereafter provided by law for foreclosure of mortgages on real estate, or otherwise as provided by law.

151.82.D. All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any foreclosure action as described herein shall be included in any judgment or decree rendered therein. At the sale pursuant to decree in any such action, the County may be the purchaser to the same extent as an individual person or corporation. The County may join in one foreclosure action the collection of assessments against any or all property assessed in accordance with the provisions hereof. All delinquent property owners whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the County and its agents, including reasonable attorney fees, in collection of such delinquent assessments and any other costs incurred by the County as a result of such delinquent assessments including, but not limited to, costs paid for draws on a credit facility and the same shall be collectible as a part of or in addition to, the costs of the action.

151.82.E. In lieu of foreclosure, any delinquent assessment, and the costs, fees and expenses attributable thereto, may be collected pursuant to the Uniform Assessment Collection Act; provided, however, that (1) notice is provided to the owner in the manner required by law and this chapter, and (2) any existing lien of record on the affected parcel for the delinquent assessment is supplanted by the lien resulting from certification of the assessment roll to the Tax Collector.

PART FOUR. AMENDMENT OF CHAPTER 151 SOLID WASTE; ARTICLE 5. COLLECTION AND DISPOSAL, GENERAL ORDINANCES, MARTIN COUNTY CODE.

Chapter 151, Article 5, Collection and Disposal is hereby amended as follows:

ARTICLE 5. COLLECTION AND DISPOSAL

Sec. 151.111. Residential services.

151.111.A. *Generally.* All residential services in the unincorporated areas of the County shall be provided by one or more franchisees selected by the board in accordance with this chapter or pursuant to the terms of the ordinance in effect at the time such franchise was granted.

151.111.B. *Responsibilities of customers receiving residential services.* Except as provided in subsection 151.111.C of this chapter, all owners and/or occupants of single-family dwelling units and multifamily-curbside dwelling units shall:

1. Obtain and use garbage receptacle(s) that are adequate to contain all of the solid waste that they generate or accumulate in, at, or on their ~~single-family~~ dwelling unit, and promptly place all of the solid waste they generate or accumulate in, at, or on their ~~single-family~~ dwelling unit into appropriate

garbage receptacle(s). This requirement does not apply to special waste. Plastic bags of heavy mil construction which can be safely and securely sealed may be used in lieu of a garbage receptacle by the owners and/or occupants of single-family dwelling units.

2. Place the garbage receptacle(s) at the curbside collection point no earlier than 4:00 p.m. on the day preceding the designated collection day and remove the garbage receptacle(s) from the curbside collection point within 36 hours after the customer's solid waste has been removed by the franchisee.
 3. Ensure that no garbage receptacle and its contents exceed 50 pounds in weight.
 4. Place all recyclable materials in recycling container(s) provided by the County or franchisee for collection by the franchisee.
 5. Place the recycling container(s) at the curbside collection point no earlier than 4:00 p.m. on the day preceding the designated collection day and remove the recycling container(s) from the curbside collection point within 36 hours after the customer's recyclable materials have been removed by the franchisee. Recycling carts should be placed at curbside for pickup, with the lid opening facing the street.
 6. Not place garbage, rubbish and other materials that are not recyclable in a recycling container.
 7. Maintain their recycling containers in a good and sanitary condition.
 8. Take all appropriate steps to ensure the safe, prompt, and lawful disposal of any solid waste that is generated, accumulated or placed in, at, or on their ~~single-family~~ dwelling unit.
- 151.111.C. *Self-hauling.* The owner or occupant of a ~~single-family~~ dwelling unit may transport the solid waste that he or she generates in, at, or on his or her own ~~single-family~~ dwelling unit, to a solid waste management facility for processing or disposal.
- 151.111.D. *Yard waste.* Yard waste must be set out at curbside in front of the dwelling unit where the yard waste was generated. A residential customer shall not place yard waste at curbside if the yard waste was generated at a location other than the customer's residence.
- 151.111.E. *Exempt wastes.* Exempt wastes are not subject to the County's exclusive franchise for residential collection service and commercial collection service. Exempt wastes may be collected by the owner or occupant of the improved property where the exempt wastes are generated, or by their agent, and taken to any facility that is licensed to receive such materials.

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Sec. 151.114. Commercial containers required at construction sites.

151.114.A. *Commercial containers required.* Construction and demolition debris generated or accumulated at the site of a construction, demolition or renovation project shall be stored in a commercial container or truck until removed from the site. All other solid waste generated or accumulated at the site of a construction, demolition or renovation project shall be stored in a commercial container.

151.114.B. *Nonconforming containers prohibited.* The use of any container or receptacle other than a commercial container to store construction and demolition debris at a construction, demolition or renovation site is prohibited. The County may prohibit the use of any commercial container or other container that is found to be unsuitable or undersized.

151.114.C. *Home improvement projects.* For the purposes of this section 151.114, an individual who personally undertakes construction, demolition or renovation activities at their own existing single-family dwelling unit or multifamily-curbside dwelling unit shall not be required to utilize commercial containers, other than a garbage receptacle, provided the individual otherwise complies with this chapter and does not create or allow an unsanitary nuisance to occur at, in, or on the single-family dwelling unit or the multifamily- curbside dwelling unit as a result of such activities. The individual shall be responsible for the safe storage of any solid waste generated or accumulated on such property and shall be responsible for the prompt removal and disposal of such solid waste after the construction, demolition or renovation activities are completed in accordance with the provision of this chapter. Notwithstanding anything else contained in this subsection, if a residential customer places excessive amounts of construction and demolition debris at curbside, the customer will be required to use a commercial container for the collection of such waste, and the customer will be required to pay all applicable costs for the collection and disposal of such waste. For the purposes of this subsection only, an excessive amount of construction and demolition debris means the customer set out two or more cubic yards of construction and demolition debris on two or more occasions.

151.114.D. *Adjacent areas.* Construction and demolition debris or other solid waste which is cast, blown, or scattered upon any adjacent public or private property as a result of construction, demolition or renovation activities shall be removed by the person responsible for the construction, demolition or renovation activities no later than the end of the day on which the activities occur or earlier if the waste material causes an unsanitary nuisance.

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PART FIVE. CONFLICTING PROVISIONS.

Special acts of the Florida Legislature applicable only to unincorporated areas of Martin County, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict except for ordinances concerning the adoption or amendment of the Martin County Comprehensive Growth Management Plan.

PART SIX. SEVERABILITY.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, by a court of competent jurisdiction, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property or circumstances.

PART SEVEN. APPLICABILITY OF ORDINANCE.

This ordinance shall be applicable throughout the unincorporated area of Martin County and to the incorporated areas of Martin County to the extent permitted by Article VIII, Section 1(f) of the Constitution of the State of Florida.

PART EIGHT. FILING WITH DEPARTMENT OF STATE.

The Clerk be and hereby is directed forthwith to scan this ordinance in accordance with Rule 1B-26.003, Florida Administrative Code, and file same with the Florida Department of State via electronic transmission.

PART NINE. EFFECTIVE DATE.

This ordinance shall take effect immediately upon filing with the Department of State.

PART TEN. CODIFICATION.

Provisions of this ordinance shall be incorporated in the County Code, except parts Five through Ten shall not be codified. The word "ordinance" may be changed to "section," "article" or other word, and the sections of this ordinance may be renumbered or re-lettered.

DULY PASSED AND ADOPTED this _____ day of June 2026

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

CAROLYN TIMMANN, CLERK OF THE
CIRCUIT COURT AND COMPTROLLER

SARAH HEARD, CHAIR

APPROVED AS TO FORM & LEGAL
SUFFICIENCY:

ELYSSE A. ELDER, COUNTY ATTORNEY