



BOARD OF COUNTY COMMISSIONERS

Solid Waste Management Department

2725 Judge Fran Jameson Way
Building A, Room 118
Viera, Florida 32940

September 21, 2021

Valentino Perez, Building Official
City of Palm Bay
120 Malabar Road
Palm Bay FL 32907

RE: Notice of Brevard County Solid Waste Impact Fees
For Fiscal Year October 1, 2021, through September 30, 2022

Dear Mr. Perez;

In accordance with Section 94-264, Brevard County Code, I am enclosing the Brevard County's Solid Waste Impact Fee Notice along with its related Solid Waste Impact Fee Rate Schedule so that you may provide the notice to each building permit applicant with your jurisdiction that is affected by the provisions of the code.

I am also enclosing for your use a reference copy of Section 94-256., Division 3. Impact Fees, Article IV., Chapter 94, Brevard County Code, as amended. Please provide access to this copy of any building permit applicant should they request to review the complete Ordinance.

If you, your staff or the public have any questions concerning these fees or services provided by the County's Solid Waste Management Department, please call my office.

Sincerely yours,

WE Mack

Walter E. Mack
Finance Officer

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CC: Suzanne Sherman, City Manager

NOTICE

Brevard County Board of County Commissioners Solid Waste Management Department

SOLID WASTE IMPACT FEE

To assure that new development bears a proportionate share of the cost of the capital expenditures necessary to provide solid waste disposal facilities for all inhabitants of Brevard County, the Board of County Commissioners established a solid waste impact fee on any real property which, after the first day of October, 1988, commences to initially use the solid waste facilities, or who seeks to develop land within the incorporated and unincorporated area of the county.

The impact fee applies to each parcel of newly improved real property within Brevard County, Florida, that has had a certificate of occupancy issued, regardless of the occupancy or previous ownership of the property on said date, and shall also apply to any real property which commences to initially use the Brevard County solid waste disposal facilities.

Additional information may be requested through the Brevard County Solid Waste Management Department at (321) 633-2042 or Fax (321) 633-2038.

Brevard County Board of County Commissioners

Solid Waste Management Department

SOLID WASTE IMPACT FEE RATE SCHEDULE

EFFECTIVE OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2022

Residential Property – Incorporated & Unincorporated areas of the County

Single Family Residence/Mobile Home/Condominium or

Cooperative Mobile Home/Condominium Park Home/Townhouse \$160.00 per unit

Residential Condominium Unit/Cooperative Unit/

Multiple Family Residence/Courts/Trailer Park \$120.00 per unit

Condominium Recreational Vehicle \$62.40 per unit

Commercial Property – Incorporated & Unincorporated areas of the County

Campgrounds/Camps \$65.41 per unit

Hotel/Motel \$84.10 per unit

Labor Camps/Migrant Camps/Boarding Homes \$126.14 per unit

Commercial Individual Category \$467.20 per unit (*)

Commercial Square Footage Category \$467.20 per unit (*)

(*) Commercial properties in these categories require a case by case evaluation based on service. The Brevard County Solid Waste Management Department will, upon request, provide the correct amount of impact fee that will be due. Please call (321) 633-2042 or fax (321) 633-2038 if there are any questions.

DIVISION 3. IMPACT FEES

Sec. 94-256. Solid waste impact fee district established; boundaries.

There is hereby established by the board of county commissioners a solid waste impact fee district, and the boundaries of such district shall be the official boundaries of the county, which includes all of the incorporated and unincorporated areas of the county.

(Code 1979, § 12-48)

Sec. 94-257. Trust fund established.

(a) There is hereby established a separate solid waste impact fee trust fund for the solid waste impact fee district established by [section 94-256](#).

(b) Funds withdrawn from this account must be used in accordance with the provisions of [section 94-261](#).

(Code 1979, § 12-49)

Cross reference(s) Finance, [§ 2-131](#) et seq.

Sec. 94-258. Imposition of solid waste impact fee.

(a) A solid waste impact fee, incorporated in the rate resolution adopted under [section 94-259](#), shall be imposed against each parcel of improved real property regardless of occupancy or previous ownership at one of the following times:

- 1) When an application for a building permit is made for an improvement on the property.
- 2) During construction of an improvement on the property.
- 3) Prior to issuance of a certificate of occupancy on the property.
- 4) Once a certificate of occupancy has been issued.

(b) A solid waste impact fee shall be imposed against improved real property which commences to use the county's solid waste management facilities for the first time after October 1, 1988.

(c) The applicable solid waste impact fee for such parcel shall be paid by the owner of the improved real property, or the owner of the applicable real property which commences to initially use or increase use of the county's solid waste management facilities.

(Code 1979, § 12-50; Ord. No. 14-03, § 34, 1-28-14)

Sec. 94-259. Public hearing; notice.

(a) The board of county commissioners shall hold a public hearing and adopt a rate resolution establishing a schedule of impact fees to be imposed pursuant to this division.

(b) Notice of the public hearing shall be published in a newspaper of general circulation in the county, at least twice, with the first publication being at least 20 days prior to the public hearing.

(Code 1979, § 12-51)

Sec. 94-260. Payment of impact fee.

(a) The solid waste impact fee shall be billed by the board of county commissioners or its authorized representative.

(b) Impact fees shall be due and payable when the building permit is issued, and payment thereof shall be the obligation of the owner of record of the property for payment of said bill.

- (c) All impact fees collected shall be properly identified as solid waste impact fees, and promptly transferred for deposit in the solid waste impact fee trust fund, to be held in an account as determined in [section 94-257](#) and used solely for the purposes specified in this division.
- (d) Impact fees shall become delinquent if not paid in full within 30 days of the billing date. Failure of the owner to receive any such bill shall not relieve the obligation for payment of the bill. The obligation to pay the impact fee shall run with the property regardless of ownership.
- (e) All impact fees which become delinquent shall constitute and are hereby imposed as liens against the real property against which the impact fees have been imposed. Until fully paid and discharged, or waived by law, such impacts shall remain a lien equal in rank and dignity with the lien of county ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in, to, or against the real property involved.
- (f) The solid waste impact fee liens may be recorded in the public records of the county, by the board of county commissioners or its authorized representative, at any time after the lien is created, and may be enforced by the board before or subsequent to such recording, in any manner provided by law.
- (g) Unpaid liens shall remain and constitute liens against the real property involved until fully paid and discharged or waived by law.
- (h) All outstanding impact fee liens may be discharged and satisfied by payment to the board or its authorized representative the aggregate amount due for such outstanding impact fees, together with accrued collection fees, applicable interest or other additional amount specified by law for penalties and recording costs. When any such lien or liens have been fully paid or discharged, the director shall properly cause evidence of the satisfaction and discharge in public records of the county. Such lien or liens shall not be assigned by the county to any person.
- (i) Additionally, the solid waste impact fee may, where interlocal agreements between the county and the local government entity exist, be collected by designated local government entities at the time, place and from the person who seeks to develop land by applying for a building permit or is issued a certificate of occupancy.

(Code 1979, § 12-52; Ord. No. 2002-57, § 7, 11-12-02; Ord. No. 14-03, § 35, 1-28-14)

Sec. 94-261. Use of funds.

- (a) The board of county commissioners shall be entitled to up to, but no more than, two percent of the funds collected pursuant to this division, to compensate for the administrative expense of collecting and administering this solid waste impact fee program. All remaining funds collected from solid waste impact fees shall be used for the purpose of capital improvements to, and expansion of, the county's solid waste disposal system. Such improvement shall be of the type made necessary by new development and new users.
- (b) Funds shall be used exclusively for capital improvements or expansion within the solid waste impact fee district defined in [section 94-256](#). Funds shall be expended in the order in which they are collected.
- (c) Each fiscal year the county manager may present to the board of county commissioners a proposed capital improvement program for solid waste, assigning funds, including accrued interest, if any, from the above-described solid waste impact fee trust fund, to specific solid waste improvement projects and related expenses. Monies, including accrued interest, if any, not assigned in any fiscal period shall be retained in the same solid waste impact fee trust fund until the next fiscal period, except as provided by the refund provisions of this division.

(Code 1979, § 12-53; Ord. No. 97-25, § 1, 7-22-97)

Sec. 94-262. Refund of fees paid.

Any funds not expended or incumbered by the end of the calendar quarter immediately following six years from the date the solid waste impact fee payment was received by the board shall, upon application of the then current owner, be returned to the then current owner, within 180 days after the expiration of the six-year period.

(Code 1979, § 12-54; Ord. No. 97-25, § 1, 7-22-97)

Sec. 94-263. Exemptions.

(a) The following shall be exempted from payment of the solid waste impact fee:

- 1) Alterations or expansion of an existing building or structure where no additional units are created, and the use of the building is not changed, and where the resulting solid waste generated will not exceed the amount of solid waste generated from the building prior to its expansion.
- 2) The construction of accessory buildings or structures which will not produce or generate solid waste over and above that produced by the principal building or use of the subject real property.
- 3) The replacement of a residential land use with a new unit of residential land use of the same type, provided that no additional solid waste will be produced or generated over and above that produced or generated by the original residential land use.
- 4) The replacement of a nonresidential land use, building or structure with a new nonresidential land use, building or structure of the same size and use, provided that no additional solid waste will be produced or generated over and above that produced by the original use of the land.

(b) Any exemption must be claimed by the fee payer within 30 days after the issuance of the building permit and issuance of the solid waste impact fee bill. Any exemption not so claimed shall be deemed waived by the fee payer.

(Code 1979, § 12-55; Ord. No. 97-25, § 1, 7-22-97; Ord. No. 2002-57, § 8, 11-12-02; Ord. No. 14-03, § 36, 1-28-14)

Sec. 94-264. Notice of impact fees.

- (a) The board of county commissioners shall provide a notice of solid waste impact fees, on such form as deemed appropriate by the board, to each applicant for a building permit in the unincorporated areas of the county.
- (b) The board shall provide a solid waste impact fee notice to the building departments of each of the municipalities within the county. The municipalities shall provide the solid waste impact fee notices to each applicant for building permit within their jurisdiction affected by the provisions of this division.

(Code 1979, § 12-56; Ord. No. 97-25, § 1, 7-22-97)

Sec. 94-265. Review of impact fee schedule.

The solid waste impact fee schedule provided for in [section 94-259](#) shall be reviewed by the board of county commissioners at least once each fiscal biennium.

(Code 1979, § 12-57)

Secs. 94-266—94-275. Reserved.