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**CITY OF NEW PORT RICHEY, FLORIDA**

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**INITIAL ASSESSMENT RESOLUTION  
FOR  
SOLID WASTE COLLECTION SERVICES**

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**ADOPTED SEPTEMBER 5, 2023**

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**RESOLUTION NO. 2023-22**

**A RESOLUTION OF THE CITY COUNCIL OF NEW PORT RICHEY, FLORIDA, RELATING TO THE ANNUAL FUNDING OF SOLID WASTE COLLECTION SERVICES IN THE CITY THROUGH THE IMPOSITION OF SPECIAL ASSESSMENTS; ADOPTING THE METHODOLOGY FOR APPORTIONING SOLID WASTE COLLECTION ASSESSMENTS SET FORTH THEREIN; PROVIDING FOR THE IMPOSITION OF SOLID WASTE COLLECTION ASSESSMENTS WITHIN THE ENTIRE AREA OF THE CITY; ESTIMATING THE ANNUAL COST TO PROVIDE SOLID WASTE COLLECTION SERVICES; DIRECTING THE CITY MANAGER AS ASSESSMENT COORDINATOR TO PREPARE A PRELIMINARY ASSESSMENT ROLL FOR THE CALENDAR YEAR COMMENCING JANUARY 1, 2024; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE SOLID WASTE COLLECTION ASSESSMENTS; DIRECTING THE PROVISION OF NOTICE IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA, AS FOLLOWS:**

**ARTICLE I  
INTRODUCTION**

**SECTION 1.01. AUTHORITY.** This Resolution of the City of New Port Richey, Florida is adopted pursuant to City Ordinance No. 2012-1985 (the "Ordinance"), Sections 166.021, 166.041 and 197.3632, Florida Statutes, and other applicable provisions of law.

**SECTION 1.02. DEFINITIONS.** All capitalized words and terms not otherwise defined herein shall have the meaning set forth in the Ordinance. As used in this

Resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires.

**"Assessed Property"** means Tax Parcels included in the Assessment Roll and subject to the Solid Waste Collection Services Assessments contemplated hereunder.

**"Assessment"** or **"Solid Waste Collection Services Assessment"** means an annual special assessment, sometimes referred to as a non-ad valorem assessment, imposed against Tax Parcels included on the Assessment Roll to fund the costs incurred by the City in administering the Solid Waste Collection Services.

**"Assessment Coordinator"** means the person designated by the City Manager to administer and coordinate Assessments, or such person's designee.

**"Ordinance"** means City Ordinance No. 2012-1985.

**"Assessment Roll"** means the non-ad valorem assessment roll relating to the Solid Waste Collection Services Assessments.

**"Building"** means any structure, whether temporary or permanent, built for support, shelter or enclosure of persons, chattel, or property of any kind, including mobile homes.

**"Council"** means the City Council of the City of New Port Richey, Florida.

**"City"** means the City of New Port Richey, Florida.

**"City Manager"** means the chief executive officer of the City or such person's designee.

**"Collection Cost"** means the estimated cost to be incurred by the City during any Fiscal Year in connection with the collection of Assessments which may include but are not limited to fees imposed by the Tax Collector and Property Appraiser, expenses associated with public notice and such amounts as may be necessary to account for any early payment discounts associated with collection of the Assessments pursuant to the Uniform Assessment Collection Act.

**"Dwelling Unit"** means (1) a Building, or portion thereof, which is lawfully 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, or (2) the use of land in which lots or spaces are offered for rent or lease for the placement of mobile homes for residential purposes. Dwelling Units comprise the Assessment Unit for Residential Parcels.

**"Calendar Year"** means the period commencing on January 1 of each year and continuing through the next succeeding December 31.

**"Government Property"** means Tax Parcels owned by the United States of America, the State of Florida, a sovereign state or nation, a county, a special district, a municipal corporation, or any of their respective agencies or political subdivisions.

**"Non-Residential Parcels"** means Tax Parcels other than Residential Parcels.

**"Solid Waste Collection Assessed Cost"** means the costs associated with administering the Solid Waste Collection Services to be funded through imposition of the Solid Waste Collection Services Assessments contemplated hereunder.

**"Solid Waste Collection Services"** means the collection of solid waste provided by the City.

**"Property Appraiser"** means the Pasco County Property Appraiser.

**"Residential Parcels"** means Tax Parcels which are assigned a Florida Department of Revenue usage code by the Property Appraiser indicative of residential use.

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

**"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.

**"Uniform Assessment Collection Act"** means Sections 197.3632 and 197.3635, Florida Statutes, 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.

**SECTION 1.03. INTERPRETATION.** Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this Resolution; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this Resolution. Words of any gender include the correlative words of the other gender, unless the sense indicates otherwise.

**SECTION 1.04. FINDINGS.** It is hereby ascertained, determined and declared that:

(A) The City is authorized by Article VIII, Section 2 of the State Constitution, Section 166.021, Florida Statutes, the Ordinance, the Uniform Assessment Collection Act, and other applicable provisions of law, to provide for the imposition and collection of charges in the form of Assessments.

(B) The Solid Waste Collection Services contemplated herein are Essential Services which possess a logical relationship to the use and enjoyment of Assessed Property.

(C) Assessed Property is specially benefitted by the provision of Solid Waste Collection Services. The benefits conveyed thereby include, but are not limited to, enhanced development/re-development potential, enhanced overall aesthetics of Tax Parcels, and enhanced value, use, enjoyment attractiveness, viability and marketability of Assessed Property.

(D) Such benefits are reasonably anticipated to exceed the amount of the Assessments contemplated herein.

(E) It is in the best interests of the City and the real property specially benefitted by the Solid Waste Collection Services to fund the costs associated with implementing the Solid Waste Collection System through the levy of Assessments.

(F) The Council hereby finds and determines that the Assessments to be imposed in accordance with this Resolution provide an equitable method of funding the provision of Solid Waste Collection Services by fairly and reasonably allocating the costs associated therewith to specially benefitted property based upon the relative degree of benefit attributable to each parcel.

(G) The apportionment method adopted in Section 3.03 hereof bears a reasonable relationship to the cost of providing Solid Waste Collection Services.

(H) It is fair and reasonable to impose Solid Waste Collection Assessments upon Assessed Property, apportioned in the manner set forth in Section 3.03 hereof, to fund the Solid Waste Collection Assessed Cost.

## **ARTICLE II NOTICE AND PUBLIC HEARING**

### **SECTION 2.01. ESTIMATED SOLID WASTE COLLECTION ASSESSED COST.**

(A) The estimated Solid Waste Collection Assessed Cost to be recovered through Solid Waste Collection Assessments for Calendar Year 2024 is \$2,291,411.70. The Solid Waste Collection Assessed Cost will be funded through the imposition of Solid Waste Collection Assessments, as provided herein.

(B) The estimated Solid Waste Collection Assessments established in this Initial Assessment Resolution shall be the estimated assessment rates applied by the Assessment

Coordinator in the preparation of the preliminary Assessment Roll as provided in Section 2.02 of this Initial Assessment Resolution.

**SECTION 2.02. ASSESSMENT ROLL.** The Assessment Coordinator is hereby directed to prepare, or cause to be prepared, a preliminary Assessment Roll for Calendar Year 2024, in the manner provided in Section 2.04 of the Ordinance. The Assessment Roll shall include all Tax Parcels within the City which are not otherwise exempted from payment of the Solid Waste Collection Assessments hereunder. The Assessment Coordinator shall apportion the estimated Solid Waste Collection Assessed Cost to be recovered through Solid Waste Collection Assessments in the manner set forth in this Initial Assessment Resolution. A copy of this Initial Assessment Resolution and the preliminary Assessment Roll shall be maintained on file in the office of the City Clerk and open to public inspection. The foregoing shall not be construed to require that the preliminary Assessment Roll be in printed form if the amount of the Solid Waste Collection Assessment for each parcel of property can be determined by the use of a computer terminal or internet access available to the public.

**SECTION 2.03. PUBLIC HEARING.** There is hereby established a public hearing to be held at 6:00 p.m. on September 14, 2023, in City Council Chambers of City Hall, 5919 Main Street, New Port Richey, Florida, at which the Council will receive and consider any comments on the Solid Waste Collection Assessments from the public and affected property owners and consider adoption of a Final Assessment Resolution

imposing the Solid Waste Collection Assessments and directing collection thereof pursuant to the Uniform Assessment Collection Act.

**SECTION 2.04. NOTICE BY PUBLICATION.** The Assessment Coordinator shall direct the publication of a notice of the public hearing authorized by Section 2.03 hereof in the manner and time provided in Section 2.05 of the Ordinance. The notice shall be published at least twenty (20) days prior to the public hearing, in substantially the form attached hereto as Appendix A.

**SECTION 2.05. NOTICE BY MAIL.** The Assessment Coordinator shall direct the mailing of notice of the public hearing authorized by Section 2.03 hereof in the manner and time provided in Section 2.06 of the Ordinance. The notice shall be mailed at least twenty (20) days prior to the public hearing, in substantially the form attached hereto as Appendix B.

### **ARTICLE III ASSESSMENTS**

**SECTION 3.01. SOLID WASTE COLLECTION ASSESSMENTS TO BE IMPOSED THROUGHOUT CITY.** Pursuant to Section 2.02 of the Ordinance, Paving Assessments are to be imposed throughout the entire area within the boundaries of the City.

**SECTION 3.02. IMPOSITION OF ASSESSMENTS.** Solid Waste Collection Services Assessments shall be imposed against property located within the City, the annual

amount of which shall be computed for each Tax Parcel in accordance with this Article III. When imposed, the Assessment for each Fiscal Year shall constitute a lien upon the Tax Parcels located within the City pursuant to the Ordinance.

**SECTION 3.03. APPORTIONMENT APPROACH.**

(A) The Solid Waste Collection Services Assessed Cost shall be apportioned among Assessed Property (1) on a per Dwelling Unit basis for Residential Parcels, and (2) on the basis of the size, number and frequency of collection for receptacles for Non-Residential Parcels, according to the following rates:

Residential Property:	\$237.09 per Dwelling Unit
Non-Residential Property:	Appendix C
Undeveloped Property:	Appendix C

(B) The Solid Waste Collection Services Assessment imposed against each Tax Parcel shall include Collection Costs.

(C) The determination of whether a Tax Parcel is a Residential Parcel or Non-Residential Parcel shall be made using best available data prior to adoption of the Final Assessment Resolution or Annual Assessment Resolution (e.g. Property Appraiser information, aerial images or data deemed reliable by the City or its consultants.)

(D) It is hereby ascertained, determined, and declared that the method of determining the Solid Waste Collection Services Assessments as set forth in this Initial Assessment Resolution is a fair and reasonable method of apportioning the Solid Waste Collection Services Assessed Cost among Assessed Property.

**SECTION 3.04. APPLICATION OF ASSESSMENT PROCEEDS.** Proceeds derived by the City from the Solid Waste Collection Services Assessments shall be utilized for the provision of Solid Waste Collection Services.

**SECTION 3.05. COLLECTION OF ASSESSMENTS.** Solid Waste Collection Services Assessments shall be collected pursuant to the Uniform Assessment Collection Act unless otherwise determined by the Council.

#### **ARTICLE IV**

##### **GENERAL PROVISIONS**

**SECTION 4.01. CONFLICTS.** All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 4.02. SEVERABILITY.** If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are declared to be severable.

**SECTION 4.03. EFFECTIVE DATE.** This Initial Assessment Resolution shall take effect immediately upon its passage and adoption.

**PASSED, ADOPTED AND APPROVED** this 5<sup>th</sup> day of September, 2023.

**CITY COUNCIL OF  
NEW PORT RICHEY, FLORIDA**

(SEAL)

By: \_\_\_\_\_  
Alfred C. Davis, Mayor

Attest:

By: \_\_\_\_\_  
Judy Meyers, CMC, City Clerk

Approved as to Form:

\_\_\_\_\_  
Timothy P. Driscoll, City Attorney

## APPENDIX A


### FORM OF NOTICE TO BE PUBLISHED

To be published at least twenty (20) days prior to the public hearing

LEGAL NOTICE

**NOTICE BY CITY OF  
NEW PORT RICHEY, FLORIDA  
OF ADOPTION OF A NON-AD VALOREM  
ASSESSMENT ROLL  
FOR SOLID WASTE COLLECTION  
SERVICES**

*City of New Port Richey City Limits*



Notice is hereby given to all owners of lands located within the boundaries of the City of New Port Richey, Florida that the City Council of the City of New Port Richey, Florida intends to adopt a non-ad valorem assessment roll for assessments levied by the City of New Port Richey, Florida as set forth in Section 197.3632, F.S., and that the City Council will hold a public hearing on September 14, 2023, at 6:00 p.m. at City Hall located at 5919 Main Street, New Port Richey, Florida. The purpose of the public hearing is to consider the adoption of a Final Assessment Resolution for solid waste collection services within the City of New Port Richey, Florida as provided in Section 197.3632, F.S. A geographic depiction of the property subject to the assessment, which includes the entire geographic area of the City of New Port Richey, Florida is set forth below. The proposed schedule of the assessment is as follows: The assessment for properties having residential dwellings of five (5) or fewer units, including single family dwellings, shall be a uniform fee for each residential unit in an amount to be determined by City Council. The assessment for commercial, industrial, government, institutional, and multi-family properties with greater than five (5) dwelling units shall be based upon the number, size and frequency of collection of the receptacles used on each such property. This non-ad valorem assessment is being levied for the first time and will be collected by the tax collector in 2024 and all subsequent years. All affected property owners have the right to appear at the public hearing and the right to file written objections with the City Council within 20 days of the publication of this notice. At the public hearing, the City Council may increase or decrease the amount of the assessment or the application of the assessment to any affected property based on the benefit which the City will provide, or has provided, to the property with the revenue generated by the assessment. If any person decides to appeal any decision made with respect to any matter considered at this public hearing such person will need a record of proceedings and for such purpose such person may need to ensure that a verbatim record of the proceedings is made at their own expense and which record includes the testimony and evidence on which the appeal is based.

Dated this 23rd day of August, 2023.  
City of New Port Richey, Florida  
by: Judy Meyers, CMC, City Clerk

8/23/2023 8888888888-01

## APPENDIX B

### FORM OF NOTICE TO BE MAILED

[to be mailed twenty days before public hearing]

**NOTICE BY CITY OF NEW PORT RICHEY, FLORIDA  
OF ADOPTION OF A NON-AD  
VALOREM ASSESSMENT ROLL FOR SOLID WASTE COLLECTION SERVICES  
AUGUST 24, 2023**

Notice is hereby given to all owners of lands located within the boundaries of the City of New Port Richey, Florida that the City Council of the City of New Port Richey, Florida intends to adopt a non-ad valorem assessment roll for assessments levied by the City of New Port Richey, Florida as set forth in Section 197.3632, F.S., and that the City Council will hold a public hearing on September 14, 2023, at 6:00 p.m. at City Hall located at 5919 Main Street, New Port Richey, Florida.

The purpose of the public hearing is to consider the adoption of a Final Assessment Resolution for solid waste collection services within the City of New Port Richey, Florida as provided in Section 197.3632, F.S.

The total amount to be levied against each parcel is as follows:

Residential: \$237.09 per unit

Commerical: as provided in the attached chart

The unit of measurement to be applied against each parcel to determine the assessment is as follows:

Residential: number of dwelling units

Commerical: numbers, size, and frequency of collection of receptacles

The number of such units contained within each parcel is as follows:

Residential: one unit per dwelling unit

Commerical: as provided in the attached chart

The total revenue the City of New Port Richey, Florida will collect by the assessment is \$2,291,412.

The failure to pay the assessment will cause a tax certificate to be issued against your property which may result in a loss of title.

This non-ad valorem assessment is being levied for the first time and will be collected by the tax collector in 2024 and all subsequent years.

All affected property owners have the right to appear at the public hearing and the right to file written objections with the City Council within 20 days of the publication of this notice.

At the public hearing, the City Council may increase or decrease the amount of the assessment or the application of the assessment to any affected property based on the benefit which the City will provide, or has provided, to the property with the revenue generated by the assessment.

If any person decides to appeal any decision made with respect to any matter considered at this public hearing such person will need a record of proceedings and for such purpose such person may need to ensure that a verbatim record of the proceedings is made at their own expense and which record includes the testimony and evidence on which the appeal is based.

City of New Port Richey, Florida  
by: Crystal Dunn, Finance Director

SERVICE TYPE							
RESIDENTIAL	\$	237.09					
VACANT LOT	\$	40.14					
NON RESIDENTIAL CURBSIDE							
Frequency							
1/wk	\$	316.30					
2/wk	\$	517.00					
3/wk	\$	788.35					
4/wk	\$	1,069.06					
COMMERCIAL							
		Collection frequency per container					
Dumpster Size		1/wk	2/wk	3/wk	4/wk	5/wk	6/wk
2 yards	\$	521.42	\$1,042.84	\$1,537.50	\$1,818.07	\$2,081.53	\$2,622.75
3 yards	\$	747.41	\$1,494.68	\$2,242.09	\$2,989.49	\$3,191.26	\$3,733.82
4 yards	\$	950.11	\$1,900.23	\$2,850.21	\$3,800.32	\$3,979.88	\$4,457.55
6 yards	\$	1,239.26	\$2,478.51	\$3,717.77	\$4,956.89	\$5,230.24	\$5,753.27
8 yards	\$	1,436.74	\$2,873.62	\$4,310.37	\$5,747.25	\$6,278.97	\$7,534.68

## APPENDIX C

### FEES ASSESSED BY SERVICE TYPE

SERVICE TYPE								
RESIDENTIAL	\$	237.09						
VACANT LOT	\$	40.14						
<b>NON RESIDENTIAL CURBSIDE</b>								
<b>Frequency</b>								
1/wk	\$	316.30						
2/wk	\$	517.00						
3/wk	\$	788.35						
4/wk	\$	1,069.06						
<b>COMMERCIAL</b>								
			Collection frequency per container					
Dumpster Size			1/wk	2/wk	3/wk	4/wk	5/wk	6/wk
2 yards	\$	521.42	\$ 1,042.84	\$ 1,537.50	\$ 1,818.07	\$ 2,081.53	\$ 2,622.75	
3 yards	\$	747.41	\$ 1,494.68	\$ 2,242.09	\$ 2,989.49	\$ 3,191.26	\$ 3,733.82	
4 yards	\$	950.11	\$ 1,900.23	\$ 2,850.21	\$ 3,800.32	\$ 3,979.88	\$ 4,457.55	
6 yards	\$	1,239.26	\$ 2,478.51	\$ 3,717.77	\$ 4,956.89	\$ 5,230.24	\$ 5,753.27	
8 yards	\$	1,436.74	\$ 2,873.62	\$ 4,310.37	\$ 5,747.25	\$ 6,278.97	\$ 7,534.68	