

6. PUBLIC HEARING ORDINANCE AMENDMENT

As you may recall, the Board adopted an emergency ordinance at its November 26, 2012 regular session effectively amending Section 13-16 of the Southampton County Code as it relates to the Solid Waste Management Fee, by:

1. Changing the due date to March 31 each year;
2. Adding households located in “manufactured home parks which contract for private refuse collection and disposal services” to the list of exemptions;
3. Adding “households occupied by veterans who are exempt from real property taxes based on a 100% service-connected permanent and total disability” to the list of exemptions;
4. Changing the deadline for qualified residents who are 65 years of age or older or who are permanently and totally disabled to file the solid waste fee exemption affidavit from July 1 to September 1, and further extending the deadline for one year only to January 31, 2013.

Because emergency ordinances are effective for no more than sixty days unless readopted after descriptive notice of an intention to propose the ordinance for passage has been published once a week for two successive weeks prior to its passage in the local newspaper, we advertised the attached ordinance for public comment at your January 28, 2013 regular session.

The only change from the emergency ordinance that was adopted on November 26 is illustrated on line 47 – further extending the deadline for qualified residents who are 65 years of age or older or who are permanently and totally disabled to file the solid waste fee exemption affidavit to **October 15** each year.

A copy of the ordinance that is proposed for readoption is attached for your reference.

MOTION REQUIRED:

If the Board is so inclined, a motion is required to adopt the attached ordinance.

AN ORDINANCE TO AMEND CHAPTER 13 TO ASSESS AN ANNUAL FEE
FOR THE MANAGEMENT OF SOLID WASTE

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BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia that the Southampton County Code be, and hereby is, amended to read as follows:

Sec. 13-16. Solid Waste Management Fee.

(a) There is hereby assessed an annual solid waste management fee on each residential household. This fee is intended to fund the operation of the county's solid waste convenience centers and the transfer and disposal of solid waste deposited at such centers. The amount of the fee shall be established annually by the board of supervisors as part of the budget ordinance.

(b) The treasurer shall have the power and the duty of collecting the fees assessed hereunder and shall cause the same to be paid into the general treasury of the county.

(c) Beginning July 1, 2012, all solid waste management fees shall be due and payable during the year for which the same are assessed, on or before ~~December fifth of such year~~ *March thirty-first of the following year*. After the due date of such fee, the treasurer shall call upon each person who has not paid the same prior to that time, and upon failure or refusal of such person to pay the same shall proceed to collect by distress or otherwise. The treasurer or his deputy, in person or by counsel, may institute and prosecute all proceedings to enforce the payment of any such fees in courts not of record.

(d) In the event any fees enumerated in paragraph (a) herein above are not paid on or before the time the same are due and payable, there shall be added thereto a penalty equal to ten percent (10%) of the delinquent amount. In addition to the penalty, interest shall also be imposed at the rate of ten percent annually from the first day following the day such account is due and shall be collected upon the principal and penalty of all such accounts.

(e) A solid waste management fee exemption shall be provided for:

(1) Households located in multifamily apartment complexes *or manufactured home parks* which contract for private refuse collection and disposal services.

(2) Households which are unoccupied for at least one hundred and eighty (180) consecutive calendar days immediately prior to July 1.

(3) Households occupied by any veteran who has been rated by the U.S. Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent service-connected, permanent, and total disability.

~~(3)~~ (4) Qualified residents who are 65 years of age or older or who are permanently and totally disabled that are deemed to be bearing an extraordinary burden in relation to their income and financial worth, subject to the following restrictions and provisions:

a. The total combined household income during the immediately preceding calendar year from all sources shall not exceed thirty thousand dollars (\$30,000.00);

b. The net combined financial worth, including the present value of equitable interests, as of December 31 of the immediately preceding calendar year for all household residents, excluding the value of their residence and up to one acre upon which the residence is situated provided the residence is owned by one of the residents, shall not exceed eighty thousand dollars (\$80,000.00).

c. Not later than ~~July 1~~ *October 15* of each year, the person claiming an exemption under this section

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must file a solid waste fee exemption affidavit with the county administrator.

- d. The affidavit shall set forth, in a manner prescribed by the county administrator, the household address, and the names of all persons occupying the dwelling for which exemption is claimed, their gross combined income, and their combined net worth.
 - e. All property owners who have duly qualified for exemption of real estate taxes pursuant to Section 15-93 of the Southampton County Code shall be deemed eligible for a corresponding exemption of the solid waste management fee and are relieved from the duty of filing a solid waste management fee exemption affidavit.
 - f. If, after audit and investigation, the county administrator determines that such person is qualified for the exemption, he shall issue to such person a certificate which shall show the amount of the exemption from the claimant's solid waste management fee liability.
- (4) (5) The persons qualifying for and claiming an exemption under this section shall be relieved of that portion of the solid waste management fee in an amount calculated in accordance with the following:

Exemption Percentage Schedule

Range of Income	Range of Financial Worth				
	\$0.00— 16,000.00	\$16,001.00— 32,000.00	\$32,001.00— 48,000.00	\$48,001.00— 64,000.00	\$64,001.00— 80,000.00
\$0.00—10,000.00	90	80	70	60	50
\$10,001.00—15,000.00	80	70	60	50	40
\$15,001.00—20,000.00	70	60	50	40	30
\$20,001.00—25,000.00	60	50	40	30	20
\$25,001.00—30,000.00	50	40	30	20	10

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- (5) (6) Any person who shall falsely claim the exemption provided for in this section shall pay to the treasurer one hundred ten (110) percent of such exemption. The false claiming of the exemption shall constitute a class 3 misdemeanor.
- (6) (7) Failure to pay the difference between the exemption and the full amount of the fee for which the exemption is issued by June 30 of the year after which the exemption is issued shall constitute a forfeiture of the exemption.

For state law authority, please see § 15.2-928, § 15.2-105, § 58.1-3919 and § 15.2-936 of the 1950 Code of Virginia, as amended.

A copy teste: _____, Clerk
Southampton County Board of Supervisors
Adopted : January 28, 2013

From: Retta Lomax [retta.lomax@tidewaternews.com]
Sent: Friday, January 04, 2013 11:01 AM
To: Mike Johnson
Subject: Re: Notice of Public Hearing

Your legal notice has been scheduled for publication in the Tidewater News. Attached is your proof for your review. If there are any changes, please notify us immediately via EMAIL or FAX.

Advertiser: Southampton County Board of Supervisors
Ad Description: Public Hearing 1.28.13
Run Dates: 1/13 & 1/20
Total Cost: \$590.52

Thank you for your business.

Loretta Lomax
Legal Ad Department
Tidewater Publications, LLC
757-562-3187 ext. 301

**SOUTHAMPTON COUNTY
Board of
Supervisors
Notice of
Public Hearing**

Notice is hereby given pursuant to Section 15.2-1427 of the Code of Virginia, 1950, as amended that the Southampton County Board of Supervisors will hold a public hearing on **Monday, January 28, 2013 at 7:00 p.m.**, or as soon thereafter as may be heard, in the Board Room of the Southampton County Office Center at 26022 Administration Center Drive in Courtland, Virginia to consider the following:

1) An ordinance to amend Section 13-16 of the Southampton County Code, providing for: a) a change to the due date for payment of the solid waste management fee to March 31st each year; b) an exemption for households located in manufactured home parks that contract for private refuse collection and disposal services; c) an exemption for households occupied by a veteran who has been rated by the U.S. Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent service-connected, permanent, and total disability; and d) a change to the due date for qualified residents to apply for an exemption to October 15th each year.

Copies of the proposed amendments are on file and available for public inspection in the County Administrator's office, 26022 Administration Center Drive, Courtland, Virginia during normal office hours of 8:30 a.m. to 5:00 p.m., Monday through Friday.

Any person desiring to be heard regarding this matter should appear at the time and place referenced herein above and offer his or her comments to the Board of Supervisors.

The hearing is held at a public facility designed to be accessible to persons with disabilities. Any persons with questions on the accessibility of the facility or need for reasonable accommodations should contact Michael W. Johnson, Clerk, at (757) 653-

3015. Persons needing interpreter services for the deaf must notify Mr. Johnson at least seven (7) days in advance of the hearing.

Southampton County Board of Supervisors

Michael W. Johnson, Clerk