

ORDINANCE NO. 29-17

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 51, "GARBAGE AND TRASH", OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, BY AMENDING SECTION 51.70, "REGULAR CHARGES LEVIED" BY REPEALING THE REGULAR CHARGES LEVIED FOR SOLID WASTE AND ADOPTING NEW REGULATIONS IN ORDER THAT SUCH REGULAR CHARGES SHALL BE LEVIED AND ADOPTED BY RESOLUTION; PROVIDING THAT EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 51 SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City Commission finds it necessary and appropriate to increase the collection rates for sanitation services in accordance with the terms and conditions of the City's franchise agreement; and

WHEREAS, the City Commission has determined that that it is necessary, efficient, and prudent to remove the subject rates from the Code of Ordinances and authorize the levy and adoption of such rates by Resolution; and

WHEREAS, the City Commission has determined that the adoption of this Ordinance is in the best interests of the health, safety, and welfare of the citizens of the City of Delray Beach and the public at-large.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, that:

Section 1. Chapter 51, Garbage and Trash, of the Code of Ordinances of the City of Delray Beach, Florida is hereby amended at Section 51.70, "Regular Charges Levied" by repealing the regular charges levied for solid waste disposal and adopting new regulations in order that such regular charges shall be levied and adopted by Resolution; provided that Section 51.70 shall hereafter read as follows:

Section 51.70 REGULAR CHARGES LEVIED.

~~The following service charges or fees are levied for collection service, unless the City has approved a different type of service and then each unit/development shall be billed in accordance with the type of service that it is receiving.~~

~~Charges for the below described collection service shall be as follows and shall commence when a certificate of occupancy is issued by the City for any residential or commercial units, and shall continue monthly thereafter unless service is discontinued in accordance with Section 51.73: Service charges and/or fees for collection service shall be levied via Resolution adopted by the City Commission, as~~

may be amended from time to time. Specific authority is hereby delegated to the City Manager to administratively amend such charges and/or fees on an annual basis in order to adjust such charges and/or fees in accordance with the terms and conditions of the City's franchise agreement. The list of charges and/or fees shall be kept on file in the City Clerk's office for public inspection. Charges and/or fees shall commence upon the issuance of a certificate of occupancy for any residential or commercial units, and shall continue monthly thereafter unless service is discontinued in accordance with Section 51.73.

~~(A) Residential Service (Single Family Homes, Duplexes, Triplexes, Quadplexes and Mobile Homes):~~

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~~Curbside Roll-Out Carts—~~

Monthly Service—	Cost Per Unit—
Garbage Collection—	\$4.66
Recycling—	\$2.04
Yard Trash—	\$1.22
Bulk Waste	\$1.21
Total Fees—Contractor—	\$9.13
Administrative Fee—	\$0.35
Franchise Fee (5%)	\$0.46
Total Fees	\$9.94

Rear Door Owner Container—	
Monthly Service—	Cost Per Unit—
Garbage Collection—	\$11.21
Recycling—	\$2.04
Yard Trash—	\$0.00
Total Fees—Contractor—	\$13.25
Administrative Fee—	\$0.35

Franchise Fee (5%)	\$0.66
Total Fees	\$14.26
Curbside Disposable Bags With Vegetative Waste and Bulk Trash Pickup	
Monthly Service	Cost Per Unit
Garbage/Trash Collection	\$ 4.66
Recycling	\$ 2.04
Yard Trash	\$ 1.22
Bulk Waste	\$ 1.21
Total Fees Contractor	\$ 9.13
Administrative Fee	\$0.35
Franchise Fee (5%)	\$ 0.46
Total Fees	\$ 9.94

(B) Multi-Family Service

~~Multiple-family dwelling units containing five (5) units or more shall use containers emptied by mechanical means, except as otherwise approved by the City because of lack of suitable space for a mechanical container or other good reason. Multiple-family monthly fees shall be based on a per unit charge. These monthly rates assume two (2) pickups per week. If the amount of refuse generated requires more than two (2) pickups per week, then the third and all subsequent collections shall be charged by the Contractor at the commercial collection rate only. If the Contractor furnishes the roll-out carts, as approved by the City, then a monthly fee of \$1.00 per cart may be charged by the Contractor directly to the customer.~~

**Collection & Hauling
Rate Per Unit**

Monthly Service	Monthly Cost Per Unit
Refuse Collection	\$3.00
Recycling	\$2.04
Total Per Unit Fee Contractor	\$5.04
Administrative Fee	\$0.35
Franchise Fee (5%)	\$0.25
Total Monthly Fees Per Unit	\$ 5.64

~~(C) Commercial Service~~

~~(1) Commercial customers shall use mechanical containers or rollout carts. Commercial customers shall include all customers other than residential or multi-family customers. Commercial customers may use any of the following containers for accumulation of refuse:~~

~~(a) Rollout Carts. The City shall require any commercial customer needing more than six (6) rollout carts to use mechanical containers, if feasible.~~

~~(b) Mechanical Containers.~~

~~(2) The owners/operators of commercial establishments and other commercial customers shall accumulate such refuse in those locations mutually agreed upon by the owner/operator and the City or its contractor, and which are convenient for collection by the City or its contractor.~~

~~(3) Mechanical containers emptied by mechanical means shall be provided by the contractor. These containers shall be emptied on a schedule mutually agreed upon by the customer and the City or its contractor, but not less than one day a week nor more than seven (7) days a week.~~

~~(4) Commercial customers needing six (6) or less rollout carts, and those approved for this type of service by the City in advance because they lack a suitable location for a mechanical container,~~

shall be serviced at least once per week. All garbage and commercial trash shall be collected from such refuse containers at locations agreed to between the City or its contractor and the customer. The charge shall be based upon the following schedule:

Commercial Rates (Monthly)

Container Size	Container Pickup Frequency (Per Week)						
—	1—	2—	3—	4—	5—	6—	7—
2 Yard Collection—	39.23	78.46	117.69	156.92	196.15	235.38	274.61
Disposal—	24.33	48.67	73.00	97.34	121.67	146.01	170.34
Total Contractor Fees—	63.56	127.13	190.69	254.26	317.82	381.39	444.95
Franchise Fee (10%)—	6.36	12.71	19.07	25.43	31.78	38.14	44.50
Administrative Fee—	.35	.35	.35	.35	.35	.35	.35
Total Fees—	70.27	140.19	210.11	280.04	349.95	419.88	489.80
3 Yard Collection	58.84	117.68	176.52	235.36	294.20	353.04	411.88
Disposal—	36.53	73.06	109.59	146.12	182.65	219.18	255.71
Total Contractor Fees—	95.37	190.74	286.11	381.48	476.85	572.22	667.59
Franchise Fee (10%)—	9.54	19.07	28.61	38.15	47.69	57.22	66.76
Administrative Fee—	.35	.35	.35	.35	.35	.35	.35
Total Fees—	105.26	210.16	315.07	419.98	524.89	629.79	734.70

4 Yard Collecti on	78.46	156.92	235.38	313.84	392.30	470.76	549.22
Disposal—	48.71	97.41	146.12	194.83	243.53	292.24	340.95
Total Contractor Fees—	127.17	254.33	381.50	508.67	635.83	763.00	890.17
Franchise Fees (10%)—	12.72	25.43	38.15	50.87	63.58	76.30	89.02
Administrative Fee—	.35	.35	.35	.35	.35	.35	.35
Total Fees—	140.24	280.11	420.00	559.89	699.76	839.65	979.54
6 Yard Collecti on	117.69	235.38	353.07	470.76	588.45	706.14	823.83
Disposal—	73.06	146.12	219.18	292.24	365.30	438.36	511.42
Total Contractor Fees—	190.75	381.50	572.25	763.00	953.75	1144.50	1335.25
Franchise Fee (10%)—	19.08	38.15	57.23	76.30	95.38	114.45	133.53
Administrative Fee—	.35	.35	.35	.35	.35	.35	.35
Total Fees—	210.18	420.00	629.83	839.65	1049.48	1259.30	1469.13
8 Yard Collecti on	156.92	313.84	470.76	627.68	784.60	941.52	1098.44
Disposal—	97.41	194.83	292.24	389.65	487.07	584.48	681.89

Total Contractor Fees—	-254.33	-508.67	-763.00	-1017.33	-1271.67	-1526.00	-1780.33
Franchise Fee (10%)—	-25.43	-50.87	-76.30	-101.73	-127.17	-152.60	-178.03
Administrative Fee—	.35	.35	.35	.35	.35	.35	.35
Total Fees—	-280.11	-559.89	-839.65	-1119.41	-1399.19	-1678.95	-1958.71

Commercial Compacting Containers

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<u>Container Size</u>	<u>Pickup Frequency (Per Week)</u>						
	1	2	3	4	5	6	7
2 Yard Collection	-49.10	-98.20	-147.30	-196.40	-245.50	-294.60	-343.70
Disposal	48.67	97.34	146.01	194.68	243.35	292.02	340.69
Total Contractor Fee	-97.77	-195.54	-293.31	-391.08	-488.85	-586.62	-684.39
Franchise Fee (10%)	-9.78	-19.55	-29.33	-39.11	-48.89	-58.66	-68.44
Administrative Fee	.35	.35	.35	.35	.35	.35	.35
Total Fee	-107.90	-215.44	-322.99	-430.54	-538.09	-645.63	-753.18
3 Yard Collection	-73.65	-147.30	-220.95	-294.60	-368.25	-441.90	-515.55
Disposal	73.00	146.01	219.01	292.02	365.02	438.02	511.03
Total Contractor Fee	-146.65	-293.31	-439.96	-586.62	-733.27	-879.92	-1026.58
Franchise Fee (10%)	-14.67	-29.33	-44.00	-58.66	-73.33	-87.99	-102.66
Administrative Fee	.35	.35	.35	.35	.35	.35	.35
Total Fee	-161.67	-322.99	-484.31	-645.63	-806.95	-968.26	-1129.59
4 Yard Collection	-98.20	-196.40	-294.60	-392.80	-491.00	-589.20	-687.40
Disposal	97.34	194.68	292.02	389.35	486.69	584.03	681.37
Total	-195.54	-391.08	-586.62	-782.15	-977.69	-1173.23	-1368.77

Contractor Fee							
Franchise Fee (10%)	-19.55	-39.11	-58.66	78.22	-97.77	-117.32	-136.88
Administrative Fee	.35	.35	.35	.35	.35	.35	.35
Total Fee	-215.44	-430.54	-645.63	-860.72	-1075.81	-1290.90	-1506.00
6 Yard Collection	-147.31	-294.62	-441.93	-589.24	-736.55	-883.86	-1031.17
Disposal	146.01	292.02	438.02	584.03	730.04	876.05	1022.05
Total Contractor Fee	-293.32	-586.64	-879.95	-1173.27	-1466.59	-1759.91	-2053.22
Franchise Fee (10%)	-29.33	-58.66	-88.00	-117.33	-146.66	-175.99	-205.32
Administrative Fee	.35	.35	.35	.35	.35	.35	.35
Total Fee	-323.00	-645.65	-968.30	-1290.95	-1613.60	-1936.25	-2258.89
8 Yard Collection	-196.41	-392.82	-589.23	-785.64	-982.05	-1178.46	-1374.87
Disposal	194.68	389.35	584.03	778.71	973.38	1168.06	1362.74
Total Contractor Fee	-391.09	-782.17	-1173.26	-1564.35	-1955.43	-2346.52	-2737.61
Franchise Fee (10%)	-39.11	-78.22	-117.33	-156.44	-195.54	-234.65	-273.76
Administrative Fee	.35	.35	.35	.35	.35	.35	.35
Total Fee	-430.55	-860.74	-1290.94	-1721.14	-2151.32	-2581.52	-3011.72

Commercial/Multi-Family Rolloff Containers:

—————~~Commercial/Multi-Family Permanent Roll-Off Containers:~~—————

~~Permanent open-top roll-off container: Two hundred thirty-five dollars and forty-two cents \$235.42 Two hundred forty-two dollars and one cent \$242.01 (Includes franchise fee for haul excludes disposal and franchise fee on disposal) per pickup.~~

~~Compactors: Two hundred thirty-five dollars and forty-two cents \$235.42 Two hundred forty-two dollars and one cent \$242.01 (Includes franchise fee for haul excludes disposal and franchise fee on disposal) per pickup.~~

~~The rates for commercial collection service shall include all charges and fees for the rental of mechanical containers except compactors. The rate for leasing a compactor shall be negotiated by the contractor and the customer.~~

15 Yard Collection—	\$ 214.02
20 Yard Collection—	\$ 214.02
30 Yard Collection—	\$ 214.02
40 Yard Collection—	\$ 214.02

~~Excludes commercial recycling containers and construction/demolition debris.~~

Commercial 96-Gallon Cart Service (Does not apply to residential service)

—	—	—	Pickups Per Week—		—	—
—	1—	2—	3—	4—	5—	6—
Collection—	-25.48	-50.96	-76.44	-101.92	-127.40	-152.88
Disposal—	\$6.08	\$12.16	\$18.24	\$24.32	\$30.40	\$36.48
Total Contractor Fees—	-31.56	-63.12	-94.68	-126.24	-157.80	-189.36
Franchise Fee (10%)—	-3.16	-6.31	-9.47	-12.62	-15.78	-18.94
Administrative Fee—	\$0.35	\$0.35	\$0.35	\$0.35	\$0.35	\$0.35
Total Fees—	-35.07	-69.78	-104.50	-139.21	-173.93	-208.65

~~**NOTE:** The foregoing rates are based on forty-two dollars (\$42.00) per ton (\$2.81 per cubic yard), which is the anticipated Solid Waste Authority tipping fee to be effective October 1, 2017.~~

~~**NOTE:** City of Delray Beach buildings and locations shall be charged the City Collection Service rate, but shall not be charged for disposal fees, where the Contractor receives the appropriate disposal credits from SWA.~~

~~The Contractor shall be allowed to charge the Rates for Special Collection Services, as set forth in Exhibit 3D of the Franchise Agreement, if the Contractor performs any of the services listed on the special services exhibit. The City's franchise fee shall be applied to these rates.~~

Section 2. Each and every other Section and sub-section of Chapter 51. Garbage and Trash shall remain in full force and effect as previously enacted.

Section 3. All ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 3. Should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 4. Specific authority is hereby granted to codify this Ordinance.

Section 5. This Ordinance shall become effective immediately upon adoption.

PASSED AND ADOPTED in regular session on second and final reading on _____.

Cary Glickstein, Mayor

ATTEST:

City Clerk

First Reading _____

Second Reading _____

Approved as to form and legal sufficiency:

R. Max Lohman, City Attorney