

RESOLUTION R-97-213

A RESOLUTION OF MANATEE COUNTY, FLORIDA, ESTABLISHING RATES, FEES AND CHARGES FOR MANDATORY SOLID WASTE COLLECTION AND DISPOSAL SERVICES BASED ON THE INCREASE IN THE CONSUMER PRICE INDEX; PROVIDING FOR LANDFILL TIPPING FEES; PROVIDING FOR ROLL-OFF BILLING; PROVIDING FOR THE HANDLING OF DELINQUENT ACCOUNTS; PROVIDING FOR SECURITY DEPOSITS AND SPECIAL CHARGES; ALLOWING FOR CHANGES IN SERVICE REQUESTS; PROVIDING FOR CHARGE ACCOUNTS; PROVIDING FOR MISCELLANEOUS RELATED MATTERS; RESCINDING ALL PRIOR SOLID WASTE RATE RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 85-457, Laws of Florida, and Florida Statute 125.01 (k) authorize and empower the Board of County Commissioners to provide for and to regulate waste collection and disposal; and

WHEREAS, Ordinance 85-11 (as amended) provides for the establishment of rates, fees, and charges to be paid to the Manatee County Public Works Department for such solid waste collection and disposal services; and

WHEREAS, three (3) collection service areas for collection of solid waste were established by the Manatee County Board of County Commissioners for the purpose of solid waste collection as prescribed by Ordinance 85-11 (as amended); and

WHEREAS, the Manatee County Board of County Commissioners adopted Resolution R-97-97 which established rates, fees, and charges of solid waste collection and disposal; and

WHEREAS, Section 3.4.1 for each Solid Waste Franchise Agreement requires an annual adjustment of rates when the Consumer Price Index (CPI) changes; and

WHEREAS, the CPI for the period of August 1996 to August 1997, increased from 471.1 to 481.7, an increase of 2.2%; and

WHEREAS, adjustments to the solid waste collection fees require the enactment of a new Rate Resolution.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, that:

Resolution R-97-97 is hereby rescinded, effective as of 12:01 A.M., November 1, 1997. The rates hereinafter set forth shall become effective as of 12:01 A.M., November 1, 1997.

ARTICLE I

RATES

1.01 The rates for Solid Waste Collection as approved in the Franchise Agreements by the Board of County Commissioners are as follows for the three (3) collection service areas:

COLLECTION SERVICE AREA I

<u>Service</u>	<u>Rate</u>
A. Residential Collection Service - With Garden Trash Collection	
1. Residential Curbside Collection	\$11.63/mo.
2. Residential Curbside Collection Within Area Wide Variance.....	\$18.70/mo.
3. Other than Curbside Service.....	\$20.62/mo.
4. Other than Curbside Service Without Recyclable Collection.....	\$19.59/mo.
B. Residential Collection Service - Exempt from Garden Trash Collection	
1. Residential Curbside Collection	\$ 9.46/mo.
2. Residential Curbside Collection Within Area Wide Variance.....	\$16.53/mo.
3. Other than Curbside Service.....	\$18.45/mo.
4. Other than Curbside Service Without Recyclable Collection.....	\$17.42/mo.
C. Residential/Commercial Bin Collection Service	
1. Uncompacted Bin.....	\$ 7.48/cy.
2. Compacted Bin.....	\$11.85/cy.
3. Bulk Service.....	\$ 9.90/cy.
D. Roll-Off Collection Service	
1. Open Top Roll-Off Lift Charge.....	\$ 7.22/cy.
2. Compactor Roll-Off Service.....	\$11.85/cy.

Refuse Bin Maintenance Fees

<u>Bin Size</u>	<u>Monthly Charge</u>
1 cubic yard.....	\$24.57
2 cubic yards.....	\$28.70
3 cubic yards.....	\$30.18
4 cubic yards.....	\$31.62

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6 cubic yards.....	\$33.04
8 cubic yards.....	\$34.48
Roll-Out Charge/Short Distance*.....	\$15.24
Roll-Out Charge/Long Distance*.....	\$25.40
* See 1.03, Page 7	

Refusal Roll-Off Bin Maintenance Fees

<u>Bin Size</u>	<u>Monthly Charge</u>
Bin Maintenance Fee - 20 Cubic Yards.....	\$92.11
Bin Maintenance Fee - 30 Cubic Yards.....	\$98.25

COLLECTION SERVICE AREA II

<u>Service</u>	<u>Rate</u>
A. Residential Collection Service - With Garden Trash Collection	
1. Residential Curbside Collection	\$10.26/mo.
2. Residential Curbside Collection Within Area Wide Variance.....	\$10.26/mo.
3. Other than Curbside Service.....	\$14.92/mo.
4. Other than Curbside Service Without Recyclable Collection.....	\$14.05/mo.
B. Residential Collection Service - Exempt from Garden Trash Collection	
1. Residential Curbside Collection	\$ 8.26/mo.
2. Residential Curbside Collection Within Area Wide Variance.....	\$ 8.26/mo.
3. Other than Curbside Service.....	\$12.92/mo.
4. Other than Curbside Service Without Recyclable Collection.....	\$12.05/mo.
C. Residential/Commercial Bin Collection Service	
1. Uncompacted Bin.....	\$ 5.05/cy.
2. Compacted Bin.....	\$11.58/cy.
3. Bulk Service.....	\$ 9.61/cy.
D. Roll-Off Collection Service	
1. Open Top Roll-Off Lift Charge.....	\$ 4.77/cy.
2. Compactor Roll-Off Service.....	\$11.58/cy.

Refuse Bin Maintenance Fees

<u>Bin Size</u>	<u>Monthly Charge</u>
1 cubic yard.....	\$ 32.26
1 1/2 cubic yards.....	\$ 35.09
2 cubic yards.....	\$ 36.48
3 cubic yards.....	\$ 39.29
4 cubic yards.....	\$ 42.08
6 cubic yards.....	\$ 43.24
8 cubic yards.....	\$ 44.89
4 - 8 cubic yard Compactor Bin.....	\$151.55
Self-contained compactor or stationary compactor unit with roll-off box.....	\$336.77
Roll-Out Charge/Short Distance*.....	\$ 15.24
Roll-Out Charge/Long Distance*.....	\$ 25.40

* See 1.03, Page 7

Refuse Roll-Off Bin Maintenance Fees

<u>Bin Size</u>	<u>Monthly Charge</u>
Bin Maintenance Fees - All Sizes.....	\$134.86

COLLECTION SERVICE AREA III

<u>Service</u>	<u>Rate</u>
A. Residential Collection Service - With Garden Trash Collection	
1. Residential Curbside Collection Service..	\$11.40/mo.
2. Residential Curbside Collection Service Within Area Wide Variance.....	\$18.70/mo.
3. Other than Curbside Service.....	\$16.21/mo.
4. Other than Curbside Service Without Recyclable Collection.....	\$15.18/mo.
B. Residential Collection Service - Exempt from Garden Trash Collection	
1. Residential Curbside Collection Service..	\$ 9.23/mo.
2. Residential Curbside Collection Service Within Area Wide Variance.....	\$16.53/mo.
3. Other than Curbside Service.....	\$14.04/mo.
4. Other than Curbside Service Without Recyclable Collection.....	\$13.01/mo.

- C. Residential/Commercial Bin Collection Service
 - 1. Uncompacted Bin.....\$ 5.19/cy.
 - 2. Compacted Bin.....\$11.85/cy.
 - 3. Bulk Service.....\$ 9.90/cy.

- D. Roll-Off Collection Service
 - 1. Open Top Roll-Off Service.....\$ 5.51/cy.
 - 2. Compactor Roll-Off Service.....\$11.85/cy.

Refuse Bin Maintenance Fees

<u>Bin Size</u>	<u>Monthly Charge</u>
1 cubic yard.....	\$29.66
2 cubic yards.....	\$35.31
3 cubic yards.....	\$39.56
4 cubic yards.....	\$42.37
6 cubic yards.....	\$49.36
8 cubic yards.....	\$53.67
Roll-Out Charge/Short Distance*.....	\$15.24
Roll-Out Charge/Long Distance*	\$25.40

* See 1.03, page 7

Refuse Roll-Off Bin Maintenance Fees

<u>Bin Size</u>	<u>Monthly Charge</u>
20 cubic yards.....	\$92.11
30 cubic yards.....	\$98.25
40 cubic yards.....	N/A
50 cubic yards.....	N/A

As stated above, for the three (3) collection areas, the minimum monthly charge for residential service shall be effective through October 31, 1998. For commercial service not using refuse bin or roll-off service, the bulk service rate shall be applied.

1.02 Exemptions from either Residential or Commercial Collection Services may be obtained as provided for in Section 6 of Ordinance 85-11 (as amended).

a) For persons applying for individual exemptions for residential improved real property, no fee shall be required or

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accepted. Upon revocation of an exemption for residential improved real property, a new application will be required if the exemption is to be reinstated; however, no application fee shall be required. The application fee for an individual exemption for commercial improved real property shall be twenty dollars (\$20.00). Upon revocation of an exemption for commercial improved real property, any new application will require an additional application fee of twenty dollars (\$20.00).

b) The Director may exclude Apartments, Condominium Apartments and Mobile Home Parks from service charges associated with removal of Garden Trash, if the following conditions are met:

1. The Apartment, Condominium Apartment or Mobile Home Park must make a written application, either through a single owner or an association, for such exemption. The written application shall be notarized and under oath, and shall inform the Director, at a minimum, of the types and approximate quantities of Garden Trash generated, the method and frequency of collection, removal and disposal, and the name(s) and addresses of the person(s) or entity(ies) performing said functions.
2. The Apartment, Condominium Apartment or Mobile Home Park must provide for a single owner or a single management entity or association which will act as the only entity for purposes of making arrangements for Collection Services and payment therefor.
3. The single owner or association must have in place a proper, sanitary, effective method of collecting, removing and disposing of Garden Trash.
4. The single owner or association shall promptly inform the Director, in writing, of the cessation or alteration of any such arrangements and of any change in the person(s) or entity(ies) performing said functions.
5. Once the Director has made such an exemption determination, it shall not be changed for one (1)

year unless the Director should otherwise determine that a hardship situation exists.

1.03 A roll-out fee is established for instances in which the authorized collector's personnel are required to roll-out or in some other fashion move a solid waste container or refuse bin to the authorized collector's vehicle.

The fee shall be based in part on whether the solid waste container or refuse bin is moved a short or long distance.

For the purpose of this Resolution, a short distance shall be considered moving a solid waste container or refuse bin fifteen (15) feet or less, or opening a gate or access way.

For the purpose of this Resolution, a long distance shall be considered moving a solid waste container or refuse bin more than fifteen (15) feet.

The monthly roll-out fee will be based on the number of times a solid waste container or refuse bin is moved, or a gate opened for a week times the distance rate (short or long). For short distances, or gates, the distance rate is fifteen dollars and twenty four cents (\$15.24). For long distance, the distance rate is twenty-five dollars and forty cents (\$25.40).

ARTICLE II

LANDFILL TIPPING FEES

<u>Description</u>	<u>Rates</u>
2.01 Non-modified automobiles without trailers.....	\$ 5.00
2.02 All other vehicles.....	\$23.00/Ton
Minimum fee of \$11.50 (loads of 1,000 lbs or less)	
2.03 Tires.....	\$73.50/Ton
Minimum fee of \$36.80 (loads of 1,000 lbs or less)	
2.04 All of the above fees are triple for out-of-County waste.	
2.05 All of the above fees are double for loads that are insufficiently covered to prevent load loss during transportation.	

ARTICLE III

ROLL OFF BILLING

3.01 At the discretion of the Director of the Manatee County Public Works Department, roll-off service may be provided and billed to either the property owner or the actual user.

ARTICLE IV

DELINQUENT ACCOUNTS

4.01 Requests for extra lifts on bins or extraordinary service for special items may not be honored on accounts which become delinquent, at the discretion of the Director of the Manatee County Public Works Department ("Director").

4.02 Service supplied to delinquent accounts may be lowered to the minimum level, at the discretion of the Director. Roll-off Garbage Services are a discretionary service provided by Manatee County and, as such, may be terminated for non-payment.

4.03 Unpaid or delinquent fees, rentals or other charges, together with interest and penalties, and reasonable attorney's fees and other costs and expenses, may be recovered by the County by suit in a court of competent jurisdiction. The County may also enforce payment of such delinquent fees, rentals or other charges by any other lawful method of enforcement.

ARTICLE V

SECURITY DEPOSITS

5.01 For solid waste residential collection accounts and all solid waste commercial collection accounts, security deposits are required. The security deposit for a residential unit shall be twenty-five dollars (\$25.00) per unit. The security deposit for a commercial unit shall be a sum equivalent to twice the monthly commercial rate for the type of service being provided. Deposits will be collected on roll-off containers based on an estimated charge which includes the maintenance fee, cubic yard fee, plus

estimated tipping fee for the level of service requested, for one month. However, in no case will the security deposit for a commercial unit exceed five thousand dollars (\$5,000), plus estimated tipping fee for the level of service requested, for one month.

5.02 Security deposits for accounts delinquent three or more times or having two or more bad checks in a year may be increased. The maximum deposit required may not exceed five (5) times the average monthly bill.

5.03 All deposits shall accrue interest. The interest rate will be the bank passbook rate effective as of October 1 of each year and will remain at that rate throughout the fiscal year. Accrued interest will be credited once a year to the customer's account.

ARTICLE VI

SPECIAL CHARGES

6.01 Special Charges:

- A. New Account Charge \$10.00
- B. Research current request of customer.
\$15.00/hr
- C. The charge for processing a bad check will be determined by County Resolution R-91-237 or any successor Resolution.
- D. Failure to pay a current bill by the next billing date will result in a charge of 18% per annum (1.5% per month) on unpaid balances.
- E. Accounts more than two months delinquent, which necessitate a field trip for collection, will be charged a \$15.00 additional service charge.
- F. The charge for photocopies measuring 11" X 14" and smaller shall be determined by Florida Statute.

ARTICLE VII

SERVICE REQUESTS

7.01 A change in a level of service, at the request of the customer, can be authorized up to two (2) times per year and will take place after the current monthly billing has been rendered.

7.02 The Director reserves the right to raise a level of service in the event of repeated requests for extra lifts.

7.03 Section 34 of Ordinance 85-11 (as amended) provides that Mobile Home Parks, Apartments and Condominiums may choose, once per year, to receive either Residential or Commercial Collection Service. For a change in service type, a fee of \$0.50 per dwelling unit will be charged.

ARTICLE VIII

CHARGE ACCOUNTS

8.01 Deposit requirements: A deposit equivalent to two months tipping fee is required on any Landfill Charge Account. Failure to pay in a timely manner may result in an increased deposit requirement.

Minimum Deposit \$200.00

8.02 Interest on Charge Account Deposits shall be paid at a rate established yearly by the Board of County Commissioners, in accordance with passbook savings rates.

8.03 Charge account services will be terminated if payment is not made within 35 days following the billing date; customers whose account privileges have been terminated will be required to pay cash for all transactions.

8.04 No charge accounts will be established for any customer with an outstanding past due balance for any Manatee County Public Works Account (including water, sewer and garbage services).

8.05 There will be an 18% per annum (1.5% per month) interest charge on unpaid balances.

ARTICLE IX
MISCELLANEOUS

9.01 Unless the context otherwise requires, all terms utilized within this Resolution shall be as defined in Manatee County Ordinance 85-11 (as amended).

9.02 There will be no discontinuance of Solid Waste Collection Service. Non-payment of the Utilities bill (or any portion thereof) will result in the termination of water service, where applicable.

9.03 The fees for solid waste disposal at the County Sanitary Landfill Facility will be waived for authorized collectors delivering solid waste collected under the provisions of community service requirements as set forth in Section 7.19 of each authorized collector's franchise agreement.

9.04 Any unauthorized use of the Solid Waste Collection and Disposal services provided by the County, such as violation of any part of Ordinance 85-11 (as amended) and/or the laws of the State of Florida, including specifically, the discarding of any hazardous waste via these services, will be subject to penalties provided for by the appropriate statutes or ordinances.

9.05 A license to transport certain occupational solid waste may be obtained as provided for in Section 31 of Ordinance 85-11 (as amended). The application fee for a one year license is \$25.00 per vehicle, up to a maximum of \$125.00 (5 vehicles).

9.06 Between tenants, rental property accounts may be exempt from garbage service charges up to a maximum of a fourteen day period.

9.07 Should any section or portion of this Resolution be proved unlawful, only that portion becomes invalid; all other provisions remain in force.

ADOPTED with a quorum present and voting this 21st day of October, 1997.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

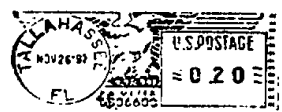
BY:

Patricia M. Glaze
Patricia M. Glaze
Chairman

ATTEST: R. B. SHORE
Clerk of the Circuit Court

R. B. Shore

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Published Daily
Bradenton, Manatee, Florida

STATE OF FLORIDA
COUNTY OF MANATEE:

Before the undersigned authority personally appeared Jill Headings, who on oath says that she is Legal Advertising Representative of the Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of

Notice of Public Hearing

in the _____ Court,

was published in said newspaper in the issues of

10/10/97

Affiant further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Jill Headings
(Signature of Affiant)

Sworn to and subscribed before me this

14 day of October, 1997

SEAL & Notary Public



MARIA E. GURICA
My Comm. Exp. 06/07/2001
Bonded By Service Inc
No. CC078142
*Personally Admin. | Other |

4927

Personally Known _____ or Produced Identification _____

Type of Identification Produced _____

OFFICE OF
PUBLIC HEARING
COUNTY OF MANATEE
112 MANATEE AVENUE WEST
BRADENTON, FLORIDA 34600
10/10/97

RESOLUTION 97-217
A RESOLUTION OF MANATEE COUNTY, FLORIDA, ESTABLISHING RATES, FEES AND CHARGES FOR MANDATORY SOLID WASTE COLLECTION AND DISPOSAL SERVICES BASED ON THE INCREASE IN THE CONSUMER PRICE INDEX PROVIDING FOR LANDFILL TIPPING FEES PROVIDING FOR ROLL-OFF BILLING PROVIDING FOR THE HANDLING OF GULCH QUERRY ACCOUNTS PROVIDING FOR SPECIAL POSTS AND CHARGES ALLOWING FOR CHANGES IN SERVICE REQUESTS PROVIDING FOR CHARGE ACCOUNTS PROVIDING FOR MISCELLANEOUS RELATED MATTERS RECORDED ALL FROM SOLID WASTE RATE RESOLUTIONS PROVIDING FOR REVERSIBILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Pursuant to Section 218.010, Florida Statutes, any person wishing to appeal any decision by the Board of County Commissioners with respect to any matter considered will need a record and may wish to ensure that a verbatim record is made. Any person wishing to review the above resolution may do so at the Manatee County Public Works Department, 4110 4th Street West, Bradenton, Florida 34610.

Rules of Procedure for the Public Hearing are in effect pursuant to Resolution 97-217. Copies of this Resolution are available for review at the Citizens Action Center on the 6th Floor of the County Administration Building, 112 Manatee Avenue West, Bradenton, Florida, and are available for purchase from the County Administration Office at cost.