

RESOLUTION NO. R-04-205

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ESTABLISHING REVISED RATES, FEES AND CHARGES FOR SOLID WASTE COLLECTION AND DISPOSAL SERVICES BASED ON A FRANCHISE AGREEMENT FOR UNINCORPORATED MANATEE COUNTY; PROVIDING DEFINITIONS; PROVIDING FOR SERVICE RATES AND CHARGES; PROVIDING FOR LANDFILL TIPPING FEES; PROVIDING FOR SPECIAL CHARGES; PROVIDING FOR SECURITY DEPOSITS; PROVIDING FOR ROLL-OFF CONTAINER SERVICE BILLING; PROVIDING FOR CHARGE ACCOUNTS; PROVIDING FOR DELINQUENT ACCOUNTS; PROVIDING FOR SERVICE REQUESTS; PROVIDING FOR MISCELLANEOUS MATTERS; REPEALING AND SUPERSEDING PRIOR AND CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, Chapter 2-16, Manatee County Code of Ordinances, as amended, provides for the establishment of rates, fees and charges to be paid for collection and disposal of solid waste, recyclable materials and yard trash; and

WHEREAS, on May 2, 2000, the Board of County Commissioners adopted Resolution No. R-00-111, which granted a franchise to Waste Management Inc. of Florida for residential and commercial collection of solid waste, recyclable materials and yard trash within unincorporated Manatee County; and

WHEREAS, on May 2, 2000, the Board of County Commissioners and Waste Management Inc. of Florida executed a Franchise Agreement for Unincorporated Manatee County, which provides residential and commercial collection rates, fees and charges; and

WHEREAS, on September 19, 2000, the Manatee County Board of County Commissioners adopted Resolution No. R-00-195, which established rates, fees and charges for solid waste collection and disposal services based on the Franchise Agreement for Unincorporated Manatee County; and

WHEREAS, on September 18, 2001, the Manatee County Board of County Commissioners adopted Resolution No. R-01-185, which established revised rates, fees and charges for solid waste collection and disposal services based on the Franchise Agreement for Unincorporated Manatee County; and

WHEREAS, on September 3, 2002, the Manatee County Board of County Commissioners adopted Resolution No. R-02-182, which established revised rates, fees and charges for solid waste collection and disposal services based on the Franchise Agreement for Unincorporated Manatee County; and

WHEREAS, on September 9, 2003, the Manatee County Board of County Commissioners adopted Resolution No. R-03-188, which established revised rates, fees and charges for solid waste collection and disposal services based on the Franchise Agreement for Unincorporated Manatee County; and

WHEREAS, Paragraph C.3. of Section 3.1 of Article 3 of the Franchise Agreement for Unincorporated Manatee County provides for an annual adjustment based on an increase of two and one-half percent (2.5%) applied to the service fee and maintenance fee portions of the rates for collection service; and

WHEREAS, County staff has calculated the revised service rates and charges for collection service in accordance with the formula for annual price adjustment specified in

Paragraph C.3. of Section 3.1 of Article 3 and Exhibit E of the Franchise Agreement for Unincorporated Manatee County; and

WHEREAS, pursuant to Chapter 2-16, Manatee County Code of Ordinances, as amended, changes to the rates, fees and charges require a public hearing for the adoption of a new rate schedule.

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

Section 1. Definitions. Unless the context requires a different meaning, the definitions contained in Section 403.703, Florida Statutes, and Chapter 2-16, Manatee County Code of Ordinances, as amended, shall apply to the terms used in this resolution.

Section 2. Service Rates and Charges.

a. The rates for collection service as approved in the Franchise Agreement for Unincorporated Manatee County ("Franchise Agreement") are as follows:

- 1) Residential collection service
 - a) Residential curbside solid waste collection \$4.89/month
 - b) Residential non-curbside solid waste collection \$11.78/month
 - c) Residential curbside recyclable materials collection . . \$2.18/month
 - d) Residential curbside yard trash collection \$2.02/month
 - e) Multifamily recyclable materials collection \$2.18/month
 - f) White goods collection \$27.58/pickup

2) Commercial can collection service

<u>Can Size</u>	<u>Monthly Charge</u>
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20 gallons	\$11.03
32 gallons	\$12.13

3) Residential and commercial bin collection service

a) Uncompacted bin	\$5.70/cubic yard
b) Compacted bin	\$9.43/cubic yard
c) Bulk collection	\$16.52/cubic yard

4) Roll-off container collection service

a) Open top roll-off lift container	\$11.76/cubic yard
b) Compacter roll-off container	\$12.09/cubic yard

5) Refuse bin maintenance

<u>Bin Size</u>	<u>Monthly Charge</u>
1 cubic yard	\$35.31
1.5 cubic yards	\$35.31
2 cubic yards	\$35.31
3 cubic yards	\$35.31
6 cubic yards	\$35.31
8 cubic yards	\$35.31
Roll-out charge for short distance (see subsection 2.b.)	\$16.81
Roll-out charge for long distance (see subsection 2.b.)	\$28.02

6) Roll-off container maintenance

<u>Container Size</u>	<u>Monthly Charge</u>
20 cubic yards	\$110.32

30 cubic yards	\$110.32
3 cubic yard compactor	\$165.48
5 cubic yard compactor	\$165.48
6 cubic yard compactor	\$165.48
7 cubic yard compactor	\$165.48
8 cubic yard compactor	\$165.48
Roll-out charge for short distance (see subsection 2.b.)	\$16.81
Roll-out charge for long distance (see subsection 2.b.)	\$28.02
7) Cardboard pull charge	\$4.31/cubic yard
8) Recycling clean up service	\$63.98/hour

b. A monthly 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 is based in part on whether the solid waste container or refuse bin must be moved a short or long distance or whether a gate or accessway must be opened.

- 1) 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 accessway.
- 2) 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.

c. Individual exemptions from residential or commercial collection service may be granted by the Director pursuant to Chapter 2-16, Manatee County Code of Ordinances,

as amended.

- 1) Persons applying for individual exemptions for residential improved real property shall not be required to pay a fee. Upon revocation of an exemption for residential improved real property, a new application will be required for reinstatement of the exemption; however, no application fee will be charged.
- 2) The application fee for an individual exemption for commercial improved real property is \$20.00. Upon revocation of an exemption for commercial improved real property, a new application will require an additional application fee of \$20.00.

d. The Director may exempt Apartments, Condominium Apartments and Mobile Home Parks from service charges for the collection of recyclable materials, if the following conditions are met:

- 1) The Apartment, Condominium Apartment or Mobile Home Park must make a written application for such exemption, through either a single owner or an association. The written application shall be notarized and under oath, and shall inform the Director, at a minimum, of an estimate of participation by the residents, the types and approximate quantities of recyclable materials generated, the method and frequency of collection, removal and disposal, and the names and addresses of the persons or entities performing such functions.
- 2) A program for the collection of recyclable materials from the Apartment, Condominium Apartment or Mobile Home Park must have existed prior to

September 1, 2000, and must recycle at least the same materials as the County's residential recycling program.

- 3) 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.
- 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 persons or entities performing such functions.
- 5) The single owner or association must have in place a proper, sanitary and effective method of collecting, removing and disposing of recyclable materials.
- 6) The single owner or association must provide the County with scale receipts from state certified scales each month for recyclable materials collected from the Apartment, Condominium Apartment or Mobile Home Park to comply with reporting requirements and to demonstrate continued existence of the recycling program.
- 7) If the Apartment, Condominium Apartment or Mobile Home Park no longer meets the conditions for an exemption from service charges for recyclable materials, such exemption shall be revoked immediately. In the event of revocation, no exemption shall be granted, renewed or re-established for any part or all of the Apartment, Condominium Apartment or Mobile Home Park.

e. The Director may exempt Apartments, Condominium Apartments and Mobile Home Parks from service charges for the collection of yard trash, if the following conditions are met:

- 1) The Apartment, Condominium Apartment or Mobile Home Park must make a written application for such exemption, through either a single owner or an association. The written application shall be notarized and under oath, and shall inform the Director, at a minimum, of the types and approximate quantities of yard trash generated, the method and frequency of collection, removal and disposal, and the names and addresses of the persons or entities performing such 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 shall promptly inform the Director, in writing, of the cessation or alteration of any such arrangements and of any change in the persons or entities performing such functions.
- 4) The single owner or association must have in place a proper, sanitary and effective method of collecting, removing and disposing of yard trash.
- 5) Once a decision regarding an exemption from service charges for yard trash has been made, it shall not be changed for one (1) year unless the Director determines that a hardship exists or that the Apartment, Condominium

Apartment or Mobile Home Park no longer meets the conditions for such exemption.

Section 3. Landfill Tipping Fees.

a. The tipping fees for disposal of solid waste, recyclable materials, yard trash, construction and demolition debris, used tires, white goods, and other standard waste at the County's landfill or solid waste facility are as follows:

- 1) Non-modified automobiles without trailers \$5.00/automobile
- 2) All other vehicles \$25.00/ton
Minimum fee of \$12.50 for loads of 1,000 pounds or less
- 3) Vehicles transporting construction and demolition debris \$50.00/ton
Minimum fee of \$25.00 for loads of 1,000 pounds or less
- 4) Tires \$73.60/ton
Minimum fee of \$36.80 for loads of 1,000 pounds or less

b. The tipping fees for disposal of ash residue, sludge, contaminated soil, asbestos, and other special waste at the County's landfill or solid waste facility are \$50.00 per ton. Special waste shall include any types of waste not identified in subsection 3.a. above which are permitted for disposal at the County's landfill or solid waste facility.

c. The tipping fees listed in subsections 3.a. and 3.b. above shall be double for mixed loads or loads that are insufficiently covered to prevent load loss during transportation.

d. The tipping fees listed in subsections 3.a. and 3.b. above shall be triple for out-of-County waste.

e. The tipping fees for disposal at the County's landfill or solid waste facility will be waived for the Authorized Collector delivering solid waste and/or yard trash collected pursuant to the community service requirements provided in the Franchise Agreement.

Section 4. Special Charges.

- a. New account charge \$10.00/account
- b. Research current request of customer \$15.00/hour
- c. Replace unattended scale proximity card \$25.00
- d. The charge for processing a bad check is established by resolution adopted

by the Board.

e. Failure to pay a current bill by the due date will result in a delinquency (late payment) fee of 2% of the current bill.

f. Accounts more than two (2) months delinquent, which necessitate a field trip for collection, will be charged an additional service charge of \$20.00.

Section 5. Security Deposits.

a. Security deposits are required for all residential and commercial collection accounts. The security deposit for a residential unit is \$25.00 per unit. The security deposit for a commercial unit will be a sum equal to twice the monthly commercial rate for the type of service being provided. Deposits for roll-off containers will be based on an estimated charge which includes the maintenance fee and cubic yard fee for one (1) month, plus estimated tipping fee for the level of service requested for one (1) month. However, the security deposit for a commercial unit will not exceed \$5,000.00, plus estimated tipping fee for the level of service requested for one (1) month.

b. Security deposits for accounts delinquent three (3) or more times or paid by two (2) or more bad checks in a year may be increased. The maximum deposit required shall not exceed five (5) times the average monthly bill.

c. All deposits shall accrue interest. The interest rate will be the passbook rate of the County's depository effective on 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.

Section 6. Roll-Off Container Service Billing. At the discretion of the Director, roll-off container service may be provided and billed to either the property owner or the actual user. Roll-off container service is a discretionary service provided by the County and may be terminated for non-payment.

Section 7. Charge Accounts.

a. A minimum deposit of \$200.00 or a deposit equal to two (2) months tipping fee, whichever amount is greater, is required on any landfill charge account. Failure to pay in a timely manner may result in an increased deposit.

b. All charge account deposits shall accrue interest. The interest rate will be the passbook rate of the County's depository effective on 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.

c. No charge account will be established for any customer with an outstanding past due balance on any County public utilities or solid waste account, including, but not limited to, water, reclaimed water, sewer and garbage services.

d. Charge account privileges will be terminated if payment is not made within thirty (30) days following the billing date and the deposit will be applied to the outstanding balance. Customers whose charge account privileges have been terminated will be required to prepay cash for all transactions.

e. Unpaid charge accounts will incur a delinquency (late payment) fee of 2% of the current bill.

Section 8. Delinquent Accounts.

a. At the discretion of the Director, requests for extra lifts on bins or extraordinary service for special items may not be honored on accounts which become delinquent.

b. At the discretion of the Director, service provided to delinquent accounts may be reduced to the minimum level.

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

Section 9. Service Requests.

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

b. The Director reserves the right to increase the level of service for a customer

in the event of repeated requests for extra lifts or in the event of two (2) field trips to a site within a thirty (30) day period for overloaded containers that could not be serviced.

c. Apartments, Condominium Apartments and Mobile Home Parks may receive either residential or commercial collection service. A fee of \$0.50 per dwelling unit will be charged for a change in service type.

Section 10. Miscellaneous.

a. Rental property accounts for water, sewer and garbage services may be exempt from service charges between tenants for a period not to exceed fourteen (14) days.

b. A license to transport occupational solid waste or construction and demolition debris may be obtained as provided in Chapter 2-16, Manatee County Code of Ordinances, as amended. The application fee for a one (1) year license is \$25.00 per vehicle.

c. Collection service will not be discontinued. Non-payment of the utilities bill or any portion thereof will result in the termination of water and/or reclaimed water service, where applicable.

d. Any unauthorized use of the solid waste, recyclable materials or yard trash collection and disposal services, such as violation of any statute, law, ordinance, code, resolution, rule or regulation, including, specifically, the discarding of any hazardous waste, will be subject to penalties provided in the applicable statute, law, ordinance, code, resolution, rule or regulation.

Section 11. Prior and Conflicting Resolutions. All prior and conflicting resolutions, including, but not limited to, Resolution No. R-03-188, shall be repealed, rescinded,

superseded and replaced by this resolution effective October 1, 2004, at 12:01 a.m.

Section 12. Severability. In the event that any provision, portion or section of this resolution is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining the remaining provisions, portions or sections of this resolution which shall remain in full force and effect.

Section 13. Effective Date. This resolution and the rates, fees and charges established in this resolution shall become effective October 1, 2004, at 12:01 a.m.

PASSED AND ADOPTED by the Board of County Commissioners of Manatee County, Florida, with a quorum present and voting, on the 17th day of August, 2004.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: 
Chairman

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

By: 
