

7-B)



City of Vero Beach Departmental Correspondence

To: Monte K. Falls, P.E., City Manager

From: Matthew T. Mitts, P.E., Public Works Director *MTM*

Subject: Ordinance for Changes to Solid Waste – Master Accounts for Non-Utility Customers

Date: April 19, 2023

Background:

Public Works – Solid Waste Division is proposing to create a master account classification for customers within the City limits that are not served by City of Vero Beach Water and Sewer utilities. The proposed changes will reduce administrative burdens related to collecting payments from non-utility customers within single-family, multi-family, or commercial subdivisions and developments.

Other changes to the ordinance include updates to incidental charges to keep up with increased costs.

Funding:

No funding is required for this item. The City's Solid Waste Division is an enterprise fund supported by collected revenue.

Recommendation:

- Place this item on the May 16, 2023 City Council Agenda
- Approve the Solid Waste Ordinance Revisions

Attachments:

- Solid Waste Ordinance

ORDINANCE NO. 2023-____

AN ORDINANCE OF THE CITY OF VERO BEACH, FLORIDA, AMENDING ARTICLE I, SECTION 66-2, "SOLID WASTE COLLECTION SERVICE"; AMENDING 66-7, "DIRECTOR OF SOLID WASTE; SUPERVISION, RULES AND REGULATIONS; APPEAL FROM REGULATIONS"; AMENDING SECTION 66-10, "FEES" OF CHAPTER 66, SOLID WASTE, OF THE CODE OF THE CITY OF VERO BEACH; REVISING RATES, FEES, AND CHARGES FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIAL AND SALE OF ITEMS USED FOR COLLECTION PURPOSES; REPEALING RESOLUTION 2020-26; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR THE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Vero Beach has operated a solid waste collection service within the limits of the City since at least December 16, 1952 (Chapter No. 608), in order to enhance the beauty and quality of the environment, conserve and recycle natural resources, prevent the spread of disease and the creation of nuisances, and protect the public health, safety and welfare of the general public; and,

WHEREAS, Chapter 66 of the City's Code of Ordinances authorizes the City of Vero Beach to operate a solid waste collection service for those purposes, and authorizes that rates, fees, and charges for such services are established by City Council and may only be revised by City Council; and,

WHEREAS, on September 15, 2020, the City Council adopted Resolution No. 2020-26 setting rates, charges, and fees for the collection and disposal of solid waste, refuse, trash, and recyclable material; and,

WHEREAS, the purpose of this Ordinance is to add a new classification of residential solid waste customers for Master Account billing, and to codify updates to rates, charges, and fees so that they are sufficient to cover the cost of providing for the collection and disposal of solid waste, refuse, trash, and recyclable material; and,

WHEREAS, the City Council finds that the amendments contained in this Ordinance are necessary and desirable to cover the cost of collecting, hauling, and disposing of solid waste and covered material; and,

WHEREAS, the City Council finds that the amendments provided for in this Ordinance serve the public interest by promoting and protecting the health, safety, and general welfare of the citizens of the City of Vero Beach and by servicing to improve efficiency in the operation of municipal governance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA, THAT:

Section 1 – Adoption of “WHEREAS” clauses

The foregoing “WHEREAS” clauses are hereby adopted and incorporated herein as forming the legislative findings, purpose, and intent of this Ordinance.

Section 2 – Amendment of Section 66-2 – Solid waste collection service

The city operates a solid waste collection service within the city limits. Service is in accordance with the regulations set forth in this chapter and fees established by council by ~~resolution~~ ordinance.

Section 3 – Amendment of Section 66-7 – Director of solid waste; supervision, rules and regulations; appeal from regulations

- (a) Supervision, rules and regulations. All solid waste accumulated in and collected by the city shall be collected, conveyed and disposed of under the supervision of the director of ~~general maintenance services public works~~, or the director’s designee. The director and city manager is ~~are~~ hereby authorized to adopt and amend reasonable rules and regulations concerning the collection, conveyance and disposal of solid waste as deemed necessary and consistent with this chapter. Copies of the rules may be obtained in the office of the city clerk and in the office of the director of ~~general maintenance services public works~~.

Section 4 – Amendment of Section 66-10 – Fees

Chapter 66, Article I, Sec. 66-10. – Fees, is hereby amended as follows:

- (a) Schedule of fees. Fees for the collection of refuse are established ~~by resolution~~. ~~Copies of the resolution establishing fees may be obtained from the city clerk’s office.~~ in the amount stated below in Sec. 66-10.1, Refuse Collection and Disposal Fees.
- (b) Refuse charge. Any residential or commercial customer receiving any ~~city~~ utility service shall also pay a refuse charge, as established by city council ~~resolution~~, regardless of whether the site of utility service is occupied.
- (c) Payment of fees. Charges for refuse collection shall be payable monthly. Where applicable, ~~The~~ monthly charge shall be included within the bill for all other utility services provided by the city. Such charges shall otherwise be subject to the applicable rules, regulations, and penalties as are provided for other utilities in this Code.

Section 66-10.1, Refuse Collection and Disposal Fees, is hereby created to read as follows:

To cover the cost of collecting, hauling and disposing of solid waste and recovered material, the following service charges shall be paid to the City by the owner or occupant of each residential unit or non-residential entity, or the homeowner's association or similar entity for those properties not served by the City's water utility, which is the source of solid waste or recovered material:

(1) Container. Containerized services shall be charged per cubic yard (CY) of container volume, per collection [e.g., monthly service fee = (CY Rate *cy * lifts per week *52) / 12], in accordance with the following:

a. Container Collection.

1. Minimum Fee: \$16.45 per month
2. Non-Compacted Container: \$5.25 per cubic yard
3. Compacted Container: \$15.74 per cubic yard
4. Extra Lift: Extra lifts in excess of the regular weekly schedule shall incur an additional charge based on volume of the container in cubic yards at the associated rate (i.e. compacted/non compacted).

b. Shared Account. Two (2) or more customers sharing a container shall be assessed prorated charges based on the estimated proportion of the container volume (cubic yards). The minimum total container volume shall be 4.0 cubic yards per week and the minimum proportional container volume increment shall be 0.25 cubic yards per week. No shared account customer shall be charged less than the minimum fee. All shared accounts shall be linked to the applicable water meter account for that unit/address.

c. Master Account. In the event a facility is serviced by the City's water utility with a common water meter, all solid waste services shall be billed to a master account. Master accounts may also be established in accordance with Section 66.10.1(2) a.3.b and Section 66.10.1(2) b.3.b herein.

d. Castors. There shall be a material/installation fee of \$250.00 per set for customers who require castors or castor replacement on the container.

e. Roll-out by City Crew. In the event that City crews must move a container to another location to provide access to the collection vehicle, then there shall be an additional monthly charge equal to \$2.00 per lift.

f. Enclosure Clean-Up. Clean-up of enclosure areas by City crews shall incur a charge of \$50.00 per incident.

g. Pressure Washing. In the event that City crews must pressure wash a container, each event shall incur a charge of \$50.00 per incident.

h. Weekly Clean-Up. For enclosure clean-up areas, contracts shall be available for one (1) day per week at a rate of \$50.00/month.

i. Call-Back. In the event that a collection vehicle is unable to access or lift a container, there shall be a call back fee charged of \$10.00 per incident.

- j. **Special Event.** For special events, there shall be a \$40.00 delivery fee for each container in addition to the rate per cubic yard of container volume specified in 66-10.1(1). If containers are relocated at the request of the customer, a \$40.00 relocation fee shall be applied. If more than one (1) container is relocated concurrently, the fee for additional containers will be \$15.00. Sixty-four (64) gallon Toter carts can be rented for a fee of \$2.50 per unit, per event. Any Toter damaged beyond repair, or missing, will be invoiced at \$100.00 per unit.
- k. **Roll-off Service.** There shall be a \$50.00 delivery fee for the first 21-day rental of each roll-off container in addition to the rate per cubic yard of container volume specified in 66.10(1). There is a \$50.00 fee for each additional delivery of a container plus the cubic yard rate. There will be a charge of \$5.00 per day for all days beyond the first twenty-one (21) days. Additional charges imposed by the Indian River County Solid Waste Disposal District will be billed to the customer.
- (2) **Non-container.** Non-containerized services shall be charged in accordance with the following:
- a. **Residential.** Single-family residential and multi-family residential shall be charged \$16.45 per month per unit for the following services:
1. Garbage service shall be provided two (2) days per week, limited to two (2) cans, bags or bundles per unit.
 2. Yard trash service shall be provided one (1) day per week, limited to four (4) cans, bags or bundles per unit. Up to eight (8) cans or bags of leaves shall be collected at no additional charge, provided the bags are clear or translucent and there is no contamination.
 3. Master Accounts.
 - a. In the event a facility is serviced by the City's water utility with a common water meter, all solid waste services shall be billed to a master account based on the number of units.
 - b. In the event a residential single-family or multi-family parcel is within the City's solid waste service area but is not served by the City's water utility, and such parcel is part of a homeowner's association or similar entity having the authority to collect assessments, charges, and fees from parcel owners within the subdivision, all solid waste services shall be billed to a master account based on the number of units.
- b. **Commercial.** For non-residential units and multi-family residential customers:
1. At the rate of \$16.45 per month, garbage service shall be provided two (2) days per week, limited to two (2) cans, bags, boxes, or bundles per unit or entity.

2. At the rate of \$32.88 per month, garbage service shall be provided four (4) days per week, limited to two (2) cans, bags, boxes, or bundles per unit or entity.
3. Master Accounts.
 - a. In the event a facility is serviced by the City's water utility with a common water meter, all solid waste services shall be billed to a master account based on the number of units or entities.
 - b. In the event a commercial parcel is within the City's solid waste service area but is not served by the City's water utility, and such parcel is part of a homeowner's association or similar entity having the authority to collect assessments, charges, and fees, from parcel owners within the subdivision, all solid waste services shall be billed to a master account based on the number of units.
- c. **Extra Cans.** There shall be an additional charge for any \$2.50 per can combination of cans, bags, boxes or bundles for commercial service, which exceeds the authorized daily collection limit.
- d. **Unbundled Piles.** There shall be an additional charge for \$15.00 per incident for the collection of any unbundled piles less than 3.0 cubic yards. Small piles that can be easily collected without risk or injury, such as three (3) to five (5) palm fronds, shall be exempt from this additional fee.
- e. **Weekly Trash Service.** Customers may request one (1) \$40.00 per month day per week trash collection of up to 8.0 cubic yards.
- f. **Call-Back.** There shall be an additional charge for call-backs at \$5.00 per incident collection sites for customers unwilling to wait until the next scheduled collection day.
- (3) **Special Collection.** An unlimited quantity of refuse, solid waste, or trash will be collected, at the curbside, from improved residential and non-residential property as a special service, with charges for this special service billed on the following month's utility bill. Special service is limited to in-City customers on active City utility accounts, and is at the sole discretion of City to provide such special services based on the findings of the director.
 - a. **Minimum Fee.** Up to 8.0 cubic yards of waste collected shall be charged as \$40.00 per incident per customer.
 - b. **Loose Cubic Yards.** There shall be a charge of \$5.00 per cubic yard for any material that is placed in the right-of-way or designated collection site that exceeds the regular service limits for size, quantity or weight. Individual piles shall be measured at the bottom of the pile and the highest point on the pile with the estimated volume for billing purposes calculated by dividing the cubic yards by 54 [i.e., $CY = (l' * w' * h') / 54$].
 - c. **Weekly Special Service.** Contracts shall be available for one (1) \$40.00 per month day per week collection of up to 8.0 cubic yards of bulky items.

- d. Extra Fees. Any additional landfill or special handling fees imposed. Actual Cost on the City shall be added to the above-described collection fees.

(4) Disaster Debris Removal.

- a. The director has the authority to wave collection fees for the removal of vegetative debris generated by a natural or manmade event (disaster). The duration of the waiver of fees will be as determined by the director.

(5) Recycling.

- a. In accordance with Article III, Recycling, residential recycling is provided by the Indian River County Solid Waste Disposal District (SWDD).

- b. Non-Residential recycling is provided by private contract haulers pursuant to Article III, Recycling.

(6) Utility Fees and Charges: The fees and charges for solid waste customer account activity for properties not served by the City's water utility are established as follows:

- a. New Account Fee: \$30.00
- b. Late Payment Penalty (assessed monthly on past due balances in excess of \$75.00): 1.5% of the balance or \$5.00, whichever is greater
- c. Returned Check Fees: In accordance with Section 166.251, Florida Statutes, fees on all returned or dishonored checks will be the greater of 5% of the face amount of the check or:
1. \$ 25.00 if the face value does not exceed \$ 50.00
 2. \$ 30.00 if the face value is more than \$ 50.00 but does not exceed \$ 300.00
 3. \$ 40.00 if the face value is more than \$300.00
 4. Maximum returned check fee of \$ 100.00

(7) Annual rate adjustments.

Beginning on October 1, 2023, and annually each October 1 thereafter, the rates specified in section 66-10.1(1)a., 66-10.1(2) a. and 66-10.1(2) b. hereof shall be adjusted in accordance with the index known as the "United States Bureau of Labor Statistics Consumer Price Index (CPI): All Urban Consumers, U.S. City Average (CPI-U)" using the 'not seasonally adjusted' 12-month percent change from July to July each year. If this index ceases to be published, the successor index shall be used. In any year in which the CPI-U or its successor index is a negative percentage for the period from July to July, the rates shall remain the same as the previous year. The maximum annual rate increase shall be limited to 5%.

Section 5 – Codification

The provisions of this Ordinance shall be codified in the Code of the City of Vero Beach, Florida.

Section 6 – Repealing Resolution 2020-26

Resolution 2020-26 is hereby repealed and replaced with this ordinance.

Section 7 – Conflict and Severability

In the event any provision of this Ordinance conflicts with any other provision of this Code or any other ordinance or resolution of the City of Vero Beach on the subject matter of this Ordinance, the more strict provision shall apply and supersede. If any provision of this Ordinance is held to be invalid, unconstitutional, or unenforceable for any reason by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Ordinance, which shall be deemed separate, distinct, and independent provisions enforceable to the fullest extent possible.

Section 8 – Scrivener's Errors

The City Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.

Section 9 – Effective Date

This Ordinance shall become effective upon final adoption by the City Council.

This Ordinance was read by title for the first time on the _____ day of _____ 2023, and was advertised on the _____ day of _____ 2023, for a public hearing to be held on the _____ day of _____ 2023, at the conclusion of which hearing it was moved for adoption by Councilmember _____, seconded by Councilmember _____, and adopted by the following vote of the City Council:

Mayor John E. Cotugno	_____
Vice-Mayor Linda Moore	_____
Councilmember Tracey Zudans	_____
Councilmember John M. Carroll, Jr.	_____
Councilmember Rey Neville	_____

ATTEST:

CITY OF VERO BEACH, FLORIDA

Tammy K. Bursick
City Clerk

By: _____
John E. Cotugno
Mayor

Seal:

Date: _____

STATE OF FLORIDA
COUNTY OF INDIAN RIVER

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2023, by **John E. Cotugno**, as **Mayor**, and attested by **Tammy K. Bursick**, as **City Clerk**, of the City of Vero Beach, Florida. Both are personally known to me.

Seal:

Sign: _____
Notary Public, State of Florida at Large
Print Name: _____
Notary Commission No.: _____
My Commission Expires: _____


ADMINISTRATIVE REVIEW
(For Internal Use Only–Sec. 2-77 COVB Code)

Approved as to form and legal sufficiency
for COVB only:




John S. Turner
City Attorney

Approved as conforming to municipal
policy:



Monte K. Falls, P.E.
City Manager

Approved as to technical requirements:



Matthew T. Mitts, P.E.
Public Works Director

Approved as to financial requirements:



Kelley Brost
Interim Finance Director