

ORDINANCE NO. 55-23-38

AN ORDINANCE OF THE CITY OF ATLANTIC BEACH, FLORIDA INCREASING MONTHLY SANITATION RATES BY 16.63% BY AMENDING CHAPTER 16, SOLID WASTE AND RECYCLING, ARTICLE I, SOLID WASTE DEFINITIONS AND PROCEDURES, SECTION 16-10 FEES FOR COLLECTION; PROVIDING FOR INTENT; PROVIDING FOR ADOPTION OF THE NEW RATES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City bases its sanitation rates on recovering the cost of providing service and maintaining and utilizing a sanitation enterprise fund reserve (fund balance); and

WHEREAS, the City entered into a contract with Green for Life (GFL) Environmental on June 30, 2021, that became effective Aug. 1, 2021; notably, the residential sanitation removal rate GFL charged the City was \$17.45 and the monthly residential sanitation removal rate the City charges its residents was and remains \$18.02; and

WHEREAS, GFL Environmental increased the monthly fuel component rate it charges the City effective May 1, 2022, due to the semi-annual fuel surcharge fuel component adjustment, resulting in a 7.4% overall rate increase to the City; and

WHEREAS, GFL Environmental increased the monthly collection component rate effective October 1, 2022, as a result of the consumer price index (CPI) adjustment, resulting in a 3.2% overall rate increase to the City; and

WHEREAS, GFL Environmental decreased the monthly fuel component rate it charges the City effective June 1, 2023, due to the semi-annual fuel surcharge fuel component adjustment, resulting in a 2.5% overall rate decrease to the City; and

WHEREAS, the City has been notified that GFL Environmental will increase the monthly collection component rate it charges the as a result of the CPI adjustment effective October 1, 2023, resulting in a 3.2% overall rate increase to the City; and

WHEREAS, the monthly residential sanitation rate GFL will charge the City effective October 1, 2023, will be \$19.46; and

WHEREAS, by virtue of the City not passing along sanitation rate increases since June 1, 2019, the City sanitation fund reserve was depleted by about \$231,232 between Oct. 1, 2021, and April 30, 2023; and,

WHEREAS, the City deems it necessary to increase rates corresponding to the City's sanitation collection provider rate increases since June 1, 2019, to enable it to stabilize the sanitation program's operations while maintaining and utilizing a sufficient sanitation fund reserve; and

WHEREAS, in addition and to account for expenses (via the sanitation enterprise fund reserve) pertaining to emergencies and other considerations, the City deems it necessary to establish monthly sanitation rate amounting to 8% more than the monthly amount GFL Environmental charges the City for residential and commercial solid waste removal; and

WHEREAS, as such, the City deems it necessary to increase the monthly residential sanitation removal rate to \$21.02, a 16.63% increase over the current monthly residential sanitation removal rate of \$18.02; and

WHEREAS, the City further deems it necessary to correspondingly increase monthly commercial sanitation removal rates as delineated in Section 2 of this Ordinance; and

WHEREAS, miscellaneous monthly commercial removal rates not delineated in Section 2 will remain as established in the June 30, 2021, solid waste agreement between the City of Atlantic Beach and GFL Environmental.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION ON BEHALF OF THE PEOPLE OF THE CITY OF ATLANTIC BEACH, FLORIDA:

SECTION 1. Intent.

It is the intent of the City of Atlantic Beach, Florida to adjust monthly fees for sanitation services by 16.63%.

SECTION 2. Section 16-10, Article 1, Chapter 16 of the City's Code of Ordinances shall be amended in its entirety as follows:

All residents, occupants and owners of premises in the city shall have accumulations of solid waste removed and disposed of by the ~~franchise~~contractor, and for the service of solid waste removal shall pay the city the sums as promulgated by ordinance shown below for each type of service.

(1) *Residential.* Monthly payments shall be computed by multiplying the initial number of residential units in the service area times ~~seventeen dollars and seventy-eight cents (\$17.78)~~ twenty-one dollars and two cents (\$21.02) per household for garbage, recycling, and yard waste.

- a. Any person requesting an additional garbage pick-up each week shall be charged an additional fee of ~~seventeen dollars and seventy-eight cents (\$17.78)~~ twenty-one dollars and two cents (\$21.02) per month. The day of the additional pick-up shall be set by the ~~franchise~~ contractor, and a subscription agreement shall be signed with the city which shall require a minimum of one (1) year of the additional fee.
- b. Any person requesting an additional garbage toter (or required to have an additional garbage toter due to volume of excess trash produced) for their household shall be charged an additional fee of ~~eight dollars and eighty-four cents (\$8.84)~~ ten dollars and forty-five cents (\$10.45) per month and a subscription agreement shall be signed with the city which shall require a minimum of one (1) year of the additional fee.

(2) *Multifamily residential (curbside, all residential services)*: Monthly payments shall be computed by multiplying the initial number of residential units in the service area times ~~seventeen dollars and seventy-eight cents (\$17.78)~~ twenty-one dollars and two cents (\$21.02) per household for garbage, recycling and yard waste.

~~(3) *Multifamily residential recycling using toters*: Monthly recycling bill shall be computed by multiplying the number of toters times nine dollars and fifty-two cents (\$9.52) times four and thirty-three hundredths (4.33) in accordance with subsection (11) below.~~

~~(4)~~(3) *Multifamily (containers emptied by mechanical means)*: Monthly payments shall be computed by multiplying the total monthly yardage based on container size by the rate of ~~five dollars and fifty-eight cents (\$5.58)~~ six dollars and sixty cents (\$6.60) per cubic yard. For users of two (2) cubic yard containers, monthly payments shall be computed by multiplying the total monthly commercial yardage collected by the rate of six dollars and ~~seventy-two cents (\$6.72)~~ seven dollars and ninety-four cents (\$7.94) per cubic yard for containerized garbage.

~~(5)~~(4) *Commercial (curbside, all residential services)*: Monthly payments shall be computed by multiplying the number of business units in the service area times ~~seventeen dollars and seventy-eight cents (\$17.78)~~ twenty-one dollars and two cents (\$21.02) per business for garbage, yard waste and recycling.

~~(6)~~(5) *Commercial (curbside, garbage only, twice a week collection)*: Monthly payments shall be computed by multiplying the number of commercial toters times ~~seventeen dollars and seventy-eight cents (\$17.78)~~ twenty-one dollars and two cents for garbage.

~~(7)~~(6) *Commercial (containers emptied by mechanical means)*: Monthly payments shall be computed by multiplying the total monthly commercial yardage collected by the rate of ~~five dollars and fifty-eight cents (\$5.58)~~ six dollars and sixty cents (\$6.60) per cubic yard for containerized garbage based on container size. For users of two (2) cubic yard containers, monthly payments shall be computed by multiplying the total monthly commercial yardage collected by the rate of ~~six dollars and seventy-two (\$6.72)~~ seven dollars and ninety-four cents (\$7.94) per cubic yard for containerized garbage.

~~(8)~~(7) *Commercial (roll-off containers)*: Monthly payments shall be computed by multiplying the total number of roll-off pulls by ~~thirty-two dollars and twenty-four cents (\$32.24)~~ thirty-eight dollars and eleven cents (\$38.11) per yard (based on container size other than C&D containers). For roll-off compactors, monthly payments shall be computed by multiplying the total number of roll-off pulls by ~~sixteen dollars and seventy-five cents (\$16.75)~~ nineteen dollars and eighty cents (\$19.80) per yard multiplied by container size.

~~(9)~~(8) *VIP compactors (FEL)*: Monthly payments shall be computed by multiplying the total monthly commercial yardage collected based on container size by the rate of ~~sixteen dollars and thirty-two cents (\$16.32)~~ nineteen dollars and twenty-nine cents (\$19.29) per cubic yard for compacted containerized waste.

~~(10)~~(9) *Special pickups including extra service, excess yard waste and commercial bulk pickups:* Special pickups shall be billed at the rate listed in the schedule of standard charges approved by the city commission.

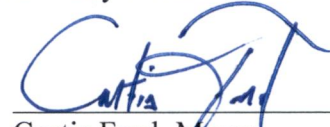
~~(11)~~(10) *[Standardized billing.]* For billing standardization purposes, monthly payments will be calculated assuming four and thirty-three hundredths (4.33) weeks per month.

SECTION 2. Severability. If a Court of competent jurisdiction at any time finds any provision of this Ordinance to be unlawful, illegal or unenforceable, the offending provision shall be deemed severable and removed from the remaining provisions of this Ordinance which shall remain in full force and intact.

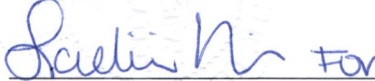
SECTION 3. Effective Date. This ordinance shall take effect upon final reading and approval.

PASSED by the City Commission on first reading this 12th day of June, 2023.

PASSED by the City Commission on second and final reading this 26th day of June 2023.


Curtis Ford, Mayor

Attest:


Donna L. Bartle, City Clerk

Approved as to form and correctness:


Jason Gabriel, City Attorney