

**CITY OF INDIAN ROCKS BEACH
ORDINANCE NO. 2023-01**

AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, AMENDING CHAPTER 50, "SOLID WASTE", ARTICLE II "COLLECTION AND DISPOSAL", DIVISION 3. "FEES AND CHARGES", SECTION 50-91 "FEE SCHEDULE", TO REMOVE THE FEE SCHEDULE FROM THE CODIFIED PORTION OF THE CITY'S ORDINANCES; PROVIDING FOR THE SUBSEQUENT ADOPTION OF A RESOLUTION SETTING FORTH THE APPLICABLE FEE SCHEDULE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, s. 180.13, Florida Statutes, authorizes a municipality to establish just and equitable utility rates; and

WHEREAS, the City of Indian Rocks Beach's solid waste service currently operates as an enterprise fund; and

WHEREAS, it is the intent of the enterprise fund to cover the cost of doing business; and

WHEREAS, pursuant to recent contract negotiations, the costs of operating the solid waste service as an enterprise fund has increased; and

WHEREAS, staff is recommending an increase to all portions of the Fee Schedule; and

WHEREAS, the Indian Rocks Beach City Commission desires to increase the solid waste fees for FY 2022/2023, effective October 1, 2022; and

WHEREAS, the Indian Rocks Beach City Commission desires to remove the corresponding fee schedule from its codified ordinances, and instead provide for their adoption and memorialization in a resolution.

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

SECTION 1. Section 50-91, of Chapter 50, "Solid Waste", Article II, Collection and Disposal, Division 3, Fees and Charges, of the Code of Ordinances of the City of Indian Rocks Beach, Florida, is hereby amended as follows:

Sec. 50-91. Fee schedule, Solid Waste Receptacles, and Frequency of Service.

(a) All fees for the City's collection and disposal of garbage, trash, and other solid waste shall be established by the City Commission, through the adoption of a resolution.

~~(a) *Basic fees.* The fees for pickup of garbage and trash are as follows:~~

- ~~(1) Single unit rate, two times per week, per month
..... \$22.78~~
- ~~(2) Multi-unit rate, two times per week, per month
..... \$21.65~~
- ~~(3) Commercial business establishment, five cans, two times per week, per month
..... \$28.44~~
- ~~(4) Dumpster rates:
a..... Two yards, two times per week, per month
..... \$219.92
b..... Four yards, two times per week, per month
..... \$401.05
c..... Six yards, two times per week, per month
..... \$569.19~~
- ~~(5) Each additional pickup:
a..... Two-yard dumpster, one time per week, per month
..... \$110.01
b..... Four-yard dumpster, one time per week, per month
..... \$200.56
c..... Six-yard dumpster, one time per week, per month
..... \$284.39
d..... Commercial can pickup, one time per week, per month
..... \$14.23~~
- ~~(6) Single one-time pickup:
a..... Two-yard dumpster
..... \$110.01
b..... Four-yard dumpster
..... \$200.56
c..... Six-yard dumpster
..... \$284.39~~

~~(b) *Additional per-unit fee.* In addition to the fees set forth in subsection (a) of this section, the amount of \$8.47 per unit per month shall be added to each of the basic~~

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~~fees for subsections (1) and (2), and the amount of \$9.61 per unit per month shall be added to the basic fees for subsections (3), (4), (5), and (6).~~

~~(c)~~ (b) *Election to use cans instead of dumpsters.* Multifamily and/or commercial business establishments with less than four units may elect to utilize cans instead of dumpsters. Multifamily and/or commercial units with four or more units may be required to utilize dumpster service instead of cans at the discretion of the public services director. In this event, the dumpster rate will apply.

~~(d)~~ (c) *Authority of city to determine type and frequency of service.* The city reserves the right to determine the number of cans, the number and size of containers, and/or the frequency of disposal, with applicable charges, during any period of the year, for all customers. The city reserves the right to determine the location, accessibility and direction of pickup.

~~(e)~~ (d) *Single-family unit and multiunit defined.* For the purpose of this section and the imposition of corresponding fees established by resolution, a single-family unit shall be defined as a unit that is either a single-family residence or one unit of a duplex or other multifamily residence, each of which may or may not be owned separately, which are billed separately and not on a bulk rate for solid waste services. A multiunit shall be defined as two or more units owned by one or more people, which are not on a bulk rate for solid waste services and for which only one bill for services provided is mailed for all units.

~~(f)~~ (d) *Compactor and front-end loader dumpsters.* Compactor dumpsters and front-end loader dumpsters will be installed upon written request from the property owner or business owner and upon approval by the city manager. Any Fees assessed in addition to those adopted by resolution will be based on rental charges, pull charges and dumping fees. ~~In addition, there shall be an administrative charge of \$258.72 per month for each compactor dumpster in excess of ten cubic yards. For compactor dumpsters and front-end loader dumpsters less than ten cubic yards, the administrative fee shall be \$129.37 per month per dumpster. Billing shall be on a bimonthly basis.~~

~~(g)~~ (e) *Commercial construction roll-off dumpsters.* Commercial construction roll-off dumpsters shall be installed by the owner or the general contractor for all new construction and major remodeling projects. ~~There shall be an administrative charge of \$250.00 collected at the time of building permit issuance.~~

SECTION 2. Applicability. This ordinance shall apply in the City of Indian Rocks Beach.

SECTION 3. Inclusion in the Code of Ordinances. It is the intent of the City Commission that the provisions of this ordinance shall become and be made a part of the City of Indian Rocks Beach's Code of Ordinances, and that the sections of this ordinance may be renumbered or re-lettered and the word "ordinance" may be changed

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to “section,” “article,” “regulation,” or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 4. Severability. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

SECTION 5. Effective Date. This ordinance shall take effect on February 1, 2023.

PASSED ON FIRST READING on the 13th day of December 2022, by the City Commission of the City of Indian Rocks Beach, Florida.

PUBLISHED on the 28th day of December 2022, in the Tampa Bay Times.

PASSED AND ADOPTED ON SECOND AND FINAL READING on the 10th day of January 2023, by the City Commission of the City of Indian Rocks Beach, Florida.

Joanne Moston Kennedy, Mayor- Commissioner

ATTESTED BY:

Lorin A. Kornijtschuk, City Clerk

APPROVED AS TO FORM:

Randol D. Mora, City Attorney