

CITY COMMISSION OF THE CITY OF DADE CITY

ORDINANCE NO. 2021-19

AN ORDINANCE OF THE CITY OF DADE CITY AMENDING SECTION 74-38 (COLLECTION FEES; CLASSIFICATION) OF CHAPTER 74 (SOLID WASTE), ARTICLE II (COLLECTION AND DISPOSAL), OF THE CODE OF ORDINANCES OF THE CITY OF DADE CITY TO AMEND THE FEE SCHEDULE FOR THE COLLECTION OF SOLID WASTE, RECYCLABLES, AND LANDSCAPE WASTE (YARD TRASH); PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Dade City recently approved an extension of the solid waste, recyclables, and landscape waste collection contract with the City's contractor, Waste Connections; and

WHEREAS, the cost for collection and disposal of the solid waste, recyclables, and landscape waste has increased substantially due to rising collection costs and federal and state regulation of the waste disposal industry; and

WHEREAS, the fee schedule was last amended in 2011; and

WHEREAS, it is now necessary for the City Commission to adjust Section 74-38 of the City Code to reflect the actual costs incurred by the City in its contract with Waste Connections and to have all customers be responsible for the additional fees that are part of the recently approved contract; and

WHEREAS, the City Commission has determined that the adjustment of the fee schedule reflects the City Commission's intent to have Dade City residents and businesses be responsible for the actual cost of the collection and disposal of their waste.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF DADE CITY, FLORIDA, AS FOLLOWS:

SECTION 1. RECITALS. The recitals set forth in this Ordinance are included to reflect the findings of fact of the City Commission and are made a part of this Ordinance.

SECTION 2. AMENDMENT OF SECTION 74-38. Section 74-38 of the Code of Ordinances of the City of Dade City is amended to read as follows with the addition of the underlined provisions and the deletion of the stricken provisions set forth in this Section:

Sec. 74.38 – Collection fees; classification.

All residents, occupants or owners of developed residential property and all businesses, industries, institutions or governmental units within the corporate limits of the city shall be required to have accumulations of garbage, trash, recyclables,

and landscape waste (yard or garden trash) removed and disposed of by the city, or a specific hauler under contract to the city. For such service or for the availability of such service these entities shall pay the city, or contract hauler as the case may be, the fees set forth as follows:

- (1) All residential developments, except those with active accounts for mechanical dumpster service, shall pay the rates and charges for service as follows:
 - a. Single-family, duplexes, triplexes, apartments, townhouses, condominiums, other multifamily residential units, roominghouses, bed and breakfast establishments, etc., shall pay ~~\$10.91~~ \$13.71 per month per ~~structure~~ individual living or dwelling unit for twice weekly collection of garbage and yard trash, and one weekly collection of recyclable materials. The fee set forth in this subsection shall be subject to revision in accordance with any contractual adjustments in fees as agreed upon by the City and its contract hauler.
 - ~~b. Apartments, townhouses, condominiums, and other multifamily residential units that have curbside service available shall pay \$8.91 per month for each apartment or living unit for twice weekly collection of garbage and yard trash.~~
 - eb. Yard trash service shall be provided under the terms of the agreement with the contract hauler.
 - dc. Tree and lawn maintenance contractors and/or companies that provide a service for a fee to citizens within the city, shall remove all materials associated with that service from the city; materials shall not be placed on parkways and shall be removed from the property within 24 hours after completion of the project.
 - ef. For residential accounts billed by the city, a deposit of \$15.00 must be paid in full prior to the initiation of garbage service. Such deposit shall be held by the city in a non-interest-bearing reserve account. Deposits must be brought up to current levels when a user transfers to a different account.
 - fg. Deposits of single-family residential accounts in the name of the property owner may be refunded, without interest, after 24 billing periods provided that there have been no late payments, no returned payments, and no disconnections on the account during that time period. Otherwise, upon final settlement of the user's account, any unused balance of the deposit will be refunded without interest to the account name as listed on the deposit receipt. Deposits cannot be changed and are not transferable to another user except in situations where appropriate legal documentation is provided.
- (2) All commercial, business, service, office, industrial, government, hotel and motel establishments, etc., shall pay rates for 30-gallon cans as are in effect under an agreement with the contract hauler.

In addition, users shall pay a franchise fee to the city of ten percent of the gross collection charge.
- (3) All users of mechanical dumpsters shall pay rates per cubic yard, per collection, per week, as are in effect under an agreement with the contract hauler, plus a franchise fee to the city of ten percent of the gross collection charges.

- (4) Developed residential or commercial properties that stand vacant of any occupants for at least 30 days shall be exempt from any monthly solid waste collection charges. The properties shall be determined to be vacant only upon discontinuance or termination of an active water and/or sewer account with the city.

Solid waste collection service that has begun or terminated shall have the monthly charge prorated on a daily basis.

- (5) Industrial processing waste must not be placed for pickup with garbage and trash, but must be removed by the owner in such a manner as not to create offensive odors, sanitary problems or menace to the health of any person. Noncombustible refuse and construction debris must be removed by the owner, occupant, operator or contractor performing such work no later than 30 days after the completion of any such building.

SECTION 3. CONFLICTS. All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4. CODIFICATION. This Ordinance shall be incorporated into the Dade City Code of Ordinances as Section 74-38. Any section, paragraph number, letter or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and similar scrivener's errors may be corrected without formal approval of the City Commission, and additions, alterations, and omissions not affecting the construction or meaning of this Ordinance and the City Code may be made as needed.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause, phrase, word, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective pursuant to the Dade City Charter and Florida law.

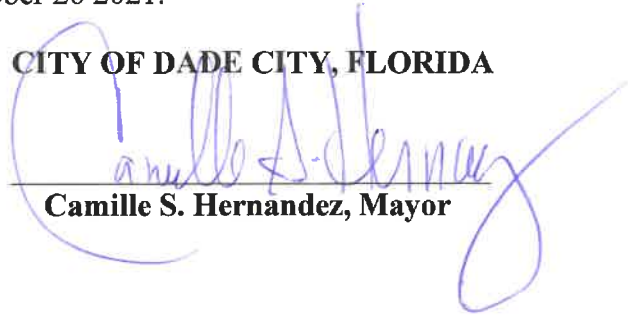
Adopted by the City Commission after introduction and first reading on October 12, 2021, and following second reading and adoption on October 26 2021.

ATTEST:



Angelia Guy, City Clerk

CITY OF DADE CITY, FLORIDA



Camille S. Hernandez, Mayor

Approved as to form:



Thomas A. Thanas, City Attorney