

ORDINANCE 2013-09

**AN ORDINANCE OF THE CITY OF WAUCHULA, FLORIDA;
REQUIRING CITY SOLID WASTE SERVICE; AMENDING
ORDINANCE NUMBERS 2006-13 AND 2007-19; MODIFYING AND
AMENDING BOTH THE RATE STRUCTURE AND RATES FOR
THE COLLECTION AND DISPOSAL OF SOLID WASTE;
PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY;
AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, pursuant to the authority of Chapter 166, Florida Statutes, and for the health and welfare of its citizens, the City of Wauchula, Florida (the "City") provides solid waste collection and disposal services to all of the residents and businesses of the City; and

WHEREAS, the City has recently completed a comprehensive solid waste collection and disposal rate study dated _____, 2013, during its fiscal year ending September 30, 2013; and,

WHEREAS, the rate study recommends that the City modify both the level of its rates and the method of allocating the costs of the City's solid waste system; and,

WHEREAS, the City has scheduled and conducted the necessary public hearing and followed the other procedures set forth in section 166.041(3), Fla. Stat., in order to consider public comment, the rate study, and other competent, substantial evidence; and,

WHEREAS, in the exercise of its authority the Commission has determined that it is in the best interests of the City to adopt the recommendations from solid waste collection and disposal rate study, including changes to both the level of rates and the rate structure.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF
WAUCHULA, FLORIDA THAT:**

SECTION 1. PURPOSE. The provisions set forth in the recitals to this Ordinance (whereas clauses) are true and correct and are hereby adopted by the Commission as the legislative findings and intent pertaining to this Ordinance.

SECTION 2. CITY TO PROVIDE; USE REQUIRED.

(1) The city shall provide garbage and trash collection services reasonably adequate and sufficient to take care of the reasonable disposal needs of all properties within the city limits, either by establishing and operating its own garbage and trash collection and disposal facilities or by contracting or

subcontracting with a private contractor.

(2) All residents, occupants or owners of premises in the city are required to have all accumulations of garbage removed and disposed of by such garbage collection services.

(3) Notwithstanding the above, any company that has an exclusive franchise which was in effect for at least 6 months prior to the initiation of an annexation to provide solid waste collection services in an unincorporated area may continue to provide such services to an annexed area for 5 years or the remainder of the franchise term, whichever is shorter, subject to the conditions of section 171.062(4)(a), Fla. Stat.

SECTION 4. MODIFICATION OF CITY SOLID WASTE RATES. The City hereby modifies its previously established solid waste rates as follows:

(1) Beginning October 1, 2013, the residential solid waste collection fee shall be \$25.39 per month, and the residential solid waste disposal fee shall be \$9.19 per month. These collection and disposal fees shall apply to all those residential units where the City provides curbside pickup service.

(2) Beginning October 1, 2013, the commercial solid waste collection fee shall be \$25.39 per month.

(3) Beginning October 1, 2013, the commercial solid waste disposal fee shall be as follows:

C-1	(0 - 3,000 sq. ft.)	\$12.16
C-2	(3,000 – 10,000 sq. ft.)	\$42.55
C-3	(10,001 – 20,000 sq. ft.)	\$91.17
C-4	(20,001 sq. ft. and up)	\$182.34

(4) Beginning October 1, 2013, the monthly collection fee for dumpster-type containers shall be as follows:

Any size container collected 1 time each week	\$	34.87
Any size container collected 2 times each week	\$	69.74
Any size container collected 3 times each week	\$	104.61
Any size container collected 4 times each week	\$	139.48
Any size container collected 5 times each week	\$	174.35
Any size container collected 6 times each week	\$	209.22

(5) Beginning October 1, 2013, the monthly solid waste disposal fee for dumpster-type containers shall be as follows:

2 yard container collected 1 time each week	\$	8.51
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2 yard container collected 2 times each week	\$ 17.03
2 yard container collected 3 times each week	\$ 25.54
2 yard container collected 4 times each week	\$ 34.05
2 yard container collected 5 times each week	\$ 42.57
2 yard container collected 6 times each week	\$ 51.08
4 yard container collected 1 time each week	\$ 17.03
4 yard container collected 2 times each week	\$ 34.05
4 yard container collected 3 times each week	\$ 51.08
4 yard container collected 4 times each week	\$ 68.11
4 yard container collected 5 times each week	\$ 85.13
4 yard container collected 6 times each week	\$ 102.16
6 yard container collected 1 time each week	\$ 25.54
6 yard container collected 2 times each week	\$ 51.08
6 yard container collected 3 times each week	\$ 76.62
6 yard container collected 4 times each week	\$ 102.16
6 yard container collected 5 times each week	\$ 127.70
6 yard container collected 6 times each week	\$ 153.24
8 yard container collected 1 time each week	\$ 34.05
8 yard container collected 2 times each week	\$ 68.11
8 yard container collected 3 times each week	\$ 102.16
8 yard container collected 4 times each week	\$ 136.21
8 yard container collected 5 times each week	\$ 170.27
8 yard container collected 6 times each week	\$ 204.32

SECTION 5. INDEXING OF CITY SOLID WASTE RATES. Effective October 1 of each year, beginning October 1, 2014, the solid waste disposal and collection charges identified herein shall be increased by the greater of 3.0% or the annual change in the US Consumer Price Index – Garbage and Trash Collection Series (Series ID CUUR0000SEHG02, or any such successor series) as measured during the month of May.

SECTION 6. SEVERABILITY. If any provision of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such provision and such holding shall not affect the validity of any other provision, and to that end the provisions of this ordinance are hereby declared severable.

SECTION 7. CONFLICT. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict. This ordinance hereby repeals and supersedes Ordinance Numbers 2006-13 and 2007-19.

SECTION 8. EFFECTIVE DATE. This Ordinance shall take effect immediately upon adoption.

This ordinance was moved for adoption by Commissioner _____ . The motion was seconded by Commissioner _____ , and upon being put to a vote, the vote was as follows:

Commissioner _____ insert yes or no
Commissioner Russell Graylin Smith _____ insert yes or no
Commissioner Keith Nadaskay, Jr. _____ insert yes or no
Commissioner Kenneth Lambert _____ insert yes or no
Commissioner Gary Smith _____ insert yes or no
Commissioner John Freeman _____ insert yes or no
Commissioner Peter Preston _____ insert yes or no

(SEAL)

ATTEST:

CITY OF WAUCHULA, FLORIDA

Holly Smith, City Clerk

By: _____
Keith Nadaskay, Jr., Mayor

APPROVED AS TO FORM:

Thomas A. Cloud, City Attorney

I HEREBY CERTIFY that notices of the public hearings on this ordinance were published in the Herald Advocate as required by Florida Statutes; that the foregoing ordinance was duly passed and adopted on the _____ day of _____, 2013; that the first reading of said ordinance was held on the _____ day of _____, 2013; that the public hearings were held on the ___ day of _____, 2013; and on the _____ day of _____, 2013; and that the second and final reading of said ordinances was held on the _____ day of _____, 2013.

Holly Smith, City Clerk