

ORDINANCE NO. C-13-

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 24-66 AND SECTION 24-69 OF ARTICLE III, ENTITLED "PRIVATE COLLECTION SERVICES" OF CHAPTER 24 OF THE CODE OF ORDINANCES, ENTITLED "SOLID WASTE," PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Lauderdale wishes to amend the Code of Ordinances, Chapter 24, Article III, Section 24-66 and Section 24-69 to change the franchise fee charge methodology for licensed private collectors; and

WHEREAS, the City currently charges private collectors a fee equal to 17% of their monthly gross receipts; and

WHEREAS, the City proposes changing the charge methodology by basing it on volume (cubic yards) and frequency of service; and

WHEREAS, the cubic yard methodology represents a more accurate measure of structuring the fees, is reasonably related to the City's cost of regulation and helps to maintain a consistent revenue stream for the City; and

WHEREAS, City staff has surveyed several municipalities utilizing gross receipts as their charge methodology and found that the City's current franchise fee methodology is slightly lower than the average fee being charged by other municipalities; and

WHEREAS, the cubic yard methodology aligns the waste reduction and recycling goals within the Sustainability Action Plan by creating a metric for measuring reduction efforts; and

WHEREAS, the City Commission deems the proposed amendments to Chapter 24 of the Code of Ordinances to be in the best interests of the City and finds that the cubic yard methodology represents a fair market rate for such privilege;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Section 24-66 entitled "Information required of licensed private collectors to be filed with the city" of Article III entitled "Private Collection Services" of Division 1 entitled "Generally" of Chapter 24 entitled "Solid Waste," is hereby amended as follows:

CAM 13-0908
Exhibit 1

Sec. 24-66. - Information required of licensed private collectors to be filed with the city.

(a) When a new license is applied for or when a license is renewed, licensed private collectors shall supply the city, on a form and in a manner prescribed and approved by the city manager, information concerning all accounts served within the corporate limits of the city, and a list of vehicles to be used within the city, including a VIN number, tag number and description of each vehicle.

(b) Each month during the term of a license, by the twentieth calendar day of the month, each licensed private collector shall supply the city with information on a form and in the manner prescribed and approved by the city manager and to include the following:

- (1) The gross receipts, gross billings, total uncompacted (loose) container cubic yards collected, total compacted container cubic yards collected, total carts/cans collected and total franchise fees due, from all accounts serviced during the previous month within the city.
- (2) For multifamily dwellings: the total number of living units served and the total number of tons of solid waste and recyclable materials collected (co-mingled and paper separately stated).
- (3) A list of any and all permanent accounts dropped or added by a private licensed collection company, including the account name, address, and telephone number.

(c) All information submitted by a licensed private collector should be accurate and shall be subject to audit by city officials or their designated representatives. Licensed private collectors shall retain, for a minimum of five (5) calendar years, all information they possess concerning city accounts serviced by them.

SECTION 2. That Section 24-69 entitled "Licensed private collector franchise fee and payment methodology" of Article III entitled "Private Collection Services" of Division 1 entitled "Generally" of Chapter 24 entitled "Solid Waste," is hereby amended as follows:

Sec. 24-69. - Licensed private collector franchise fee and payment methodology.

(a) The license for essential municipal service required pursuant to Section 24-86 shall

give each licensed private collector a franchise to collect solid waste within the city. A franchise fee shall be payable to the city ~~equal to seventeen (17) percent of the gross receipts or equivalent value received by~~ each licensed private collector for collection services within the city- as follows:

- (1) Uncompacted (loose) containers: Quantity of containers x capacity in cubic yards x weekly collection frequency x 4.33 weeks x \$1.60.
- (2) Compacted containers: Quantity of containers x capacity in cubic yards x weekly collection frequency x 4.33 weeks x \$3.20.
- (3) Cart/Can service: Quantity of carts/cans x weekly collection frequency x 4.33 weeks x \$0.80.

~~Gross receipts~~ Franchise Fees shall not include taxes or payments- apply to collections from commercial enterprises for source separated recycling services and the amount of the city franchise fee when such are separately and accurately delineated on the billing statement to a customer. Franchise fees are due and payable to the city by the twentieth calendar day of the month following the month within which such services were provided.

...

SECTION 3. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 4. That this Ordinance shall be in full force and effect immediately upon and after its final passage.

PASSED FIRST READING this the ____ day of _____, 2013.

PASSED SECOND READING this the ____ day of _____, 2013.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH

L:\COMM2013\Ords\June 18\CLS - Chapt 24 Sanit Franchise Fees.docx