

RESOLUTION NO. 09- 165

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS ADOPTING A SCHEDULE OF SPECIAL RATES AND GATE CHARGES CHARGED USERS OF THE COUNTY'S LANDFILLS, TO ASSIST IN DEFRAYING THE COST TO CONSTRUCT, OPERATE AND MAINTAIN A SOLID WASTE DISPOSAL SYSTEM, FOR THE COUNTY FISCAL YEAR BEGINNING OCTOBER 1, 2009

WHEREAS, under the authority of Chapter 403.706, Florida Statutes, Brevard County has the responsibility and power to provide for the operation of solid waste management facilities to meet the needs of all areas of the county; and

WHEREAS, Chapter 67-1146, Laws of Florida, 1967, as amended by Chapter 70-594, Laws of Florida, 1970, authorized the Board of County Commissioners of Brevard County, Florida, to construct, operate and maintain a solid waste disposal system for the use and benefit of the inhabitants and municipalities of Brevard County; and

WHEREAS, said statutory authority granted the Board of County Commissioners the power to prescribe, fix, establish and collect fees, rentals or other charges for the use of said established solid waste disposal system and to pledge such revenues as security for the payment of bonds issued under said statutory authority for the construction of a solid waste disposal facility; and

WHEREAS, Florida Statutes, Section 125.01(1)(k) grants the Board of County Commissioners the power to provide and regulate waste collection and disposal; and

WHEREAS, Chapter 94, Article IV., Division 4., Brevard County Code of Ordinances, as amended, provides that on or before the fifteenth day of September of each year the Board of County Commissioners of Brevard County, Florida, shall hold a public hearing for the purpose of adopting a schedule of annual rates, assessments and charges to be imposed for the ensuing County fiscal year upon the owners of all residential and commercial improved property in both the unincorporated and incorporated areas of Brevard County; and

WHEREAS, said public hearing was set for August 18, 2009 at 9:00 a.m., in the Brevard County Government Center, Commission Board Room, Building C, First Floor, 2725 Judge Fran Jamieson Way, Viera, Florida; and

WHEREAS, notice of said public hearing was published in the July 29, 2009 and August 11, 2009 issues of the FLORIDA TODAY Newspaper, a newspaper of general circulation in Brevard County, Florida.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, that:

Section 1. SCHEDULE ADOPTED. The Board of County Commissioners does hereby adopt the schedule of Special Rates, effective October 1, 2009, through September 30, 2010, pursuant to the provisions of Chapter 94, Article IV., Division 4. Brevard County Code of Ordinances, that is attached hereto as Schedule "A". ("Code" used hereafter shall mean "Brevard County Code of Ordinances").

Section 2. FINDINGS. It is hereby ascertained, determined and declared that:

(a) Certain types of solid waste, because of the nature, cannot be disposed of at the solid waste disposal facilities maintained by the County according to normal operating procedures of the facilities and must be specially handled according to other approval criteria.

(b) The operation and maintenance of a separately owned and maintained landfill for the disposal of such solid waste described in Section 2(a) above increases the county's capital and operations costs for the solid waste disposal program.

(c) The cost of the disposal of solid waste generated in construction, renovation or demolition projects, or new improvements on real property is not assessed when brought in by commercial or governmental entities.

(e) The cost of disposal of debris and waste accumulated from land clearing and excavating from totally or partially unimproved real property is not assessed against such real property.

(f) The cost of disposal of special solid wastes generated from improved real property within Brevard County is not assessed against such real property.

(g) Since all improved real property within Brevard County is assessed or charged for the operation and maintenance of the disposal system in the County it would be unfair to assess such property for disposal from illegal dumping on any real property located within Brevard County.

(h) Since all residential improved real property within Brevard County is assessed for the operation of the Household Hazardous Waste Program it would be unfair to assess such residences any additional charges for recycled paint.

(i) Solid waste generated outside of the boundaries of Brevard County will not be permitted to be disposed of at the Brevard County solid waste disposal facilities since the cost of the operation and maintenance of such facilities is assessed or charged against all improved real property within Brevard County only and not against properties outside Brevard County.

(j) The federal government will be charged for the disposal of all solid waste at the Brevard County disposal facilities since it has not agreed to the imposition of an annual disposal special assessment against improved real property included within the jurisdiction of the federal installations. It is unfair to permit disposal of solid waste at the Brevard County facilities without charge.

Section 3. SPECIAL RATES. In recognition of the findings set forth in Section 2 of this Resolution, the schedule of rates, charges and fees set forth in Schedule "A", "Special Rates" (incorporated in this Resolution by reference) is hereby adopted. The appropriate rate(s) set forth in Schedule "A" for the types of solid waste defined therein shall be charged at the time of delivery of such solid waste and such charge shall be in addition to the appropriate assessment under the Annual Disposal Special Assessments set forth in Rate Resolution 09-_____.

Section 4. RATE RESOLUTION DECLARED. This Resolution constitutes the Rate Resolution specified in Chapter 94, Article IV., Division 4. of the Code, as amended.

Section 8. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this Resolution.

Section 9. EFFECTIVE DATE. This Resolution shall take effect October 1, 2009.


RESOLVED this 18th day of August 2009.

ATTEST:

BY: 

Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA

BY: 

Chuck Nelson, Chairman
(As approved by the Board on August 18, 2009)

SCHEDULE "A"

SPECIAL RATES

OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2010

Section 1 DEFINITIONS. For the purpose of applying the rates set forth in this Special Rate Schedule, the following definitions shall control:

(a) "Solid Waste": that definition provided in Chapter 94, Article I., Section 94-1., of the Code, as amended.

(b) "Land Clearing Debris": that definition provided in Chapter 94, Article I., Section 94-1., of the Code, as amended.

(c) "Construction Debris": Discarded materials generally considered not to be water soluble and which are non hazardous in nature, including but not limited to, steel, concrete, glass, brick, asphalt material, pipe, gypsum wall board and lumber from construction, renovation or demolition projects or new improvements to a structure.

(d) "Account in Good Standing": Brevard County Landfill account holder has consistently made payments within 60 days, therefore, has never been closed for nonpayment.

NOTE: Brevard County reserves the right to refuse acceptance of any waste.

Section 2 DEPOSITS.

(a) Users, excluding customers in good standing as of October 1, 1990 and remaining in good standing and governmental agencies or their Agents, disposing of solid waste not included in the annual disposal special assessment, land clearing debris, construction debris and Special Solid Waste at Brevard County's Solid Waste Disposal Facilities, shall provide a security deposit by depositing cash, a surety bond or a letter of credit to the Brevard County Finance Department in an amount sufficient to pay estimated charges for a period of two (2) months or as determined by the Solid Waste Director.

(b) Accounts in existence for more than five years, and that have been an account in good standing with Brevard County Solid Waste for the preceding five years, are eligible for reimbursement of the security deposit upon request.

(c) Any account that defaults on payment, or has been closed for any reason, shall be required to pay all outstanding balances in full and may be required to provide an additional security deposit in order to meet requirements in section (a) above.

Section 3 SPECIAL RATES.

(a) Solid Waste Generated by Governmental Agencies:

Solid waste generated on improved real property owned by governmental agencies that were assessed or not assessed a Solid Waste Impact Fee.

Assessed	\$ 29.50/ton
	\$ 8.94/yd ³ *

Construction Debris not mixed with any other solid waste.	\$ 23.66/ton
	\$ 7.17/yd ³ *

Not Assessed	\$ 34.98/ton
	\$ 10.60/yd ³ *

Construction Debris not mixed with any other solid waste.	\$ 23.66/ton
	\$ 7.17/yd ³ *

Solid Waste above that projected under the Annual Disposal Special Assessment:	\$ 29.50/ton
	\$ 8.94/yd ³ *

(b) Solid waste delivered to the solid waste disposal facilities that is in addition to the amount projected in the Annual Disposal Special Assessment.

Municipal Sludge from municipal wastewater treatment plants:	\$ 29.50/ton
	\$ 8.94/yd ³ *

Land Clearing Debris not mixed with any other solid waste:	\$ 23.66/ton
	\$ 7.17/yd ³ *

Construction Debris not mixed with any other solid waste.	\$ 23.66/ton
	\$ 7.17/yd ³ *

Renovation/Demolition Debris brought in by commercial entities for any improved commercial or governmental real property:	\$ 23.66/ton
	\$ 7.17/yd ³ *

Clean Concrete not mixed with any other solid waste.	\$ 0.00/ton
	\$ 0.00/yd ³ *

NOTE: Wood pallets, fencing and other lumber are considered and charged as Construction Debris.

Special Solid Wastes: Includes those wastes which are not normally included under the definition of municipal solid waste or land clearing or yard waste mixed with other Solid Waste. All require pre-disposal approval by the Solid Waste Director or designee except disposal of land clearing or yard waste mixed with other solid waste, with the exception of tires, which shall not be mixed.

Aloe extracts; burn residue from solid rocket boosters; chemical containers which have been rendered legally empty; industrial sludge; dried paints and coatings; fly ash; ash from other incineration processes; land clearing; construction, renovation, or demolition debris, or yard waste mixed with other solid waste; non-hazardous chemical compounds or other materials, which in the opinion of the Director require review and/or chemical analyses to determine acceptability.	\$ 41.00/ton \$ 12.42/yd ³ *
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Asbestos	\$100.00/ton \$ 30.30/yd ³ *
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Non-saturated, non-hazardous contaminated soils:

0 - 25 tons per event	\$ 41.00/ton \$ 12.42/yd ³ *
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26th ton and greater per event	\$ 82.00/ton \$ 24.85/yd ³ *
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Tires - whole or shredded	\$ 95.00/ton \$ 28.79/yd ³ *
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Cut or shredded tires must be in accordance with Florida Administrative Code (Waste Tire Rule)

Perforated empty 55 gallon drums	\$ 1.00/drum
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The cubic yard (yd³) rate shall apply when the Solid Waste Management Department's weight scale(s) are inoperable, or vehicles do not fit on the scales.

(c) Solid Waste Operating Permits:

Roll-Off Container Service Operating Permits	\$600/5 years
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Air Curtain Incinerator Operating Permit	\$500/1 year
Bio-Hazardous Waste Incinerator Operating Permit	\$600/1 year
Mulching or Composting Facility Operating Permit	\$500/5 years
Solid Waste Recycling Facilities Operating Permit	\$500/5 years