

ORDINANCE NO. 15 - 1633

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 66-35, "SCHEDULE OF FEES" OF THE CODE OF ORDINANCES TO ESTABLISH A NEW RATE STRUCTURE FOR COMMERCIAL SOLID WASTE REMOVAL FROM A FLAT RATE TO A PER YARD FEE WHICH SHALL BE EFFECTIVE JULY 1, 2015; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 11 of the Town Charter ("Charter") of the Town of Surfside ("Town") gives the Town Commission ("Commission") the power to levy, assess and collect fees; and

WHEREAS, the Town provides solid waste collection services to commercial customers up to six days a week with different pick up schedules based on the needs for each business; and

WHEREAS, the current rate structure is based on an annual fixed rate basis and has been in effect since 2008; and

WHEREAS, the current rate structure does not match the cost of service provided to the fee charged; and

WHEREAS, the Public Works Department found that many commercial accounts were not equitable and the rate structure is not balanced correctly, for example: many of the smaller businesses are paying a higher rate than the service being rendered and, consequently, many of the larger businesses are being undercharged for the services received; and

WHEREAS, Bell & Associates has conducted a rate study for residential and commercial solid waste and has recommended a new commercial rate structure based on cubic yards of solid waste picked up and disposed at a rate of \$24.80 per cubic yard; and

WHEREAS, this new structure would provide a fair and equitable fee structure for the services to the businesses and multi-family buildings; and

WHEREAS, it is in the best interest of the Town to adopt the proposed Commercial Solid Waste Rate Schedule at a rate of \$24.80 per cubic yard of solid waste with an effective date of July 1, 2015.

WHEREAS, the Town Commission held its first public hearing regarding this Ordinance on April 14, 2015; and

WHEREAS, the Town Commission shall have conducted a second duly noticed public

hearing on this Ordinance as required by law on May 12, 2015.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA:

Section 1. Recitals. The foregoing “Whereas” clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Code Amendment. The Code of Ordinances of the Town of Surfside, Florida is hereby amended as follows:

Sec. 66-35. - Schedule of fees.

The Town Commission shall adopt by resolution a Commercial Solid Waste Rate Schedule.

~~(a) The following schedule of fees and charges to be imposed upon property owners and tenants, or both, will be collected as follows:~~

~~(1) Single family residence, \$246.82 per annum, on a yearly basis with payment due October 1 of each year.~~

~~(2) Duplex, \$246.82 per annum, per unit, on a yearly basis with payment due October 1 of each year.~~

~~(3) Apartments, \$230.90 per apartment per annum, payable quarterly from date of billing.~~

~~(4) Hotels, motels, \$87.43 per room per annum, payable quarterly from date of billing.~~

~~(5) Business area, except pay apartments, hotels, motels and commercial establishments listed under the exceptions which follow, \$455.74 per annum, payable quarterly 30 days from date of billing, per 12½ feet of frontage on Harding Avenue. If a business is located at street level, \$229.30 per annum per such business unit, if a business is located above street level, \$172.20 per annum per such business unit. Any footage in multiples of other than 12½ front feet shall be prorated.~~

~~(6) Other areas. All businesses located outside the Harding Avenue business district that have direct public access from the street shall be charged the same as if located on Harding Avenue. Businesses with public access through a lobby or other nonstreet entrances shall be charged as if located above street level on Harding Avenue. All professional offices with lobby type access shall be charged \$229.30 for each 2,500 square feet or fraction thereof.~~

~~(7) Exceptions.~~

~~a. The following commercial establishments shall be charged \$917.23 per annum per 12½ feet of frontage on Harding Avenue: Clothing and clothing accessory stores, department, variety and drug stores; general or special merchandise stores, art, gift and photographic shops; bakeries and florists. Any footage in multiples of other than 12½ front feet shall be prorated.~~

~~b. The following shall be charged \$1,370.10 per annum per 12½ feet of frontage on Harding Avenue: Liquor package stores; food products other than restaurants and lunch counters. Any footage in multiples of other than 12½ front feet shall be prorated.~~

~~c. Service stations, \$2,731.60 per annum, per each business.~~

~~d. Restaurant and lunch counters, \$45.88 per seat, per annum.~~

~~e. Post office, \$3,035.11 per annum.~~

~~f. Bar and package store combinations, \$5,463.21 per annum.~~

~~(b) Any fee under this section which shall be due and remain unpaid for a period of 30 days beyond the due date shall become delinquent. All delinquent fees shall bear a penalty of ten percent for the first 30 days, and an additional penalty of one percent for each month thereafter. In addition, all delinquent fees shall constitute a lien against the premises, which shall become effective and binding as such lien from the date upon which the delinquency is created.~~

Section 3. Severability. Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion thereof, other than the part so declared to be invalid.

Section 4. Conflict. That all Sections or parts of Sections of the Code of Ordinances, all Ordinances or parts of Ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 5. Inclusion in the Code of Ordinances. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective upon final adoption on second reading.

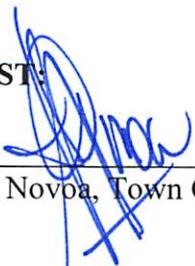
PASSED and ADOPTED on First Reading the 14th day of April, 2015.

PASSED and ADOPTED on Second Reading this 12th day of May, 2015.



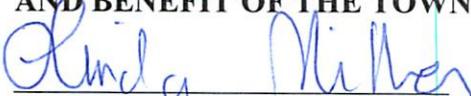
Daniel Dietch, Mayor

ATTEST:



Sandra Novoa, Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**



Linda Miller, Town Attorney

On Final Reading Moved by: Vice Mayor Tourgeman

On Final Reading Seconded by: Commissioner Cohen

VOTE ON ADOPTION:

Commissioner Barry R. Cohen	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Michael Karukin	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Marta Olchyk	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Vice Mayor Eli Tourgeman	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Mayor Daniel Dietch	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>