

RESOLUTION NO. 23-081

A RESOLUTION OF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING A SCHEDULE OF SPECIAL RATES AND GATE CHARGES TO BE CHARGED USERS OF THE COUNTY'S LANDFILLS AND PROVIDING FOR AN INCREASE OF THE SPECIAL RATES AND GATE CHARGES IN ORDER TO ASSIST IN DEFRAYING THE COST TO CONSTRUCT, OPERATE AND MAINTAIN A SOLID WASTE DISPOSAL SYSTEM, FOR THE COUNTY FISCAL YEAR BEGINNING OCTOBER 1, 2023.

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, as amended by Chapter 70-594, Laws of Florida, 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.

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 beginning October 1, 2023, that is attached hereto as Schedule "A".

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.
- (d) 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.
- (e) The cost of disposal of special solid wastes generated from improved real property within Brevard County is not assessed against such real property.
- (f) 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.
- (g) 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.
- (h) 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.
- (i) 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 adopted on August 22, 2023. Effective

October 1, 2022, and each subsequent year on October 1, Special Rates, except for the exclusions as noted in Schedule "A", shall be automatically increased based on the actual change in the CPI-Garbage and Trash averaged for the immediately preceding twelve-month period of March to February. The County's customers will be notified of the upcoming inflation indexing in the August and September gate invoices.

Section 4. 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 5. EFFECTIVE DATE. This Resolution shall take effect October 1, 2023.

RESOLVED this 22nd day of August 2023.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA

BY: _____
Rachel M. Sadoff, Clerk

BY: _____
Rita Pritchett, Chair
Brevard County Commission
(As approved by the Board on August 22, 2023)

SCHEDULE "A"

SPECIAL RATES

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

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

- (a) Solid Waste: that definition provided in Chapter 94, Article I., Section 94-1., of the Code of Ordinances of Brevard County, Florida, hereinafter referred to as 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: Accounts that have been in existence for more than five (5) years, and have been in good standing (all payments made within 60 days), are eligible for a refund of the security deposit upon request. Any future delinquencies will require a new security deposit.
- (e) Yard Waste: Any vegetative matter generated from improved real property such as leaves, grass or shrubbery cuttings resulting from the care of lawns or landscape maintenance. Such term does not include large quantities of sod, dirt, land clearing debris, or other materials requiring special handling.
- (f) Gate Account: An account established by a person or entity for the use of the Solid Waste Management facilities operated by the Board, as required by Section 94-277, Code of Ordinances of Brevard County.

Section 2. DEPOSITS.

- (a) Users, excluding customers in good standing as defined above, and remaining in good standing, and governmental agencies or their Agents, disposing of solid waste not included in the annual disposal special assessment, such as, land clearing debris, construction debris, tires, yard waste, and Special Solid Waste at Brevard County's Solid Waste Disposal Facilities, shall provide the applicable

security deposit by depositing cash, a surety bond or a letter of credit to the Brevard County Finance Department, as required by Section 3(d) below, in an amount sufficient to pay estimated charges for a period of two (2) months or \$200, whichever is greater, 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. * 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.

(a) Solid Waste Generated by Governmental Agencies:

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

(1) Assessed.

\$32.62/ton or \$9.89/yd³*

(2) Construction Debris not mixed with any other solid waste.

\$34.46/ton or \$10.44/yd³*

(3) Not Assessed.

\$38.68/ton or \$11.72/yd³*

(4) Construction Debris not mixed with any other solid waste.

\$34.46/ton or \$10.44/yd³*

ii. Solid Waste above that is projected to be assessed under the Annual Disposal Special Assessment.

\$32.62/ton or \$9.89/yd³*

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

i. Municipal Sludge from municipal wastewater treatment plants.

\$26.42/ton or \$8.01/yd³*

ii. Land Clearing Debris or hurricane debris not mixed with any other solid waste.

\$44.23/ton or \$13.41/yd³*

iii. Construction Debris not mixed with any other solid waste.

\$34.46/ton or \$10.44/yd³*

- iv. Renovation/Demolition Debris brought in by commercial entities for any improved commercial or governmental real property.
\$34.46/ton or \$10.44/yd3*

NOTE: Commercial wood pallets, wood fencing, and other lumber are charged the same as Land Clearing Debris.

- v. Discarded Recyclables.
\$22.12/ton
- vi. Clean Concrete not mixed with any other solid waste.
\$0.00/ton or \$0.00/yd3*
- vii. Cardboard Only Loads not mixed with other solid waste.
\$0.00/ton or \$0.00/yd3*

(c) Special Solid Wastes: Includes those wastes which are not normally included under the definition of municipal solid waste, 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.

- i. 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; 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. Any load that requires staff assistance to unload or separate.
\$45.34/ton or 13.74/yd3*
- ii. Asbestos.
\$110.58/ton or \$33.50/yd3*
- iii. Non-saturated, non-hazardous contaminated soils.
 - (1) 0 to 25 tons per event. \$45.34/ton or \$13.74/yd3*
 - (2) 26th ton and greater per event. \$90.68/ton or \$27.48/yd3*
- iv. Tires, whole or shredded. \$170.84/ton or \$51.76/yd3*
NOTE: Cut or shredded tires must be in accordance with Florida Administrative Code (Waste Tire Rule)
- v. Perforated empty 55-gallon drums. \$1.11/drum

- vi. Cross Loading: use of the transfer station to trans load a material (generally recyclables) from one vehicle (generally smaller) to a larger vehicle (not in county ownership) and that is not delivered to a county facility.

\$6.81/ton

(d) Solid Waste Operating Permits.

- i. Roll-Off Container Service Operating Permits. \$600/5 years

(e) Gate Account Security Deposits.

- i. Landscape companies will pay a security deposit of \$100.
- ii. All others will pay a security deposit equal to estimated charges for a period of two (2) months or \$200, whichever is greater, as determined by the Solid Waste Director or designee.

(f) Categories of Special Rates excluded from the annual rate increase of CPI-Garbage and Trash Indexing.

The following categories of Special Rates are excluded from the annual rate increase of CPI-Garbage and Trash:

- i. Section 3(d)i. Roll-Off Container Service Operating Permits.
- ii. Section 3(e) Gate Account Security Deposits.