

**Indian River County, Florida
Solid Waste Disposal District
Board Memorandum**

Date: June 27, 2022

To: Jason E. Brown, County Administrator

From: Sean C. Lieske, Director of Utility Services

Prepared By: Himanshu H. Mehta, PE, Managing Director, Solid Waste Disposal District

Subject: Public Hearing for July 12, 2022, for Ordinance Amending Section 204.06 (Definitions) and Section 204.13 (Terms of Conditions of Franchises) of Part 1 (In General) of Chapter 204 (Solid Waste Disposal) of Indian River County Code

Descriptions and Conditions:

The Indian River County (IRC) Board of County Commissioners (BCC) is holding a public hearing to consider amendments to Section 204.06 (Definitions) and Section 204.13 (Terms of Conditions of Franchises) of Part 1 (In General) of Chapter 204 (Solid Waste Disposal) of Indian River County Code.

The proposed changes are necessary to remove the exclusivity provided to a franchised hauler for collecting, transporting, and disposal of construction and demolition (C&D) debris in any size containers.

Analysis:

The definition of C&D Debris Commercial Container in Section 204.06 has been amended with the following recommended language:

Construction and demolition debris commercial container means a commercial container that is used to store, transport, and dispose of construction and demolition debris less than fifteen (15) cubic yards in any size capacity; provided, however, that no commercial container shall be artificially, mechanically, or otherwise divided so as to form a construction and demolition debris commercial container from a commercial container.

The terms and conditions in Section 204.13.1 have been updated with the following recommended language:

- (2) Each franchisee shall pay a franchise fee equal to six (6) percent of the gross revenues collected by the franchisee for: residential service in the residential franchise area; residential recyclables service and recyclable toter service in the residential recyclables franchise area; and commercial service; and collection of construction and demolition debris in any size commercial container. The franchise fee shall be accounted for and paid to the district on a monthly basis. Any payments due to the district and not received within the time frame set

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forth in the franchise agreement shall be subject to the penalties, interest rates, and administrative charges set forth in the franchise agreement.

Staff recommends approval of the changes above to Part 1 (In General) of Chapter 204 (Solid Waste Disposal) of Indian River County Code.

Funding:

This is a public hearing by the BCC and does not require any funding approval.

Recommendation:

Staff is requesting that the Board of County Commissioners proceed with the following:

1. Open the Public Hearing; obtain input from staff and the public.
2. Close the Public Hearing.
3. Approve the changes above to the Part 1 (In General) of Chapter 204 (Solid Waste Disposal) of Indian River County Code and authorize the Chairman to execute the same.

Attachments:

1. SWDD Ordinance