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ORDINANCE NO. 33-23

AN ORDINANCE OF THE CITY OF NEW SMYRNA BEACH AMENDING THE CODE OF ORDINANCES; AMENDING SECTION 66-3, FEES IMPOSED FOR SERVICES, TO CLARIFY THE APPLICABLE CPI FOR REFUSE AND RECYCLING AND ESTABLISHING A 4% MINIMUM INCREASE EACH YEAR; PROVIDING FOR CODIFICATION; PROVIDING FOR PUBLIC HEARING; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach, Florida, has requested administrative text amendments to the City Code of Ordinances, Chapter 66, Section 66-3, Fees imposed for services, to clarify the applicable CPI and to provide for a 4% minimum increase each year; and

WHEREAS, the sanitation fund is projected to have a negative balance for fiscal year 2023-2024; and

WHEREAS, the City's contract with Waste Pro to provide these sanitation services provides for an increase each year based upon the CPI; and

WHEREAS, it is in the best interest of the City of New Smyrna Beach to provide for these increases in order to bring the sanitation fund to a positive balance and to clarify the applicable CPI; and

WHEREAS, the City Commission deems it in the best interests of the citizens of the City of New Smyrna Beach to amend Section 66-3, as more particularly set forth hereinafter.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF NEW SMYRNA BEACH, FLORIDA, AS FOLLOWS:

SECTION 1: That New Smyrna Beach Code of Ordinances, Section 66-3, Fees imposed for services, is hereby amended as follows: **(Note: Omissions from text are indicated by [...], deletions from text are indicated by strikethrough and additions to text are indicated by underline.)**

CHAPTER 66 – SOLID WASTE

ARTICLE I. IN GENERAL

Sec. 66-3. Fees imposed for services.

- (a) Fees due and payable to the city for services rendered in the collection and disposal of refuse and recyclables, for rental of mechanical containers, and for the availability of service for the collection and disposal of refuse shall be in addition to those authorized to be

46 charged directly to the user, by the city contractor under the terms of the contract. Fee rates
47 shall be prescribed by city ordinance, which ordinance shall be certified by the finance
48 director and filed with the city clerk.

49 (b) All charges for the collection of refuse, recyclables, and rental of mechanical containers
50 imposed pursuant to this section shall be adjusted annually by the amount of the percentage
51 change in the Consumer Price Index (“CPI-U”) Water, Sewer, and Trash Collection
52 Services, as published by the U.S. Department of Labor from ~~June~~ June 1 of the preceding
53 calendar year until ~~May 31~~ June 30 of the present calendar year, or by 4%, whichever is
54 greater. The adjusted rate shall be applied to all billings dated on or after October 1 of each
55 year. The percentage change in the Consumer Price Index shall be applied to the charges as
56 follows:

57 (1) Multiply the percentage change in the Consumer Price Index from ~~June~~ June 1 of the
58 preceding calendar year through ~~May 31~~ June 30 of the present calendar year times the
59 existing charges.

60 (2) Add the product as determined in subsection (b)(1) of this section to the existing
61 charges and round to the nearest cent.

62 **SECTION 2: Codification.** Following adoption of this ordinance, the city clerk shall transmit a
63 copy of this ordinance to Municipal Code Corporation of Tallahassee, Florida, to be codified into
64 the City’s Code of Ordinance. Municipal Code Corporation’s usual and customary fee for said
65 codification service is hereby approved. The provisions of this ordinance are intended to be
66 incorporated into the code of Ordinance of the City of New Smyrna Beach, Florida, and the
67 sections of this ordinance may be renumber, re-lettered, and the word “ordinance” may be
68 changed to “sections, “article,” or such other word or phrase in order to accomplish such
69 intention.

70
71 **SECTION 3: Public Hearing.** That public hearing considering the adoption of this ordinance
72 held June 27, 2023 in the City Commission Chambers at City Hall, 214 Sams Avenue, New
73 Smyrna Beach, Florida, after notice is found to comply with §166.041(3)(a) F.S.

74
75 **SECTION 4: Conflicting Ordinances.** That all ordinances or parts thereof that are in conflict
76 with this ordinance shall be and the same are hereby rescinded and repealed.

77
78 **SECTION 5: Severability.** That if any section, sentence, clause or phrase of this ordinance is
79 held invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in
80 no way affect the validity of the remaining portions of this ordinance.

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82 **SECTION 6: Effective Date.** That this ordinance shall take effect October 1, 2023.

83
84 **APPROVED AS TO FORM AND CORRECTNESS:**

85
86 
87 _____
88 CARRIE AVALLONE
89 City Attorney

90 **DATE:** 6/12/2023