

1 Introduced by the Council President at the request of the Mayor:

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4 **ORDINANCE 2021-592**

5 AN ORDINANCE REGARDING HOST FEES AND ASSOCIATED
6 SOLID WASTE RATES FOR DISPOSAL; AMENDING CHAPTER
7 123 (PUBLIC FEES), PART 1 (IN GENERAL), SECTION
8 123.102 (FEES ESTABLISHED), *ORDINANCE CODE*, AND
9 CHAPTER 380 (SOLID WASTE MANAGEMENT), PART 3
10 (GARBAGE DISPOSAL), SECTION 380.303 (RATES FOR
11 DISPOSAL), *ORDINANCE CODE*, TO UPDATE SOLID WASTE
12 RATES FOR DISPOSAL AND HOST FEES COLLECTED BY
13 THE CITY; AMENDING CHAPTER 380 (SOLID WASTE
14 MANAGEMENT), PART 4 (RESOURCE RECOVERY PROGRAM),
15 SECTION 380.405 (HOST FEE; DISTRIBUTION FORMULA;
16 LATE CHARGE FOR DELINQUENT PAYMENT), *ORDINANCE*
17 *CODE*; AMENDING CITY OF JACKSONVILLE FEES AT
18 [HTTP://WWW.COJ.NET/FEES](http://www.coj.net/fees) TO MODIFY CERTAIN
19 DEPARTMENT OF PUBLIC WORKS HOST FEE CHARGES;
20 PROVIDING FOR A DIRECTIVE TO THE LEGISLATIVE
21 SERVICES DIVISION TO CIRCULATE ENACTED
22 LEGISLATION TO THE WEBMASTER FOR IMMEDIATE
23 UPDATE OF FEES ONLINE; PROVIDING FOR
24 CODIFICATION INSTRUCTIONS; PROVIDING AN
25 EFFECTIVE DATE.

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27 **BE IT ORDAINED** by the Council of the City of Jacksonville:

28 **Section 1. Amending City of Jacksonville Fees.** The City of
29 Jacksonville’s fees which were directed by Ordinance 2017-665-E to
30 be published at <http://www.coj.net/fees> are hereby amended to reflect
31 the amended rates for certain disposal host fee charges collected by

1 the City, as indicated in **Exhibit 1** attached hereto and incorporated
2 herein by this reference.

3 **Section 2. Chapter 380 (Solid Waste Management), Part 4**
4 **(Resource Recovery Program), Section 380.405 (Host fee; distribution**
5 **formula; late charge for delinquent payment), Ordinance Code,**
6 **amended.** Chapter 380 (Solid Waste Management), Part 4 (Resource
7 Recovery Program), Section 380.405 (Host fee; distribution formula;
8 late charge for delinquent payment), *Ordinance Code*, is hereby amended
9 to read as follows:

10 **CHAPTER 380 - SOLID WASTE MANAGEMENT**

11 * * *

12 **PART 4. - RESOURCE RECOVERY PROGRAM**

13 * * *

14 **Sec. 380.405. - Host fee; distribution formula; late charge for**
15 **delinquent payment.**

16 (a) So that the program can be adequately funded, there are imposed
17 two funding sources, as outlined below:

- 18 (1) A host fee of \$7.16 on each ton of solid waste deposited or
19 transferred in or through every solid waste disposal or
20 management facility within Duval County whether publicly or
21 privately owned or operated, provided, however, that no ton of
22 solid waste shall have imposed upon it more than one host fee
23 pursuant to this Section. The Director of the Public Works
24 Department, or reassigned department, shall establish
25 procedures for reporting solid waste tonnage deposited or
26 transferred and host fees collected and shall establish
27 procedures by which host fees are transmitted to the City for
28 deposit in the Fund. Solid waste disposal or management
29 facilities that accept construction and demolition debris are
30 exempt from having to pay a host fee on those construction and
31 demolition debris materials generated in the City of

1 Jacksonville. Solid waste delivered to a Class III Landfill
2 and construction~~Construction~~ and demolition debris delivered
3 to a privately-owned solid waste management facility in Duval
4 County and generated outside of the City of Jacksonville shall
5 only be subject to host fee requirements described below in
6 Sections 380.405(b)(1) and 380.405(b)(2). Construction and
7 demolition debris generated outside the City of Jacksonville
8 and delivered to publicly owned solid waste management
9 facilities in Duval County shall be subject to all host fee
10 requirements.

11 (2) A construction and demolition debris permit fee as provided in
12 Section 320.409, Ordinance Code. Revenue generated from the
13 construction and demolition debris permit fee shall be
14 allocated to the Host Fee Funds as described in subsection (e)
15 below.

16 (b) For every \$2.72 collected pursuant to subsection (a)(1) of this
17 Section, the monies shall be distributed to the accounts in the
18 Fund according to the following formula:

19 (1) To the Class I Solid Waste Management Facility Mitigation Fund,
20 or Non-Class I Solid Waste Management Facility Mitigation
21 Fund, whichever is appropriate, \$0.50. Half of the amount
22 distributed, \$0.25, to the Class I Solid Waste Management
23 Facility Mitigation Fund, shall be allocated to a separate
24 Fund for related improvements to Taye' Brown Regional Park, as
25 it may be named from time to time. The provisions of the
26 Section 380.403(c)(1), Ordinance Code, shall not apply to
27 funds allocated to Taye' Brown Regional Park, as it may be
28 named from time to time.

29 (2) To the Contamination Assessment and Remediation Fund, \$0.24.

30 (3) To the Landfill Closure Fund, \$1.98.

31 (c) For the remaining \$4.44 collected pursuant to subsection (a)(1)

1 of this Section, the monies shall be distributed to the Solid
2 Waste Enterprise Fund in order to defray expenses associated with
3 operation of the solid waste management system.

4 (d) For publicly owned solid waste disposal facilities, an additional
5 host fee of \$0.43 shall be imposed on each ton of solid waste
6 deposited in or transferred through such a facility. Of the \$0.43
7 imposed, \$0.13 per ton shall be distributed to the Landfill
8 Closure Fund and the remaining \$0.30 per ton shall be distributed
9 to the Solid Waste Enterprise Fund.

10 (~~e~~) The host fee shall be rendered monthly to the City, payable on
11 or before the twentieth day of the second month following the date
12 of billing. In the case of delinquent host fees, a late charge in
13 the amount of 1% of the monthly host fee due shall be assessed
14 and collected for each month the fee remains unpaid, unless
15 waived, for good cause shown, by the Director of the Public Works
16 Department. For the purposes of this section, any fractional part
17 of a month shall constitute an entire month.

18 (~~f~~e) Revenue collected pursuant to subsection (a) (2) of this Section
19 shall be distributed to the accounts in the funds according to
20 the following formula:

21 (1) 7% of revenue shall be allocated to the Class I Solid Waste
22 Management Facility Mitigation Fund or Non-Class I Solid Waste
23 Management Facility Mitigation Fund, whichever is appropriate.
24 Half of the amount distributed to the Class I Solid Waste
25 Management Facility Mitigation Fund, 3.5%, shall be allocated
26 to a separate fund for related improvements to Teye' Brown
27 Regional Park, as it may be named from time to time.

28 (2) 3.4% of revenue shall be allocated to the Contamination
29 Assessment & Remediation Fund;

30 (3) 27.6% of revenue shall be allocated to the Landfill Closure
31 Fund;

1 (4) 62% of revenue shall be allocated to the Solid Waste Enterprise
2 Fund.

3 (~~g~~) A solid waste disposal facility located within Duval County may
4 request a deferral of the required host fee payments for a period
5 of three consecutive years, provided that all of the following
6 criteria are met:

7 (1) The solid waste disposal facility presents to the Director of
8 the Public Works Department, or reassigned department, a
9 proposed plan for marketing an industrial byproduct which is
10 not currently being sold, used, or reused;

11 (2) The industrial byproduct is not hazardous waste as defined
12 under F.S. Section 403.703, and rules promulgated pursuant
13 thereto;

14 (3) The industrial byproduct is segregated as a single waste stream
15 and is disposed of in a solid waste disposal facility designed
16 and permitted exclusively for the disposal of that specific
17 industrial byproduct;

18 (4) The City is provided a standby, irrevocable letter of credit
19 in the City's favor, which is in a form acceptable to the City
20 and which is issued by a local financial institute acceptable
21 to the City, as a guarantee to the City that all host fee
22 payments that are due, but are deferred, will be paid in the
23 event the industrial byproduct is not sold, used or reused
24 within the deferral period, except that where a solid waste
25 disposal facility is owned by another governmental entity, the
26 City at its discretion and in lieu of a letter of credit, may
27 accept legislation that appropriates the necessary funds, to
28 be paid to the City at the time deferred payments become due
29 at the end of the three year deferral period; and

30 (5) The City has been paid all host fee payments due from any prior
31 deferral period granted to the solid waste disposal facility.

1 The Director of the Public Works Department, or reassigned
2 department, shall establish procedures for (i) requesting a
3 deferral; (ii) granting or denying a deferral; (iii) demonstrating
4 that the industrial byproduct is sold, used or reused; and (iv)
5 reporting the gross tonnage of industrial byproducts deposited,
6 and the tonnage of industrial byproducts sold, used or reused.
7 All such reports and information provided to the City relating to
8 the request for a deferral shall be subject to review and audit
9 by the Public Works Department or reassigned department, and the
10 Council Auditor, including right of entry upon the property for
11 the purpose of review and confirmation of financial and other
12 records connected therewith.

13 (~~h~~) Construction and demolition debris, as defined in Section
14 380.102, Ordinance Code, generated within the City of Jacksonville
15 and delivered to a solid waste management facility within Duval
16 County shall not be assessed a host fee.

17 (~~i~~) Haulers delivering construction and demolition debris to a solid
18 waste management facility shall be asked to attest as to whether
19 or not the waste was generated within the City of Jacksonville.
20 The Public Works Department shall establish a policy for
21 implementing the attestation process. Failure by a hauler to
22 provide the attestation described herein or to misrepresent
23 information within the attestation shall be punishable as a Class
24 D penalty pursuant to Section 609.109, Ordinance Code. The
25 operator of a solid waste management facility may rely on such
26 attestation in the determination of the waste's origin. The
27 operator of a solid waste management facility shall not be liable
28 to the City for payment of a host fee where the operator has
29 reasonably relied on such attestation provided by the hauler.

30 (~~j~~) Where the City has issued a Certificate of Public Convenience
31 and Necessity to a solid waste management facility, the host fee

1 provisions of Section 380.405 supersedes any provisions in such
2 Certificate of Public Convenience and Necessity.

3 **Section 3. Directive to Legislative Services Division.** The
4 Chief of the Legislative Services Division is hereby directed to
5 forward a copy of the enacted legislation to the City webmaster at
6 webmaster@coj.net for immediate fee updates to
7 <http://www.coj.net/fees>.

8 **Section 4. Codification Instructions.** The Codifier and the
9 Office of General Counsel are authorized to make all chapter and
10 division "tables of contents" consistent with the changes set forth
11 herein. Such editorial changes and any others necessary to make the
12 *Ordinance Code* consistent with the intent of this legislation are
13 approved and directed herein, and changes to the *Ordinance Code* shall
14 be made forthwith and when inconsistencies are discovered.

15 **Section 5. Effective Date.** This Ordinance shall become
16 effective upon signature by the Mayor or upon becoming effective
17 without the Mayor's signature.

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19 Form Approved:

20
21 /s/ Mary E. Staffopoulos

22 Office of General Counsel

23 Legislation prepared by: Mary E. Staffopoulos

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