

MALABAR ORDINANCE 2022-01

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA REPEALING AND REPLACING ORDINANCE 2014-12 AND ALL OTHER SOLID WASTE AND RECYCLABLE MATERIAL FRANCHISE ORDINANCES AND AGREEMENTS IN ARTICLE IV OF APPENDIX A, THE FRANCHISE SECTION OF VOLUME ONE OF THE CODE OF ORDINANCES REPLACING SUCH RERPEALED FRANCHISE ORDINANCES AND AGREEMENTS WITH ORDINANCE 2022-01 GRANTING AN EXCLUSIVE SOLID WASTE AND RECYCLABLE MATERIAL COLLECTION FRANCHISE AGREEMENT BETWEEN THE TOWN OF MALABAR AND WASTE PRO of FLORIDA, INCORPORATED AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A HERETO; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Malabar, Florida, on November 15, 2021, awarded the service contract to Waste Pro of Florida, Inc. which granted them exclusive solid waste and recyclable collection within the Town of Malabar. The contract agreement is attached to this ordinance as Exhibit "A" and shall become part of this Ordinance replacing Ordinance 2014-12.

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Malabar, Florida:

SECTION 1: Article IV, Solid Waste, of the Franchise Section in Appendix A of Volume 1, identified as Ordinance No. 2014-12, of the Malabar Code of Ordinances is repealed in its entirety and replaced to read as follows:

"ARTICLE IV SOLID WASTE ORDINANCE 2022-01

SECTION 1. Effective date, Commencement date, Term and Consideration

GRANTING OF FRANCHISE TERM AND CONSIDERATION

Waste Pro of Florida Inc., is granted the exclusive right, privilege and/or franchise to operate upon, over and across streets, bridges and other public thoroughfares of the Town of Malabar for the purpose of collecting, removing and disposing of solid waste, recycling, yard waste and bulk waste material from the residences and commercial businesses in the Town of Malabar beginning January 1, 2022 subject to the terms, conditions and exceptions contained in the Contract Agreement attached as Exhibit "A" which such exhibit shall and is made an integral part of this ordinance and which provides in part as follows;

- A. Effective date of this Agreement was December 6, 2021, when the Agreement was signed. The commencement date shall be January 1, 2022.
- B. Initial term shall be for six (6) years and shall automatically renew for up to three (3) additional 3-year periods unless either party provides the other party with written notice of non-renewal at least one (1) year prior to the conclusion of any Contract term.
- C. The initial rate for residential services shall be \$43.88 per month for twice per week collection of solid waste & once per week collection of Recyclables & once per week unlimited yard waste and 12 cubic yards of Bulky/White goods. Construction and Demolition or C&D Debris and Contractor generated waste is not included in this coverage.
- D. Waste Pro of Florida Inc. shall pay a Franchise Fee of five (5) percent on all

services rendered to the Town on a quarterly basis due in the month following the end of the quarter. For example, the first quarter ends on March 31, the franchise payment is due to the Town in April.”

SECTION 2: CONFLICTS

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: CODIFICATION

Provisions of this Ordinance and Exhibit "A" shall be incorporated into Article IV, Solid Waste, Appendix A, Franchises, Volume 1 of the Malabar Code of Ordinances as directed by this ordinance.

SECTION 4: EFFECTIVE DATE

This Ordinance shall take effect five (5) days after adoption at second reading.

This Ordinance was moved for adoption by Council Member Rivet. The motion was seconded by Council Member Scardino and, upon being put to a vote, the vote was as follows:

- Council Member Marisa Acquaviva Aye
- Council Member Brian Vail Aye
- Council Member Steve Rivet Aye
- Council Member David Scardino Aye
- Council Member Mary Hofmeister Excused

This Ordinance was then declared to be duly passed and adopted this 7th day of February 2022.

TOWN OF MALABAR

By:

Patrick T. Reilly
Mayor Patrick T. Reilly, Council Chair



1st Reading: 1/03/2022
2nd Reading: 2/07/2022

ATTEST:

Debby K. Franklin
Debby K. Franklin, C.M.C.
Town Clerk/Treasurer

Approved as to Form and Content:

Karl W. Bohne, Jr.
Karl W. Bohne, Jr.,
Town Attorney