

RESOLUTION NO. 19759

A RESOLUTION OF INTENTION TO ESTABLISH CHARGES FOR COLLECTION AND DISPOSAL OF RESIDENTIAL GARBAGE AND REFUSE IN THE CITY OF HELENA, MONTANA, FOR FISCAL YEAR 2011

WHEREAS, pursuant to the Helena City Code, service charges may be established for collection and disposal of residential garbage in the City of Helena; and

WHEREAS, service charges are necessary for the purpose of on-going operation, maintenance, and capital purchases of equipment; and

WHEREAS, it appears to be in the best interests of the City of Helena, Montana, and the inhabitants thereof, that the charges for collection and disposal of city provided residential garbage and refuse service for fiscal year 2011 should include additional charges when a residential customer who is assessed the yearly residential rate exceeds the bulk solid waste allowance, or dumps any garbage not originating from the residential property; and

WHEREAS, charges against the bulk solid waste allowance are self haul on a residential solid waste permit and \$10 per collection for bulk solid waste collection (“tramp truck”).

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Section 1. That it is the intention of the City Commission to establish charges for the collection and disposal of residential garbage and refuse in the City of Helena for fiscal year 2011.

Section 2. Accordingly, there is established and levied against property receiving solid waste residential collection the following assessments and charges as shown on the assessment rolls on file with the Clerk and Recorder of Lewis and Clark County, Montana.

Section 3. Commencing on July 1, 2010, the cost of collection and disposal of residential

garbage and refuse in the City of Helena for fiscal year 2011 shall be as follows:

Rates

A. Class I- Residential structures having up to 4 units in 1 structure shall be assessed \$181.35 for the first unit for FY 2011.

i. for structures with 2-4 units \$136.01 per unit (25% Discount)

B. Class II- Residential structures having more than 4 units in 1 structure receiving city solid waste service as of July 1, 2010, or become a city solid waste customer after July 1, 2010 shall be assessed according to the following schedule for FY 2011:

i. for structures with 5 to 10 units - \$136.01 per unit (25% Discount)

ii. for structures with 11 to 25 units - \$ 126.94 per unit (30% Discount)

iii. for structures with 26 to 49 units - \$121.50 per unit (33% Discount)

iiii. for structures with 50+ units - \$119.69 per unit (34% Discount)

C. Class III- Mobile home parks shall be assessed according to the following schedule for FY 2011:

i. Self-Haul by owner of mobile home park is charged the current transfer station charges established by the City Commission:

ii. A per unit that is charged monthly to the property owner based on the Class II schedule and adjusted monthly for the total number of units on the property as of the 1st day of each month; or

iii. monthly fee that is equivalent to commercial rate schedules for the frequency of service.

D. Class IV- Residential Structures which qualify for the State of Montana property tax assistance program under Title 15, Chapter 6, MCA, shall be charged \$90.68 for FY 2011.

Section 4. For fiscal year 2011, the cost of collecting and disposing of residential garbage and refuse for Class I, II and IV residential properties is paid by a special annual assessment against the residential property from which such garbage and refuse is removed. For new customers receiving service after July or each year, the annual assessment rate will be pro-rated on a monthly basis.

Section 5. There is a bulk solid waste allowance for FY 11 that is calculated by taking 2 tons times the current tipping fee charges established by the City Commission. Beginning July 1, 2011, the bulk solid waste allowance will be calculated by taking 1.5 tons times the current tipping fee charges established by the City Commission. The weight of self-hauled solid waste and \$10.00 per trip for bulk solid waste collection at the residential unit is charged against this allowance.

Section 6. If the bulk solid waste allowance is exceeded, the person responsible for causing the allowance to be exceeded is liable for transfer station charges for the amount that the solid waste exceeds the bulk solid waste allowance.

Section 7. An owner or occupant of each residential unit that is located on the property subject to the assessments established herein may receive a permit authorizing that person to charge against the bulk solid waste allowance for that residential unit the amount of garbage, generated or originating from the unit located on the levied property and to deposit acceptable recyclable materials at the Transfer Station and other City-approved sites.

Section 8. Garbage which is in excess of the bulk solid waste allowance, or which was

not generated at or originating from the assessed property, is subject to transfer station charges established by the City Commission. Loads brought in containing only acceptable recyclable material are not charged against the bulk solid waste allowance.

Section 9. Replacement of residential permits are five dollars (\$5.00).

Section 10. The residential service charges are payable in two (2) installments and will become delinquent as stated on the property tax bills. The monies collected for said residential service charges shall be paid into the City of Helena Residential Solid Waste Fund.

Section 11. A public hearing will be held on this Resolution of Intention on **the 23rd day of August, 2010 at 6:00 p.m.** in the City Commission Chambers in the City-County Building at 316 North Park Avenue in Helena, Montana, at which time the Commission will hear objections to the final adoption of this resolution.

Section 12. The City Clerk is hereby authorized and directed to cause to be published, in the Independent Record, the official newspaper of the City of Helena, a notice of the passage of this resolution at said time and place, when and where this resolution will come up for hearing of objections and final adoption, and stating that said resolution is on file in the City Clerk's office for inspection.

**PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF
HELENA, MONTANA, THIS 26th DAY OF JULY 2010.**

/S/ James E. Smith
MAYOR

ATTEST:

/S/ Debbie Havens
CLERK OF THE COMMISSION