

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 19835

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 2012

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 2012 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”); and

WHEREAS, a list of all lots or parcels of land assessed, with the name of the owner thereof, if known, description of the lots or parcels of land and the amount levied thereon set opposite, is maintained by the Department of Administrative Services for the City of Helena.

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

Section 1. It is the intention of the City Commission to finally adopt a resolution levying charges for the collection and disposal of residential garbage and refuse in the City of Helena for fiscal year 2012.

Section 2. The lots or parcels of land to be assessed are those shown on the list of all lots or parcels of land maintained by the Department of Administrative Services for

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the City of Helena. The list includes the description of the lots or parcels of land, the name of the owner, if known, and the amount levied thereon. The lots or parcels of land to be assessed do not include cemetery lands owned by associations. The assessable lots or parcels of land are all such other lots or parcels of land inside the City limits.

Section 2. Accordingly, there is established and levied against lots or parcels of land receiving solid waste residential collection the following assessments and charges.

Section 3. Commencing on July 1, 2011, the charges for collection and disposal of residential garbage and refuse in the City of Helena for fiscal year 2012 shall be as follows:

Rates

- A. Class I- Residential structures having up to 4 units in 1 structure shall be assessed \$179.10 for each unit.
- B. Class II- Residential structures having more than 4 units in 1 structure receiving city solid waste service shall be assessed under the commercial rate matrix.
- C. Class III- Mobile home parks shall be assessed according to the following schedule:
 - i. Self-haul by the owner of mobile home park is charged the current transfer station charges established by the City Commission:
 - ii. A monthly charge to the mobile home park owner based on the number of home units in accordance with 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. a monthly fee that is equivalent to commercial rate schedules for the frequency of service.
- D. Class IV- Residential Structures that qualify for the State of Montana property tax assistance program under Title 15, Chapter 6, MCA, shall be charged \$89.55 for FY 2012.

Section 4. For fiscal year 2012, the cost of collecting and disposing of residential garbage and refuse for Class I and IV residential properties is paid by a special annual assessment against the residential property from which such garbage

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and refuse is generated. For new customers receiving service after July or each year, the annual assessment rate will be pro-rated on a monthly basis.

Section 5. The bulk solid waste allowance is 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 credited 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 in excess of the bulk solid waste allowance, or that 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. Replacements of residential permits are five dollars (\$5.00).

Section 10. The residential service charges are payable in two (2) installments and are delinquent as stated on the property tax bills. The monies collected for said residential service charges will 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 22nd day of August, 2011 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

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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 27th DAY OF JUNE, 2011.**

/S/ James E. Smith
MAYOR

ATTEST:

/S/ Debbie Havens
CLERK OF THE COMMISSION