



AN ORDINANCE AMENDING THE TOWN CODE OF THE TOWN OF NAGS HEAD, NORTH CAROLINA AS IT PERTAINS TO CHAPTER 30 SOLID WASTE MANAGEMENT

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that Chapter 30 of the Town Code of Ordinances shall be amended.

PART I. That **Chapter 30 SOLID WASTE MANAGEMENT**, Article II Franchises be amended as follows:

Section 30-27. Additional required services.

F. The Town of Nags Head Public Works Services Department shall be notified each service day when recycling collection is complete.

Section 30-29. Length of franchise.

It is intended that the franchise be for a term of three years, beginning on or around May 1, ~~2021~~, 2024, and ending three years from the date of agreement execution. At the end of the initial term, the town may renew the contract for an additional period of time to be agreed upon by the parties.

Sec. 30-31. - Payment for services.

(a) As compensation for performing the services required under this Ordinance, the franchisee shall be authorized to collect from subscribers reasonable fees set by Nags Head and collected from subscribers in accordance with the ~~duly adopted fee schedule for the Town~~ Town ordinance and terms of the contract. The initial fee schedule shall be in the amount of \$14 ~~\$19.85~~ for the first cart per month at each participating location, exclusive of any subsidies offered by the town. Participants may subscribe for additional carts to be serviced at a cost of \$8 ~~\$14.90~~ per cart per month.

Sec. 30-32. Rate review and adjustment.

(b) (a) The initial fee will not change for two years. There will be a 7.5% escalation rate above the initial fee beginning in the third year of the agreement. A request for rate adjustment may be made at each anniversary date of the initial three-year term executed by both parties. The rate increase will be based on the percentage change in the most recently available data from the Bureau of Labor Statistics, Garbage and Trash Index, prior to the request. The rate shall not increase more than 5% in any contract year and no more [than] 10% over the life of the initial term. Rate adjustment applications shall be filed by the franchisee ninety (90) days prior to the end of the interm-initial three-year term to provide adequate time for consideration by the Board of Commissioners. Rate adjustments at the end of the initial three-year term may be sought for all reasonable grounds. If approved by Nags Head Board of Commissioners in an open meeting, a rate adjustment shall not be effective until at least 60 days from date of approval in order for the franchisee to give all clients a minimum 60 day notice of the approved rate adjustment.

PART II. Effective Date.

This ordinance amendment shall be in full force and effect upon the date of adoption by the Board of Commissioners.


Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

John Leidy, Town Attorney

Date adopted: **April 3, 2024**

Motion to adopt by Commissioner _____
Motion seconded by Commissioner _____
Vote: _____ AYES _____ NAYS

