

City of Delray Beach
Neighborhood & Community Services Department
Construction & Demolition Roll-Off Services Franchise Application

Applicant Information:

Name _____

Address _____

City/State/Zip Code _____

Phone Numbers _____

Contact Name _____

To the Applicant: The following information checklist is provided to assist you in preparing your application for a non-exclusive franchise to provide containers for construction and demolition debris collection and disposal services to properties located in the City of Delray Beach. Please provide the required information identified in this checklist as an attachment to the franchise application.

Franchise Application Requirement
And Requirement Checklist

- 1. Name(s) and business address(es) of principal officers and stockholders and other persons having financial or controlling interest in any partnership or corporation;
- 2. Name(s) and business address(es) of local managing officers of any publicly-owned corporation having more than 25 shareholders;
- 3. Proof that corporation is in good standing in the State, and if not a Florida corporation, proof that applicant is qualified to do business in the State of Florida;
- 4. If applicant is other than a corporation, and is operating under a fictitious name, applicant shall be required to submit information that such fictitious name is registered and held by applicant;
- 5. List of type, number and complete description of all equipment to be used by applicant for providing safe and efficient services;
- 6. Applicant shall maintain in full force and effect insurance as specified, and filed with the City a certificate of insurance for all policies written in applicant's name, to remain on file with the City for the franchise term to include:
 - Liability Insurance: Commercial general liability insurance policy and automobile liability insurance policy, covering all exposures incident to the applicant's operations under franchise, acceptable to the City and each policy shall be in an amount of not less than \$1,000,000.00 as defined within the ordinance.
 - The applicant shall maintain a \$5,000,000.00 umbrella and/or excess liability coverage. Policy(ies) shall be endorsed to show the City, a municipal corporation in the State of Florida, as an additional insured.
 - Workers compensation as required by statutory requirements and Employer's Liability Coverage not less than \$100,000 per each accident, \$100,000 by disease and \$500,000 aggregate by disease.
- 7. Applicant shall include cash, letter of credit, or a Performance Bond in the amount of \$15,000 for the 1st year of the franchise issuance. In subsequent years, the amount shall be equal to the previous 12-month franchise fees paid to the City, whichever is greater.

- 8. Applicant shall pay the City a non-refundable application fee and a Full Franchise Annual Fee as specified in the User Fees Schedule-Delray Beach Municipal Facilities and Services schedule. (Attachment A)
- 9. Processing Information:
 - All required materials and information must be attached to or included on this application in the order specified above and accompanied by a non-refundable application fee of \$1,000.00 (check or money order payable to the City of Delray Beach.)
Submit all materials to:

City of Delray Beach
Community Improvement Department
C/O Danise Cleckley, Code Enforcement Administrator
100 NW 1st Avenue
Delray Beach, FL 33444
 - Upon receipt, the application and supporting materials will be promptly reviewed. The applicant will be notified of acceptance or denial of the application.
- 10. Acceptance of Application: After notification that the non-exclusive franchise application has been accepted, the applicant shall submit:
 - All workers compensation as required by statutory requirements and Employer's Liability Coverage not less than \$100,000 per each accident, \$100,000 by disease and \$500,000 aggregate by disease.
 - A non-exclusive franchise fee payable to the City of Delray Beach as follows:

Date Non-Exclusive Franchise Granted	Fee
October 1 through March 31	\$3,000.00
April 1 through June 30	\$1,500.00
July 1 through September 30	\$ 750.00
- 11. All non-exclusive franchises expire on September 30 and renewal at the full fee, \$3,000.00, is required on or before September 30.
 - Check/money order payable to the City of Delray Beach or a letter of credit for \$15,000.00 for the first year of the non-exclusive franchise.
 - Non-exclusive franchises are not effective until the remittances enumerated, above, are received by the City.
- 12. Denial of Application: The city shall have the discretion to deny any application for a non-exclusive franchise (or renewal) under any of the following circumstances:
 - Failure to comply with any of the requirements of application or ordinance provisions, and/or any agreements thereto, or
 - Evidence that the applicant's franchise with the city was previously terminated within 5 years prior to the date of the application, or
 - Evidence that the applicant previously operated a construction and demolition debris container service in the city without holding a valid franchise after the effective date of the ordinance establishing the non-exclusive franchise, or
 - A finding that the applicant lacks sufficient experience, equipment, staff or disposal plan to safely comply with ordinance requirements and/or the non-exclusive franchise agreement.

- In the event the Community Improvement Director denies an application for a non- exclusive franchise, the applicant shall be notified, by certified mail, of the reasons for denial.
- Appeal from the Community Improvement Director’s denial of a non-exclusive franchise (or renewal) application shall be as follows:
 - The applicant shall pay an appeal fee of \$500.00 and file an appeal in writing with the City Manager no later than 14 days after the mailing of the certified letter advising the applicant of the denial.
 - The City Manager shall either affirm the decision of the Community Improvement Director or issue the non-exclusive franchise (or renewal). A decision of the City Manager to affirm the decision of the Community Improvement Director shall be final.

Definitions:

1. Applicant: a person or corporation applying to the City of Delray Beach for a non-exclusive franchise to provide construction and demolition roll-off containers and/or collect construction and demolition debris within the City for hire, remuneration or other consideration.
2. Franchise: person or corporation to whom the City has issued a non-exclusive franchise to provide roll-off containers for construction and demolition services and/or to provide construction and demolition debris collection and disposal services to properties in the City.

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AFFIDAVIT
ACKNOWLEDGMENT OF BUSINESS TYPE

The below-named person, as applicant or legal representative for applicant, does hereby certify that all required information has been attached to the application and becomes a part thereof.

Applicant or applicant's legal representative agrees that applicant will comply with all provisions of the City of Delray Beach Code of Ordinances, the laws, rules, ordinances and regulations of Palm Beach County, the State of Florida and the United States of America.

BUSINESS ADDRESS OF APPLICANT:

Address _____

City _____ State _____ Zip Code _____

Telephone No. _____ Fax No. _____

Federal ID No. _____

SIGNATURE OF APPLICANT:

If an Individual: _____ doing business
as _____
Signature

If a Partnership: _____ by: _____,
General Partner Signature

If a Corporation: _____
Corporate Name
(a _____ Corporation)
by: _____

Signature
Title: _____

Attest: _____ (SEAL)
Corporate Secretary

NOTARY PUBLIC: _____

STATE OF _____ **COUNTY OF** _____

The foregoing instrument was acknowledged before me this date of 2019, by _____ who is (who are) personally known to me or who has produced as identification and who did (did not) take an oath.

NOTARY PUBLIC SIGNATURE: _____

NOTARY NAME, PRINTED, TYPED OR STAMPED _____

Commission Number: _____ My Commission Expires: _____

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Applicant agrees to comply with all applicable provisions of the City of Delray Beach, Florida, Code of Ordinances Chapter 51, Section 51-45 as may be amended.

Applicant Name (print or type)

Applicant Signature

Application Submission Date

Application Received By Date

Application Fee Received By Check Number Check Date

Approved City Manager/Designee Signature Date

