

**ORDINANCE NO. 3055-16**

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF ORDINANCES, GOVERNING SOLID WASTE, BY AMENDING, DELETING, AND ADDING PROVISIONS RELATING TO AND INCLUDING, WITHOUT LIMITATION, DEFINITIONS OF TERMS TO BE CONSISTENT WITH STATE LAW; PROHIBITED ACTS; SOLID WASTE AND RECOVERED MATERIALS COLLECTION SERVICE REQUIREMENTS; CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING; EXCLUSIVE AND NONEXCLUSIVE PERMITTING PROCESS WITH REQUIREMENTS, TERMS, FEES, INSURANCE, EQUIPMENT, NOTICE AND REPORTING OF SERVICE BY PERMITEES AND REMEDIES RELATING TO VIOLATIONS; EXCLUSIVE AND NONEXCLUSIVE FRANCHISE RIGHTS AND OBLIGATIONS; REQUIRED USE OF CITY'S FRANCHISEE FOR COLLECTION AND REMOVAL OF SOLID WASTE AND RECYCLABLE MATERIALS; DUTIES OF FRANCHISEES; FREQUENCY OF COLLECTION; APPROVED CONTAINERS; PLACEMENT/PREPARATION OF CONTAINERS; BULK WASTE; COMMERCIAL AND RECYCLABLE MATERIALS COLLECTION; SPECIAL COLLECTION SERVICE; AMENDING CHAPTER 58, ARTICLE V OF THE CODE OF ORDINANCES, ENVIRONMENTAL PROTECTION REGULATIONS, TO REQUIRE ADEQUATE SPACE AND A RECEPTACLE FOR RECYCLING AS TO CERTAIN TYPES OF NEWLY DEVELOPED PROPERTY; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Winter Park, Florida, hereby finds that it is in the best interests of the health, safety, and welfare of the citizens of Winter Park that the City update and amend Chapter 82 (Solid Waste) of the City Code of Ordinances and Chapter 58 (Land Development Code), Article V (Environmental Protection Regulations) of the City Code of Ordinances, as herein provided.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK AS FOLLOWS:**

**Section 1. Findings of Fact.** The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this ordinance.

**Section 2. Amendment to City Code, Chapter 82.** Chapter 82 (Solid Waste) of the City Code of Ordinances is hereby amended as follows (words that are ~~stricken-out~~ are deletions; words that are underlined are additions; ellipses (" . . .") are used to separate the relevant Code Sections and are not part of the City Code):

Sec. 82-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Biological Waste means solid waste that causes or has the capability of causing disease or infection and includes, but is not limited to, biomedical waste, diseased or dead animals, and other wastes capable of transmitting pathogens to humans or animals. The term does not include human remains that are disposed of by persons licensed under chapter 497, Florida Statutes.

~~Building and clearing wastes~~ means debris or wastes accumulated from land clearing, excavating, building, rebuilding, altering or demolishing buildings, structures, roads, sidewalks and curbs by an owner or contractor.

Bulk Waste means any non-vegetative item that cannot be containerized, bagged, or bundled, or whose large size or weight precludes its handling, processing, or disposal by normal methods.

Center Street Service Area Corridor means the specified area designated by the city which generally encompasses any commercial establishment or place of business or residence located within the boundaries of Canton Avenue to the north, Knowles Avenue to the east, Lyman Avenue to the south and Park Avenue to the west, ~~(as more particularly described in the Center Street Corridor Map maintained by the City of Winter Park)~~, adjacent to Center Street or having frontage on that portion of streets intersecting Center Street, within the described area.

Commercial Collection Service means the collection of solid waste within the service area from commercial establishments.

~~Commercial container~~ means a trash, garbage, or recycling receptacle of varied size (one cubic yard to six cubic yards), or a compacting unit, furnished by the city to serve business, commercial or residential customers.

Commercial Establishment or place of business means a business, corporation, company, incorporated or limited concern, licensed to do business in the city and occupying space in the city, whether owned, leased or rented.

Construction and Demolition (C&D) Debris means discarded materials generally considered to be not water-soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure, and including rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing or land development operations for a construction project, including such debris from construction of structures at a site remote from the construction or demolition project site. Mixing of C&D debris with other types of solid waste will cause it to be classified as other than C&D debris. The term also includes:

- (1) Clean cardboard, paper, plastic, wood, and metal scraps from a construction project;
- (2) Except as provided in F.S. 403.707(13)(j); unpainted, non-treated wood scraps and wood pallets from sources other than construction or demolition projects;
- (3) Scrap from manufacturing facilities which is the type of material generally used in construction projects and which would meet the definition of construction and demolition debris if it were generated as part of a construction or demolition project. This includes debris from the construction of manufactured homes and scrap shingles, wallboard, siding concrete, and similar materials from industrial or commercial facilities; and
- (4) De minimis amounts of other nonhazardous wastes that are generated at construction or destruction projects, provided such amounts are consistent with best management practices of the industry.

Container means a roll cart, dumpster, compactor, roll-off, or any other container approved by the city intended for collection of solid waste and recyclable materials.

Designated Facility means the facility designated by the city for delivery of materials collected pursuant to the franchise agreement.

E-Waste means discarded electronic devices and components including, but not limited to, computers, monitors, keyboards, mice, terminals, printers, modems, scanners, cell phones, televisions, copiers, and other electronic equipment as defined by the city.

Franchise Agreement means a written agreement between a franchisee and the city, which sets for the specific terms, conditions, and limitations of the solid waste and recyclables collection services franchise.

Franchisee means a person to whom the city has granted a franchise.



~~Garbage means wastes from the preparation, handling, cooking and serving of food; market refuse; waste from the handling, storage and sale of produce and meats. Food containers such as cans and bottles and wrappings for food are considered garbage.~~

~~Garden trash means all accumulations of grass or shrubbery cuttings and other refuse attending the care of lawns, shrubbery, vines, trees and tree limbs. Waste or excess citrus fruit grown on the property is considered garden trash.~~

~~Hazardous wWaste means those elements or compounds which are contained in the list of hazardous substances adopted by the United States Environmental Protection Agency (EPA) and the list of toxic pollutants designated by Congress or the EPA or defined by any other federal, state or local statute, law, ordinance, code, rule, regulation, order or decree regulating, relating to, or imposing liability or standards of conduct concerning, any hazardous, toxic or dangerous waste, substance or material as now or at any time hereafter in effect, including, but not limited to F.S. § 403.703(21). solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or otherwise managed. The term does not include human remains that are disposed of by persons licensed under F.S. § Chapter 497.~~

~~Household Hazardous Waste or HHW means products generated by residents that contain corrosive, toxic, ignitable, or reactive ingredients, including but not limited to, paints, cleaners, oils, batteries, and pesticides, or other household materials that contain potentially hazardous ingredients, and that require special care for disposal.~~

~~Household refuse means a mixture of trash and garbage.~~

~~Industrial processing wastes means the waste products of canneries, slaughterhouses, packing plants, large quantities of condemned food products or wastes from other industrial plants or manufacturing processes.~~

~~Multi-Family Collection Service means the non-curbside collection of solid waste and program recyclables from multi-family units, and delivery of collected materials to the designated facility. Residential units not desiring to receive curbside residential collection service may choose to receive multi-family collection service.~~



Multi-Family Unit means any building containing four (4) or more permanent residential living units.

~~Noncombustible refuse~~ means refuse material that is unburnable at ordinary incinerator temperatures (800 degrees to 1,800 degrees Fahrenheit). This includes metals, mineral matter, large quantities of glass or crockery, metal furniture, auto bodies or parts or other refuse not usual to housekeeping or to the operation of stores or offices.

Program Recyclables refers to recyclable materials, including single stream and segregated cardboard, collected from residential and multi-family units, center street service area, city facilities, city-sponsored events, and city-designated public areas. The city's list of materials that are included in program recyclables may be amended at the city's discretion as markets develop for additional materials.

~~Recyclable materials~~ means those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste, including, but not limited to, newspapers, glass bottles, metal cans (aluminum and delabeled tin), plastic containers and such other recyclable materials as the city may designate as part of its recycling program.

~~Recycling container~~ means a container made of rigid plastic construction as shall be approved by the city for use for recycling collection services pursuant to the city's recycling program.

Refuse means any material the owner generator desires to be disposed of, whether it has salvage value or not. Refuse may consist of garbage, trash, yard or garden trash or industrial wastes, solid waste, yard waste, recyclable materials, and any other waste materials.

~~Refuse can~~ means a galvanized metal or plastic can commonly manufactured and sold as a refuse can. Capacity shall not be less than four gallons or more than 32 gallons, and shall weigh no more than 50 pounds. The can shall have a tight fitting lid and two handles by which the can may be lifted.

~~Refuse cart~~ means a container between 64 and 96 gallons capacity, on wheels for rolling, with a nonremovable hinged lid, suited to dumping equipment provided by the city garbage collection vehicles, and contents not over 250 pounds.

Residential Collection Service means curbside collection of solid waste, program recyclables, yard waste, and bulk waste from residential units, and delivery of collected

materials to the designated facility. Multi-family units with adequate curbside access may choose to receive residential collection service and be billed individually as a residential unit. Yard waste as part of Residential Collection Services does not include debris generated by landscapers or lawn maintenance services.

Residential Unit means single family detached homes, duplexes, and triplexes.

Roll Cart means a wheeled container designed and intended to be used for automated collection of solid waste and recyclable materials.

Service Area means the area within the municipal boundaries of the City of Winter Park, Florida, as may be modified from time to time pursuant to F.S. § Chapter 171.

Single Stream refers to a recycling process that allows for recyclable materials to be collected comingled, with containers and paper collected in the same container.

Sludge includes the accumulated solids, residues, and precipitates generated as a result of waste treatment or processing, including wastewater treatment, water supply treatment, or operation of an air pollution control facility, and mixed liquids and solids pumped from septic tanks, grease traps, privies, or similar waste disposal appurtenances.

Solid Waste means sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, special waste, or other discarded material, including liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. For the purposes of the city's ordinance, solid waste does not include sludge, yard waste, or recyclable materials.

Special Collection Services means collection service provided to residential units, multi-family units, and commercial establishments for bulk waste, white goods, yard waste, and e-waste.

Special Wastes means solid wastes that can require special handling and management, including, but not limited to, white goods, waste tires, used oil, lead-acid batteries, C&D debris, ash residue, yard waste, and biological wastes. For the purposes of the city's ordinance, special wastes includes e-waste.

Trash means accumulations of paper, excelsior, rags, wooden or paper boxes or containers, sweepings and other accumulations of a nature other than garbage which are usual to housekeeping and to the operation of stores, offices and places of business.



~~Trash shall not include garden trash, noncombustible refuse, industrial processing wastes or building and clearing wastes.~~

White Goods means and includes discarded air conditioners, heaters, refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.

Yard Waste means vegetative matter resulting from landscaping maintenance and land clearing operations and includes associated rocks and soils. For the purposes of the city's ordinance, yard waste does not include land clearing operations or associated rocks and soils.

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~~Sec. 82-6. Nonpayment of fees and penalties; suspension of utility service.~~

~~Notwithstanding the above provisions providing for enforcement of violations of this chapter, nonpayment of fees and penalties imposed by this chapter for a period of 25 days after the billing date shall constitute grounds for the suspension of any or all utility services, including, but not limited to, water, sewer, electric and refuse, until payment is made. The procedure set forth in section 102-134 shall be followed prior to suspension of any utility services.~~

~~Sec. 82-7. Refuse disposal.~~

~~(a) *Public places.* No person shall place, throw or abandon any refuse on any traveled way, sidewalk, alley or other public place. No person shall throw or deposit any refuse in any lake, stream or other body of water.~~

~~(b) *Private property.* No person shall place or throw any refuse on private property, whether owned by such person or not, within the city, except in proper containers for collection or under express approval granted by the city manager or his designee.~~

~~(c) *Special collection center.* No person shall cast, place, sweep or deposit any hazardous waste upon the premises of the special collection center located at 1441 Howell Branch Road, Winter Park, Florida, 32789, unless otherwise permitted by law.~~

~~(d) *Unauthorized accumulation.* Any unauthorized accumulation of refuse on any premises is declared to be a nuisance and is prohibited.~~

~~(e) *Scattering refuse.* No person shall cast, place, sweep or deposit anywhere within the city any refuse in such a manner that it may be carried or deposited by the elements~~

~~upon any street, sidewalk, alley, sewer, parkway or other public place or into any occupied premises within the city.~~

Sec. 82-7 – Prohibited acts.

(a) It shall be unlawful and an offense against the city for any unauthorized person, entity or corporation to do any of the following:

(1) To dispose of solid waste or recovered materials except as provided in this chapter or fail to comply with a provision of a federal, state, or local law, statute, ordinance, resolution, rule, regulation or policy.

(2) To place, throw, or abandon any solid waste or recovered materials in or upon any public street, sidewalk, right-of-way, alleyway, or other public place in the city, or any stream, ditch, river, pond, creek, or other body of water.

(3) To place or throw solid waste or recovered materials on private property, whether owned by such person or not, within the city, except in proper containers for collection or under express approval granted by the city manager or his designee.

(4) To place or cause to be placed any solid waste or recovered materials in a container belonging to another without proper authority.

(5) To disturb or remove after placement for collection any solid waste or recovered materials placed curbside for collection or from any container after it has been placed therein for collection.

(6) To disturb or removed after placement for collection any recyclable material placed curbside for collection or from any container after it has been placed therein for collection. It is not the intent of this section to prohibit any nonprofit organization from soliciting recyclable materials for the purpose of resource recovery and recycling.

(7) To accumulate or cause to be accumulated any solid waste or recovered materials on any premises without authorization.

(8) To cast, place, sweep, or deposit anywhere within the city any solid waste or recovered materials in such a manner that it may be carried or deposited by the



elements upon any street, sidewalk, alley, sewer, parkway, or other public place or into any occupied premises within the city.

(9) To place out for collection any biological, hazardous, industrial, or infectious solid waste without first arranging for proper disposal. Such solid waste shall be disposed of according to applicable law.

(10) To produce or accumulate any C&D debris, tree branches or similar debris while acting in the capacity of a contractor (such as tree surgeon, landscaper, or building contractor), without removal and delivery of the same to a permitted disposal site.

(11) To convey or cause to be conveyed over and upon any streets, roads, highways and alleyways of the city any solid waste or recovered materials without an appropriate license or authority.

(12) To allow solid waste or recovered materials to spill, blow, or drop from any vehicle on any road or to transport any solid waste or recovered materials over any public road unless the solid waste or recovered materials are securely tied or covered so as to prevent leakage or spillage onto the road.

(b) The city incorporates the provisions of F.S. § 403.413, the Florida Litter Law, as part of this section, and violations of said law may be subject to the enforcement provisions of this section.

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~~Sec. 82-31. Authority and supervision.~~

~~All refuse accumulated in the city shall be collected, conveyed and disposed of by the city under the supervision of the city manager or his designee. The city manager or his designee shall have the authority to make such regulations pertaining to the days of collection, type and location of refuse containers and such other matters as he shall find necessary, provided that such regulations are not contrary to the provisions of this chapter.~~

Sec. 82-31 – General solid waste and recovered materials collection service requirements.

- (a) All solid waste and recovered materials collection services shall meet all applicable federal, state, and local requirements and shall be conducted in accordance with general industry standards.
- (b) All solid waste and recovered materials collection vehicles operating in the city shall be clearly marked with the solid waste or recovered materials collector's name and telephone number.
- (c) All trucks, trailers, and other vehicles used to collect, transport, and process or dispose of recovered materials or solid waste in the city or to transport refuse over any public roadways in the city shall:
  - (1) Comply with all local, regional, state and federal roadway weight limits.
  - (2) Be constructed as watertight as possible to limit the escape of water or other fluids from the vehicle.
  - (3) Be fully enclosed, securely tied, or covered so as to prevent the leakage or spillage. It shall be unlawful for any person to allow materials to spill, blow, or drop from any vehicle on any road.
  - (4) Be washed thorough on the exterior of the body at least weekly.
  - (5) Be washed thoroughly on the inside of the body and sanitized with an effective disinfectant and deodorant to eliminate odor, at least weekly if putrescible waste is collected.

Sec. 82-32. Preparation of refuse.

~~(a) Household refuse. All household refuse shall have drained from it all free water before being placed in the refuse can or refuse cart. Any wet garbage matter shall be wrapped in paper before being deposited in the refuse can or refuse cart. All cans, bottles, boxes and wrappings which have contained food shall be thoroughly drained before being deposited in the refuse can or refuse cart. All trash shall have drained from it all free water before being placed in refuse cans or refuse carts. Household chemical containers such as bleach, garden sprays or any container for material of a toxic or semitoxic nature shall be thoroughly rinsed and drained before being placed in refuse cans and refuse carts. Plastic refuse bags may be utilized to dispose of refuse. Each~~



~~plastic refuse bag shall not exceed 32 gallon capacity or 50 pounds weight limit, and may not be less than two and one half mils thickness. Paper bags specifically manufactured for the disposal of refuse may also be used, subject to the capacity and weight limit maximums for plastic refuse bags.~~

~~(b) *Garden trash.* Tree trimmings, hedge clippings and similar material shall be cut to length not to exceed four feet. Grass trimmings shall be placed in refuse containers or refuse bags, which shall not exceed 50 pounds in weight per container or refuse bag. Waste or excess citrus fruit shall be placed in cans or refuse bags. Not more than 16 gallons or one half of the can or bag shall be filled with fruit due to its weight. If plastic refuse bags are utilized, the same criteria shall apply as that given under household refuse.~~

#### Sec 82-32 – Construction and demolition debris recycling.

In accord with F.S. § 403.707(9)(g), the city requires that, to the extent economically feasible, all C&D debris must be processed prior to disposal, either at a permitted materials recovery facility or at a permitted disposal facility. This does not apply to recovered materials, any materials that have been source separated and offered for recycling, or materials that have been previously processed.

#### Sec. 82-33. – Cans, carts and containers – Location.

~~(a) Refuse cans, refuse carts and commercial containers shall be kept in a place that is easily accessible to city employees, designated haulers or contractors, and that does not obstruct any public right of way. In between pick up, refuse cans and refuse carts shall be kept at the rear of the establishment or residence or in a side yard out of sight from the street, except as provided in subsection (b) of this section.~~

~~(b) Commercial containers for use by any establishment or place of business or residence located within the Center Street Corridor, as defined in section 82-1, shall be kept in those locations on Center Street specified by the city manager or his designee.~~

#### Sec. 82-33. - Authority and supervision.

The city has the authority to grant exclusive franchises, nonexclusive franchises, permits, and/or licenses to persons, firms, or corporations for collecting, hauling, processing, or disposing of solid waste, yard waste, recyclables materials, and any other waste materials. The city manager or his designee is shall have the authority to make regulations regarding

storage, collection, hauling, processing, and disposal of all refuse generated within the city, and be responsible for the enforcement of such regulations.

~~Sec. 82-34. Same Condition.~~

~~Refuse cans shall be provided by the tenant, owner, lessee or occupant of the premises and shall be maintained in good condition. Any refuse can that does not conform to the provisions of this chapter or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof shall be condemned by the department of public works and promptly replaced by the owner on notice. The city manager or his designee shall have the authority to refuse collection services for failure to comply with this section.~~

Sec. 82-34. – Nonexclusive permitting process

Required:

(a) No person may collect or transport commercial recyclable materials, source separated recyclable construction and demolitions debris, or non-exclusive construction and demolition debris within the city without first obtaining a nonexclusive permit from the city. This provision applies to all persons except facilities within the city owned or operated by a governmental subdivision or entity of the state, the school district or a special taxing district.

(b) Each person desiring to perform the above in the city shall make application for a nonexclusive permit to the city which application shall be made on forms provided by the city and shall provide, at a minimum, the following:

- (1) Name and address of business;
- (2) Name and address of owner of business;
- (3) Corporate officers and directors and certificate of good standing;
- (4) Permanent place of business;
- (5) Copy of local business tax receipt;
- (6) Evidence of certification from the Florida Department of Environmental Protection;
- (7) Certification that all recovered materials collected will be recycled at a state-certified recycling facility;
- (8) Description of equipment to be utilized;
- (9) Copy of certificate of insurance; and



(10) Agreement to comply with all conditions of permit and provisions of this article.

Terms:

The term of a nonexclusive permit to collect, transport and process nonexclusive solid waste services shall be for one year or a partial year beginning on October 1 of each year. Each permit shall expire on September 30 of each year, but may be renewed from year to year upon application, payment of permit fees, annual report of total tonnage of solid waste and recycles collected within the city, and a demonstration that the permittee is in compliance with the terms of this article.

Fees:

A holder of a nonexclusive permit shall pay the permit fee of \$250.00 for each year or fraction thereof, which fee shall be paid on or before October 1, for each year of renewal. The city commission may modify the permit fee by adoption of a resolution.

Insurance:

Each permittee shall maintain an insurance policy from a company acceptable to the city and licensed to do business in the state for a public liability and property damage in the amount of no less than \$250,000.00 per person and \$500,000.00 per accident, with \$250,000.00 property damage. The city shall be named as an additional insured and the policy shall provide that the city shall be given no less than 30 days' written notice prior to cancellation or modification. A copy of said policy shall be filed with the city's representative. Throughout the duration of the franchise agreement, the contractor shall supply the city with a renewal or replacement certificate of insurance not less than 30 days before expiration or replacement of the insurance for which a previous certificate has been provided.

Equipment:

All equipment operated by the permittee shall be in good repair, appearance and in a sanitary condition at all times. All materials hauled by the permittee shall be so contained that spilling of any nature is prevented.

Charges:

Fees to be charged to those utilizing the services of the permittee are strictly a matter of negotiation between the permittee and the user and will not be controlled or established by the city.

Notice of intention to offer service; report of service:

Each permittee shall advise the city, in writing, of each location and business at which the permittee intends to collect commercial source separated recyclable materials in advance of the commencement of collection. Each permittee shall submit to the city on or before the 20th day of the month following the month of service a report indicating, at a minimum, the business names, addresses, telephone numbers, types, sizes, quantities and frequencies of containers being serviced by the permittee.

Remedies relating to nonexclusive permit to collect, transport and process commercial recyclable materials:

(a) It is unlawful for any person, after notice from the city, to employ or continue to employ any company to transport nonexclusive solid waste services which company does not hold a nonexclusive permit issued by the city.

(b) It is unlawful for any person, partnership or corporation to collect, transport or process commercial recyclables, source separated commercial and demolition recyclable materials, and nonexclusive commercial and demolition recyclable materials without first securing a nonexclusive permit from the city.

(c) Should any permittee be found, after notice and an opportunity to be heard, by the city manager, to be in violation of the terms and conditions of this article, then the city manager may suspend or revoke the permit and the right to reapply for same for a period of up to three years. The decision of the city manager may be appealed to the city commission upon filing an appeal with the city clerk within ten days after the issuance of the decision by the city manager.

Sec. 82-35. ~~Refuse carts.~~

~~(a) Required use. For each residential property within the city that is not served by a commercial container, the city shall provide up to two refuse carts per household for household refuse and garden trash, and one recycling container for recyclable materials, at no charge to the residents. Use of the refuse carts and recycling containers is~~

~~mandatory for all residents whose property is not served by a commercial container, except that the city shall not mandate refuse cart use to residents who became residents of the city before July 13, 1988.~~

~~(b) *Additional carts.* At the request of a resident of any household that is not served by a commercial container, the city may provide additional refuse carts and recycling containers, for which the resident will incur a one time delivery fee, as well as an additional monthly service charge per additional container. Additional refuse carts and recycling containers are the property of the city or its designated hauler or contractor.~~

~~(c) *Replacement.* The city will replace at its expense any refuse cart or recycling container that is lost, damaged or worn through no fault of the resident. The city will replace at the resident's expense any refuse cart or recycling container that is lost, damaged or worn through the fault of the resident, based on the cost of the cart or container as determined by the city.~~

~~(d) *Collection.* If the city commission determines that refuse carts or recycling containers are no longer suitable for collection of refuse or recyclable materials, respectively, the city may terminate refuse cart or recycling container collections, whereupon the refuse carts or recycling containers shall be returned to the city.~~

#### Sec. 82-35 – Exclusive franchise agreement.

(a) The city may enter into an exclusive franchise agreement or agreements with any person to provide for residential and/or commercial solid waste, yard waste, recyclables materials, and other waste materials collection services as provided for in Sec. 82-36 (Grant of franchise), except as may be prohibited by state law. Each franchise agreement shall contain such terms and conditions as prescribed and set forth in the procurement documents of the city and shall be awarded in accordance with the procedures of the city commission.

(b) This chapter herein sets forth the conditions of exclusive rights and privileges granted in the exclusive franchise agreement to provide collection services for solid waste, yard waste, recyclable materials, and other waste materials generated within the city. For the remainder of this chapter, the term solid waste shall not include sludge, yard waste, or recyclable materials.

(c) If the city has entered into an exclusive franchise agreement, no other waste collector shall be permitted to provide those collection services exclusively granted by the franchise agreement.



(d) The city may require a non-exclusive franchise, permit, or license for to persons, firms, or corporations for collecting, hauling, processing, or disposing of solid waste or recovered materials not included in the exclusive franchise agreement.

Sec. 82-36. Points of collection.

~~(a) Location. Refuse cans, refuse carts, refuse bags containing household refuse and garden trash, and recycling containers containing recyclable materials, shall be placed at the curb for collection, unless the city manager or his designee has arranged collection at the rear or side of the property being served because the residents thereof are not physically able to place the items at the curb.~~

~~(b) Placement and removal times. Unless excepted as provided in subsection (a) of this section, residents shall place all refuse cans, refuse carts, refuse bags, and recycling containers to be collected at the curb in front of the property being served no earlier than 4:00 p.m. the evening before the day of collection and shall remove all empty refuse cans, carts, and containers from the curb and return them to a location at the side or rear of the property being served no later than 9:00 p.m. of the day of collection.~~

~~(c) Responsibility for compliance. The residents of the property being served by city collection shall be jointly and severally responsible for placing refuse cans, refuse carts, refuse bags, garden trash, and recycling containers at the proper location at the proper time for collection and, after collection, removing all empty refuse cans, carts, and containers from the curb and returning them to the proper locations stated in subsection (b) of this section by the time stated therein. The owners of the property being served shall be presumed to be residents of the property and, therefore, responsible for compliance with this section, unless, within five days after notification of a violation of this section, the owners have provided the city manager or his designee with the names and addresses of the persons other than the owners who were the actual residents of the property being served by city collection at the time of the violation.~~

Sec. 82-36 – Grant of franchise.

Without limiting the city's authority, as part of approving an exclusive franchise to provide collection services for solid waste, yard waste, recyclable materials, and recovered materials, the following provisions apply:

(a) The franchisee shall have the exclusive right and responsibility to provide the following services:

- (1) Collection and removal of all solid waste generated and accumulated within the city by residential and commercial establishments, except as otherwise specifically provided for in this chapter.
  - (2) Collection and removal of all segregated residential yard waste generated and accumulated within the city, with the exception of debris generated by landscapers or lawn maintenance services or as otherwise specifically provided for in this chapter.
  - (3) Collection and removal of all residential recyclables generated and accumulated within city, except as otherwise specifically provided for in this chapter.
- (b) The franchisee does not have the exclusive right to provide the following services:
- (1) Special collection services; however, the franchisee is required to provide special collection service, upon request, by residential, multi-family, and commercial customers.
  - (2) Collection and removal of recyclable materials from commercial establishments. For any C&D debris to be considered recyclable materials, the recyclable materials must be source-separated on site and contain less than 10 percent solid waste by volume. Source-separated means that the recyclable materials are separated from solid waste at the location where the recyclable materials and solid waste are generated. All C&D debris not meeting this requirement shall be considered solid waste by commercial establishments.
  - (3) Collection and removal of yard waste from multi-family units or commercial establishments, or debris generated by landscapers or lawn maintenance services.
  - (4) Collection and removal of C&D generated from existing residential units. Existing means that the unit has been built at time collection service for C&D debris is desired.

~~Sec. 82-37. Frequency of collection; use and maintenance of container, tops.~~

~~(a) Residential. Refuse accumulated by residences shall be collected at such times as shall be established by the city. In all cases where garbage is deposited in refuse carts, the top shall be kept closed at all times except when the container is being filled. The~~

customer is responsible for notifying the city if the top of the refuse cart is damaged or inoperable.

~~(b) *Commercial.* Hotels, apartments, restaurants and such other establishments or businesses shall be served on the basis of need. Terms of collection shall be established by written agreement between the owner of each establishment or place of business or residence utilizing a commercial container and the city's designated contractor, except those establishments or places of business or residences located within the Center Street Corridor. Where necessary to protect the public health, the city manager or his designee shall have the authority to require more frequent collections than those required by the above described written agreement. It is the responsibility of the user to keep the area around the container clean and free from loose trash or garbage. The city manager or his designee shall notify the county health department of any violations. In all cases where garbage is deposited in a container, the container top shall be kept closed at all times except when the container is being filled. The customer is responsible for notifying the city if the top of the container is damaged or inoperable.~~

~~(c) *[Exception.]* Any establishment or place of business or residence located within the Center Street Corridor, as defined in section 82-1, shall dispose of refuse only in the commercial containers located on Center Street.~~

~~(d) *Special collections.* Upon request, the department of public works will make unscheduled collections of garden trash that is not in containers or bundled and an extraordinary quantity (more than three cubic yards) of refuse in containers or bundled. Placing such types or quantities of refuse at the curb shall constitute a request for a special collection. For commercial concerns, a special collection beyond the quantity and frequency to which was agreed in accordance with subsection (b) of this section shall be made on the request of the owner of the establishment or business or when the city manager or his designee determines that a special collection is necessary to protect the public health.~~

Sec. 82-37 – Use of franchise services required.

(a) Every owner, tenant, or resident of a residential unit shall utilize the service of the city's franchisee for collection and removal of solid waste, yard waste, and recyclable materials.

(b) Every owner, tenant, or resident of a multi-family unit shall utilize the service of the city's franchisee for collection and removal of solid waste and recyclable materials.



(c) Every owner or tenant of a commercial establishment, or owner or developer of a demolition site with the exception of existing residential units as noted in Section 82-36(b)(4), shall utilize the service of the city's franchisee for collection and removal of solid waste, including C&D.

(d) Any residential unit, multi-family unit, or commercial establishment within the city that is constructed, occupied, or capable of being occupied, shall be presumed to be generating solid waste for collection.

(e) Collection service is not required for vacant or unimproved property; however, the owner of vacant or unimproved property within the city shall have the responsibility to ensure that his property remains free from wastes and inappropriate accumulation of refuse on said property.

(f) It shall be the responsibility of the owner, tenant, resident, or developer to pay for and to utilize such services.

(g) This article shall not preclude an owner, tenant, or resident from self-hauling solid waste, yard waste, recyclable materials, or any other waste material to an appropriate recycling, processing, or disposal site in lieu of using the city's franchise services.

(h) This article shall not preclude a resident or commercial establishment to source-separate food waste, or other materials for the purpose of diverting it from disposal, and provide for collection and removal of materials outside of the franchise.

~~Sec. 82-38. Removal of recyclable materials.~~

~~It shall be unlawful for any person, except city personnel or the city's duly authorized agent, to collect or otherwise remove any recyclable material which has been specifically placed for collection in recycling containers as part of the city's recycling program. It is not the intent of this section to prohibit any nonprofit organization from soliciting recyclable materials for the purpose of resource recovery and recycling in pursuit of the goals of such nonprofit organization.~~

Sec. 82-38 – Duties of franchisee.

The franchisee shall carry out and perform all provisions in the franchise agreement including, at a minimum, the following:

- (a) Comply with all applicable federal, state, county and city laws, rules, regulations and ordinances.
- (b) Assist the city in complying with state law relative to recycling including encouraging all customers to recycle and providing collection of recyclable materials to commercial establishments upon request.
- (c) Provide access to the city, upon reasonable notice, full access to all records with respect to the franchise agreement.
- (d) Collect and remove all properly contained, bundle, and stacked solid waste, yard waste, recyclable materials, or any other waste materials generated by customers within the city, except as otherwise provided in this chapter and pursuant to the terms and conditions of the franchise agreement.
- (e) Collect materials generated within the city separate from materials generated outside of the city and adhere to other restrictions on mixed loads as stipulated in the franchise agreement.
- (f) Conduct residential and multi-family collection service between the hours of 7:00 a.m. and 7:00 p.m. Mondays through Fridays and not engage in any collection service for residential or multi-family units at any time on Saturdays or Sundays, unless prior approval is obtained by the city manager or his designee. Conduct commercial collection service between the hours of 6:00 a.m. and 6:00 p.m. Monday through Sunday for commercial establishments and limit Saturday and Sunday collection to only essential collection service, unless prior approval is obtained by the city manager or his designee.
- (g) Maintain all containers in accordance with general industry standards and as appropriate for the type of container including, but not limited to, meeting any city-required technical specifications; having city-required markings; having lids in proper, safe, working condition; being rust-free; maintaining an acceptable appearance; having drain plugs installed to retain storm water and prevent leaching; and ensuring containers are clean and free from offensive odors.
- (h) Dispose of solid waste, yard waste, recyclable materials, and C&D debris at a facility approved by the city.
- (i) Allow the city to inspect any and all vehicles and equipment used.
- (j) Not unduly interfere with vehicular or pedestrian traffic while conducting operations.

- (k) Operate in a manner which does not cause a nuisance or undue noise.

~~Sec. 82-39. Schedule of collection fees.~~

~~Fees prescribed in this article are payable to the city monthly. Fees due and payable for collection and disposal of refuse and for the availability of service shall be as established by the city.~~

Sec. 82-39 – Frequency of collection.

(a) Residential collection service.

- (1) Solid waste shall be collected twice per week.
- (2) Recyclable materials shall be collected once per week.
- (3) Yard waste shall be collected once per week.

(b) Multi-Family collection service.

- (1) Solid waste collection shall be provided on the basis of need, but at least once per week. The city shall have the authority to require more frequent collections to protect public health.
- (2) Recyclable materials shall be collected on the basis of need, but at least once per week.

(c) Commercial collection service.

- (1) Solid waste collection shall be provided on the basis of need, as often as once per day, but at least once per week unless otherwise approved by the city manager or his designee. The city shall have the authority to require more frequent collections to protect public health.
- (2) Recyclable materials shall be collected on the basis of need, but at least once per week.

~~Sec. 82-40. Nonpayment of fees.~~

- ~~(a) Fees prescribed in this article are payable to the city monthly.~~



~~(b) The penalties and remedies contained in this section shall be cumulative and shall be in addition to any and all other penalties and remedies contained in this Code for the violation thereof.~~

Sec. 82-40 – Approved containers for residential collection service.

(a) Solid waste. Each residential unit or multi-family unit receiving curbside collection service shall be issued one roll cart for solid waste. The use of a city-issued roll cart for solid waste is mandatory for all customers receiving residential collection service. If a residential customer generates large quantities of solid waste, the customer may request up to one additional roll cart to accommodate the extra materials. An additional monthly service fee shall be charged to the customer for servicing a second solid waste roll cart.

(b) Recyclable materials. Each residential unit or multi-family unit receiving curbside collection service shall be issued a roll cart for recyclable materials. The use of a city-issued roll cart for recyclable materials is mandatory for all customers receiving residential collection service. If a residential customer generates large quantities of recyclable materials, the customer may request an additional roll cart to accommodate the extra materials. No additional monthly service fee shall be charged to the customer for servicing a second recyclables roll cart.

(c) Yard waste. Yard waste containers shall be equipped with suitable handles and tight-fitting covers, except plastic or paper bags. Plastic and paper bags shall be securely sealed. Containers shall be in good condition without ragged or sharp edges or holes and able to support the weight of its contents. Overloading shall be avoided to minimize accidental opening during normal handling. Containers for yard waste shall be provided by the owner, tenant, lessee, or occupant of the premises. Any container that does not conform to the provisions of this chapter and is liable to hamper or injure the person collection the contents thereof shall be condemned by the department of public works and promptly replaced by the owner on notice. The city manager or his designee shall have the authority to refuse collection services for failure to comply with this section.

~~Sec. 82-41. Removal of special refuse.~~

~~The removal, transport and disposal of industrial processing wastes, noncombustible refuse and building and clearing wastes must be accomplished by the owner, occupant, operator or contractor performing such work, as the case may be. Spent oils or grease accumulating at garages, filling stations or similar establishments shall be removed by the owner, occupant or operator.~~

Sec. 82-41 – City-issued roll carts for residential collection service.

- (a) City-issued roll carts are the property of the franchisee or the city pursuant to the franchise agreement and at no time shall be considered the property of the customer.
- (b) Each solid waste and recyclable materials roll cart has a serial number that shall be assigned to the property to which the roll cart is issued. It shall be unlawful and a violation of this chapter for any person to remove city-issued roll carts from the property to which they were assigned, for any person to use such roll carts for any other purpose than storing solid waste or recyclable materials for collection, or to intentionally damage or destroy such roll carts.
- (c) It is the responsibility of the customer to which a roll cart has been issued to keep it clean and protect it from theft, destruction, and damage beyond repair. The city must be notified if a roll cart is stolen, lost, or damaged, or of defects or malfunction. The customer shall notify the city prior to vacating a premises and shall place the container in a safe location where it is accessible to the city.
- (d) The franchisee shall be responsible for the maintenance and repair of roll carts due to normal wear and tear. The city will have replaced any roll cart that is stolen, lost, or damaged through no fault of the customer at no cost to the customer. However, damage to roll carts resulting from abuse or negligence on the part of the owner, tenant, lessee, or occupant at a particular service location shall be the responsibility of the customer to which the container was supplied. The city shall determine the extent of the damage and assess costs for repair or replacement based on the cost of the roll cart as determined by the city.

Sec. 82-42. – Liens for nonpayment of fees – Generally.

~~All fees and penalties for nonpayment, together with lawful interest thereon, provided for in this article shall be a lien upon the property for which the service is provided. If the fees shall remain unpaid 60 days after the fees are due and payable, an administrative fee shall be imposed, and the lien, including the administrative fee, shall be recorded in the records of the county. The city shall have the power and authority to enforce the liens by foreclosure in accordance with law.~~

Sec. 82-42 – Preparation, storage, and placement of waste by residential customers.

- (a) Solid waste, recyclable materials, and yard waste shall each be placed and maintained in separate containers.



(b) Preparation for collection.

(1) Solid waste.

a. The following materials are not permitted for disposal in roll carts: biological waste, biomedical waste, hazardous waste, special wastes (including, but not limited to, e-waste, white goods, waste tires, used oil, lead acid batteries, and mercury containing devices or lamps), contractor-generated waste, industrial waste, rocks, sod, dirt, or excessive amounts of yard waste and/or C&D debris.

b. All household solid waste shall be drained of liquid before being placed in the roll cart for collection.

c. The roll cart shall not be filled above a height allowing the attached lid to be completely closed. The lid shall be kept closed at all times except when the roll cart is being filled. The customer is responsible for notifying the city if the roll cart lid is damaged or inoperable.

d. Roll carts may not weigh more than 200 pounds when placed for collection.

(2) Recyclable materials.

a. All recyclable materials shall be drained of liquid and free of food residue before being placed in the roll cart for collection.

b. Cardboard shall be flattened or cut down to fit completely within the roll cart.

c. The roll cart shall not be filled above a height allowing the attached lid to be completely closed. The lid shall be kept closed at all times except when the roll cart is being filled. The customer is responsible for notifying the city if the roll cart lid is damaged or inoperable.

d. Roll carts may not weigh more than 200 pounds when placed for collection.

(3) Yard waste.

a. Yard waste may be stored for collection in suitable containers as described in this article. The contents of such containers shall not extend above the top or rim thereof, and they shall be contained by tight-fitting covers.

b. Yard waste that is not easily containerized may be bundled or stacked neatly at the curb. Tree trimmings, hedge clippings, and similar



material shall be cut to length not to exceed four (4) feet. This limitation shall not apply to Christmas trees.

c. Containers, ~~plastic or paper~~ bags, or bundles may not weigh more than fifty (50) pounds each. Each plastic bag shall not exceed 32-gallon capacity and may not be less than two and one-half mils thickness. Paper bags specifically manufactured for the disposal of yard waste may also be used, subject to the capacity and weight limit maximums for plastic bags.

d. Yard waste is limited to three (3) cubic yards per customer per weekly collection.

(c) Storage and placement for collection.

(1) No person shall place any refuse, trash, garbage cans or trash bags on, upon or over any storm drain, or so close thereto as to be drawn by the elements into same, which would result in or tend to cause a blockage of any part of such storm drainage system.

(2) No person shall place any accumulations of refuse and trash, whether contained in approved containers or loosely accumulated, in any street, alley or other public place of travel, nor upon any private property except the person's own property or swale. In all cases where conditions permit, the placement for collection shall be in the swale area between the street pavement and sidewalk line, unless the city manager or his designee has arranged for collection at the rear or side of the property being served because residents thereof are not physically able to place the items at the curb. Yard waste and tree trimmings which are not containerized must be neatly bundled or stacked and placed as aforesaid.

(3) Roll carts put out for collection shall be placed within three feet of the curb with the handle facing away from the curb. Roll carts shall be placed at least three feet away from any other object, including, but not limited to, other carts, trees, mailboxes, parked cars, fire hydrants, fences, poles, or under low hanging trees or overhead wires. Yard waste and bulk waste shall be collected within the same approved collection guidelines as roll carts. The city manager or his designee shall have the authority to approve or specify an alternative location for special collection services.

(4) Residents shall place roll carts at the curb in front of the property being served no earlier than 4:00 p.m. the evening before the day of collection and shall remove all empty roll carts and containers from the curb and return them to a location at the side yard or rear of the property being served out of sight from the

street no later than 9:00 p.m. of the day of collection. Yard waste may be placed for collection no earlier than the day preceding the scheduled collection day. No yard waste shall be placed curbside after a named storm, storm watch, or warning has been issued by the National Weather Service until the storm watch or warning has been lifted.

(5) Customers are responsible for cleanup from bags torn or containers spilled by animals, or otherwise spilled through no fault of the franchisee. Franchisee is not required to sweep, fork, shovel, or otherwise clean up material that has become scattered or is not readily picked up and placed in the collection vehicle, including spillage resulting from overloaded containers.

(6) The franchisee shall provide side/backdoor collection of solid waste and recyclable materials in accordance with the franchise agreement to customers who are not physically able to place the items at the curb.

~~Sec. 82-43. Same Release; effect of issuance of certificate.~~

~~Liens created under section 82-42 shall, upon the request of the user or the owner of the property affected and upon payment of all delinquent fees, including lawful interest thereon, and all penalties imposed, be released by a certificate signed by the city manager or the city finance director and bearing the seal of the city. The issuance of such certificate shall constitute prima facie evidence of existence or nonexistence of any such delinquent fees, and shall, in the absence of fraud perpetrated by the party requesting the certificate, be binding upon the city as to the existence or nonexistence of any lien created under this article.~~

Sec. 82-43 – Preparation, storage, and placement of waste by multi-family customers.

(a) Containers and collection service shall be conducted in the same manner and according to the same conditions as commercial collection service requirements in section 82-45.

(b) The franchisee shall encourage and provide containers for recyclable materials, upon request, and collection service for those containers at least once per week. If recycling containers are made available to multi-family units, solid waste and recyclable materials shall each be placed and maintained in separate containers.



Sec. 82-44 – Residential and multi-family bulk waste.

- (a) An unlimited amount of bulk waste shall be collected from residential and multi-family units twice per year as designated by the city (typically May and November).
- (b) Residential bulk waste shall be placed neatly at the curb at least four feet from city-issued solid waste and recyclable materials roll carts, yard waste containers, bags, bundles, stacks, and any other object including, but not limited to, trees, mailboxes, parked cars, fire hydrants, fences, poles, or under low hanging trees or overhead wires.
- (c) Multi-family bulk waste must be placed in one location as determined by the property manager or the city manager or his designee and meet the same setout criteria residential bulk waste.
- (d) All containers containing bulk waste shall be taken by the collector. No container should be used that the customer wishes to retain.
- (e) White goods and metal items shall be placed separately to facilitate alternate collection procedures. Doors shall be removed from appliances and gas drained from any gas-powered equipment.
- (f) Household hazardous waste (HHW) such as paints, gas, oil, insecticides, pesticides, and other chemicals, and e-waste such as discarded electronic devices and components shall not be collected with bulk waste. Household hazardous waste and e-waste may be delivered by the customer to the city's designated disposal facility or the city's HHW and e-waste collection event.

Sec. 82-45 – Commercial collection service.

- (a) Recyclable materials. The franchisee shall encourage and provide containers for recyclable materials, upon request, and collection service for those containers at least once per week.
- (b) Terms of commercial collection service shall be established by a written agreement between commercial customers and the franchisee, with the exception of commercial establishments, multi-family units, or residential units located within the Center Street Service Area.



(c) Commercial customers may obtain containers from the franchisee or a source other than the franchisee, provided that the container meets industry standards, is of a type that can be serviced by the franchisee's equipment, and such source or customer is completely responsible for the proper maintenance of the container. Customer-provided commercial containers must be equipped with Ultra High Frequency (UHF) radio frequency identification (RFID) tags, unless written approval is obtained by the city manager or his designee.

(d) All containers shall be maintained in accordance with general industry standards as appropriate for the type of container. Standards include, but are not limited to, having solid substantial bottoms with at least one drain hole for purposes of cleanout, drain plugs installed to retain storm water and leaching, lids in proper and safe working condition, no rust holes, sharp or jagged edges, broken hinges, or broken door fasteners, and uniformly painted container with franchisee name and phone number clearly marked. Containers shall be maintained so that they are clean and free from offensive odors.

(e) All containers used for accumulating recyclable materials shall be clearly marked "For Recyclable Material Only," or similar language and identify the name of the recovered material dealer.

(f) All containers shall have properly fitting lids or side doors(s) in place that close tightly and prevent littering, odors, and vermin and allow for opening and closing action during the emptying cycle. The lid or door(s) shall be kept closed at all times except when the container is being filled. Solid waste shall be placed in bags and sealed to prevent litter, odors, and vermin. Containers are not to be filled to a height exceeding the level of the highest portion of the container body or rim. Customers utilizing franchisee containers responsible for notifying the city if a lid damaged or inoperable. Open top roll-offs must meet the same criteria, except that lids or bags are not required.

(g) Containers shall be kept in a place that is easily accessible to franchisee and city employees, and that does not obstruct any public right-of-way. At no time will any collection containers or materials be placed on the travel portions of any walk, street, or alley within the city without prior authorization from the city manager or designee.

(h) Container storage areas and areas adjacent to the storage area shall be maintained by the customer in a neat, sanitary, and aesthetically pleasing manner. Customers are responsible for maintaining the accessibility to containers including

container storage areas. If pickups are missed due to customer's failure to maintain accessibility, and unsanitary or unsightly conditions result, the customer shall be in violation of this article.

(i) Customers are responsible to keep areas surrounding containers in a sanitary condition including free from accumulating grease, decomposing materials, and litter. Loose materials must be deposited in appropriate containers for collection. Customers are responsible for cleanup from bags torn or containers spilled by animals, or otherwise spilled through no fault of the franchisee. Franchisee is not responsible for cleaning up materials that has become scattered or is not readily picked up and placed in the collection vehicle, including spillage resulting from overloaded containers.

(j) Any damage to containers, other than normal wear and tear, is the responsibility of the customer and may be charged accordingly for repair or replacement of the receptacle. However, containers damaged by the franchisee shall be repaired or replaced by the franchisee.

Sec. 82-46 – Center street service area.

(a) Any commercial establishment, multi-family unit, or residential unit located within the Center Street Service Area, as defined in section 82-1, shall dispose of solid waste in the solid waste containers located on Center Street.

(b) All shared containers for solid waste or recyclable materials in the Center Street Service Area shall be kept in locations specified by the city manager or his designee.

(c) It shall be unlawful for any person to dispose of solid waste or recyclables in any of the shared container in the Center Street Service Area unless the materials are generated from a commercial establishment, multi-family unit, or residential unit residing within the Center Street Service Area.

(d) Containers and collection service shall be conducted in the same manner and according to the same conditions as commercial collection service requirements in section 82-45.



Sec. 82-47 – Special collection service.

- (a) Special collection of any waste which, by reason of its bulk, shape, or weight, cannot be placed in a container or bundled, which exceeds the size and weight limitations of any section of this article, or which is requested by residential or multi-family units in addition to the two annual bulk waste collections shall be collected upon customer request and acceptance of the fee to be billed for special collection service.
- (b) Special collection will be scheduled at the earliest reasonable time by the franchisee. Items shall not be placed curbside for collection prior to receiving a collection date from the city. Items shall not be placed curbside more than 48 hours prior to the scheduled collection date.
- (c) Items shall be placed at least four feet from city-issued solid waste and recyclable materials roll carts, yard waste containers, bags, bundles, stacks, and any other object including, but not limited to, trees, mailboxes, parked cars, fire hydrants, fences, poles, or under low hanging trees or overhead wires.
- (d) White goods and metal items shall be placed separately to facilitate alternate collection procedures. Doors shall be removed from appliances and gas drained from any gas-powered equipment such as lawn mowers.
- (e) Special collection materials shall not be placed curbside after a named storm, storm watch, or warning has been issued by the National Weather Service until the storm watch or warning has been lifted.

Sec. 82-48. - Schedule of collection fees.

Fees prescribed in this article are payable to the city monthly. Fees due and payable for the collection, hauling, processing, and disposal of solid waste, yard waste, recyclable materials, and other waste materials, and for the availability of service shall be as established by the city.

Sec. 82-49. - Nonpayment of fees and penalties; suspension of utility service; cumulative remedies; liens for nonpayment and release of liens.

- (a) Notwithstanding other provisions providing for enforcement of violations of this chapter, nonpayment of fees and penalties imposed by this chapter for a period of 25 days after the billing date shall be considered delinquent and shall constitute grounds



for the suspension of any or all utility services, including, but not limited to, water, sewer, electric, solid waste, and recycling, until payment is made. The procedure set forth in section 102-134 shall be followed prior to suspension of any utility services.

(b) The penalties and remedies contained in this section shall be cumulative and shall be in addition to any and all other penalties and remedies contained in this Code for the violation thereof.

(c) All fees and penalties for nonpayment, together with lawful interest thereon, provided for in this article shall be a lien upon the property for which the service is provided. If the fees shall remain unpaid 60 days after the fees are due and payable, an administrative fee shall be imposed, and the lien, including the administrative fee, may be recorded in the records of the county. The city shall have the power and authority to enforce the liens by foreclosure in accordance with law.

(d) Liens created under this section shall, upon the request of the user or the owner of the property affected and upon payment of all delinquent fees, including lawful interest thereon, and all penalties imposed, be released by a certificate signed by the city manager or the city finance director and bearing the seal of the city. The issuance of such certificate shall constitute prima facie evidence of existence or nonexistence of any such delinquent fees, and shall, in the absence of fraud perpetrated by the party requesting the certificate, be binding upon the city as to the existence or nonexistence of any lien created under this article.

#### Sec. 82-50. - Removal of special waste.

The removal, transport and disposal of industrial processing wastes and building and clearing wastes must be accomplished by the owner, occupant, operator or contractor performing such work, as the case may be. Spent oils or grease accumulating at garages, filling stations or similar establishments shall be removed by the owner, occupant or operator.

**Section 3. Amendment to City Code, Chapter 58.** Chapter 58 (Land Development Code), Article V (Environmental Protection Regulations) of the City Code of Ordinances is hereby amended to add a new Division 11 and Section 58-367, as follows (words that are underlined are additions):

#### DIVISION 11. – MISCELLANEOUS ENVIRONMENTAL PROTECTION REGULATIONS

Sec. 58-367. – Recycling

This section incorporates the provisions of F.S. § 403.706(2)(c) into the City's Code of Ordinances. In accordance with F.S. § 403.706(2)(c), "newly developed property receiving a certificate of occupancy, or its equivalent, on or after July 1, 2012, that is used for multifamily residential or commercial purposes, must provide adequate space and an adequate receptacle for recycling by tenants and owners of the property. This provision is limited to counties and municipalities that have an established residential, including multifamily, or commercial recycling program that provides recycling receptacles to residences and businesses and regular pickup services for those receptacles."

**Section 4. Codification.** This Ordinance shall be incorporated into the Winter Park City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance and the City Code may be freely made.

**Section 5. Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**Section 6. Conflicts.** In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

**Section 7. Effective date.** This ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida.

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park, held at City Hall, Winter Park, Florida, on the 28<sup>th</sup> day of November, 2016.

  
\_\_\_\_\_  
Mayor Steve Leary

ATTEST:

  
\_\_\_\_\_  
Cynthia S. Bonham, City Clerk