

ORDINANCE 2011-19

AN ORDINANCE OF CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES CHAPTER 17, SOLID WASTE SERVICES, PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED by the City Commission of the City of Lake Wales, Polk County, Florida:

Section 1. Lake Wales Code of Ordinances Chapter 17, SOLID WASTE, is hereby amended as follows:

ARTICLE I. - GENERAL PROVISIONS

Sec. 17-4. - Administration.

The department of ~~finance~~ ~~public works~~ shall be delegated responsibility for the administration of any contract authorized by the city commission for the provision of solid waste collection and disposal services and for the billing of charges for such services.

ARTICLE II. - COLLECTION AND DISPOSAL

Sec. 17-11. - Garbage and trash.

(a) When used in this chapter, the following words shall have the meanings ascribed to them in this section:

Container shall mean a receptacle which is approved by the city for the accumulation of garbage and trash.

Bag shall mean a container which is a plastic sack designed to store garbage and trash with sufficient wall strength to maintain physical integrity when lifted by the top; the total weight of a bag and its contents shall not exceed thirty-two (32) pounds.

Bundle shall mean a number of items tied, wrapped or otherwise held together in a compact manner or which can be reasonably stacked; if diameter of items bundled is less than six (6) inches, then length of items shall be no greater than four (4) feet; if diameter of items is six (6) inches or greater, then length of items shall be no greater than two (2) feet; the total weight of the bundle shall not exceed fifty (50) pounds.

Can shall mean a container which has a maximum capacity of thirty-five (35) gallons and a maximum weight when full of fifty (50) pounds; for the purpose of this ordinance, a can shall be constructed of a non-absorbent material, shall be provided with a closely fitting cover and side bail handles and shall have a diameter at the mouth which is greater than or equal to that of the base.

Contractor shall mean the firm under contract to the City of Lake Wales to provide solid waste collection, recycling, and disposal services to residential and commercial customers within the city limits.

Curbside shall mean that portion of the street right-of-way paralleling any public thoroughfare between the curb line or paving line and the abutting property line.

Dumpster shall mean a container which is emptied by mechanical means.

Tote shall mean 35, 65, or 95 gallon container provided by the city's contractor and used for automated collection service.

- (b) All garbage and trash shall be accumulated for collection and disposal in approved containers as follows:

(1) All residents or occupants of single-family homes, apartments in buildings with less than four (4) dwelling units, or mobile homes shall place all garbage and trash in solid waste totes. Contractor will provide, maintain, and replace 35, 65, and 95 gallon totes as necessary for the residents. Additional totes will be provided when requested by residents at no additional charge. When totes have been requested but not delivered, contractor shall pick up cans and bags from residents. Contractor shall be required to pick up all garbage and trash generated by the residential unit, except when the total pickup exceeds two (2) cubic yards, excluding yard waste.

Contractor shall remove bulk items, such as household furniture and appliances within 24 hours from receipt of request, unless the request is submitted on Friday, in which case the response will occur on the following collection day.

Yard waste shall be placed in cans, bags or bundles. Contractor will collect unlimited amounts of routine yard trimmings. cans, bags, or bundles.

- (2) Multifamily dwelling units, mobile home parks, commercial and industrial establishments may use the following containers for accumulation of garbage and trash:
- Totes, cans, bags, or bundles provided that the total pickup shall not exceed two (2) cubic yards in volume.
 - Containers emptied by mechanical means when the pickup exceeds two (2) cubic yards in volume.
- (3) Every restaurant, hotel, boardinghouse, grocery store, dining room or any other public place where food or meals are sold or given away shall use the following containers for accumulation and disposal of garbage and trash:
- Totes or cans, provided that the total pickup shall not exceed two (2) cubic yards in volume and provided that said containers cans are securely covered with a tightly fitting lid.
 - Containers emptied by mechanical means when the pickup exceeds two (2) cubic yards in volume.
- (c) Containers shall be stored on the premises and shall not be kept upon neighboring property that is not owned or leased by the person accumulating the garbage and trash.
- (d) Containers shall be kept tightly covered or closed at all times and in such a manner as to protect the contents from wind, weather, flies, insects, rodents and other animals. The area surrounding the container shall be maintained free of garbage, trash and other litter at all times.
- (e) Containers shall not be used to accumulate liquids. All garbage, cans and bottles shall be drained of all liquid before being placed in the container.
- (f) Containers Cans shall be emptied of contents at least once twice a week by the city contractor. Dumpsters shall be emptied of contents at least once a week by the city contractor and as frequently as required to protect the public health from the excessive accumulation of garbage and trash.
- (g) For purposes of collection and disposal by the city contractor, dumpsters shall be kept on the premises in a location that is visible and easily accessible by collector vehicles. Totes, cans,

bags and bundles shall be placed at the curbside immediately in front of the premises if possible. In instances where there are concerns relating to safety, health, or welfare of the community, the public alley may be used. The City Manager or his/her designee will determine whether or not alley use is necessary for the safety, health, or welfare of the community. ~~or, where such premises are located upon a public alley, at a point easily accessible from the alley.~~

- (h) Back-door pickup of garbage and trash is available for residents with medical or physical conditions.
- (i) Totes and cans shall be removed from the curbside or alley promptly after garbage and trash have been collected.
- (j) No garbage or trash shall be buried or burned upon any property within the city.
- (k) No garbage or trash shall be deposited on any street or alley within the city or into any storm drain, manhole or gutter.
- (l) No garbage or trash shall be deposited on any sidewalk or in any park within the city except in a container provided by the city for the use of persons utilizing said sidewalks and parks.
- (m) No garbage or trash shall be deposited upon any vacant lot or unimproved property within the city. Failure to comply with this requirement shall subject the owner of the vacant lot to code enforcement action.
- (n) No garbage or trash shall be deposited on the property of another person or in the tote, can or dumpster of another person without the permission of that person. If permission is granted, the person granting such permission shall be responsible for payment of charges incurred in collection and disposal.

Sec. 17-12. - Yard waste.

- (a) Grass cuttings, weeds, leaves and other yard waste shall be placed in cans, bags or bundles as specified in section 17-11. No single item shall exceed fifty (50) pounds in weight.
- (b) Yard waste shall not be mixed with garbage or trash. Yard waste shall be placed in a separate can, bag, or bundle ~~or dumpster.~~
- (c) Yard waste shall be placed at the curbside immediately in front of the premises if possible. In instances where there are concerns relating to safety, health, or welfare of the community, the public alley may be used. The City Manager or his/her designee will determine whether or not alley use is necessary for the safety, health, or welfare of the community. ~~, or, where such premises are located upon a public alley, at a point easily accessible from the alley.~~ On streets where no grassy area near the curbside is available for placement of yard waste, the owner or occupant of the premises shall place yard waste adjacent to the driveway but not farther than ten (10) feet from the street. Yard waste shall not be placed in the street.
- (d) Yard waste shall be collected at least once a week by the city contractor. ~~Total pick-up of yard waste shall not exceed two (2) cubic yards.~~
- (e) Nothing in this chapter shall prohibit the property owner or occupant from arranging for the private removal and disposal of yard waste at his own expense.
- (f) No yard waste shall be deposited upon any vacant lot or unimproved property within the city. Failure to comply with this requirement shall subject the owner of the vacant lot to code enforcement action.
- (g) No yard waste shall be deposited on any street, alley or park within the city or into any storm drain, manhole or gutter.
- (h) No yard waste shall be burned upon any property within the city.

Sec. 17-13. - Special collection services.

- (a) Bulk waste. Discarded household furniture, appliances, stoves, washing machines and similar items shall be placed at the curbside or beside the service alley in a location

accessible to the collector vehicle. All lids or doors shall be securely sealed or otherwise prepared to prevent entry and entrapment. Such items shall be removed by the city contractor after the owner or occupant of the premises has made arrangements for a special pick up. Items shall be removed on the next regular working day after receipt of the request at no additional charge.

- (b) Bulk yard waste. Large cuttings of vegetative and wood matter which are part of normal yard maintenance but which cannot be cut for placement in a container or bundle due to the excessive weight or size of the yard waste shall be reasonably stacked. Bulk yard waste shall be of a type readily handled by collector and shall not exceed four (4) feet in length or fifty (50) pounds in weight. Such items shall be collected by the city contractor after the owner or occupant of the premises has made arrangements for a special pick up. ~~and for payment of collection and disposal charges associated with said special pick up.~~
- (c) Other special services. Construction debris, roofing, concrete, tires, auto parts, engines, tree trunks and other items not included in the definition of garbage, trash, yard waste, hazardous waste, industrial waste or infectious waste shall be picked up at an extra charge to the customer. Professional tree service companies are responsible for disposing of the resident's debris. All charges for other special services shall be mutually agreed upon by the city contractor and the owner or occupant of the premises prior to removal.

Sec. 17-14. - Items not collected or disposed of by the city or the contractor.

- (a) The following items shall not be accepted by the city or the contractor for collection and disposal:
 - (1) Hazardous waste
 - (2) Industrial waste
 - (3) Infectious waste
 - (4) Any waste that requires special handling due to regulatory requirements
- (b) All waste materials listed in paragraph (a) and defined in section 17-1 shall be separately containerized by the owner or occupant of the premises and shall be collected by a contractor permitted by the applicable regulatory agencies and disposed of in accordance with guidelines promulgated by said agencies.

ARTICLE III. - SOLID WASTE RECYCLING

Sec. 17-21. - Voluntary recycling encouraged.

- (a) All persons are encouraged to separate all plastics, metal, and all grades of paper for recycling prior to final disposal. ~~Centrally located bins will be provided for the deposit of recyclable materials.~~
- (b) All persons are encouraged to recycle yard waste by composting or mulching organic materials that would otherwise be disposed of in a landfill and reusing said recycled materials in their landscaping maintenance activities.

Sec. 17-22. - Recycling of materials used or generated in conduct of city business.

- (a) Each department of the city shall collect, to the greatest extent practicable, recyclable materials and products used during the operation of facilities and offices. At a minimum, provisions shall be made to collect wastepaper and empty aluminum beverage cans generated by employee activities during the conduct of city business. The method for disposing of collected recyclable materials shall be determined by the city manager.
- (b) The parks and recreation department shall, to the greatest extent practicable, recycle yard waste generated from landscaping maintenance of parks, rights-of-way and other city property. At a minimum, provisions shall be made for composting or mulching of organic

materials that would otherwise be disposed of in a landfill and reusing said recycled materials in landscaping maintenance of parks, rights-of-way and other city property.

ARTICLE IV. - FEES AND CHARGES

Sec. 17-31. - Billing.

Charges for solid waste collection and disposal services shall be included on the utility bill with charges for water and sewer services. All provisions of chapter 21 pertaining to billing and payment shall apply to the billing and payment of charges for solid waste collection and disposal.

Sec. 17-32. - Delinquent penalty authorized.

If any monthly bill for solid waste collection and disposal services shall be and remain unpaid on or after thirty (30) days from the date of being billed for such services, the account shall be considered delinquent. A delinquent payment penalty of one and one-half (1.5) percent of the bill shall be imposed and be added to the bill.

Sec. 17-33. - Enforcement of collections.

The city is authorized to pursue and shall pursue all legal means to collect monies due for payment of charges for solid waste collection and disposal services including, but not limited to, referral of delinquent accounts to collection agencies and filing a claim of lien against a property in the amount of the unpaid charges plus legal costs of the filing.

Sec. 17-34. - Deposits of revenue.

Commencing on October 1, 1996, all revenues earned from charges for solid waste collection and disposal services shall upon receipt thereof be deposited in the general fund. Revenues earned from charges for said services shall be recorded in a separate revenue account within the general fund for purposes of accounting therefor, but shall be authorized to pay any and all operating and nonoperating expenses of the general fund including, but not limited to, the cost of provision of solid waste collection and disposal services.

Sec. 17-35. - Fee schedule.

(a) The following fees shall be implemented for solid waste collection, recycling and disposal services as provided for by this chapter:

**Solid Waste Collection, Recycling and Disposal Services
Revision Effective 10/1/11**

Schedule A - Fees for Service

Rate Type	Residential			Commercial				
	Single-family home; duplex			Multi-family dwelling units; mobile home park; commercial;				
Service Type	Curbside	Recycling Curbside	Backdoor	Cans				Dumpster
<u>Pick-ups per wk</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>see below</u>
<u>Number of Cans</u>				<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	
<u>Rate eff. 10/1/11</u>	<u>17.37</u>	<u>1.00</u>	<u>17.37</u>	<u>28.15</u>	<u>56.29</u>	<u>84.44</u>	<u>112.58</u>	<u>6.50 /cu yd</u>

Schedule B - Monthly Charge - Dumpster Fees

Dumpster Size	Pick-up Frequency					
	bi-weekly	1/wk	2/wk	3/wk	4/wk	5/wk
2	28.15	56.29	112.58	168.87	225.16	281.45
3	42.22	84.44	168.87	253.31	337.74	422.18
4	56.29	112.58	225.16	337.74	450.32	562.90
6	84.44	168.87	337.74	506.61	675.48	844.35
8	112.58	225.16	450.32	675.48	900.64	1,125.80


Note: Roll-off rates are based on negotiated contracts between Florida Refuse and the customer. Roll-off rates shall be provided at a fair market price.

- (b) The schedule of fees established by Schedule "A" and Schedule "B" shall be effective on October 1, 2011 and shall be automatically adjusted annually on October 1 to reflect an increase based on June's annual CPI or two and one-half (2.5) percent, whichever is greater, without further need for commission action.
- (c) Backdoor pickup service shall be available on a once-per-week basis for the same charge as curbside service:
 - (1) when a customer provides the city with documentation from a medical doctor that a medical necessity exists.
- (d) When extenuating circumstances of a non-medical nature exist that prevent curbside collection provided that such backdoor service is authorized by the city manager and approved by the service provider.
- (e) Eligibility requirements of paragraph (c) shall not apply to customers receiving backdoor pickup service prior to the effective date of this ordinance.

Section 2. If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof has not been incorporated herein.

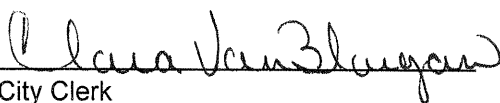
Section 3. This ordinance shall become effective immediately upon passage by the City Commission.

CERTIFICATION AS TO PASSAGE this 20th day of September 2011.



 Mayor/Commissioner
 City of Lake Wales, Polk County, Florida

ATTEST:



 City Clerk