

READING	DATE
1st	9-22-09
2nd	1-26-10

ORDINANCE 1792

AN ORDINANCE OF THE CITY OF FORT WALTON BEACH, FLORIDA;
PROVIDING FOR AUTHORITY; AMENDING CHAPTER 10.80, SOLID
WASTE, AND CHAPTER 10.82, RATES AND CHARGES, OF THE CODE OF
ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF FORT WALTON BEACH, FLORIDA AS FOLLOWS:

SECTION 1. Authority and Intent

The authority for enactment of this ordinance is pursuant to Section 2 of the City Charter, and Section 166.021, Florida Statutes. Chapters 10.80 and 10.82, of the Code of Ordinances are being amended to incorporate changes for the City's solid waste operations, charges, and to correct terminology.

SECTION 2. Amendment of Chapter 10.80, Solid Waste

Chapter 10.80, Solid Waste, of the Code Ordinances is amended as follows:

Sec. 10.80.01. 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:

Bulk container or dumpster. A container that may contain both wet and dry solid waste that is typically used by commercial, industrial, public, or multi-tenant residential facilities. ~~A container that contains so-called wet garbage, that is usually located where food is prepared and/or served, and that is dumped daily, except on Sundays, if deemed necessary by the sanitation and licensing inspector.~~

Construction and demolition debris. Concrete, concrete block, brick, mortar, sand, gravel, dirt, drywall, paper, metal, asphalt, and any other construction or demolition by product.

~~*Disposal.* The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or upon any land or water so that such solid waste or hazardous waste, or any constituent thereof, may enter other lands, be emitted into the air or discharged into any waters, including groundwaters, or otherwise enter the environment.~~

Garbage. All kitchen and table food waste, animal or vegetative waste that is attendant with or results from the storage, preparation, cooking or handling of food materials.

~~Garbage can.~~ A watertight container, with suitable handles and a tightly fitting cover, of the type commonly sold as a "garbage can" and having a capacity of not more than 32 gallons nor less than 15 gallons.

~~Hazardous wastes.~~ A solid waste identified by the department of environmental regulation as a hazardous waste in F.A.C. ch. 17-30.

Hazardous waste. Any chemical, compound, mixture, substance, or article that is designated by the United States Environmental Protection Agency, or other applicable federal agency, or by the State of Florida to be "hazardous," as that term is defined by federal or state law, and which shall not be disposed in a landfill, transfer station, or recycling facility.

Infectious wastes. Those wastes that which may cause disease or that which are reasonably suspected of harboring pathogenic organisms. ~~Included are, including~~ wastes resulting from the operation of medical clinics, hospitals and other facilities producing infectious wastes, such as which may consist of, ~~but are not limited to,~~ diseased human and animal parts, contaminated bandages, pathological specimens, hypodermic needles, contaminated clothing and surgical gloves, etc.

Recycling. The reuse of solid waste in manufacturing, agriculture, power production, or other processes.

Recyclables. Those solid waste items that are separated from the solid waste stream and can become commodities through recycling.

~~Refuse.~~ Garbage and trash and all rubbish, paper, glass, metal and discarded matter which the last owner intends to abandon to the city for disposal.

~~Refuse container or container.~~ The receptacle provided by the city, which receptacle is equipped with an attached, hinged and closely fitting lid and with a handle and wheels for roll out curbside pickup, and which receptacle is resistant to disturbance by animals and insects. An approved refuse container shall be one that is either supplied by the city or approved for refuse collection by the superintendent of sanitation.

Sanitary nuisance. A condition created by any person, or the keeping, maintaining, propagation, existence, or permitting of anything by a person which threatens or impairs the health or lives of individuals ~~may be threatened or impaired, or causes or transmits~~ by which disease may be caused or transmitted, and further defined in the City's Land Development Code.

Shredding. A process of reducing the particle size of solid waste through the use of grinding, shredding, milling or rasping machines.

~~*Solid waste.* Garbage, yard trash rubbish, refuse, trash or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations or sludge from a waste treatment works, water supply treatment plant, or air pollution control facility. Materials not regulated as solid wastes pursuant to F.A.C. ch. 17-7 and nuclear source or byproduct materials regulated under F.S. ch. 404 or under the Federal Atomic Energy Act of 1954, as amended; suspended or dissolved materials in domestic sewage effluent or irrigation return flows, or other regulated point source discharges; regulated air emissions; fluids or wastes associated with natural gas or crude oil exploration or production. Solid waste does not include scrap, or new or used material, separated at the point of generation and held for purposes of recycling, subject to state and local public health and safety laws.~~

Solid waste. Garbage, trash, recyclables, construction and demolition debris, and other types of waste material, whether residential or commercial, allowed to be accepted for disposal at landfills, but excluding all hazardous waste, and special waste.

Solid waste container. A city-supplied or owned solid waste container for use with automated garbage trucks with a 96-gallon maximum capacity.

~~*Source separation.* The setting aside of separated recyclable waste materials at their point of generation (household or commercial) by the generator.~~

~~*Special wastes.* Those wastes that require extraordinary management. They include but are not limited to, abandoned automobiles, white goods, used tires, waste oil, sludges, dead animals, agricultural and industrial wastes, septic tank pumpings, and infectious and hazardous wastes.~~

Special waste. Any solid waste that requires special processing, handling, or disposal techniques that are different from the techniques normally used for handling and disposal of solid waste. Examples include, but are not limited to, abandoned vehicles, used tires, waste oil, sludge, dead animals, agricultural and industrial wastes, septic tank pumpings, asbestos, liquid wastes, infectious wastes and residue, pollution control residue, and debris or contaminated soil or water from the cleanup of a spill.

Tipping Fees. Those fees charged by a commercial hauler of solid waste from a waste transfer facility, transfer station, or a waste landfill. Such charges shall be based on a volumetric amount (usually per ton) calculated

when the Waste Collection Vehicle drops (tips) the solid waste load at the commercial transfer facility, transfer station, or waste landfill.

~~*Timed collection.* A collection service for solid waste items that are too bulky or hard to handle by a bulk container or refuse container. The rate is determined by a time study of the actual collection times, the hourly rate calculated for a monthly rate.~~

Transfer station. A transfer facility for the receipt, short-term processing or holding, and transfer of solid waste, yard waste, or recyclables.

~~*Trash.* Refuse, accumulations of paper, wooden or paper boxes or containers, and sweepings, and all other accumulations that of a nature other than garbage or yard trash, which are usual to housekeeping and to the operation of stores, offices and other business places, other than garbage and yard waste, for which no special processing, handling, or disposal techniques are required.~~

Waste Collection Vehicle (WCV). A vehicle specifically designed to pick up various quantities of solid waste for transport to a transfer facility, transfer station, or waste landfill.

~~*Waste oil.* shall mean All all types of waste oils, including waste automotive lubricants, industrial waste oils, and petroleum compounds.~~

~~*White goods.* Inoperative and discarded refrigerators, ranges, washers, water heaters, and other similar domestic and commercial appliances.~~

~~*Yard waste trash.* Vegetative resulting from landscaping maintenance or land clearing operations and includes materials such as tree and shrub trimmings, grass clippings, palm fronds, trees and tree stumps.~~

Sec. 10.80.02. Private Collection, Transportation Prohibited.

No private person or business may collect, haul or transport solid waste generated from residences or places of business, unless specifically authorized to do so by the city through an exception permit.

~~The hauling or transportation of garbage from residences or places of business by a private person is prohibited. It is the intent and purpose of this section to prohibit any agency, other than the city, from hauling or transporting garbage the city.~~

10.80.020 Exception Permit

The city manager may issue a an exception permit to allow private individuals or businesses companies to service commercial accounts upon

a finding that the city's equipment is either inadequate to service the proposed account or it is not economically feasible for the city to service the account. Permits will be issued to approved vendors only in October of each year and prior to container placement.

10.80.021 Revocation of Exception Permit

The city manager may, at any time, revoke any exception permit issued pursuant to this section upon a finding that the city either has obtained the equipment necessary to service the account or that it has become economically feasible for the city to service such account. Upon such revocation, the account shall thereafter be serviced by the city.

10.80.022 Compensation for Permit

~~The business that is issued the permit~~ All private individuals and businesses that are issued exception permits shall compensate the city by paying to the city, on a quarterly basis, a percentage 10% fee of the gross revenue of the customers being serviced in the city by such private individuals or businesses previously approved to conduct a solid waste hauling operation within the Citybusiness. Such compensation shall be based not only on standard container customers, but on any other type of collection service approved by the city for the customers and commercial hauler. ~~The percentage of the gross revenue payable to the city shall be ten percent. Only businesses in compliance with the section may be issued a permit. Failure to pay the fee shall be grounds for revoking the business license of the solid waste service provider and/or revoking the exception permit.~~

Sec. 10.80.03 10.81-04. Refuse Container Solid Waste Container Service.

The City will issue refuse containers solid waste containers are issued to an address and are not to be removed from the premises of that address. If a dwelling is to be unoccupied for any length of time, the property owner should notify the city. Containers are stamped on the top rim with a serial number for identification. In the case of multiple dwelling units, such as duplexes, apartments, etc., the city will furnish an adequate number of containers will be furnished to satisfy the refuse requirements based on a rate of two collections per week.

10.80.031 10.81-011 Placement of Containers

Containers shall be placed near the street curb or alley as indicated and directed when the containers are first issued. If the ~~driver-WCV~~ operator finds that a container location needs to be changed, he will relocate the container and notify the user by a tag placed on the container. The containers shall not be placed behind or close to parked cars, utility poles or other obstacles that ~~might would~~ prevent safe access by the mechanical arm pickup from the side of the ~~truck~~ WCV. If approved by the utilities

department. Refuse containers may be permanently placed near the street permanently only when they are concealed by a structure that is not unsightly to the neighborhood and that is in keeping with the surrounding area, but such containers must be removed away from such structures by users and properly placed for collection. Containers shall not be placed at the curb or alley earlier than 7:00 p.m. of the evening preceding the collection day and must be removed to a point at the side or rear of the structure not later than 7:00 p.m. on the day of collection.

10.80.032 ~~10.81.012~~ *Proper Use of Containers*

Containers are for garbage ~~as well as~~ and trash. Yard ~~trash~~ waste, such as grass clippings, leaves, yard rakings, tree and shrub trimmings, etc., ~~are not to be placed in such containers.~~ No paint, solvent, rock, sod, or large pieces of metal or concrete, ~~however,~~ shall not be placed in such containers. City issued ~~refuse~~ solid waste containers shall at all times have their lids on and be tightly closed.

10.80.033 ~~10.81.013~~ *Maintenance of Containers*

Occupants shall maintain their containers in good, clean and serviceable condition and shall return them to the city in good condition if so directed by the ~~public works director~~ utilities department. The city will replace or repair any container that fails because of defects or damage caused by the collection equipment. All other damage or loss shall be the occupant's responsibility, ~~and he~~ the occupant will be billed by the city for the cost of any repair or replacement resulting from abuse or negligence on the part of the occupant.

10.80.034 ~~10.81.014~~ *Special and Extra Pickups*

~~Servicing residential users with pickups other than at the curbside (street) is considered to be a special pickup, unless all of the occupants of the unit are physically unable to handle a container. In that case the city will assist the occupant once a week in getting the container to the street.~~

(1) If all occupants of a residential unit are physically unable to properly place the solid waste container at the curb, the city will provide a special pick up for that residential unit once each week. Such occupants shall contact the City and request to have the residential address serviced by a special pick up.

(2) A resident may request an additional garbage or trash pickup for a time other than the regular scheduled pickup time or in addition to the regular scheduled pickup time. Such pickups are considered "extra collection pickups" for both commercial and residential users and are subject to additional charges.

10.80.035 ~~10.81.015~~ *Bulk Containers*

Any commercial or multifamily complex that generates more refuse solid waste than can be placed in the provided refuse containers or that does not have the facilities to accommodate the refuse containers shall request, or the City may require, the bulk container service provided by the city. A bulk container shall not be used at a commercial or multifamily complex if a place proper location is not provided for the bulk container or if it is not accessible to the ~~trucks~~WCV for handling.

10.80.036 10-81-016 City Responsibility

The collection, hauling and disposal of ~~garbage, trash and recyclables~~ solid waste generated within the city shall be made by the officers, agents, ~~and/or~~ employees of the city under the direction of the city manager, ~~as often as is considered necessary by the sanitation and licensing inspector and/or the city manager.~~ The charges ~~prescribed in this chapter~~ established by the city shall be set forth in the city's comprehensive fee schedule and may be amended from time to time by resolution of the city council. ~~are based on such periodic collection and disposal.~~

Sec. 10.80.04 10-81-02. Prohibited Use of Containers.

No person shall dump ~~garbage or trash~~ solid waste into a city refuse container which is assigned to another person or ~~bring in trash, refuse, debris or garbage~~ dump solid waste that was generated from outside of the city to dump into any city trash solid waste container of any kind. ~~containers or trash containers picked up by the division of health, welfare and sanitation.~~

Sec. 10.80.05 10-81-03. Trash Solid Waste Collection Conditions.

(1) ~~In areas of business, accumulations of trash shall be placed in suitable receptacles or dumpable metal refuse containers or placed in or near the rear of the business establishment at a place accessible to the employees and trucks of the city.~~

Commercial users shall dispose of their solid waste in their approved bulk or solid waste containers. Bulk containers shall be accessible to city employees and WCVs and positioned only in city approved locations on the commercial sites.

(2) Residential solid waste cans shall be brought to curbside by their users unless a special pickup has been authorized.

(2-3) Boxes shall be broken down and placed in ~~receptacles~~ solid waste or bulk containers.

(3 4) ~~Yard trash~~ Residential users must be separated yard waste from all other ~~trash~~ solid waste. Yard waste and will be collected on the normal yard ~~trash~~ waste collection day. No single item of yard ~~trash~~ waste

shall exceed four feet in length, or have a diameter greater than four inches, or shall exceed 50 pounds in weight. The volume of loose trash yard waste shall be limited to ~~32 cubic feet~~ 4 cubic yards per week or less. ~~This volume is approximately equivalent to five standard garbage cans.~~ Exceptions may be made for storm damage.

(4 ~~5~~) ~~Trash other than yard~~ Garbage and trash shall be placed in the ~~automated~~ container provided. If the volume is too great to fit into the container, then the customer shall call the ~~sanitation~~ utilities department for an ~~special~~/extra pickup.

(~~5-6~~) No person shall sweep or ~~throw trash, refuse or garbage~~ otherwise deposit solid waste into the streets, alleys or sidewalks of the city.

(6 ~~7~~) ~~The city will not collect~~ Hazardous wastes, infectious wastes, and dangerous materials or substances, such as poisons, acids, caustics, infected materials, ashes, explosives and radioactive materials.; ~~will not be collected by the city.~~ Such materials must be properly disposed of by the person or business creating the ~~refuse~~ hazardous waste. ~~The sanitation and licensing inspector may be contacted for advice in disposing of these materials.~~

Sec. 10.80.06 ~~10.81.04~~. Burning; Incinerators.

No person shall burn any ~~garbage or trash~~ wastes in the city except in an incinerator authorized by appropriate permits. ~~without first obtaining a permit from the chief of the fire department. No person shall install an incinerator without the permission of the fire department.~~ Operation of incinerators shall be subject to periodic fire department inspections to ensure that adequate fire and safety precautions are maintained.

Sec. 10.80.07 ~~10.81.05~~. Construction Debris Building, Remodeling Refuse.

Materials Construction and demolition debris resulting from remodeling, repair, excavation, construction, or demolition of structures, etc., such as earth, plaster, mortar, roofing materials, pieces of concrete, lumber, etc.; must be removed and properly disposed of in an approved container by the person or contractor performing such work or disposal. Use of such containers requires the issuance of an exception permit pursuant to sec. 10.80.020. Construction debris, as described in this section, shall not be disposed of in any city waste container.

Sec. 10.80.08 ~~10.81.06~~. Waste Oil, Grease.

Waste oil or ~~and~~ grease accumulated at garages, filling stations and similar establishments shall be removed and properly disposed of by those establishments. ~~will not be removed by the city except for the convenience~~

~~of the city. The city shall not remove such waste except for the city's convenience or public health, safety, or welfare. If the city removes such waste, the establishment or property owner will be charged for the removal. No person shall place waste oil or grease into storm sewers, sanitary sewers or on the ground.~~

Sec. ~~10.80.09~~ ~~10.81.07~~. Accumulations, Deposits Limited.

No person shall accumulate ~~garbage or trash~~ solid waste upon any premises in the city for a period longer than eight days. ~~Garbage or trash~~ Solid waste placed at the curb side or right-of-way shall be treated as an intended ~~sanitation~~ solid waste pick-up on the regularly scheduled day. ~~For oversized~~ Oversized or excess volume will be subject to additional fees as described in sec. 10.80.034, ~~for which a billing work order will~~ may be issued, and with payment is due upon issuance. No persons shall deposit ~~garbage, trash or yard trash~~ solid waste upon any vacant or unoccupied premises, in any waterway, pit or pool, or upon the property or premises of another person. The removal of ~~any refuse~~ all solid waste located on an unoccupied or vacant piece of property is the responsibility of the property owner.

Sec. ~~10.80.10~~ ~~10.81.08~~. Recycling.

The City issued recycling bins are the property of the city but the responsibility of the resident or user. The bins shall be left at the residence when the ~~occupant~~ resident moves. ~~Recycling bins shall be placed at the curb or the place designated by the sanitation superintendent no earlier than 7:00 p.m. the night before the designated collection day and be removed by 7:00 p.m. after collection. Recyclable material in the bin when placed at the curbside for collection shall become the property of the city. Recyclable materials shall be collected and disposed of only in the manner designated by the city manager.~~

Sec. ~~10.80.11~~ ~~10.81.09~~. Removal of Recyclable Solid Waste Materials; Violation.

It shall be unlawful for any unauthorized person to remove, pick up, or transfer any recyclable solid waste materials from disposal containers. ~~the recycling bins after being placed at the curb. This provision shall not apply to the current resident or owner of the property upon which the recycling bins is placed and to those authorized by the city to collect, process, and market recyclables. This prohibition shall include scavenging in garbage cans. Each unauthorized removal, pick up or transfer of recyclables~~ solid waste will constitute a separate offense, and shall be punishable as provided in section 1.05.

SECTION 3. Amendment of Chapter 10.82, Solid Waste Rates and Charges

Chapter 10.82, Solid Waste Rates and Charges, of the Code Ordinances is amended as follows:

Chapter 10.82, Solid Waste Rates and Charges

Sec. 10.82.01. Authority to Establish Rates, Charges.

~~In order to cover the cost of inspecting, collecting, handling and hauling of solid waste and recyclables, the city council shall establish rates and charges to be paid by the owner or occupant of each business or housing unit from which refuse is collected by the city. The minimum number of pickups due to health and/or odor nuisance will be determined by the city.~~

The city council shall establish rates and charges to be paid by the owner or occupant of each residential, commercial, or multi-family unit for the collection of solid waste by the city. Activating water service will automatically activate solid waste charges.

Sec. 10.82.02. Units, Bases Defined.

Multifamily services. Multifamily residential units on individual water meters utilizing a city-supplied bulk container are charged per unit per month, or the fee for bulk containers, whichever is greater.

Single unit service. Single-family residential service, multifamily residential service, are charged per unit per month.

Bulk container service. ~~At~~ These containers are provided at the request of the user and shall be billed on a monthly basis using the following formula: monthly rate charge equals the rate per cubic yard per pickup times the cubic yards per container times the number of pickups per week times 52 weeks a year divided by 12 months a year.

Compactor service. Users Accounts utilizing a compactor, which ~~is~~must be incorporated used with a bulk container that is compatible with city equipment, shall be charged the commercial rate times three per bulk container. (Commercial rate \times 3 \times number of bulk containers equals fee.)

Commercial sharing of containers. Businesses may combine and share the cost of commercial ~~dumpable refuse~~ bulk containers, but ~~in no case will the unit cost be less than the minimum cost established elsewhere in this section~~each business shall pay the "sharing dumpster" fee as outlined in the city's current Comprehensive Fee Schedule. If access to a container is blocked when the ~~division of health, welfare and sanitation~~ solid waste employees arrive for a scheduled pickup, the pickup will not be made. The ~~crew~~ Solid waste employees will not return until the next scheduled date unless arrangements are made otherwise.

~~Overweight, oversize or excess volume trash.~~ A billing work order will be issued from the public works department authorizing the sanitation crew to perform the necessary work. The customer will be billed the cost of removal, plus the cost of disposal. Items that will be removed on a billing work order basis include, but are not limited to, the following: tree trunks and limbs over four inches in diameter, tree stumps, hot water heaters and stoves. Any of the items designated in this subsection shall be removed at no charge during a designated cleanup week.

Change of container. If a customer desires to change a bulk container size, the customer shall pay a service charge for the container change-out equivalent to the rate outlined in the city's current Comprehensive Fee Schedule.

~~Timed collection account.~~ The charge for this type of service is determined by averaging the measured time to collect the account over a month's collecting. The average time per month for the year will be multiplied by the hourly rate calculated to a monthly rate.

~~Portable trailer.~~ The city will provide a six yard portable trailer to a residential unit for the cost of disposal twice a year so that trash or debris may be placed into the container by the individual residing in such unit. The container will be left each time for a period not to exceed 48 hours. If a portable trailer is required in excess of twice a year, a fee will be charged based upon subsection (3) of this section.

Sec. 10.82.03. Appeals.

Should any person feel aggrieved by an administrative ruling of the city manager in the establishment of a special rate, such person may file a written complaint in duplicate with the city clerk not later than 24 hours at least two weeks prior to a regularly scheduled meeting of the city council. Such complaint shall briefly set forth, ~~briefly~~, the grievance. ~~The city clerk,~~ Upon receipt of such complaint, shall place the matter ~~shall be placed~~ on the agenda for hearing at the next meeting of the council. If such complaint is adjudged to be well-founded, then the council shall make such recommendations and amendments as it deems proper; otherwise, the designation or classification of the city manager shall be final.

Sec. 10.82.04. Payment of Charges; Suspension of Service.

The charges for ~~the refuse and recyclable materials~~ solid waste services provided shall be paid monthly to the city, and the city is hereby authorized to include such charges on the regular monthly statements for water and sewage service. ~~Upon failure to pay such bill within 17 day after the billing date, a~~ A surcharge of five percent of the total amount of such bill shall be added to the bill for any late payment. Upon failure to pay the bill in full, together with any applicable surcharge, within 30 days from

the billing date, all ~~public~~ services associated with the bill shall be discontinued until all required payments are made in full, plus applicable service fees, deposits and/or surcharges as may be otherwise assessed.

Sec. 10.82.05. ~~County Disposal~~ Tipping Fee Charges.

Charges (tipping fees) for disposal of solid waste are ~~charged by the county and collected by the city for disbursement to the county in accordance with the current county disposal fee resolution.~~ The disposal charges shall be added to the service charges.

SECTION 4. Conflicting Provisions

If any ordinance or parts of any ordinance conflict with this ordinance, the provisions of this ordinance shall prevail.

SECTION 5. Severability

Should any section or provision of this ordinance, or any portion thereof, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder, as a whole or any part thereof, other than that part declared to be invalid.

SECTION 6. Effective Date

This ordinance shall take effect immediately upon approval by the City Council and signature of the Mayor.

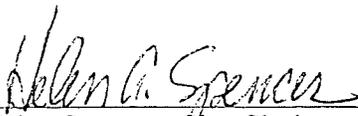
Adopted: January 26, 2010



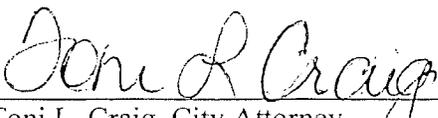
Mike Anderson, Mayor

Attest:

Approved as to form, legal sufficiency, and codification:



Helen Spencer, City Clerk



Toni L. Craig, City Attorney

Additions are underlined; deletions are stricken.

Codification: Sections 1, 4, 5, 6 are not codified.
Sections 2 and 3 amend chapters 10.80 and 10.82 as stated.

DISPOSITION
<i>Cash</i>
<i>Finance</i>
<i>Finance</i>