

**Attachment for topic 1.
Overview of the current solid waste
contract/Performance**

December 18, 2018

Memo to:

Marc Antoine Cooper
Assistant City Manager
City of Deltona, Florida

cc: Marsha Segal George City Attorney
Dale Bake, CPM

From:

William Redman
Senior Vice President
Redman Consulting Group, Inc.

Subject: Current status of the waste collection contract

As per your request let this memo serve as the update of information as it relates to the status of the new waste collection contract between the City of Deltona and Waste Pro of Florida, Inc.

The new contract began October 1, 2018 with multiple changes to the services provided to the residential units by the City's contractor Waste Pro as well as multiple changes to the service contract between the City and Waste Pro.

Also, as of October 1, 2018 the City contracted with Redman Consulting Group, Inc. (RCG) to oversee the proper enforcement of the new contract and its contractor. Since October 1, 2018 the RCG field inspectors have seen a vast improvement in two areas.

1. The waste collection contractor has had a noticeable increase in the quality of the service levels being provided as well as an increase in the quality of the services themselves as provided by the contractor in compliance with the new contract requirements.

Present Day Recycling Issues

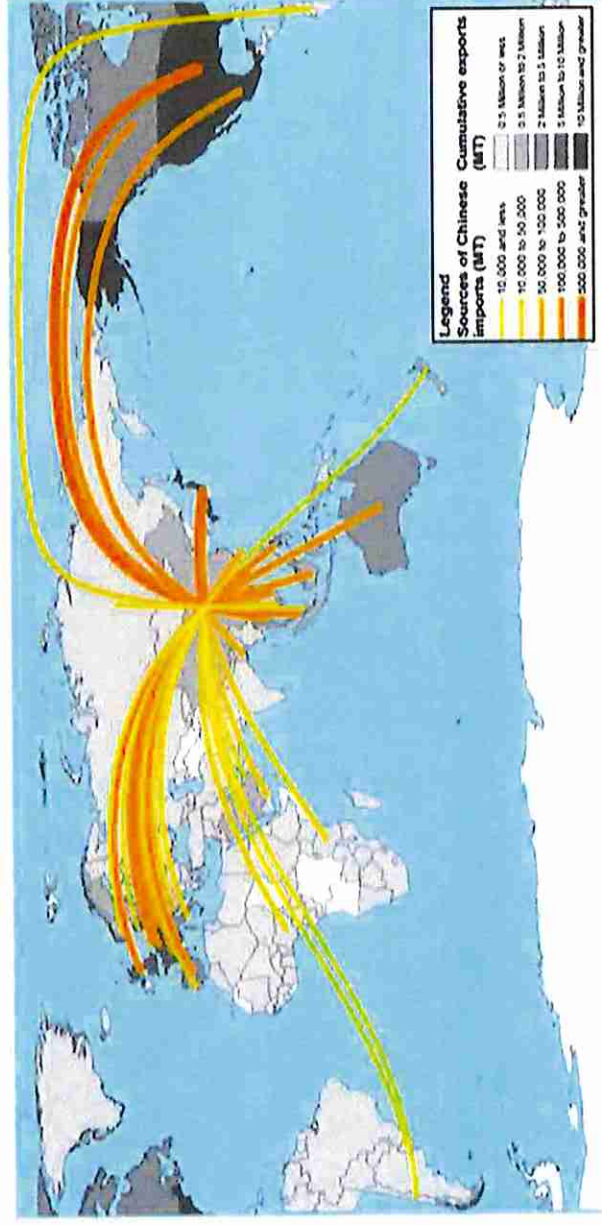
Volusia League of Cities
Bill Redman
Redman Consulting Group, Inc.

The New Normal

- January 2018: China instituted a Waste Import ban on 24 types of Solid Waste
- March 2018: New Contamination Standard of 0.5%
- More restrictions to come



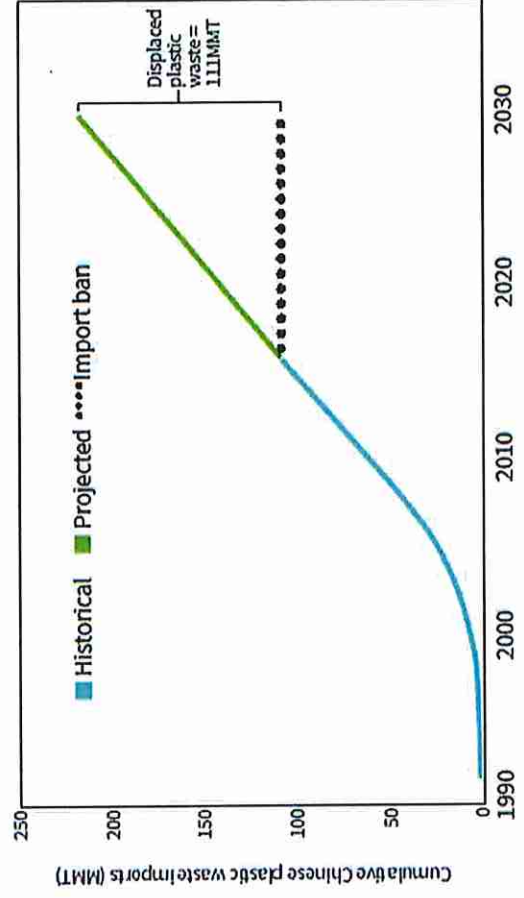
Why The Change?



- Lack of Regulations from the US & Europe

National Sword & Blue Sky 2018

- National Sword
 - 2017 Initiative
 - Inspected Chinese Recycling Processing Facilities
 - Closure of smaller facilities
- Blue Sky 2018
 - Period of special actions against foreign garbage smuggling



Impact on the U.S. Recycling Industry

- U.S. Total scrap export market to China last year: \$5.6 Billion (ISRI)
- Single biggest export (24%) from West Coast Ports primarily to China
- Lack of other markets
 - Depressed costs
 - Stockpiling
 - Sent to Landfill



Some Perspective

- 2016: China consumes 28.5 million tons of paper
- 13 million of which is now banned



Banned Material + Contamination standard =

oversupply of paper & higher demand for quality product at a lower cost

Challenges

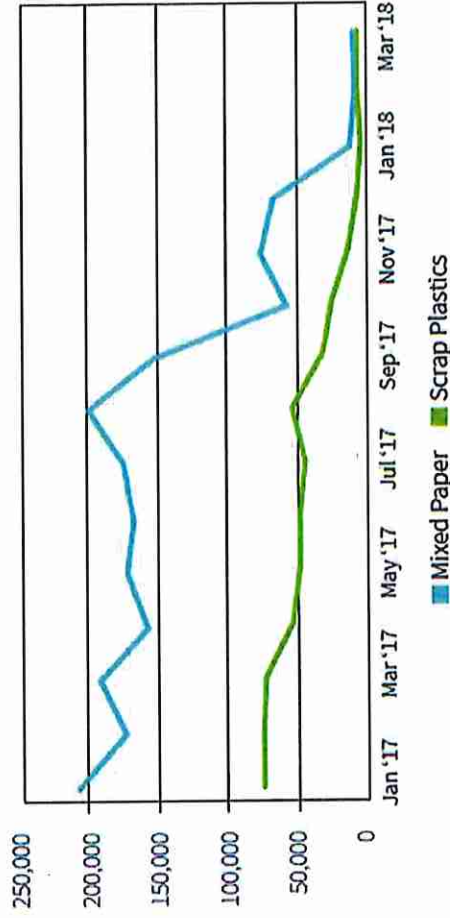
- **Supply is inelastic**
 - MRF's are expected to recycle curbside materials regardless of end market
- **Consumer's expectations**
 - Expect everything they put in their bins to be recycled
 - Expect that service to be "free"



Current Effects...So far

- Southern States *least* affected
- Western States *most* affected
 - Seattle: Hundreds of tons of mixed paper recyclables being sent to landfills
 - Republic Services seeking permission to send more
- 1st Quarter of 2018: Almost 0 tons sent to China due to restrictions

U.S. Exports to China of Scrap Plastics & Mixed Paper



So what can Municipalities do?

- China intends to phase out recyclable imports by **2021**
 - Work on Quality
 - Partner with Local Stakeholders
 - Look for Solutions



What can Recyclers do?

- Why do we Recycle?
 - “Not to divert material but to create a valuable product that offsets the use of virgin resources”
- Create programs that prioritize actions for the greatest environmental good for the long run
- Educate Residents and businesses to “recycle right” not “recycle often” to reduce confusion



The Future

- China has more bans starting **December 2018 & 2019**
- Continued drastic effect on U.S. Recyclable Commodities markets
- Companies would have to be willing to spend millions to manufacture and produce items for end users from collected materials



CITY OF DELTONA - RECYCLE TONNAGE REPORT
YTD TONNAGE
RECYCLING RESIDENTIAL

<u>Fiscal Year</u>	<u>Annual # tons recycled</u>	<u>City</u>	<u>Recycling Rebate to the</u>
2009		\$ 26,876.67	
2010		\$ 61,952.24	
2011	0.00	\$ 83,302.27	
2012	0.00	\$ 57,764.00	
2013	0.00	\$ 39,087.59	
2014	0.00	\$ 27,871.24	
2015	3,669.88	\$ 6,601.48	
2016	3,669.16	\$ -	
2017	3,686.92	\$ -	
Thru June 2018	1,529.69	\$ -	
Totals	12,555.65	\$ 303,455.49	

The Economics

- 2017
 - Companies receive **\$120.00** per ton for Mixed Paper
 - **Cost to process \$80.00** per ton
- 2018
 - **Cost to process is still \$80.00** per ton
 - Companies receive **\$5.00 or less per ton**

Questions?



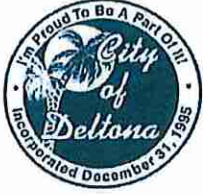
DELTONA RECYCLING COST

	Recycling (Collected Trash and Recycle Separately)	Suspend Recycling (Collected all as trash)
Cost Per Ton to process recycling	\$77.50* (variable will increase based on market indices)	\$34.00 (negotiated price)
Monthly Cost Per Residential Unit	\$12.35	\$10.60
Savings of \$1.75 per month per residential unit, which is \$21.00 annually.		
Solid Waste Fund Savings of \$59,568.00 Monthly, which is \$714,819.00 annual gross savings, if rate remains current.		

Based on 34,039 Residential Units
 Average Monthly Tons of 310.33

*Price of \$77.50 is a variable price and based on market is expected to continue to increase.

**Note – Removal of these trucks from the road will reduce the City of Deltona’s carbon footprint by approximately 56,777 lbs. of CO2 Monthly.



Attachment for topic 3.
Commercial Hauling
Franchise Fee/Administrative Fee

City of Deltona

Heidi K. Herzberg
Mayor

Victor M. Ramos
Vice Mayor
District 5

Commissioners:

Loren King
District 1

Anita Bradford
District 2

Maritza Avila-Vazquez
District 3

Robert McFall
District 4

Chris Nabicht
District 6

City Manager
Jane K. Shang

A 45 Day Notice of Hearing as Provided by Florida Statutes Section 403.70605(3)(b)(2)

To: Commercial Solid Waste Haulers Doing Business in the City of Deltona:

1. Advanced Disposal
Mr. Greg Huntington
Email address: Greg.Huntington@advanceddisposal.com
Cell phone: 904-322-0677
2. FCC Environmental Services
Mr. Charles Merkley
Email address: charles.merkley@fccenvironmental.com
Cell phone: 407-504-8505
3. Republic Services
Mr. Don Collins
Email address: Dcollins3@republicservices.com
Cell phone: 407-760-4326
4. WCAmerica (WCA)
Mr. Fred Hawkins
Email address: fhawkins@wcamerica.com
Cell phone: 407-709-1078
5. Waste Connections
Mr. Patrick Reezrt
Email address: customerserviceorlando@wasteconnections.com
Phone: 407-261-5000
6. Waste Management Inc. of Florida
Mr. William Latham
Email address: wlatham@wm.com
Phone: 904-910-4004

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7. Waste Pro
Mr. Timothy Dolan
Email address: tdolan@wasteprousa.com
cell phone: 321-231-2544
Mrs. Susie Dolan
Email address: sdolan@wasteprousa.com
Cell phone: 407-924-3405
8. AAA. Fence / F.S.I
801 Orange Ave.
Daytona Beach, Fl. 32114
Phone: Bill or Tasha 253 8161, or 547 5959 Fax 253 2878
Email: tasha@aaafence.com
9. Chip's Dozer Service
800 Hull Rd.
Ormond Beach, Fl. 32174
Phone: 386-677-4133
Email: lori@setmaterialsinc.com
10. E&J Recycling and Disposal
113 Pine Tree Dr.
Ormond Beach, Fl. 32174
Phone: Cathy Ashley 386 383 6995, Email: cashley4@CFL.RR.COM
Email: ejrdisposal@cfl.rr.com
11. 4 Jays Land Clearing
425 S. R. 415
New Smyrna Beach, Florida 32168
Phone: Keith, 386-847-2919
Email: 4jaysdiane@gmail.com
12. Halifax Wrecking
327 Marion St.
Daytona Beach, Fl. 32114
Phone: Charlotte 386- 253 2790, Fax 238 1944
Email: halifaxwreckingc@bellsouth.net
13. Samsula Waste Inc.
363 State Road 415
New Smyrna Beach, Florida 32168
Phone: Nikki, 386 423 6769, FAX 423 1436
Email: yanceys99@aol.com
Email: samsulalf@aol.com

*A 45 Day Notice of Hearing as Provided by Florida
Statutes Section 403.70605(3)(b)(2)*

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Commercial Hauling
Franchise Fee/Administrative Fee**

BY FIRST CLASS MAIL

Pursuant to Florida Statutes Section 403.70605(3)(b)(2), Please take notice that on March 4, 2019 at 6:30 p.m. or as soon thereafter as interested parties can be heard, the City Commission of the City of Deltona, Florida will seek public comment on the advisability of the local government providing specific solid waste collection services which will prohibit any private company other than the City's franchisee from continuing to provide the same service.

The City requires that each hauling company providing services within the City provide to the City copies of each customer contract by name and address, type of service provided and the start date and term of the contract. No contract will be considered valid with a start date or extension date post date of the notice sent by the City. Once the City receives the copies of all the hauling contracts operating within the City Limits then those contracts will either age out or have a definite ending date of 3 years from the date of the notice. This hearing shall be held at the Commission chambers, Deltona City Hall, 2345 Providence Blvd., Deltona, Florida 32725.

Approved this date; _____

By: _____

Heidi K. Herzberg, MAYOR

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Waste Pro Commercial Front Load Pricing for the City of Deltona

7/18/2018

Weekly Collection	1	2	3	4	5	6	7	Extra pickups
<u>Container Size</u>								
2 Collection	\$84.11	\$137.72	\$191.33	\$244.94	\$298.56	\$352.17	\$405.78	\$54.67
Fuel	\$11.33	\$18.55	\$25.77	\$32.99	\$40.21	\$47.43	\$54.65	\$7.36
Total	\$95.43	\$156.27	\$217.10	\$277.93	\$338.77	\$399.60	\$460.43	\$62.03
4 Collection	\$105.88	\$181.27	\$256.65	\$332.04	\$407.43	\$482.81	\$558.20	\$68.82
Fuel	\$14.26	\$24.41	\$34.57	\$44.72	\$54.87	\$65.03	\$75.18	\$9.27
Total	\$120.14	\$205.68	\$291.22	\$376.76	\$462.30	\$547.84	\$633.38	\$78.09
6 Collection	\$127.66	\$224.82	\$321.98	\$419.14	\$516.30	\$613.46	\$710.62	\$82.98
Fuel	\$17.19	\$30.28	\$43.36	\$56.45	\$69.53	\$82.62	\$95.71	\$11.18
Total	\$144.85	\$255.09	\$365.34	\$475.58	\$585.83	\$696.08	\$806.32	\$94.15
8 Collection	\$149.43	\$268.36	\$387.30	\$506.23	\$625.16	\$744.10	\$863.03	\$97.13
Fuel	\$20.13	\$36.14	\$52.16	\$68.18	\$84.20	\$100.22	\$116.23	\$13.08
Total	\$169.55	\$304.51	\$439.46	\$574.41	\$709.36	\$844.31	\$979.27	\$110.21
Gates	\$23.53	per month						
Wheels/roll out	\$23.53	per month						
Delivery	\$88.24							
Container swap	\$88.24							
lock bar	\$23.53	per month						

*Above pricing includes a 15% franchise fees

FOWLER, O'QUINN, FEENEY & SNEED P.A.

PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

JAMES A. FOWLER*
*Also admitted in Alaska & Illinois
MICHAEL A. O'QUINN, P.A.**
**Also admitted in Georgia
MARY L. SNEED, P.A.
MARSHA SEGAL-GEORGE, P.A.***
***Also Admitted in Colorado
B. SCOTT GEORGE

TELEPHONE: 407.425.2684
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28 W. CENTRAL BLVD. 4TH FLOOR
ORLANDO, FLORIDA 32801

OF COUNSEL
THOMAS C. FEENEY, III

MEMORANDUM

To: Deltona City Commissioners
From: Marsha Segal-George, Assistant City Attorney
Re: Franchise Fees and/or Commercial Recycling Licensing Fees
Date: December 31, 2018

ACTION – A request for a Workshop to further discuss Franchise Fees and/or Licensing Fees

INTRODUCTION:

Originally, I was going to prepare an ordinance amending the Solid Waste Chapter 50 of the City Code of Ordinances to require that all solid waste providers in the City enter into a franchise agreement or in certain circumstances a licensing fee. Waste-Pro which is the City's exclusive contractor for residential solid waste, yard waste and recycling, has already agreed to a franchise fee of 15% in their current contract. If the Commission ultimately agrees to take over commercial solid waste, then Waste-Pro's franchise payment would extend to those additional services. However, that leaves a list of other providers to be discussed such as biological waste, hazardous waste and commercial recycling and whether a franchise agreement or some type of licensing fee would be more appropriate.

I researched what other communities in Volusia County are doing and with this memorandum, I am including the most recent information available on franchise fees. I also learned that there is a potential symbiotic relationship between the use of a franchise fee agreement and code enforcement. The City has received complaints in the past as to commercial haulers and the start and

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Commercial Hauling
Franchise Fee/Administrative Fee**

end times of their pick-ups which can significantly impact residential areas. Also, the City has experienced attempts to stockpile commercial recycling materials on single-family residential property.

When the City Commission directed Staff to try and offer a comprehensive look at solid waste and the various components of same, our focus was directed at identifying the various options and to look at ways through franchise fees and other methods such as licensing to create a more robust City solid waste fund that would guard against increases in residential solid waste fee/costs – recognizing that all governments are now faced with a fairly volatile cost environment.

That mission has not changed but I believe by the research that I have completed, we may have another positive result to be realized. To that end, I believe that I can assist Staff in determining how we can find the right vehicle (franchise or licensing) to meet multiple needs and priorities.

A workshop to discuss same and obtain direction from the Commission would allow me to prepare an appropriate draft ordinance.

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	DAYTONA BCH	PORT ORANGE	ORMOND BEACH	SOUTH DAYTONA	PONCE INLET	DAYTONA BEACH SHORES	DEBARY	ORANGE CITY	HOLLY HILL	DELAND	NEW SMYRNA BEACH	VOLUISIA COUNTY	PALM COAST	DAK HILL	CITY OF DELTOIDA	EDGEWATER	LAKE HELEN
Contract Person	Bill Redman 527-8657	Mick Neals 505-5571	Finance Director 677-0311 X 3577	Jason Olivia 322-3063	Valerie 236.215	Gretchen 763.5327	McLemore 682-8185	Christine Davis 775-5400	Kurt Swartzlander 248-9425	M. Plues 626-7000	Rosalee 424-2202	R. McComery 943-7889	C. Schweers 986-2539	Ms. Kohn Erans 345-9522	C. Brugge 878-8860	B. King 3212312544	T. Dolan
Service Provider	WastePro	WastePro	WastePro	WastePro	Waste Mgmt.	WastePro	WastePro	WCA	Waste Pro	WCA	WastePro	Republic	WastePro	WastePro	WastePro	City of Edgewater	Waste Pro
Contract Start Date	Oct-12	Oct-21	10/1/2014	Oct-00	10/1/1998	Oct-12	1/1/2012	1/1/2016	Oct-98	10/1/2017	10/1/2015	1/1/2012	Oct-07	Oct-07	12/31/2012	N/A	
Contract Expiration Date	Oct-23	Oct-21	9/30/2019	Oct-17	9/1/2016	Oct-26	12/31/2018	9/30/2022	Oct-18	10/1/2022	9/1/2021	12/31/2025	Oct-22	Oct-22	1/1/2019	N/A	
Franchise fees & Admin Fees Charged to the City Customers	\$ 22.54	\$ 18.67	\$ 19.67	\$ 18.81	\$ 14.50	\$ 20.29	\$ 14.52	\$ 13.96	\$ 24.74	\$ 12.23	\$ 21.14	\$ 19.84	\$ 28.32	\$ 17.85	\$ 14.50	\$ 28.43	\$ 19.51
Annual Rates Charged to the City Customers	\$ 270.48	\$ 224.04	\$ 236.04	\$ 225.72	\$ 174.00	\$ 243.48	\$ 179.04	\$ 167.52	\$ 286.89	\$ 146.76	\$ 253.68	\$ 238.08	\$ 339.84	\$ 214.20	\$ 174.00	\$ 353.16	\$ 242.16
Frequency of Service	2-1-1	2-1-1	2-1-1	2-1-1	1-1-1	1-1-1	1-1-1	1-1-1	2-1-1	1-1-1	2-1-1	1-1-1	2-1-1	1-1-1	1-1-1	2-1-1	2-1-1

ISSUES TO CONSIDER

Issues to consider in selecting one waste hauler of both Residential and Commercial:

1. Price differential- Waste Pro in good faith reduced residential monthly rate by \$1/month for fiscal year 18/19 (October 1st through September 31). If Commission chooses not to proceed- Residential rates move up \$1/month October 1, 2019 at a minimum, recognizing volatile markets could impose other unforeseen factors, CPI, fuel, etc.
2. The City would have the ability to impose pick-up times for Commercial properties and all rules and regulations in City's current solid waste contract.
3. The City's hauler would be held responsible for issues that currently must be handled by Commercial property owner as a Code Enforcement citation. Under the City's contract, Waste Pro, the contractor would handle to correct problem and resolve fines.

ORDINANCE NO. XX-2019

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING CHAPTER 50, SOLID WASTE TO DELETE PROVISIONS RELATED TO RESIDENTIAL SOLID WASTE AND INSTEAD SUBSTITUTE THE RESIDENTIAL SOLID WASTE CONTRACT AS THE GOVERNING DOCUMENT AS TO PROCESS AND POLICY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Deltona desires to amend Chapter 50 – Solid Waste, Article I – General; Article II – Services; Article III – Rates, Regulations and Miscellaneous Provisions in order to provide clarity and transparency as to private (residential) solid waste services; and

WHEREAS, the City of Deltona desires to eliminate code provisions as to private (residential) solid waste services to avoid conflict and confusion as between code provisions and the current solid waste contract in effect and as approved by the City of Deltona.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, VOLUSIA COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. AMENDMENTS. Chapter 50 Solid Waste is amended, as follows:

Chapter 50 - SOLID WASTE

ARTICLE I. - IN GENERAL

Sec. 50-1. - Authority.

Under the authority of F.S. § 166.021 and § 403, this section is hereby enacted.

(Ord. No. 19-2008, § 1, 7-7-2008)

Sec. 50-2. - Purpose and intent.

- (1) The purpose and intent of this section is to ensure that all solid waste generated and accumulated within the incorporated city limits or solid waste service area shall be collected, removed, transported and disposed of to a city-designated solid waste disposal and/or recycling area by an authorized and/or licensed solid waste collector, except as otherwise provided in this section, to eliminate illegal dumping, and to promote the general health, safety and welfare of the public.
- (2) It is the intent of the city that collection and transporting of solid waste is to be done only by those authorized by the city.

Sec. 50-3. - City refuse contract; compliance with terms.

- (a) Every owner, occupant, resident, or tenant of property within the city must abide by the terms of any properly adopted and executed contract in effect between the city and the city refuse contractor.
- (b) Owners, occupants, and tenants of commercial establishments that generate source-separated recovered materials may use the services of a service provider other than the city refuse contractor to collect such materials unless the City pursues and adopts the statutory procedures under Florida Statutes 403.70605 that would allow the City to exclusively provide solid waste services to commercial establishments in direct competition with private companies.
- (c) Any owner, occupant, resident, or tenant of property who leaves refuse for collection which does not comply with the terms of the city's refuse contract and the provisions of this article will remove it promptly.

**Attachment for topic 4.
Ordinance Revisions Draft Chapter 50**

after notice. The city refuse contractor may agree to collect such refuse for a fee to be paid by the owner, occupant, resident, or tenant directly to the city refuse contractor where authorized in the city refuse contract. In the absence of such agreement by the city refuse contractor, if the owner, occupant, resident, or tenant fails to remove such refuse the city may provide for its collection and collect the costs incurred.

(d) The terms and the definitions of the lawfully adopted solid waste contract will govern.

Sec. 50-3. - Definitions.

~~For the purpose of this chapter, the following words, terms and phrases, when used, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning, or if inconsistent or in conflict with F.S. § 403. Any words, terms and phrase not defined in this section shall have their respective plain meaning if not defined in F.S. § 403.~~

~~*Authorized collector* means any collector, person, entity or corporation authorized and/or licensed to collect, transport, and dispose of solid waste in a manner required by law and that would not be detrimental to the public health, safety and welfare of the citizens of the city.~~

~~*Bulk trash* means, but is not limited to, large cuttings of vegetative and wood matter or household items which cannot be placed in a residential container or bundled due to the material exceeding the weight and/or size restrictions for regular solid waste collection. Bulk trash does not include motor vehicles or their components, boats and internal combustion engines. In the case of a dispute between a collector and a customer as to what constitutes bulk trash, the situation will be reviewed and decided by the director, whose decision will be final.~~

~~*City* means the incorporated boundary limits of the City of Deltona.~~

~~*Commercial collection service* means the solid waste collection and removal of commercial trash or as may otherwise be defined in this section.~~

~~*Commercial property* means all improved property other than residential property and government property. Multi-family residential establishments of four units or more shall be considered commercial~~

Attachment for topic 4.
Ordinance Revisions Draft Chapter 50

~~property. Any property requiring or utilizing commercial solid waste services shall be considered commercial property.~~

~~*Commercial refuse bin* means a large container, made of nonabsorbent material, typically metal, for commercial solid waste or recyclable material, usually of the two cubic yard to eight cubic yard size, and roll-off containers of larger capacities, which are emptied into collection vehicles by mechanical means.~~

~~*Commercial trash* means matter or debris resulting from tree removal, land clearing, land development, building demolition, home improvement, or any matter, debris, solid, hazardous or industrial waste, or other materials created as a result of a commercial activity.~~

~~*Construction and demolition debris* means discarded materials generally considered not to be water soluble and non-hazardous in nature, including but not limited to steel, glass, brick, concrete or asphalt roofing material, pipe, gypsum, wallboard, lumber, and other materials from the construction or destruction of a structure, including rocks, soils, tree remains, trees and other vegetative matter which normally results from land clearing or land development operations for a construction or demolition project.~~

~~*Customer* means any person, entity or corporation, who owns or is in possession of real property within the city boundary limits, or is provided with any type of trash removal service by an authorized collector.~~

~~*Director* means the code enforcement director or designee, or a person designated by the city commission to enforce this section.~~

~~*Disposal area* means any site, location, tract of land, area, building or premises used for solid waste accumulation or disposal which has been permitted by the State Department of Environmental Protection.~~

~~*Franchise* means a nonexclusive grant awarded by the city commission to a collector to provide collection and/or transportation service to commercial property within the city.~~

~~*Garbage* means all putrescible animal and vegetable waste including animal feces resulting from growing, processing, marketing, and consumption or preparation of food items, including containers in which it is packaged.~~

Attachment for topic 4.
Ordinance Revisions Draft Chapter 50

~~*Hazardous waste* means solid waste, household hazardous waste or a combination of solid wastes and other discarded material, including solid, liquid, semisolid or contained gaseous material, 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 treated, stored, transported, disposed of or otherwise managed. Such terms shall include any substance determined to be a hazardous waste by the United States Environmental Protection Agency or the State Department of Environmental Protection.~~

~~*Home improvement debris* includes, but is not limited to, carpeting, cabinets, drywall, lumber, paneling and other such construction or home repair related materials.~~

~~*Household hazardous waste* means any discarded, useless, or unwanted chemical, material, substance or product that is or may be hazardous or toxic to the public or environment, and is commonly used in or around the household.~~

~~*Improved property* means all residential improved real property that generates or is capable of generating solid waste.~~

~~*Industrial waste* means any solid waste accumulations of metal, metal products, minerals, chemicals, rock, cement, asphalt, tar, oil, grease, glass, crockery, rubber, tires, bottles, cans, lumber, sawdust, waste from animal packing or slaughterhouses, or other materials usually created by an industrial enterprise.~~

~~*Infectious waste* means those wastes which may cause disease or reasonably be suspected of harboring pathogenic organisms, including, but not limited to, wastes resulting from the operation of medical clinics, hospitals and other facilities producing wastes consisting of diseased human and animal parts, contaminated bandages, pathological specimens, hypodermic needles, contaminated clothing and surgical gloves.~~

~~*Junk* means any tangible item such as furniture, appliances, bicycles, boats, trailers, motor engines, waste or used tires, or similar property not having a useful purpose to the owner or abandoned by the owner and not included within the definition of the term "garbage," "yard trash" or "rubbish."~~

Attachment for topic 4.
Ordinance Revisions Draft Chapter 50

~~*Multifamily dwelling unit* means any building or structure containing three or more dwelling units held under common ownership and, either under common roof, having common walls, or having an agreement for the provision of solid waste services excluding condominiums less than three stories tall.~~

~~*Ownership of recyclable materials* means all recyclable materials once collected by an authorized collector or placed at an established recycling collection location become the exclusive property of the city. Recovery of recyclable materials shall be subject to all state, local, public health and safety laws.~~

~~*Recycling containers* means the receptacles purchased, leased and distributed, or placed by or on behalf of the city, to city residents or locations within the city for the intended use as a receptacle of recyclable 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, newspaper, glass, cardboard, office paper, plastic containers, aluminum and steel cans and other materials as designated by Federal, State, and local laws or ordinance.~~

~~*Refuse* means a combination of or mixture of garbage, trash, rubbish or any other solid waste materials.~~

~~*Residential container* means a 96-gallon or 64-gallon contractor provided or equivalent style and size container provided by the customer (neither city nor contractor will be responsible for damage to any customer provided containers) made of nonabsorbent material, provided with a closely fitting cover.~~

~~*Residential improved real property* means all single-family residences and multifamily dwelling units, as defined in this section.~~

~~*Residential service* means the collection service provided by a franchise holder to any residential improved real property.~~

~~*Right-of-way* means that portion of the land paralleling any public thoroughfare between the curb line or paving line and the abutting property line.~~

~~*Rubbish* means accumulation of paper, excelsior, rags, wooden or paper boxes or containers, sweepings, bottles, cans or other~~

Attachment for topic 4.
Ordinance Revisions Draft Chapter 50

~~containers, and all other accumulations of any nature, other than garbage, which result from housekeeping, operation of stores, offices and other commercial places.~~

~~Section means city Code of Ordinances, Chapter 50 and all its subparts and related references.~~

~~Service area means that exclusive area granted by a franchise issued by the city commission to the collector for providing collection services under this section.~~

~~Single-family residence means any building or structure designed or constructed for and capable of use as a residence for one family, regardless of the type of structure. Such term includes a mobile home or trailer that is erected on a separate parcel of property and not located within a commercial rental park.~~

~~Solid waste is a general term that includes the specific terms "bulk trash", "commercial trash", "garbage", "hazardous waste", "industrial waste", "infectious waste", "special waste", "yard trash", "junk", "rubbish", "refuse", "construction debris", "demolition debris", and "bulk trash".~~

~~Solid waste service area means that exclusive area designated by the city commission to be provided solid waste collection services by its authorized collector under this section.~~

~~Special service means the service which the owner/occupants of real property must obtain to remove, transport and dispose of solid waste which exceeds the amount of debris allowed on the day solid waste service is provided by the city, or the service necessary for the removal, transportation and disposal of bulk or commercial trash, hazardous, infectious, industrial, or special waste, junk, or other solid waste requiring the customer to contract with an authorized collector for the proper removal, transportation and disposal of such solid waste. Special service limits and requirements shall be determined by the city manager and shall be posted on the city's webpage and at city hall as well as being provided in a brochure to be distributed upon request.~~

~~Special waste means any waste that requires special handling and management including, but not limited to, white goods, waste tires, used oil, lead acid batteries, construction and demolition debris, ash residue, large quantity of yard trash, and biological wastes due to regulatory requirements or physical properties.~~

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~~Street means an open public right-of-way or dedicated right-of-way with passable access.~~

~~Transportation license means a license issued for a period of one year which allows persons to transport solid waste, including occupational waste by the generator of such occupational waste, provided that the person owns and operates an approved vehicle for the collection and transportation of the solid waste.~~

~~Unacceptable container means any residential container or commercial refuse bin which is in disrepair due to the presence of holes, cracks or tears in the bottom or sides which has been condemned and so marked by the authorized collector and a city code enforcement officer. Any container so marked must be replaced by the owner/occupant with an acceptable container prior to the next collection day.~~

~~Yard trash means all accumulations of leaves, grass, vegetative matter, or shrubbery cuttings and other refuse resulting from the care and maintenance of landscape, lawns, shrubbery, vines, trees and tree limbs, and land clearing operations but does not include those items defined as bulk trash. All yard waste shall be placed in containers, plastic trash bags or bundled.~~

~~(Ord. No. 19-2008, § 3, 7-7-2008; Ord. No. 15-2012, § 1, 8-6-2012; Ord. No. 01-2016, § 1, 2-16-2016)~~

~~Note Formerly §§ 50-31, 50-91.~~

Sec. 50-4. - Prohibited acts and penalty.

- (1) *Prohibited acts.* It shall be unlawful and an offense against the city for any unauthorized person, entity or corporation to do any of the following:
 - (a) To dispose of solid waste except as provided in this section or fail to comply with a provision of a federal, state, or local law, statute, ordinance, resolution, rule, regulation or policy.
 - (b) To collect, vandalize or remove either recycling container(s) or recyclable material(s) placed in a recycling container or at a designated collection location unless written authorization is provided by the city.

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- (c) To place or cause to be placed any solid waste upon the property of another.
- (d) To convey or cause to be conveyed over and upon any streets, roads, highways and alleyways of the city any solid waste without an appropriate license or authority.
- (e) To deposit or dispose of any solid waste in or upon any public street, sidewalk, right-of-way or alleyway, or any stream, ditch, river, pond, creek, park or other public place in the city.
- (f) To burn any solid waste generated or brought within the city without all applicable permits being obtained.
- (g) To place solid waste out for collection in any location not serviced by the authorized collector.
- (h) To remove solid wastes from a commercial refuse bin, residential or recycling container, a collection location, or curbside.
- (i) To accumulate or cause to be accumulated any solid waste in or upon any improved real property or vacant lot for an unreasonable period of time not to exceed ten days without arranging for proper disposal.
- (j) To place out for collection any hazardous, industrial, infectious or special waste without first arranging for proper disposal. Such waste shall be disposed of according to applicable law.
- ~~(k) To place any garbage, yard trash and rubbish generated from an improved real property outside of a residential container or trash bag for collection by the city authorized collector. Waste or used tires may be placed next to a residential container for collection not to exceed four per week.~~
- (k) To dispose of any hazardous, industrial, infectious or special waste by placing such waste for collection by the city authorized collector. (i.e. motor oil and lead acid batteries).
- (l) To provide solid waste or special services, or conduct a business as an authorized collector without complying with all applicable laws and regulations.
- (m) To abuse or use recycling containers for any purpose other than for recycling items and materials.

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- (2) *[Florida Litter Law.]* 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.
- (3) *Obstruction of containers.* Customers shall not permit persons, objects, obstructions or vehicles to hinder in any way whatsoever the servicing of a residential container or commercial refuse bin by the authorized collector's vehicles and personnel.
- (4) *Penalty.* A violation of section 50-4 of the City Code of Ordinances is punishable as provided in section 1-15 of the City Code of Ordinances.

(Ord. No. 19-2008, § 4, 7-7-2008; Ord. No. 15-2012, § 2, 8-6-2012)

Sec. 50-5. - Prima facie evidence of accumulation of waste.

The fact that a parcel of real property is located and improved within the incorporated city boundary limits, designed for occupancy, or is capable of being occupied, shall be prima facie evidence that solid waste is being generated or accumulated upon such property and that the property is thus subject to the provisions of this section. Collection charges may be levied against any real property with newly constructed structures immediately following the initial connection of permanent electric utility service or whenever the first solid waste is collected from said property by an authorized collector, whichever occurs first.

(Ord. No. 19-2008, § 4, 7-7-2008)

Sec. 50-6. - Enforcement.

Compliance with the requirements of this section and any incorporated provisions shall be regulated and enforced by the city's code enforcement department. A code enforcement officer is authorized to issue a warning, notice, or citation, including a fine for a violation of this section as provided in section 1-15 of the City Code of Ordinances.

(Ord. No. 19-2008, § 4, 7-7-2008)

[ARTICLE II. - SERVICES]

[DIVISION 1. - COMMERCIAL SERVICES]

Sec. 50-7. - Commercial property.

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- (1) *Proper disposal of solid waste required.* It shall be the responsibility and requirement of all owners/occupants of commercial property to contract for the removal, transportation, and disposal of solid waste with an authorized collector in a manner which would not be detrimental to the public health, safety and welfare of the citizens of the city, unless authorized by this section, and must provide copies of any receipt, agreements, or other proof, for such services, to a code enforcement officer or to the city finance department upon request.
- (2) *Use of collection service.* All owners/occupants of commercial property are mandated to subscribe to solid waste commercial collection service with a collector franchised by the city, unless authorized to do otherwise pursuant to this section. Pursuant to the lawfully adopted Solid Waste Contract, the city refuse contractor may be granted an exclusive franchise. It shall be a violation of this section to dispose of solid waste except as provided in this section.
- (3) *Provision and maintenance of containers.* It shall be the responsibility of the owners/occupants of commercial property to obtain and maintain approved containers or refuse bins adequate to contain all solid waste generated from the commercial property and maintain the area surrounding the location in a clean and sanitary condition. Spillage from containers or refuse bins is not the responsibility of the authorized collector.
- (4) *Placement of containers; enclosure; base.* All commercial refuse bins, except approved recycling containers, shall conform to current city zoning regulation and must remain in compliance immediately upon any amendments adopted by the city commission of the applicable city zoning code.

(Ord. No. 19-2008, § 4, 7-7-2008)

Sec. 50-8. - Commercial exemptions.

- (1) Exemptions from the requirement for solid waste collection for owners/occupants of commercial property shall be granted as follows:
 - (a) Owners, occupants, and tenants of commercial establishments that generate source-separated recovered materials may use the services of a service provider other than the city refuse contractor to collect such materials. The City may adopt a commercial recycling licensing fee and in that circumstance, all such service providers

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must pay a licensing fee to the City as determined by the City's enactment of same.

~~Exemptions shall be granted by the director only on individual parcels that contain one individual commercial establishment, and where:~~

- ~~1. The owner/occupant can demonstrate to the satisfaction of the director that the solid waste generated on the property is being disposed of on the property in conformance with all applicable rules and regulations; or~~
 - ~~2. The owner/occupant collects and transports the solid waste generated on the property and provides evidence, such as receipts, that:
 - ~~a. The solid waste is disposed of at a designated solid waste disposal area; and~~
 - ~~b. The vehicles utilized are leased or owned solely by the owner/occupant of the commercial property; and~~
 - ~~c. The personnel utilized to operate the vehicle are employed solely by the owner/occupant; and~~~~
- ~~(b) Exemption may be granted by the director where the property is receiving residential service.~~
- (2) *Procedure.* ~~The owner/occupant of any parcel of commercial property desiring an individual exemption may make application for such individual exemption to the director.~~
- ~~(a) The applicant shall make a request in writing to the director and shall provide, at a minimum, the following information:
 - ~~(1) The name of the applicant; and~~
 - ~~(2) The legal description of the property for which the individual exemption is sought; and~~
 - ~~(3) The reason the individual exemption is sought; and~~
 - ~~(4) The proposed method of collection, removal and disposal of the solid waste; and~~
 - ~~(5) Indicate whether applicant meets the requirements of subsection (1)(a), (b) of this section, if applicable.~~~~
 - ~~(b) No individual exemption shall be granted by the director which may result in the degradation of the environment or create unsightly~~

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~~conditions. No individual exemption shall be granted by the director unless an application has been made in accordance with the provisions in this section.~~

~~(c) Any person receiving an individual exemption shall not collect and remove solid waste generated on his property except in the manner proposed in the application for the individual exemption.~~

- ~~(3) *Revocation.* If the director determines that solid waste is not being collected and disposed of in a proper, sanitary and effective manner, from any improved real property, for which an individual exemption has been issued, he shall revoke the exemption. All individual exemptions granted by the director may be withdrawn at any time by the director if the conditions under which it was granted have changed.~~

(Ord. No. 19-2008, § 4, 7-7-2008)

Sec. 50-9. - Frequency of commercial collection.

The frequency, type, nature and cost of the commercial collection service shall be established individually between the real property owner/occupant and the authorized collector within the provisions of this section, but the frequency shall not be less than once a week.

(Ord. No. 19-2008, § 4, 7-7-2008)

~~Sec. 50-10. - Remote commercial units.~~

~~If remote or isolated real properties are unable to attract commercial service, the owner/occupant may contract with the residential collector who has been granted an exclusive residential solid waste agreement for that area. The rate shall not exceed the rate for similar service in Volusia County.~~

(Ord. No. 19-2008, § 4, 7-7-2008)

Secs. 50-11 (10)—50-20. - Reserved.

DIVISION 2. - PRIVATE COLLECTION SERVICES

Sec. 50-21. - Franchises. Reserved

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~~Generally. The city reserves the right to establish and require franchise agreements with all solid waste authorized collectors providing service to any non-residential real property owner or occupant within the city boundary limits. Applicants for franchises shall apply on forms and upon conditions required by the city. Franchises may only be granted after a duly noticed public hearing after considering the application and upon a resolution of the city commission. Performance, maintenance and operation standards shall be determined pursuant to the solid waste franchise agreement along with any restrictions, insurance, bonds, and other requirements.~~

(Ord. No. 19-2008, § 4, 7-7-2008)

[ARTICLE III. - RATES, REGULATIONS AND MISCELLANEOUS PROVISIONS]

Sec. 50-22. – ~~50 - 24~~ Establishment of rates. Reserved

~~Generally. The city reserves the right to establish by ordinance a commercial rate schedule.~~

(Ord. No. 19-2008, § 4, 7-7-2008)

Sec. 50-23. – Transportation license.

~~(1) *Businesses generating occupational waste.* Certain persons who own businesses for which the transportation of certain occupational waste is an integral part of the performance of that occupation shall obtain a license to transport these wastes to the disposal area designated by the director. Examples of such occupations include but are not limited to building, roofing, demolition and land-clearing contractors; lawn care services; and tree surgeons.~~

~~(2) *Application.* Each such person shall make application for a license to the director on forms containing:~~

- ~~(a) The name and address of the person;~~
- ~~(b) A description of the occupation;~~
- ~~(c) A description of the solid waste the occupation produces;~~
- ~~(d) A description of the equipment to be utilized; and~~

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- ~~(e) An agreement to comply with all conditions of the license and provisions of this section.~~
- ~~(3) *Term.* The length of term for a license to transport solid waste shall not exceed one year.~~
- ~~(4) *Revocation.* The director may revoke a license at any time if the person holding such license is in violation of the provisions of this article or the conditions of the license.~~

(Ord. No. 19-2008, § 4, 7-7-2008)

~~Sec. 50-24. Free service.~~

~~Unless authorized by the city commission, there shall be no free services rendered for the collection, transportation or disposal of solid waste.~~

(Ord. No. 19-2008, § 4, 7-7-2008)

Sec. 50-25. - Charge imposed; collection.

It is hereby authorized that the city shall impose a charge for the collection of solid waste on all residential improved real property within the city. The amount of such charge for solid waste collection shall be the rate established by the city commission and from time to time amended. The charge shall be imposed against the owners of all residential improved real property in the city, regardless of the occupancy of such property.

The city commission reserves the right to negotiate establish the rate a charged for the collection of solid waste on all commercial improved real property and establishments with the contractor.

(Ord. No. 19-2008, § 4, 7-7-2008)

Sec. 50-26.-- 27 Charge to constitute lien; delinquency. Reserved

~~Pursuant to F.S. § 180.135, all charges imposed against the owners of residential improved real property within the city under the provisions of this section shall constitute and are hereby imposed as liens against such residential improved real property as of the date the charge is imposed or when service is provided. Until fully paid and discharged or barred by law, such charges shall remain liens equal in rank and dignity with the lien of ad~~

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~~valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the residential real property involved.~~

(Ord. No. 19-2008, § 4, 7-7-2008)

~~Sec. 50-27. Residential exemptions.~~

- ~~(1) Exemptions from the charge imposed by this section may be granted by the director on individual parcels of residential improved real property meeting the following guidelines:
 - ~~(a) The property is ten acres in area or more and is a single-family residence and the owner/occupant has made other arrangements, approved by the director for the disposal of their solid waste; or~~
 - ~~(b) The director determines that it would be in the best interest of the individual and the city to exempt the property from collection and must demonstrate that the owner has a proper, sanitary, effective method of removing, collecting, disposing and transporting of the solid waste generated on the owner's property; and that such disposal is being achieved in conformance with all applicable laws, rules, ordinances and regulations. Residents receiving individual exemptions shall not collect and remove solid waste generated on their property except in the manner proposed in the application for the individual exemption.~~~~
- ~~(2) *Procedure.* The director shall review a written request from the applicant, and, if it meets the criteria set out in this section, the director shall grant an individual exemption. Upon the issuance of an individual exemption, the director shall have the property removed from the solid waste collection charge records.~~
- ~~(3) *Appeals.* If the director denies the applicant for an individual exemption, then within ten working days of the denial, the applicant may make a formal written appeal to the city commission. The decision of the city commission shall be binding and final.~~

(Ord. No. 19-2008, § 4, 7-7-2008)

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Sec. 50-28. - Duties of customers; placement of solid waste for collection. Collection and removal of refuse, and related services.

All refuse and all recovered materials accumulated in the city will be collected, conveyed, and processed or disposed of by the city, the city refuse contractor, or other service provider, except as follows:

- (1) Any owner or occupant of property within the city may transport and dispose of their own refuse provided they safely transport the refuse and properly dispose of it in an approved landfill.
- (2) Building contractors and landscaping contractors may self-perform the disposal of refuse associated with their work.
 - (a) All construction, renovation, and demolition sites are to be kept clean and free of debris and litter during the construction, renovation, or demolition process. All refuse, including construction and demolition debris, will be neatly contained during the process. A certificate of occupancy for a newly constructed or renovated building will not be issued until all refuse and litter caused by the construction or remodeling is removed from the site.
 - (b) Building contractors must collect, transport, and dispose of all refuse generated from their work, including limbs, tree trunks, roots, concrete slabs, concrete blocks, bricks, and all other materials; or arrange for collection, transportation, and disposal by a service provider.
 - (c) Tree trimmers, tree surgeons, and other landscaping contractors must collect, transport, and dispose of all yard waste and other vegetative debris generated from their work; or arrange for collection, transportation, and disposal by a service provider.
 - (d) A building contractor or landscaping contractor self-performing its obligations under subsections (b) or (c) of this section must safely transport such waste, properly dispose of such waste in an approved landfill, and keep a copy of the disposal ticket provided by the licensed facility and provide a copy of the ticket to the city upon request, and must fully comply with all applicable laws and regulations.

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- ~~(1) All garbage and rubbish generated from a residential improved real property shall be bagged by the customer, placed in residential containers and then placed at the applicable collection point on the designated solid waste collection day. Garbage and rubbish must be placed in the residential container for pick-up. Solid waste collection days shall be established by the director.~~
- ~~(2) Each residential improved real property shall be entitled to place up to two residential containers, per week on designated collection days for that customer. Excess material shall not be placed outside the container with the exception of the collection day following Christmas Day, New Year's Day and any amnesty day(s) determined by the city. Used tires not to exceed four per week are allowed and may be placed outside the residential container. Customers who generate excess material above the two residential containers shall be required to obtain an additional container. Such customer shall be required to pay an additional monthly fee for such additional container. There shall be three designated collection days per week, one day shall be for "yard trash," one day shall be for solid waste and the other shall be for recycling collection. The director may add additional collection days if it is deemed necessary for the public health, safety and welfare.~~
- ~~(3) Each residential improved real property shall be entitled to place one large (bed, couch, etc.) or two small (chair, end table, etc.) bulk trash or junk items at the collection point on the collection day designated for such collection. Bulk trash or junk item pick up shall be scheduled through the contractor prior to placing the item(s) out for pickup. Excessive amounts of bulk trash or junk may require special service with fees applied.~~
- ~~(4) Each residential improved real property shall be entitled to place up to 16 bags of yard waste or piles of limbs, bundled or a combination thereof, and each not to exceed 60 pounds on designated collection days for that customer. Limbs should not exceed four feet in length or six inches in diameter. The bags and/or piles of limbs may be placed in 32, 64 or 96 gallon containers. Yard waste shall not be placed at the collection point prior to 6:00 p.m. the day prior to collection, if containers are used they shall be removed no later than 9:00 p.m. on collection day. Larger size or additional quantities of yard trash will require a special pickup scheduled through the contractor with fees applied. Tree removal, land clearing, land development, building demolition or home~~

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~~improvement debris shall be scheduled through the contractor and shall be disposed of as a special service with fees applied.~~

- ~~(5) The customer shall place all solid waste at the following collection points for the specified categories of property:~~
- ~~(a) For a single family residence, solid waste shall be placed at a point within the right-of-way abutting the driveway of such residence no further than three feet from the curbline or paving line, or, if no right-of-way exists which abuts the customer's property, at a point no greater than three feet from the paving line, of the roadway and abutting the driveway of such residence. A customer who resides on a private road must place, and allow access to their residential container abutting their driveway.~~
 - ~~(b) For multifamily dwelling units, waste shall be placed at a point designated by the collector in consultation with the customer, which will maximize economy of collection of the solid waste while considering the public health and the convenience of the customer.~~
 - ~~(c) Authorized collector shall provide rear door collection to certified handicapped residents unable to place containers pursuant to this subsection without extra charge.~~
 - ~~(d) Customers must ensure that containers may be picked up without interference from pets or other sources and that the safety of the authorized collector is not threatened.~~
 - ~~(e) Containers shall be removed no later than 9:00 p.m. on collection day and shall not be placed at the collection point prior to 6:00 p.m. the day prior to collection.~~
 - ~~(f) Where road access is not passable by the authorized collector, the customer must place solid waste at nearest passable public right-of-way.~~
- ~~(6) In the event of a dispute between the collector and a customer regarding the location of the collection point, the collector's decision shall be subject to review by the director. The director's decision shall be final and binding.~~
- ~~(7) Customers are encouraged to separate recyclable material from other solid waste and place such material in recycling containers for pick up by the collector on the day designated for collection.~~

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- (8) ~~When trash bags are used, the integrity of the bags and their contents shall be the responsibility of the customer. Ruptures of bag or damage from any cause, resulting in the scattering of solid waste, shall obligate the customer to reassemble all of the solid waste and provide an undamaged bag or other receptacle prior to pick-up by the city. The scattering of solid waste (littering) shall be subject to a fine.~~
- (9) ~~The location of garbage, recycling and yard waste containers located at residential properties, when not set out for the day of pickup, shall be kept away from the front of any building or premises. No garbage, recycling, yard waste or container shall be kept or maintained upon or adjacent to any street, sidewalk, parkway or front yard and no such container shall be placed within five feet of any property line. No garbage can, recycling container or yard waste container shall be deposited upon an adjoining lot or premises, whether vacant or improved, occupied or unoccupied, or in any street or alley in the city. All garbage cans shall have a closeable lid and the lid shall be closed at all times except when it becomes necessary to lift the lid to deposit garbage in the garbage can or empty such can in a garbage truck.~~
- (10) ~~Violations of any section of this chapter shall have the following civil penalty:~~

First offense	Repeat offense
Up to \$250.00	Up to \$500.00

(Ord. No. 19-2008, § 4, 7-7-2008; Ord. No. 15-2012, § 3, 8-6-2012; Ord. No. 01-2016, § 2, 2-16-2016)

Sec. 50-29. - Collection contract required; terms and conditions.

- (1) *[Contract.]* An authorized collector shall enter into a solid waste collection contract in the form of an agreement with the city for the sole and exclusive right and duty to provide for the collection of all solid waste from residential and commercial (if approved by the City Commission pursuant to Florida Statutes Section 403.70605) improved real property in the city. The solid waste collection contract

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created after the adoption of this section shall set forth the following terms and conditions:

- (a) *Service area.* The service area shall be that area defined in this section. If annexation by the city should occur, the contractor collector shall be bound by F.S. § 171.062(4).
- (b) *Term of contract.* Solid waste collection contracts will be issued for a maximum period of no greater than ten years and may include an option to renew the terms of the contract. All original contracts and renewals shall be granted by resolution only after a public hearing and upon approval of the city commission.
- ~~(2) *Performance and operation standards.* Performance and operation standards shall be determined pursuant to the solid waste agreement along with any restrictions, insurance, bonds, and other requirements.~~
- ~~(3) *Time and manner of collection.* Collector shall make collections with a minimum of noise and disturbance to the occupants of the building and shall not collect from residential collection points prior to the hour of 6:00 a.m. or after 8:00 p.m. Containers shall be handled carefully by the collector and shall be thoroughly emptied and placed at least three feet away from the edge or pave line of the roadway and abutting the driveway, where possible.~~
- ~~(4) *Protection of customer's property.* Collector shall use pedestrian walkways while on private property. No trespassing or crossing property to a neighbor's premises is permitted unless residents or owners of both such properties have approved. Care shall be taken to prevent damage to containers by unnecessarily rough treatment, and to property, including flowers, shrubs and other plantings.~~
- ~~(5) *Authority of the director.* The director shall decide any and all questions which may arise concerning the quality and acceptability of the work and services performed by the collector, the manner of performance, the rate of progress of said work, the interpretation of the provisions of the solid waste agreement and the acceptable fulfillment of their duties. In addition, the director shall determine the amount, quality and character of the work performed. Collector shall have the right to appeal any decisions or findings of the director to the city commission, whose findings and conclusions shall be final and binding.~~
- ~~(6) *Cooperation with director.* Collector shall furnish the director with every reasonable opportunity for ascertaining whether or not the duties~~

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~~of the collector are being performed in accordance with the terms of the solid waste agreement. Collector shall designate in writing the person to serve as agent between his organization and the city.~~

(Ord. No. 19-2008, § 4, 7-7-2008)

Sec. 50-30. - Service areas.

The city commission shall have the power and authority to create exclusive service areas for any portion or the entire city, and to enter into solid waste agreements for the collection of solid waste within the service area. The exclusive service areas may be for the collection of residential solid waste or commercial solid waste, or both.

(Ord. No. 19-2008, § 4, 7-7-2008)

Sec. 50-31. - Recycling program; purpose.

The City of Deltona is authorized, pursuant to F.S. § 403.706, to require and direct all residential properties and industrial, commercial, and institutional establishments to establish programs for the separation of recyclable materials and to provide for their collection. This provision prohibits any person from knowingly disposing of recyclable materials in violation of this section which is necessary to protect public health and safety.

(Ord. No. 19-2008, § 4, 7-7-2008)

~~**Sec. 50-32. - Recycling collection day and placement.**~~

~~All owner(s)/occupant(s) of improved real property should place only recyclable materials in a recycling container(s) and place such containers at the collection point next to residential container(s) on the same day as the designated collection day for solid waste collection. The city shall make available pamphlet(s) describing the recycling program and procedures.~~

~~(Ord. No. 19-2008, § 4, 7-7-2008)~~

~~**Sec. 50-33. - Sanitation.**~~

~~Receptacles, residential containers and adjacent areas where residential containers or solid waste are either stored or placed shall be~~

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~~kept in a clean, dry and sanitary condition at all times by the owner or occupant of the premises. Containers shall always be kept tightly covered.~~

(Ord. No. 19-2008, § 4, 7-7-2008)

SECTION 2. **Severability.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this ordinance, which can be given effect without the invalid provision or application.

SECTION 3. **Effective date.** This ordinance shall take effect upon its final adoption by the City Commission.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE
CITY OF DELTONA, FLORIDA, THIS _____ DAY OF
_____, 2018.**

FIRST READING: _____

ADVERTISED: _____

SECOND READING: _____

BY: _____
Heidi K. Herzberg, MAYOR

ATTEST:

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Joyce Raftery, CITY CLERK

Approved as to form and legality for use
and reliance of the City of Deltona, Florida

CITY ATTORNEY