

ORDINANCE NO. 2023-003

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 12, "GARBAGE AND REFUSE," ARTICLE II, "COLLECTION AND DISPOSAL," SECTIONS 12-21, "DEFINITIONS," 12-22, "USE OF TRASH COLLECTION SERVICE REQUIRED," 12-23, "FRANCHISE AGREEMENT REQUIRED TO PROVIDE COLLECTION SERVICE; FRANCHISE FEE," 12-25, "RECEPTACLES AND CONTAINERS REQUIRED," 12-26, "RECEPTACLES AND CONTAINERS TO BE SAFE," 12-27, "REFUSE CONTAINERS," 12-28, "YARD TRASH CONTAINERS," 12-29, "MECHANIZED CONTAINER SYSTEMS," 12-30, "OPEN TRASH BINS," 12-31, "PREPARATION FOR COLLECTION," 12-32, "STORAGE BY COMMERCIAL ESTABLISHMENTS," 12-33, "PLACEMENT FOR COLLECTION: PROHIBITED ACCUMULATIONS," 12-34, "TIME ALLOWED FOR CONTAINERS TO BE OUT FOR COLLECTION," 12-35, "FREQUENCY OF COLLECTION," 12-36, "CONSTRUCTION AND DEMOLITION DEBRIS IN A SINGLE-FAMILY OR MULTIFAMILY RESIDENTIALLY ZONED AREA OF THE CITY," 12-37, "WASTE FOODS, NUISANCE WASTES," 12-39, "RECEPTACLES ON PARKING LOTS," 12-40, "UNLAWFUL DISPOSAL," 12-41, "PENALTIES," 12-42, "PUBLIC SERVICES ON PRIVATE ROADWAYS," AND ARTICLE III, "RECYCLABLE WASTE," DIVISION 1, "RESIDENTIALLY ZONED AREAS," SECTION 12-53, "UNAUTHORIZED COLLECTION," AND DIVISION 2, "NON-RESIDENTIALLY ZONED AREAS," SECTION 12-61, "ALL NON-RESIDENTIAL RECYCLING EXCEPT CONSTRUCTION AND DEMOLITION DEBRIS," AND BY REPEALING CHAPTER 12, "GARBAGE AND REFUSE," ARTICLE II, "COLLECTION AND DISPOSAL," SECTION 12-24, "TERMINATION OF COLLECTION SERVICE; NOTICE REQUIRED," AND ARTICLE III, "RECYCLABLE WASTE," DIVISION 1, "RESIDENTIALLY ZONED AREAS," SECTION 12-50, "DEFINITIONS," AND DIVISION 2, "NON-RESIDENTIALLY ZONED AREAS," SECTIONS 12-60, "DEFINITIONS," 12-62, "USE OF EXCLUSIVE FRANCHISE FOR CONSTRUCTION OR DEMOLITION DEBRIS REQUIRED IN NON-RESIDENTIAL ZONED AREAS OF THE CITY; EXCEPTIONS," 12-63, "EXCEPTIONS TO USE OF EXCLUSIVE FRANCHISEE," 12-64, "REQUIREMENTS FOR NON-EXCLUSIVE RECYCLING CONSTRUCTION AND DEMOLITION

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FRANCHISED HAULER,” 12-65, “CONTAMINATION PROHIBITED,” 12-66, “DUTIES OF NON-EXCLUSIVE COMMERCIAL RECYCLING FRANCHISE HOLDERS,” AND 12-68, “REVOCATION OF NON-EXCLUSIVE FRANCHISE, OR REGISTRATION,” TO UPDATE SAME TO REFLECT CHANGES IN RECYCLING PROCESSES AND STATE LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City is desirous of amending Chapter 12, “Garbage and Refuse,” of the City’s Code of Ordinances to update it to reflect changes to recycling processes and State law; and

WHEREAS, the City also desires to update Chapter 12, “Garbage and Refuse,” of the City’s Code of Ordinances to reflect updates to the City’s Franchise Agreement for the collection and disposal of solid waste and recyclable materials; and

WHEREAS, the City Commission finds and determines that updating Chapter 12, “Garbage and Refuse,” of the City’s Code of Ordinances to comport with changes to State law is in the best interest of the residents of Coconut Creek.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:

Section 1: Ratification. That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance.

Section 2: Amendment. That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 12, “Garbage and Refuse,” Article II, “Collection and Disposal,” by amending Sections 12-21, “Definitions,” 12-22, “Use of Trash Collection Service Required,” 12-23, “Franchise Agreement Required to Provide Collection Service; Franchise Fee,” 12-25, “Receptacles and Containers Required,” 12-26, “Receptacles and Containers to be Safe,” 12-27, “Refuse Containers,” 12-28, “Yard Trash Containers,” 12-29, “Mechanized Container Systems,” 12-30, “Open Trash Bins,” 12-31, “Preparation for Collection,” 12-32, “Storage By Commercial Establishments,” 12-33, “Placement for Collection; Prohibited Accumulations,” 12-34, “Time Allowed for Containers to be Out for Collection,” 12-35, “Frequency of Collection,” 12-36,

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“Construction and Demolition Debris in a Single-Family or Multifamily Residentially Zoned Area of the City,” 12-37, “Waste Foods, Nuisance Wastes,” 12-39, “Receptacles on Parking Lots,” 12-40, “Unlawful Disposal,” 12-41, “Penalties,” 12-42, “Public Services on Private Roadways,” and Article III, “Recyclable Waste,” Division 1, “Residentially Zoned Areas,” Section 12-53, “Unauthorized Collection,” and Division 2, “Non-Residentially Zoned Areas,” Section 12-61, “All Non-Residential Recycling Except Construction and Demolition Debris,” and by repealing Chapter 12, “Garbage and Refuse,” Article II, “Collection and Disposal,” Section 12-24, “Termination of Collection Service; Notice Required,” and Article III, “Recyclable Waste,” Division 1, “Residentially Zoned Areas,” Section 12-50, “Definitions,” and Division 2, “Non-Residentially Zoned Areas,” Sections 12-60, “Definitions,” 12-62, “Use of Exclusive Franchise for Construction or Demolition Debris Required in Non-Residential Zoned Areas of the City; Exceptions,” 12-63, “Exceptions to Use of Exclusive Franchisee,” 12-64, “Requirements for Non-Exclusive Recycling Construction and Demolition Franchised Hauler,” 12-65, “Contamination Prohibited,” 12-66, “Duties of Non-Exclusive Commercial Recycling Franchise Holders,” and 12-68, “Revocation of Non-Exclusive Franchise, or Registration,” to read as follows:

Chapter 12 - GARBAGE AND REFUSE

ARTICLE II. - COLLECTION AND DISPOSAL

Sec. 12-21. - Definitions.

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

Bulky waste means a large discarded item that (a) is discarded by a customer as a result of the customer's normal housekeeping activities on their own premises and (b) cannot be placed in a garbage cart or garbage can because of its size, shape or weight. Bulky waste includes furniture, fixtures, white goods, and large pieces of carpet.

~~*Business trash* means every waste accumulation of dust, paper, paper cartons, cardboard cartons, excelsior, rags or other accumulations, other than garbage or household trash, which are usually attendant to the operation of stores, offices and similar businesses.~~

Commercial property means all real property that is located in the service area and not classified as residential property. Commercial property includes property used primarily for: (a) commercial purposes, such as hotels, motels, stores, restaurants, business offices, and service stations; (b) institutional purposes, such as governmental offices, churches, hospitals, and schools; and (c) not-for-profit organizations. Commercial property includes commercially zoned property that is used primarily for residential purposes. Vacant land, not classified as Improved Real Property, shall be deemed

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~~commercial property. *establishment* means any hotel, motel, restaurant, food store, hospital, school, church or any nonresidential establishment at which garbage or trash may be generated.~~

Commercial waste means garbage, rubbish, and bulky waste generated on commercial property. Commercial waste does not include yard waste.

~~*Foreign material (Bulky Waste)* means waste from the construction or demolition of buildings, and which includes such materials as sand, stone, brick, wood, concrete, metal, plaster, concrete or plaster block, paving, roofing, pipe, shingles, lawn renovating debris, sod, dead sod, tree stumps, discarded furniture and household items.~~

Construction and demolition waste shall have the meaning set forth in Section 403.703(6), Florida Statutes, except construction and demolition waste does not include land clearing debris. In general, construction and demolition waste means discarded materials generally considered to be not water soluble and non-hazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, resulting from the construction, destruction, or renovation of a structure.

Corrugated cardboard (OCC)/cardboard: grooved sheets of fiber attached to one (1) or more fiber liners typical to packaging and boxes for delivery are hereby declared to be recyclable waste as long as the surface is not contaminated with grease or other liquid contaminants.

Dwelling unit means any type of structure or building, or a portion thereof, intended for, or capable of being used for, residential living. A dwelling unit includes a room or rooms constituting a separate, independent living area with kitchen or cooking facilities, a separate entrance, and bathroom facilities, which are physically separated from other dwelling units, whether located in the same structure or in separate structures. However, a room in a licensed hotel or motel is not a dwelling unit.

Exclusive franchisee means that one (1) business entity that has an exclusive franchise with the city to collect and dispose of all solid waste and all recyclables from residentially single and multifamily zoned properties and who has an exclusive franchise with the city to collect and dispose of all solid waste excepting recovered materials from commercial establishments, as provided by Section 403.7046, Florida Statutes.

~~*Garbage* means all kitchen and table food waste and animal or vegetative waste that is attendant with or results from the storage, preparation, cooking, or handling of food materials. every waste accumulation of animal or vegetable matter which attends the preparation, use, cooking, processing, handling or storage of meats, fish, fowl, fruits, vegetables or other matter which is subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases or odors, or which during or after decay may serve as breeding or feeding material for flies, insects or animals.~~

Garbage cart means a garbage container that is made with heavy-duty hard plastic or other impervious material, with an enclosed bottom and sides, mounted on two (2) wheels, equipped with a tight-fitting hinged lid, having a capacity of approximately one hundred (100) gallons or less, and used for the automated or semi-automated collection of garbage and rubbish.

~~Household trash~~ means every waste accumulation of paper, sweepings, dust, rags, bottles, cans or other matter of any kind, other than garbage, which is usually attendant to housekeeping.

~~Industrial waste~~ means every waste accumulation of metal, metal products, minerals, chemicals, rocks, cement, asphalt tar, oil, grease, glass, crockery, rubber tires, bottles, cans, lumber, ashes, sawdust, wastes from animal packing or slaughterhouses or other materials usually created by commercial enterprises and industrial plants, but not garbage, household trash or business trash.

~~Living unit~~ means any place of abode which is suitable for permanent or transient family or individual residence use. Each such living unit shall be considered as single and separate for the purposes of this article.

Materials include all garbage, residential or commercial waste, rubbish, bulky waste, and yard waste.

Metal can. A metal can of any size.

Multi-family dwelling means a building with multiple dwelling units that are located under one roof. Multi-family dwellings include apartments, condominiums, and mixed-use buildings that contain multiple dwelling units. ~~apartments~~ means all places of abode other than single-family residences.

Plastic containers means those plastic containers labeled #1 or #2.

Recovered materials mean metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled and have been diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. Recovered materials as described above are not solid waste. A recovered material does not include any material or substance that does not fit within one (1) of the six (6) categories described in this definition (metal, paper, glass, plastic, textile, or rubber). Among other things, construction and demolition waste is not a recovered material.

Recyclable materials mean those materials that are capable of being recycled and would otherwise be processed or disposed of as solid waste.

Residential recyclable waste means that waste which is designated by the city as recyclable by ordinance, and includes materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. It includes those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste. It does not include any material that will be ultimately discarded or disposed.

~~Refuse~~ means solid waste accumulations consisting of garbage, household trash and business trash Rubbish means waste materials (other than garbage, yard waste, and bulky waste) resulting from normal housekeeping activities on residential property and commercial property. Rubbish includes discarded trash, rags, sweepings, packaging, recyclable materials that are not source separated, and similar materials.

Residential Waste means garbage, rubbish, recyclable materials, yard waste, and bulky waste generated by a residential customer upon the customer's residential property. Residential waste does not include any waste generated by a commercial business or enterprise.

Single-family dwelling means a building with a single dwelling unit located under one (1) roof. ~~residence~~ means any single-family dwelling, and is interchangeable with the word "household", and includes single-family condominium units.

~~Tree trimmings~~ means every waste accumulation of palm fronds, tree branches, tree trunks, tree limbs, parts of trees, bushes or shrubs, green leaf cuttings, coconuts, fruits or other vegetation.

Solid waste shall have the meaning set forth in Section 403.703(36), Florida Statutes. Solid waste includes biomedical waste, bulky waste, commercial waste, construction and demolition waste, disaster debris, electronic equipment, garbage, hazardous material, land clearing debris, radioactive waste, recyclable materials, residential waste, rubbish, tires, white goods, and yard waste.

Yard waste means vegetative matter resulting from yard and landscaping maintenance, including but not limited to shrub and tree trimmings, grass clippings, palm fronds, and branches. Yard waste does not include land clearing debris. ~~trash~~ means every waste accumulation of lawn, grass or shrubbery cuttings or clippings and dry leaf rakings, free of dirt, rocks, large branches and bulky or noncombustible material.

Cross reference(s)—Definitions and rules of construction generally, § 1-2.

Sec. 12-22. - Use of trash collection service required.

Every owner, tenant, ~~or~~ resident of a single-family, ~~two-family or multiple dwelling~~ multi-family dwelling or ~~business, or~~ commercial property owner and/or developer of a

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construction or demolition site shall utilize the services of the city's franchise contractor for waste collection and disposal service. It shall be the responsibility of the owner, developer, tenant and resident to pay for and to utilize such services. The compulsory service shall include a minimum of two (2) garbage pickups per week, unless modified and approved by the Director of Public Works, or designee. ~~unless modified and approved by the City Contract Administrator or authorized representative.~~

Sec. 12-23. - Franchise agreement required to provide collection service; franchise fee.

- (a) Each and every person providing a garbage and solid waste collection service within the city shall enter into a franchise agreement with the city prior to commencement of operation.
- (b) The provisions of the franchise agreement described in this section shall include, but not be limited to, a requirement that a franchise fee ~~in the amount of ten (10) percent of the gross collections made by the garbage and waste collection service~~ be paid to the city.

Sec. 12-24. ~~Termination of collection service; notice required.~~ - - Reserved.

~~Any owner, tenant or resident may discontinue the trash collection service using the procedures set forth in the city's franchise agreement, which are contained in Section 21 of the franchise agreement, entitled "Vacation Credit." A copy of the franchise agreement shall be kept on file in the office of the city clerk, and shall be available for public inspection during normal business hours.~~

Sec. 12-25. - Receptacles and containers required.

(a) Requirements.

It shall be the duty of every person in possession, charge or control of any place in or from which ~~business trash, foreign material~~ bulky waste, commercial waste, garbage, ~~household trash~~ rubbish, industrial waste, ~~tree trimmings~~ and yard trash waste is created, accumulated or produced, to provide and at all times to keep in a suitable place readily accessible to the city collection crews or private collection agencies, adequate and suitable receptacles and containers capable of holding all such waste materials which would ordinarily accumulate between the times of successive collections. The owner of any ~~multifamily apartment~~ multi-family dwelling shall furnish or require tenants to furnish proper waste receptacles and containers.

~~Sec. 12-26. Receptacles and containers to be safe.~~

(b) Safety.

All receptacles and containers, as required under this article, shall be of safe construction and design and shall be maintained in good and serviceable condition. Any receptacles or containers which do not conform to the provisions of this article, which have ragged or sharp edges or any other defects reasonably liable to hamper or injure the person collecting the contents thereof or the public generally, shall be promptly replaced upon notice from the city.

~~Sec. 12-27~~

(c) ~~Refuse containers~~ Garbage Carts.

~~Refuse containers~~ For residential waste only, Garbage Carts shall be constructed of heavy plastic or metal and shall have a capacity of not more than ninety-six (96) gallons and no less than thirty-two (32) gallons and be hot-stamped or labeled with the City's logo. Containers or cans shall be equipped with suitable handles, tight-fitting covers or lids with handgrips, shall be watertight and be compatible with the hydraulic lifting and dumping mechanism mounted on the Contractor's Collection vehicles. The City or designee shall be responsible for providing new containers and replacing damaged containers subject to the terms of the Franchise Agreement.

~~Sec. 12-28~~

(d) Yard trash waste containers.

~~Refuse containers~~Garbage carts, two-ply Kraft paper bags meeting the standards set for refuse sacks by the Technical Association of Pulp and Paper Industry and polyethylene biodegradable compostable plastic bags meeting the standards set for trash bags shall be acceptable for use as yard trash waste containers. Paper or plastic bags when filled, shall be capable of being closed by a tight-sealing method of suitable type, such as drawstring, wire tie or multiple folds. These containers shall be in good and serviceable condition and of such shape, size and weight that when full they are capable of reasonably being safely handled by one (1) manperson, or if the weight capacity is beyond the capability of one person, the container shall be compatible with the hydraulic lifting and dumping mechanism mounted on the Contractor's Collection vehicles. ~~Paper or plastic bags when filled, shall be capable of being closed by a tight-sealing method of suitable type, such as drawstring, wire tie or multiple folds.~~

~~Sec. 12-29~~

(e) ~~Mechanized~~ Mechanical container systems.

Mechanized Mechanical container systems and any containers too heavy for one (1) manperson to lift without strain shall be of such design, size and shape as to be hoisted mechanically and to function properly without interference or delay into the dumping position of sanitation collection units. The city shall at all times keep the specifications, diagrams and sizes of such containers which are acceptable to the city for solid waste collection purposes. City collection service shall be refused when any mechanized containers are used which are of a type or design not approved by the city.

~~Sec. 12-30.~~

(f) ~~Open trash bins~~ containers.

No unenclosed ~~trash bin~~container shall be constructed or used without the approval of the city. No ~~bin~~garbage cart shall be used unless it is completely enclosed, including a floor and siding, and is both waterproof and ~~rodentproof~~rodent proof.

Sec. 12-3126. - Preparation for collection.

- (a) *Dangerous trash items.* All dangerous trash items and all waste material of an injurious nature, such as unbroken or broken glass, light bulbs, razor blades, sharp pieces of metal, ~~fluorescent tubes, television tubes~~ and the like, shall be securely wrapped to prevent injury to the collection crews.
- (b) *Yard ~~trash~~waste.* Yard trashwaste may be stored for collection in suitable receptacles and containers as described in this article. The contents of such receptacles or containers shall not extend above the top or rim thereof, and they shall be contained

by tight-fitting lids or sealed enclosure if necessary to prevent the carrying or depositing thereof by the elements upon any street, sidewalk, parkway, or public or private property. Receptacles and containers of yard ~~trash~~ waste shall be placed at curb side for collection in the manner as described in this article. ~~(e) —Tree trimmings and loose yard trash.~~ No tree trunks, tree stumps, tree branches or tree limbs larger than four (4) inches in diameter or longer than four (4) feet, except palm fronds, or which are so heavy or unwieldy as to exceed the capabilities of one (1) ~~man~~person to handle safely, shall be collected. Tree trunks or tree limbs larger than four (4) inches in diameter shall be collected if cut to shorter lengths so that the weight thereof can be handled by one (1) ~~man~~person. Unless such tree trimmings and loose yard ~~trash~~waste are of a size so as not to be blown about and scattered by the elements, the same shall be effectively secured so as to avoid wind-driven debris and unsightly litter conditions.

~~(dc) Foreign material Bulky and industrial waste. Foreign materials and industrial waste, including construction or demolition waste, garbage and rubbish ~~trash, debris from clearing lots, wire, metal, plaster, concrete, blocks and bricks, and discarded furniture and major appliances, including washing machines, clothes dryers, refrigerators, hot water heaters, ranges, bedding and television sets~~ shall be disposed of as provided in the city's franchise agreement for solid waste collection.~~

Sec. 12-3227. - Storage by of commercial establishmentswaste.

All commercial ~~establishments~~ waste shall be stored ~~their refuse~~ in containers or otherwise secure it so as to eliminate wind-driven debris and unsightly litter, ~~in and about their establishments.~~ Approved methods of securing trash shall include containers, bins, fenced or walled trash storage areas.

Sec. 12-3328. - Placement for collection; prohibited accumulations.

All accumulations of ~~refuse~~ rubbish and trash shall be stored or placed for collection in accordance with the following provisions:

(1a) Public streets and private property. No person shall place any accumulations of ~~refuse~~rubbish and trash, whether enclosed in authorized receptacles and containers or loosely accumulated, in any street, alley or other public place of travel, nor upon any private property except the person's own property or swale. In all cases where conditions permit, the placement for collection shall be in the swale area between the street pavement and sidewalk line unless backyard pickup is specifically contracted for. Placement shall be such that no permanent or fixed structures such as mailboxes or fences are within three (3) feet of receptacles or loose waste. Yard ~~trash~~ waste ~~and tree trimmings~~ which are is not in receptacles or containers must be neatly stacked and placed as aforesaid. Garbage ~~containers~~ carts stored in the side or rear yard must be screened with hedges, walls, or fencing so as to be substantially hidden from the street. Garbage ~~containers~~ carts and/or debris may not be stored in the front yard.

(2b) Blockage of storm drains. No person shall place any ~~refuse~~rubbish, trash, garbage ~~cans~~carts or trash bags on, upon or over any storm drain, or so close thereto as to

be drawn by the elements into same, which would result in or tend to cause a blockage of any part of such storm drainage system.

- (3c) ~~Unauthorized accumulations.~~ Any unauthorized accumulation of ~~refuse~~rubbish or trash items on any lot, property, premises, public street, alley or other public place of travel is hereby declared to be a public nuisance and is prohibited. Failure to remove and correct any such unauthorized accumulation of ~~refuse~~ rubbish shall be deemed a violation of this article.
- (4d) Bulky waste and yard waste size limitations. No more than three (3) cubic yards of Construction and Demolition waste will be collected on any scheduled Bulk Collection Day. Collection will occur if and only if generated by the resident from a "do-it-yourself" project. All contractor generated waste shall be removed by the contractor. Other non-construction and demolition bulky waste is not subject to size limitation. Yard waste shall be limited to six (6) cubic yards per scheduled Bulk Collection Day.
- (e) All waste and materials not collected within twelve (12) hours of a pending storm must be removed from the roadway and secured by the property owner and/or tenant.

Sec. 12-3429. - Time allowed for ~~containers~~materials to be out for collection.

~~Receptacles and containers~~Materials, including all garbage, household trash or ~~refuse~~rubbish, bulky waste, construction and demolition waste, and yard waste shall not be placed or set out for collection as set forth in section 12-~~3328~~(1) prior to 4:00 p.m. the day preceding the scheduled collection; and thereafter, all empty receptacles or containers and garbage, trash or ~~refuse~~ rubbish not collected for any reason, shall be picked up by the person in possession, charge or control as set forth in section 12-25, and replaced or returned to the place normally and regularly provided by such person no later than 9:00 p.m. on the day of collection. Each Residential Curbside Customer shall place their garbage carts, yard waste, bulky waste and construction and demolition waste at the designated areas no earlier than 4:00 p.m. the day prior and no later than 7:00 a.m. on the scheduled collection day for such materials.

Sec. 12-350. - Frequency of collection.

- (a) ~~Garbage and household trash accumulated by residences and commercial establishments~~ Residential and Commercial waste shall be collected a minimum of two (2) times each week on regularly scheduled days, except Sundays.
- (b) ~~Commercial establishments, motels, hotels, restaurants, supermarkets, hospitals, schools and other establishments~~ properties claiming it necessary, may have daily collection service, except Sundays. Where necessary to protect the public health, the city shall have the authority to require more frequent collections.
- (c) Frequency of collection may be modified from frequency stated above in subsections 12-30 (a) and (b), subject to approval by Director of Public Works, or designee.

Sec. 12-361. - Construction and demolition debris waste in a ~~single-family or multifamily residentially zoned area~~ of the city.

- (a) ~~Use of exclusive franchisee required in a single-family or multifamily residentially zoned area of the city.~~ Every person, owner, contractor, subcontractor, partnership or corporation ~~who is in possession of a building permit or demolition permit for~~ doing any type of work requiring a mechanical container for whatever purposes from the city in a single-family or multifamily residentially zoned area of the city and is generating construction or demolition refuse, debris~~waste~~, solid waste, or garbage, or does not have a building permit or demolition permit and is generating construction or demolition refuse, debris, solid waste, or garbage, in a single-family or multifamily residentially zoned area of in the city shall use the garbage, refuse, and recycling hauling service of the city's franchisee for all ~~debris, refuse~~rubbish, solid waste, garbage, and recovered materials (including recovered materials from construction and demolition ~~debris~~waste) generated from the site. Further, it is a violation of this section for any such person to use the services of any person, firm or corporation other than the city's franchisee to haul or remove construction or demolition ~~debris~~waste, ~~refuse~~rubbish, solid waste, recovered materials (including recovered materials from construction and demolition ~~debris~~waste) or garbage, from any site in a single-family or multifamily residentially zoned area of the city. Further, it is a violation of this section for any such person other than the city's franchisee to haul or remove construction or demolition ~~debris~~waste, ~~refuse~~rubbish, solid waste, recovered materials (including recovered materials from construction and demolition ~~debris~~waste) or garbage, from any site in a single-family or multifamily residentially zoned area of the city.
- (b) ~~Presumption.~~ The owner of the land on which the construction permit or demolition permit is issued is solely responsible and liable for ensuring that construction and demolition debris, refuse, solid waste, and garbage is removed from the construction or demolition site only by the city's franchisee.
- (c) ~~Site standards.~~ Every construction or demolition site in the city shall be kept free from any accumulation of construction or demolition ~~debris~~waste, ~~refuse~~rubbish, solid waste, recovered materials (including recovered materials from construction and demolition ~~debris~~waste) and garbage. Sites must be cleared of any accumulations on the same day that work is to be done on the site. It is a violation of this section to allow accumulations of ~~debris~~waste, ~~refuse~~rubbish, solid waste, recovered materials (including recovered materials from construction and demolition ~~debris~~waste) or garbage to remain on any construction or demolition site unless properly contained within the city's franchisee's receptacles.
- (d) ~~Receptacles.~~ All construction and demolition ~~debris~~waste, ~~refuse~~rubbish, solid waste, recovered materials (including recovered materials from construction and demolition ~~debris~~waste) and garbage shall be placed in a receptacle designed for said purpose as defined in the city's franchise agreement for waste and garbage collection, and said receptacle shall be obtained from the city's franchisee. It is a violation of this section to place any construction and demolition ~~debris~~waste, ~~refuse~~rubbish, solid waste, recovered materials (including recovered materials from

construction and demolition ~~debriswaste~~) and garbage in any container or vehicle that is not obtained from the city's franchisee.

(ed) *Frequency of collection.* All construction or demolition ~~debriswaste~~, ~~refuserubbish~~, solid waste, and garbage shall be removed from the site after it reaches full capacity within forty-eight (48) hours except on Sundays.

(fe) *Exemptions.* Any exemptions for specific or unusual work that generates construction or demolition ~~debriswaste~~, ~~refuserubbish~~, solid waste, recovered materials (including recovered materials from construction and demolition ~~debriswaste~~) and garbage must have written approval from the city and have the exemption in writing on site during the specific work activity.

Sec. 12-372. - Waste foods, nuisance wastes.

Restaurants and other establishments having waste foods or other ~~refuse~~ rubbish which has an offensive odor or can be described as a nuisance if not collected on a Saturday, Sunday or holiday may, upon the judgment of the city, be collected on Saturday or Sunday on the request of the occupant or on the recommendation of the county health department. All ~~refuse~~ rubbish collections shall be at minimum three (3) times per week. Additional pickups may be mandated by City if required for health and safety.

Sec. 12-383. - Reserved.

Sec. 12-394. - Receptacles on parking lots.

(a) *Duty to furnish.* All public parking lots shall be provided with approved ~~refuserubbish~~ receptacles or containers in sufficient quantity so that there shall be at least one (1) container for every ~~fifty~~ (50) parking spaces. This shall apply to parking lots with a capacity in excess of twenty-five (25) spaces and such parking lots of lesser capacity where the city determines it is in the public interest to require same. It shall be the responsibility of the owner or the manager of the parking lot to collect the ~~refuserubbish~~ and trash deposited in the containers and store this material in an approved location.

(b) *Obligation to use.* It shall be the duty and obligation of all persons using public parking areas, including parking facilities provided by a business for the convenience of its patrons and customers, to use such ~~refuse~~ rubbish receptacles or containers for the purposes intended, and it shall be unlawful for any person to dump, scatter or throw upon any such parking lot any ~~refuserubbish~~, or garbage, ~~trash or rubbish~~ of any kind.

Sec. 12-4035. - Unlawful disposal.

(a) *Vacant lots.* It shall be unlawful for any person to throw any paper, trash or debris upon any vacant or unoccupied lot within the city.

(b) *Streets, gutters, private or public lands, canals, lakes.* It shall be unlawful for any person to throw any ~~paper, trash~~ rubbish, garbage or debris upon any street, alley, park or in any canal or lake, or other public or private property in the city. It shall

further be unlawful for any person to cast or throw, or cause to be cast or thrown into any of the gutters, drains, canals, lakes, or sewers within the city, any garbage, tree or grass cuttings, or other substance calculated to cause any obstruction or nuisance to the gutters, drains, canals, lakes, or sewers.

- (c) *Burying ~~refuserubbish~~; polluting waters.* It is declared to be unlawful and to constitute a nuisance for any person to deposit on or bury in or cause to be deposited on or buried in any public square, street, alley, vacant or unoccupied lot, sidewalk, parkway or bank of any canal, stream or waterway, park or right-of-way, any trash, rubbish, fruit peelings, debris, ~~refuserubbish~~, garbage, brush, cans, boxes, oil or vegetable or mineral matter, or to do any act that will pollute or tend to pollute the waters of any watercourse or pool.

Sec. 12-41. Penalties.

~~Any person, firm or corporation who is found guilty by a court of competent jurisdiction of a violation of any of the provisions of this article shall be fined a maximum of five hundred dollars (\$500.00) per day per violation. Each day that the violation exists shall be considered to be a separate offense.~~

Sec. 12-4236. - Public services on private roadways.

- (a) The city has the authority and responsibility to protect the public health and safety, to enter upon public and private streets, to provide police, fire/EMS, code enforcement, water and wastewater, and solid waste disposal services including debris removal services and other municipal services on a day-to-day basis.
- (b) In a natural or man-made disaster that has caused a declaration of a city-wide state of emergency by the mayor, the city may exercise its authority to implement needed services to protect the public's health, safety and welfare.
- (c) In order to respond to emergency conditions, the city must expeditiously clear debris from all roads, including roads in private communities. This is necessary to eliminate an imminent threat to the public health, safety and welfare.
- (d) ~~After the declaration by the mayor, of a State of Emergency by the city,~~ the city has the authority to enter private roadways for debris removal as necessary, the city is hereby authorized to remove debris from private roads, rights-of-way, and ingress/egress easements in private communities. The actions authorized hereby do not permit debris removal except from streets (and rights-of-way and ingress and egress easements), to clear streets for emergency vehicle travel and delivery of services essential to the public health, safety, and welfare. No other property will be cleared in a private community. This shall apply only to roadways where the city regularly provided access for emergency vehicles and the enforcement of city regulations as well as access for municipal and other public service vehicles. Debris will be removed only where there is unrestricted access during removal times.
- (e) The city shall conduct similar operations on public roadways.

Sec. 12-437. - Penalties.

Any person, firm or corporation who is found guilty by a court of competent jurisdiction of a violation of any of the provisions of this article shall be fined a maximum of five hundred dollars (\$500.00) per day per violation. Each day that the violation exists shall be considered to be a separate offense.

Secs. 12-4338 -12-49. Reserved.

ARTICLE III. RECYCLABLE WASTE

~~DIVISION 1. RESIDENTIALLY ZONED AREAS~~

Sec. 12-50. - Reserved. Definitions.

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

~~*Aseptic/gable top containers.* Those containers, commonly referred to as drink boxes and milk/juice cartons are hereby declared to be recyclable waste.~~

~~*Glass:* A clear, green or brown glass container of any size is hereby declared to be a recyclable waste.~~

~~*Mechanized container.* When used in this article, this phrase means a receptacle, having a capacity greater than thirty-two (32) gallons, and otherwise conforming to the provisions of section 12-29, Code of Ordinances, for all kinds of refuse, as said term is defined in section 12-21.~~

~~*Metal can.* A metal can of any size is hereby declared to be a residential recyclable waste.~~

~~*Newspaper.* Newspaper shall be considered a periodical, usually daily or weekly, printed on "newsprint," and is hereby declared to be a residential recyclable waste.~~

~~*Plastic containers.* Those plastic containers labeled #1 #2 or #3 are hereby declared to be residential recyclable waste.~~

~~*Refuse container.* When used in this article, this phrase means a receptacle, having a capacity of not more than thirty-two (32) gallons and otherwise conforming to the provisions of section 12-27, Code of Ordinances, for ordinary household garbage and household trash, as those terms are defined in section 12-21, Code of Ordinances.~~

~~*Residences.* All residential area dwelling units in the city are designated by the city commission to be part of the recycling program.~~

~~*Residential construction or demolition solid waste.* Residential construction and demolition debris means solid waste from only residential zoned construction or demolition sites, and is material generally considered to be not water soluble and non-hazardous in nature, including but not limited to steel, glass, brick, concrete, asphalt material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure. The term includes rocks, soils, tree remains, trees and other vegetative project and includes those recovered materials source separated on site.~~

~~*Residential recyclable waste.* That waste which is designated by the city as recyclable by ordinance and that is generated from single-family or multifamily residentially zoned areas, and includes materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been~~

~~removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. It includes those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste. It does not include any material that will be ultimately discarded or disposed.~~

Sec. 12-53. - Unauthorized collection.

It shall be a violation of this section for any person, firm or corporation not authorized by the city, in writing through its franchise, to collect or remove any item which has been specifically placed for collection in the city's residential or commercial recycling program.

Sec. 12-54. Rate.

The rate to be charged for such recycling shall be as set by resolution of the city commission. The city commission shall, by resolution, set the rate for recycling, and may establish different rates for those units using mechanized recycling containers and those units which use non-mechanized recycling containers. Failure to pay said charge shall be a violation of this article and, in addition to any other penalty provided herein, may subject said house or unit to an interruption in its water and wastewater service until said charge is satisfied.

Sec. 12-55. - Reserved. Penalty.

~~Upon a finding by the code enforcement board of the city or a court of competent jurisdiction that a person has violated any provision of this article, a fine shall be imposed pursuant to section 1-8, Code of Ordinances, together with any additional fines or penalties imposed by the board or the court.~~

Sec. 12-56. - Hazardous materials.

Containers containing hazardous or noxious wastes shall be excluded from the residential recycling program.

Secs. 12-57—12-59. Reserved.

~~DIVISION 2. NON-RESIDENTIALLY ZONED AREAS~~

Sec. 12-60. - Reserved. Definitions.

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

~~*Commercial establishment* means a use in a non-residentially zoned area which generates recyclable recovered materials.~~

~~*Recyclable construction and demolition sites* are those sites in the city, zoned non-residential, which generates recovered materials as defined by F.S. § 403.703 that are source separated at the site, and fall under the exemption for recovered materials, as contained in F.S. § 403.7046.~~

~~Exclusive franchisee means that one (1) business entity that has an exclusive franchise with the city to collect and dispose of all solid waste and all recyclables from residentially single and multifamily zoned properties and who has an exclusive franchise with the city to collect and dispose of all solid waste excepting non-residentially zoned recovered materials, as provided by F.S. § 403.7046.~~

~~Non-residential recyclable recovered materials from construction or demolition debris on a non-residentially zoned site. Non-residential recyclable construction and demolition recovered materials means recovered materials from non-residentially zoned sites, and includes materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, as defined under F.S. § 403.703, except such materials must be source separated on-site whether or not the recovered materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. The term does not include materials destined for any use that constitutes disposal. It does include those recovered materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste and excludes any recovered material that is not source separated from a de minimis five (5) percent amount of solid waste.~~

~~Non-residential recyclable recovered materials. Those recovered materials which are designated by the city as recyclable by ordinance and statute and that is generated from non-residentially zoned areas, and includes materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the recovered materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. It includes those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste and excludes any material that is not source separated from a de minimis five (5) percent amount of solid waste.~~

~~Non-exclusive recycling construction and demolition debris franchised hauler means any person who has properly registered with the city as a hauler of recyclable recovered materials of construction and demolition debris in a non-residentially zoned area, and who has entered into a franchise agreement with the city.~~

~~Permit shall mean the process where a recovered material recycling facility is approved by the state and complies with the city approval and reporting process and pays the appropriate city fee and receives a permit to accept commercial recycling from the city.~~

~~Recovered materials dealer means any person registered with the State of Florida as a recovered materials dealer pursuant to F.S. § 403.7046, as amended from time to time.~~

Sec. 12-61. All Non-residential Commercial recycling except construction and demolition debris.

- (a) All commercial establishments properties that engage in recycling recovered materials in the city shall register yearly with the city on a form provided by the city by October 1, of each year, and pay a yearly registration fee of one hundred dollars (\$100.00) for each service location in the city. Said form shall contain the name and address of the commercial establishmentproperties, the owner of the commercial

establishment properties, and the name and address of its contracted hauler of recovered materials. If the commercial establishment properties hauls its own recovered materials (an owner hauler), it must provide the name and address of the recovered materials dealer with which it contracts, and the address of the recovered materials processing facility and shall comply with reporting requirements established for the non-exclusive franchise hauler by the city. The owner hauler must also comply with the requirement for disposal of any and all solid waste.

~~(b) All recovered materials generated at the commercial establishment shall be source separated at the premises of the commercial establishment except for a de minimis five (5) percent amount of solid waste.~~

~~(eb) The fee to be registered as a non-exclusive commercial recycling franchised hauler in a non-residential zoned area on commercial properties of the city shall be as established by state law. Said fee shall be payable in semi-annual amounts on dates established by the city. Failure to pay said fee is a violation of this article, and shall subject the violator to immediate revocation of any franchise. Said fee shall be increased to a maximum of thirteen (13) percent of the amount of money a non-exclusive commercial recycling franchised hauler receives from the collection, transportation and sale of recyclable recovered materials (all gross revenues) generated within the city. This franchise fee shall be automatically adjusted to match the solid waste franchise fee as charged by the exclusive solid waste franchise provider unless the fee is specifically amended by the city. The city shall receive quarterly reports on forms provided by the city from the non-exclusive recycling franchised hauler, certified by a certified public accountant as to accuracy, as to all amounts of money from the collection, transportation and sale of recyclable recovered materials generated within the city, and as to the registration of the facility where such recyclables were transported, supported by delivery tickets or other related documentation.~~

Sec. 12-62. - Reserved. Use of exclusive franchisee for construction or demolition debris required in non-residential zoned areas of the city; exceptions.

~~Every person, owner, contractor, subcontractor, partnership or corporation who is in possession of a building permit or demolition permit for whatever purposes from the city in a non-residential zoned area of the city and is generating construction or demolition refuse, debris, garbage, solid waste, or recyclables, or does not have a building permit or demolition permit and is generating construction or demolition refuse, debris, solid waste, garbage or recyclables in a non-residential zoned area of the city shall use the garbage and refuse hauling service of the city's exclusive franchisee for all construction and demolition debris, refuse, solid waste, garbage or recyclables generated from the site except as provided in section 12-63 below. Further, it is a violation of this section for any such person to use the services of any person, firm, or corporation other than the city's exclusive franchisee to haul or remove construction or demolition debris, refuse, solid waste, garbage or recyclables from any site in a non-residentially zoned area of the city, except as provided in section 12-63 below. Further, it is a violation of this section for any such person other than the city's exclusive franchisee to haul or remove construction or demolition debris, refuse, solid waste, garbage, or recyclables from any site in a commercial or industrial zoned area of the city, except as provided in section 12-63 below.~~

Sec. 12-63. – Reserved. – Exceptions to use of exclusive franchisee.

~~Any person who has a construction or demolition permit who has a contract with a legally registered recovered materials dealer, which dealer is registered with the State of Florida as a recovered materials dealer pursuant to F.S. § 403.7046, as amended from time to time, and which recovered materials dealer facility is permitted with the city and is either a non-exclusive recycling construction and demolition franchise hauler or whose hauler has a franchise as a non-exclusive recycling construction and demolition franchised hauler as defined herein, or any person who has a construction or demolition permit who has a contract with a non-exclusive recycling construction and demolition franchised hauler as defined herein shall be permitted to allow said registered dealer or franchised hauler to haul or remove recyclable recovered materials from construction or demolition debris, as defined in section 12-60, from sites only in a non-residential zoned area of the city if said debris is not contaminated by being commingled with more than five (5) percent other non-recyclable material or solid waste. Said recyclable recovered material from construction or demolition debris shall be source separated on the site, be delivered to and processed by a recovered materials processing facility permitted with the city and satisfying the requirements of F.S. § 403.7046, as amended from time to time.~~

Sec. 12-64. - Reserved. – Requirements for non-exclusive recycling construction and demolition franchised hauler.

- ~~(a) All persons who wish to engage in hauling of recyclable recovered materials from a construction and demolition debris site in non-residential zoned areas of the city must be registered as a non-exclusive recycling construction and demolition franchised hauler except owner/haulers and must enter into a non-exclusive franchise agreement with the city. Said agreement shall provide conditions that the non-exclusive hauler shall process all recyclable recovered materials from construction and demolition debris at a duly licensed and city permitted recovered materials facilities only, shall provide hours of collection, indemnification requirements, termination requirements, collection equipment requirements, and insurance requirements as required by the city. The agreement shall also provide a yearly permit sticker fee requirement of twenty five dollars (\$25.00) per vehicle and container, said sticker to be prominently displayed on any container and vehicle. Each owner/hauler must pay the yearly permit sticker fee requirement as established in the non-exclusive franchise agreement for each vehicle and container.~~
- ~~(b) All recyclable recovered materials from construction and demolition debris shall be diverted and source separated or be removed from the solid waste stream on the non-residential construction or demolition site for sale, use, or reuse as raw recovered materials, whether or not the recovered materials require subsequent processing or separation from each other and shall not be commingled with more than a de-minimis five (5) percent residue of solid waste.~~
- ~~(c) The fee to be registered as a non-exclusive recycling construction and demolition franchised hauler in a non-residential zoned area of the city shall be a minimum of four thousand dollars (\$4,000.00) per year. Said fee shall be payable in semi-annual amounts on dates established by the city. Failure to pay said fee is a violation of this article, and shall subject the violator to immediate revocation of any franchise. Said fee shall be increased to a maximum of thirteen (13) percent of the amount of money~~

~~a non-exclusive recycling construction and demolition franchised hauler receives from the collection, transportation and sale of recyclable construction and demolition debris (all gross revenues) generated within the city. This franchise fee shall be adjusted to match the solid waste franchise as charged by the exclusive solid waste franchise provider or as established by the city from time to time. The city shall receive quarterly reports on forms provided by the city from the non-exclusive recycling construction and demolition franchised hauler, certified by a certified public accountant as to accuracy, as to all amounts of money from the collection, transportation and sale of recyclable recovered materials from construction debris generated within the city, and as to the registration of the facility where such recyclables were transported, supported by delivery tickets or other related documentation.~~

~~(d) Recycling facility annual permit fees. The applicant for a recovered material processing facility permit shall pay the city the annual permit fee for the recycling facility of one thousand dollars (\$1,000.00). For each permit obtained between October 1st and March 31st, the full fee for one (1) year shall be paid. For each permit obtained from April 1st to September 30th, one-half (½) of the full fee for one (1) year shall be paid. A decal issued by the city shall be affixed on the windshield (driver's side) on each vehicle operated by applicant or a non-exclusive franchise hauler that is utilizing the permitted recycling facility and operating within the city.~~

~~(e) Reporting requirements.~~

~~(1) Recovered materials haulers and dealers shall comply with the reporting provisions of Rule 62-722.600, F.A.C.~~

~~(2) Recyclable construction and demolition debris haulers shall report the following information monthly:~~

~~a. The location and ownership of all recovered material processing recycling facilities used.~~

~~(3) Designated recovery recycling facilities accepting recyclable recovered materials from construction and demolition debris from haulers operating in the city shall report on forms provided by the city the following information monthly:~~

~~a. The amount and types in tons of recyclable recovered material from construction and demolition recyclables handled, purchased, received, recovered or sold by individual hauler operating in the city;~~

~~b. The amount in tons of any solid waste generated or delivered from the city by individual hauler operating in the city and disposal site.~~

~~(4) Any and all reports made by the non-exclusive recycling construction and demolition franchised hauler or the recovered materials processing facility to any governmental entity shall also be copied to the city.~~

Sec. 12-65. Reserved. – Contamination prohibited.

~~Mixing of recyclable construction and demolition debris with other types of solid waste, including material which is not from the actual construction or destruction of a structure, except for a de minimis amount of not more than five (5) percent will cause it to be considered solid waste, and shall not be hauled or removed except by the city's exclusive franchisee.~~

Sec. 12-66. - Reserved. ~~Duties of non-exclusive commercial recycling franchise holders.~~

~~Restrictions on operating in the city and award of non-exclusive franchise;~~

- ~~(a) It shall be unlawful to commence or engage in the business of collecting and disposing of commercial recovered materials recyclables including construction and demolition debris recovered material recyclables originating in the city without a non-exclusive commercial recycling franchise issued by the franchising authority in accordance with the provisions of this subchapter;~~
- ~~(b) It shall be unlawful for any hauler operating in the city to:
 - ~~(1) Collect any construction and demolition debris recovered material whether capable of recycling or otherwise from any property zoned for residential purposes except for the exclusive solid waste franchise holder;~~
 - ~~(2) To collect any commercial and construction demolition debris recovered material containing more than five (5) percent of solid waste or non-recyclable material except for the exclusive solid waste franchise holder;~~
 - ~~(3) To collect any construction and demolition debris recovered materials nor source-separated on-site of collection and containing more than a de minimis amount of solid waste five (5) percent;~~
 - ~~(4) To deliver any commercial recovered material recyclables (including construction and demolition debris recovered material recyclables) to any facility that has not complied with the city's local reporting process established pursuant to F.S. § 403.7046(3)(b), including payment of the permit fee and compliance with the city reporting requirements;~~
 - ~~(5) Dispose of any solid waste collected in the city including the de minimis five (5) percent remainder from any construction and demolition debris recovered material recycling at any location other than the recourse recovery systems designated in the plan of operation of the solid waste disposal agreement as defined by the code of the city's flow control ordinance;~~~~
- ~~(c) In order to operate a commercial recycling collection operation servicing the city, the hauler must pay the franchise fee as required by this subchapter; deliver to the city the necessary customer account information and comply with the city flow control ordinance and non-exclusive franchise agreement and show proof that the recovered material processing/recycling facility that receives the recovered materials is permitted by the city.~~

Sec. 12-67. Penalty.

Upon a finding by the code enforcement board of the city or a court of competent jurisdiction that a person has violated any provision of this article, a fine shall be imposed pursuant to section 1-8, Code of Ordinances, together with any additional fines or penalties imposed by the board or the court.

Sec. 12-68. Revocation of non-exclusive franchise, or registration.

~~Any person who has registered with the city as a non-exclusive recycling construction and demolition franchised hauler, shall have its registration temporarily or permanently~~

~~revoked if it has consistently and repeatedly violated state laws or city ordinances, rules and regulations. Any person who is found to have more than two (2) notice of violations to any rule or regulation, shall be brought before a special master, appointed by the city commission, with the right of representation, and an opportunity to be heard on the charges. The special master may temporarily or permanently revoke the registration, after hearing from the city and the violator. The decision of the special master is final, and appealable only to the Seventeenth Judicial Circuit in and for Broward County, within thirty (30) days after the decision of the special master.~~

Section 3: Conflicts. That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4: Severability. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

Section 5: Codification. That the provisions of this ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

Section 6: Effective Date. That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 13TH DAY OF APRIL, 2023.

PASSED SECOND READING THIS _____ DAY OF _____, 2023.

Joshua Rydell, Mayor

Attest:

Joseph J. Kavanagh, City Clerk

	<u>1st</u>	<u>2nd</u>
Rydell	<u>Aye</u>	_____
Welch	<u>Aye</u>	_____
Railey	<u>Aye</u>	_____
Brodie	<u>Aye</u>	_____
Wasserman	<u>Aye</u>	_____

CODING: Words in ~~strike through~~ type are deletions from existing text.
 Words in underline type are additions to existing text.
 Asterisks (***) indicate existing text not shown.