

Requested by: City Manager's Office

Prepared by: Public Works Department and City Clerk's Office

ORDINANCE NO. 2022-12

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 54, SOLID WASTE, ARTICLE III, STORAGE, PREPARATION AND COLLECTION OF SOLID WASTE, DIVISION 2, PREPARATION, SECTION 54-61, PREPARATION OF SOLID WASTE, AND ARTICLE V, STORAGE, PREPARATION AND COLLECTION OF RECYCLABLES, DIVISION 2, PREPARATION, SECTION 54-120, PREPARATION OF RECYCLING; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, collection of commercial solid waste and recycling is a service offered in the City of Venice; and

WHEREAS, lids to trash and recycling receptacles that are left open often create a public nuisance, allowing for trash and odor to spread; and

WHEREAS, lids to recycling dumpsters that are left open allows for contamination of the recyclable products, causing rejection of the material at the processing company, additional fees and effort; and

WHEREAS, these changes will allow for proper enforcement ability to fine commercial entities not in compliance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA as follows:

SECTION 1. The above whereas clauses are ratified and confirmed as true and correct.

SECTION 2. Chapter 54, Solid Waste, Article III, Storage, Preparation and Collection of Solid Waste, Division 2, Preparation, Section 54-61, Preparation of Solid Waste, is hereby amended to read as follows:

DIVISION 2. - PREPARATION

Sec. 54-61. Preparation of solid waste.

(a) through (b). No change.

(c) *Commercial solid waste.* All owners or operators of hotels, motels, restaurants, condominiums, schools, churches and other businesses and institutions within the city shall lease city-owned dumpsters or roll-offs of such size and type and at such locations as the director or his designee may reasonably require in order to promote the sanitary, aesthetic and economic collection and disposal of solid waste and recyclables. The dumpsters shall

be kept clean and free from putrescible residue by the lessee. The city shall maintain and repair the dumpsters. With the authorization of the director or his designee, the lease of a 95-gallon solid waste container (automated) may be utilized by certain commercial establishments. The containers will remain the property of the city and shall be kept clean and free from putrescible residue by the lessee. The city will repair and maintain the carts. All commercial customers shall ensure lids remain closed and that all solid waste fits inside the container in such a way that enables the lid to close completely. For customers using open-top roll-off containers, all solid waste shall not extend over the top of the container and obstruct the covering system for the container.

SECTION 3. Chapter 54, Solid Waste, Article V, Storage, Preparation, and Collection of Recyclables, Division 2, Preparation, is hereby amended as follows:

DIVISION 2. - PREPARATION

Sec. 54-120. Preparation of recycling.

(a) No Change.

(b) *Commercial recycling.* Commercial customers shall use city provided recycling containers only. Commercial customers are offered 94-gallon carts as well as dumpsters and roll-offs for cardboard. Charges apply for all containers. Materials may be comingled in 94-gallon carts. Dumpsters and roll-offs are for cardboard only. Lids on cardboard dumpsters must be kept closed to prevent water contamination. ~~Additional charges for contamination may apply if lids are not closed.~~ Commercial customers using dumpsters or roll-offs must make sure the materials will free-flow when the container is emptied. Commercial customers must schedule yard waste collection and additional charges will apply.

SECTION 4. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 5. If any part, section, subsection or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional or invalid for any reason, such part, section, subsection or other portion, or the prescribed application thereof, shall be severable and the remaining provisions of this ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The city council specifically declares that no invalid or prescribed provision or application was an inducement to the enactment of this ordinance and that it would have enacted this ordinance regardless of the invalid or prescribed provision or application.

SECTION 6. This Ordinance shall become effective immediately upon its approval and adoption, as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 14th DAY OF JUNE 2022.

First Reading: May 24, 2022

Final Reading: June 14, 2022

Adoption: June 14, 2022

Ron Feinsod, Mayor

ATTEST:

Kelly Michaels, MMC, City Clerk

I, Kelly Michaels, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the Venice City Council, at a meeting thereof duly convened and held on the 14th day of June 2022, a quorum being present.

WITNESS my hand and the official seal of said City this 14th day of June, 2022

Kelly Michaels, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney