

Requested by: Public Works
Prepared by: City Attorney and City Clerk

ORDINANCE NO. 2017-04

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA AMENDING THE CODE OF ORDINANCES CHAPTER 54, SOLID WASTE, ARTICLE III, PREPARATION, COLLECTION AND DISPOSAL, DIVISION 1, GENERALLY, SECTION 54-51, STORAGE AREAS TO BE SCREENED; DIVISION 2, CONTAINERS, SECTION 54-73, LOCATION, DESIGN AND MAINTENANCE OF DUMPSTERS; DESIGNATING PROPERTY OWNER RESPONSIBILITIES FOR CONSTRUCTION AND MAINTENANCE OF SCREENINGS AND ENCLOSURES AND PROVIDING AND MAINTAINING LOCATION ACCESS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the city is obligated to provide a clean and sanitary city to promote the public's health, safety and welfare; and

WHEREAS, the city's department of public works provides solid waste collection services to assure that the city remains clean and sanitary; and

WHEREAS, each residence and business in the city has the responsibility to prepare the trash and recycling that is to be collected by the city in a manner that complies with city rules and regulations so that the city remains clean and sanitary.

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, Preparation, Collection and Disposal, Division 1. Generally, Section 54-51, Storage areas to be screened is hereby amended to read as follows:

Sec. 54-51. Storage areas to be screened.

In all zoning districts except one- and two-family districts, recyclables, trash and garbage, and containers for recyclables, trash and garbage shall be screened on at least three sides in such a manner that trash containers are not visible from the street on which they are located or from adjacent residentially zoned properties. Screens and enclosures shall be constructed of vinyl fencing or vinyl-coated chain link with vinyl slats, except properties in an architectural control district shall comply with the requirements set forth in the Architectural Guidelines Handbook. If containers are located closer than 30 feet to the street or property line, the containers shall be enclosed completely with an appropriate gate. Construction and maintenance of screening and enclosures shall be the exclusive responsibility of the property owner. Horticultural trimmings placed at curbside in accord with city trash regulations are exempt from these requirements. Prior to the construction of an enclosure, plans shall be submitted to the director or his designee for approval.

SECTION 3. Chapter 54, Solid Waste, Article III, Preparation, Collection and Disposal, Division 1. Generally, Section 54-73, Location, design and maintenance of dumpsters is hereby amended to read as follows:

Sec. 54-73. Location, design and maintenance of dumpsters.

All dumpsters shall be easily accessible from the street by the collection vehicles, shall be located on firm, level ground ~~or on a concrete or asphalt~~ pad from the storage point to an accessible collection point, shall have proper washing and drainage facilities at the location, and shall be designed or equipped to prevent spillage or leakage during on-site storage or service. Roll-out service is available at an extra fee for dumpsters that are not readily accessible for collection. Providing and maintaining acceptable access to a location approved for a dumpster shall be the exclusive responsibility of the property owner. All trash to be collected shall be placed inside the dumpster by the property owner or tenant.

SECTION 4. All Ordinances or parts of Ordinances in conflict herewith shall 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 take effect immediately upon approval and adoption as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 28TH DAY OF FEBRUARY 2017.

First Reading: February 14, 2017
Final Reading: February 28, 2017

Adoption: February 28, 2017

Rich Cautero, Vice Mayor

ATTEST:

Lori Stelzer, MMC, City Clerk

I, LORI STELZER, 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 28th day of February 2017, a quorum being present.

WITNESS my hand and the official seal of said City this 28th day of February 2017.

Lori Stelzer, MMC, City Clerk

APPROVED AS TO FORM:

City Attorney