

**ORDINANCE NO. 2018-18**

**AN ORDINANCE OF THE CITY OF VENICE, SARASOTA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 54, SOLID WASTE; INCLUDING DEFINITIONS; PROHIBITED ACTIONS; STORAGE, PREPARATION, AND COLLECTION OF SOLID WASTE AND RECYCLING; AND INCREASING RATES AND CHARGES FOR SOLID WASTE, RECYCLING, AND ROLL OFF SERVICE; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, City Council recognized that solid waste and recycling services may change over time for various reasons such as improved service, lower cost or increased recycling percentage; and

**WHEREAS**, City Council granted staff the authority (after informing City Council) to implement service changes on a temporary basis of up to one year even when the changes are not wholly in accordance with all provisions of the City Code of Ordinances ("Code"); and

**WHEREAS**, City Council desires to update the Code to reflect modifications or clarifications to service that have been implemented over time, including certain minor revenue categories; and

**WHEREAS**, solid waste and recycling services are phasing in automated collection of solid waste over a four-year period; and

**WHEREAS**, the Code is being modified to clarify the rules in regard to storage, preparation and collection of solid waste and recyclables, and prohibited actions.

**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 I, In General, and Article II, Administration are amended to read as follows:

**ARTICLE I. IN GENERAL**

**Sec. 54-1. Definitions.**

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

*Approved collector* means persons approved by the solid waste and recycling divisions to collect recyclable materials, yard trash or solid waste.

*Biomedical waste* means any solid waste or liquid waste that may present a threat of infection to humans. The term includes, but is not limited to, nonliquid human tissue and body parts; laboratory and veterinary waste that contains human-disease-causing agents; discarded disposable sharps; human

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blood and human blood products and body fluids; and other materials that in the opinion of the department of health represent a significant risk of infection to persons outside the general facility. The term does not include human remains that are disposed of by persons licensed under F.S ch. 497.

*Biological waste* means solid waste that causes or has the capability of causing disease or infection and includes, but is not limited to, biomedical waste, diseased or dead animals, and other wastes capable of transmitting pathogens to humans or animals. The term does not include human remains that are disposed of by persons licensed under F.S ch. 497.

*Commercial customers* may include, but are not limited to, manufacturers, wholesale and retail establishments, home businesses, restaurants, shopping centers, campgrounds, nontaxable churches, recreational vehicle parks and day-use recreational areas, retirement facilities, nursing homes, assisted-living facilities, licensed child-care facilities, and all other establishments not classified as residential which produce or accumulate solid waste and maintain centralized locations for solid waste bins or containers.

*Construction and demolition debris* means discarded materials generally considered to be not water soluble and nonhazardous in nature from the construction, destruction or renovation of a structure including, but not limited to, steel, glass, brick, concrete, asphalt, roofing material, pipe, wallboard, and lumber, as well as rocks, tree remains, trees and other vegetative matter that normally results from land clearing or land development operations. Mixing of construction and demolition debris with other types of solid waste will cause the resulting mixture to be classified as other than construction and demolition debris. The term construction and demolition debris includes:

- (1) Clean cardboard, paper, plastic, wood and metal scraps from a construction project;
- (2) Yard waste and unpainted non-treated wood scraps and wood pallets from source other than construction or demolition projects;
- (3) Scrap from manufacturing facilities which is the type of material generally used in construction projects and which would meet the definition of construction and demolition debris if it were generated as part of a construction or demolition project. This includes debris from the construction of manufactured homes and scrap shingles, wallboard, siding concrete, and similar materials from industrial or commercial facilities; and
- (4) Minimal amounts of other nonhazardous wastes that is generated at construction or destruction projects provided such amounts are consistent with the best management practices of the industry.

*Curbside* means placement of solid waste, yard waste, or recyclables within three feet of the curb line or paving line of the nearest street, or in the case of a drainage ditch, at a point within said dimensions adjacent to the nearest driveway.

*Director* means the director of the department assigned to manage solid waste, currently the public works department.

*Disaster* means any natural, technological, or civil emergency that causes damage of sufficient severity and magnitude to result in a declaration of a state of emergency by the city's mayor or city manager, the Sarasota Board of County Commissioners, the Governor of Florida or the President of the United States.

*Disaster area* means the geographical area of the city that has suffered extensive property damage as the result of a disaster, which damage presents an immediate threat to the public's health and safety,

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a threat of additional damage to improved property, and/or impacts the economic recovery of the community. A declared disaster area may be less than the entire incorporated city limits.

*Disaster debris* means scattered items and materials either broken, destroyed or displaced by a disaster, including, but not limited to, trees and woody debris, construction and demolition materials, personal property and/or mud, silt, gravel, and sediment.

*Disaster debris hauler* means any business entity or person designated by the city to collect and transport disaster debris.

*Gated community* means a residential community with restricted vehicular access.

*Hazardous waste* means solid waste, or a combination of solid wastes, 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 transported, disposed of, stored, or otherwise managed. The term does not include human remains that are disposed of by persons licensed under F.S. ch. 497.

*Land clearing debris* means the uprooted or cleared vegetation resulting from a land clearing operation and does not include residential yard waste.

*Person* means any and all persons, natural or artificial, including any individual, firm, or association; any municipal or private corporation or existing under the laws of this state or any other state; any county of this state; and any governmental agency of this state or the federal government.

*Private road* means a private vehicular access way which is not dedicated to the public and is not publicly maintained.

*Properly prepared* means materials are in their proper container or tied appropriately in bundles not exceeding four feet in length and each container and bundle does not exceed 40 pounds.

*Recovered material* means, but is not limited to, 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 waste stream for sale, use, or reuse as raw material, 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. Recyclable materials may also be recovered materials.

*Recyclable materials* means those materials which are capable of being recycled including:

- (1) *Additional recyclable materials* means materials that should be recycled but are not part of the Sarasota County Mandatory Recycling Program, including but not limited to, lead acid batteries, household batteries, scrap metals, latex paint, paperboard, carpeting, carpet pad, food waste, drywall and textiles.
- (2) *Clean wood waste* means construction and demolition debris from commercial customers which is capable of being processed into mulch, including wood pallets, wood construction materials (except chromated copper arsenate pressure treated wood) and land clearing debris.
- (3) *Recyclable construction and demolition debris* means debris from commercial customers which is capable of being economically recycled, including, but not limited to, wood pallets, wood construction materials, scrap metal and concrete, brick, or asphalt. Recyclable construction and demolition debris shall not include land clearing debris.

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- (4) Program recyclables mean container and paper program recyclables that have been designated by the Sarasota County Board of County Commissioners as recyclable materials for residential and commercial customers, including the following:

a. Container program recyclables means the various container categories defined below:

1. Aluminum cans means used beverage containers.
2. Aluminum foil means aluminum sheets or wrapping, clean of food, commonly used in food preparation or storage whether in sheets or formed into flexible containers such as food trays.
3. Glass means any food or beverage container constructed of glass of any color.
4. Plastic bottles means the following plastic bottles with a neck, (as coded and labeled on the item by number placed inside a triangle and letters placed below the triangle pursuant to F.S. § 403.708(9)), as may be amended from time to time: polyethylene terephthalate (coded and labeled PET, #1) high density polyethylene (coded and labeled HDPE, #2), vinyl (coded and labeled V, 3), low-density polyethylene (coded and labeled LDPE, 4), polypropylene (coded and labeled PP, 5), other resin (coded and labeled OTHER, 7).
5. Polycoated paper carton means aseptic boxes and gable top containers such as juice boxes, brick packs, and milk and juice cartons.
6. Steel and tin cans means food or beverage containers which consist primarily of ferrous metals, commonly called tin cans and steel jar lids, and empty aerosol containers.

b. Paper program recyclables means the various paper categories defined below:

1. Corrugated cardboard means cardboard with folded ridges, grooves, or wrinkles placed between flat paper surfaces and commonly used for cartons or boxes. All corrugated cardboard shall be flattened and either cut down to size, no more than two feet by three feet. Staples and tape with water-soluble glues do not have to be removed. Wax-coated cardboard is not acceptable.
2. High grade and other mixed means magazines and catalogs composed of glossy paper, telephone books, white or colored bond paper, book paper, computer paper, cotton fiber content paper, duplicator paper, manifold business forms, mimeo paper, office paper, printing paper, stationery, writing paper, photocopy or copy machine paper, laser paper, paper envelopes with or without plastic windows, carbonless (NCR) paper, brown Kraft paper, paper grocery bags, tabulating cards, facsimile paper, and manila folders, but excludes paper coated or contaminated with metallic, plastic, wax, carbon, ammonia or nonsoluble glue.
3. Newspaper means dry newsprint including advertising inserts delivered in the newspaper, but excluding aged, yellowed, sunburned paper or water saturated paper. Plastic sleeves shall be removed from newspaper before they are placed in the recycling container.

Recycling container means any container authorized and approved by the city for the collection of recyclable materials, including but not limited to, recycling bins, carts, dumpsters and roll-offs. Plastic bags shall not be used in lieu of or within recycling containers.

Residential living unit means any place of abode or shelter suitable for and used as the residence for a single family, including single-family dwellings and dwelling units within manufactured home dwellings, two-family dwellings and multi-family dwellings, but not including hotels, motels, businesses and other institutions.

Residential yard waste means landscaping debris, including, but not limited to, tree and hedge trimmings, palm fronds, and grass clippings, generated by a residential customer upon his property upon which a residential living unit exists. Yard waste generated by a commercial lawn-care service is not considered residential yard waste.

Roll-off container means a detachable container ranging in size from ten cubic yards to 40 cubic yards used for construction and demolition debris, yard waste or solid waste.

Solid waste means sludge unregulated under the Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or government operations. This term does not include disaster debris.

Solid waste container (automated) means a container capable of being grasped and lifted for collection by the city's automated collection equipment that is also a wheeled, watertight receptacle of impervious material with a tight-fitting lid suitable to protect the contents from insects, rodents and other animals, of a capacity not to exceed 95 gallons, which is provided by the solid waste division to each residential dwelling unit.

Solid waste container (manual) means a traditional wheeled or non-wheeled, watertight receptacle of impervious material with a tight-fitting lid suitable to protect the contents from insects, rodents and other animals of a capacity not to exceed 35 gallons and provided by the property owner or tenant.

Special waste means solid wastes that can require special handling and management, including, but not limited to, white goods, waste tires, used oil, lead-acid batteries, construction and demolition debris, ash residue, yard trash, and biological wastes.

White goods include discarded air conditioners, heaters, refrigerators, ranges, washers, water heaters, freezers, and/or other similar domestic or commercial large appliances.

#### **Sec. 54-2. Penalty; jurisdiction of code enforcement board.**

- (a) Any person violating any of the provisions of this chapter, upon conviction thereof, shall be punishable as provided in section 1-14. Each day the violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.
- (b) Violations of this chapter shall also be under the jurisdiction of the code enforcement board.

#### **Sec. 54-3. ~~Dumps~~ Prohibited actions.**

- (a) Dumping. No land in the city shall be used, maintained, or permitted to be used or maintained as a dump.

- (b) Illegal placement. No person shall place any solid waste in any street, right-of-way, alley or other public place within the city unless it is properly prepared for collection or under express approval granted by the director.
- (c) Scattered waste. No person shall cast, place, sweep or deposit anywhere within the city any solid waste in such manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises within the city.
- (d) Burning waste. No solid waste, trash or waste materials shall be burned within the city unless a written permit for such burning is first obtained from the city fire department.
- (e) Unauthorized accumulation of waste. Any unauthorized accumulation of solid waste on any premises is hereby declared to be a nuisance and is prohibited.
- (f) Unauthorized removal of recyclable materials. It shall be unlawful and a violation of this chapter for any person, without approval from the solid waste and recycling divisions, to collect, pick up, remove, or cause to be collected, picked up or removed any recyclable materials from the curb or authorized, centralized location specified for collection. The collection, pickup or removal of each recyclable materials item shall constitute a separate offense and a violation of this chapter. Any person selling recyclable materials or who has contracted with an outside hauler for collection shall report the quantity of material recycled to the director annually for reporting purposes pursuant to F.S. § 403.706.
- (g) Combining recyclables with yard waste or solid waste.
  - (1) Notwithstanding any other provision of law to the contrary, it shall be a violation of this chapter for any person to combine recyclable materials or yard trash with nonrecyclable solid waste in any combination or amount other than that approved by the city, or to dispose of recyclable materials or yard trash in any manner other than recycling or composting.
  - (2) Any recyclable material that is combined with solid waste and cannot be easily separated prior to collection will be an extra collection at an additional bulk collection fee.

**Sec. 54-4. ~~Collection and disposal by the city.~~ Authority to collect and dispose.**

- (a) *Generally.* All solid waste accumulated in the city shall be collected, conveyed and disposed of by the city.
- (b) *Exception for commercial establishments.* This chapter shall not prohibit the actual producers of solid waste or the owners of premises upon which solid waste has accumulated from personally collecting, conveying and disposing of such solid waste ~~provided that if~~ such producers or owners comply with the provisions of this chapter and with all other applicable laws and ordinances. This section shall not be construed to provide for or as allowing collection, conveyance and disposal by contract or subcontract.

**Sec. 54-5. Hauling ~~solid waste~~ within the city.**

- (a) Requirements for hauling. Persons who desire to dispose of waste material not included in the definition of solid waste or otherwise not collected by the city, and collectors of solid waste from outside of the city who desire to haul over the streets of the city, shall use a watertight vehicle provided with a tight cover and so operated as to prevent offensive odors escaping therefrom and solid waste from being blown, dropped or spilled. Disposal of solid waste by

persons so permitted shall be made outside the city limits unless otherwise specifically authorized by the director.

- (b) Adequate covers required. No person shall use or permit to be used any vehicle to convey solid waste, including sand, dirt, shell and redi-mix concrete, without providing and utilizing adequate equipment or covers for fastening and retaining such material within any vehicle so as to prevent spillage, leakage or littering from such vehicle.

**Secs. 54-6—54-30. - Reserved.**

## **ARTICLE II. ADMINISTRATION**

### **Sec. 54-31. Authority of director of public works.**

All solid waste refuse and recyclable materials in the city shall be collected and disposed of by the city under the supervision of the director of public works. The director shall have the authority to:

- (a) Preparation regulations. Make regulations concerning the days of collection, type and location of solid waste and recycling containers, and such other matters pertaining to the collection, conveyance and disposal of solid waste or recyclable materials as he shall find necessary, and change and modify the regulations after reasonable notice, provided that such regulations are not contrary to the provisions of this chapter.
- (b) Determine eligibility of debris. Exercise his reasonable discretion to determine what types of solid waste and recyclables cannot be collected due to risk of damage to city equipment or lack of adequate city facilities for the collection and disposal of such types of solid waste and recyclables.
- (c) Determine an appropriate fee. ~~or the applicable scheduled fee for services.~~ Where a property is devoted to mixed commercial and residential uses or where multifamily residences do not have sufficient room for dumpsters or where there are other practical service problems, the director shall have the authority and discretion to determine the appropriate type and rate of service and the appropriate scheduled fee therefor.
- (d) Temporary regulations. With the consent of city council, make regulations on a temporary basis not to exceed one year for the collection, conveyance or disposal of solid waste or recyclable materials that may be contrary to the provisions of this chapter.

### **~~Sec. 54-32. Application for service; change in service.~~**

- ~~(a) Application for service. Each new customer shall file in writing with the city finance department an approved application for solid waste and recycling collection service, showing thereon the applicant's billing or mailing address, the legal description of the premises to be served, and the type and frequency of service desired.~~
- ~~(b) Charge for change in service. Each customer shall pay a service charge of \$15.00 for each and every subsequent application for a change in the type or frequency of service.~~
- ~~(c) Charge for reinstatement of service. Where service is discontinued for cause or at the request of the customer, the customer shall pay a charge of \$25.00 for a reinstatement of service, together with all unpaid balances for previous service, including fees, penalties and any costs of collection.~~

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- ~~(d) Service conversion. No conversion from container to dumpster or from dumpster to container will be made without the consent of the director. Where the size or number of service conversions will cause an adverse impact on city equipment, operations or finances, the director may withhold consent to convert until the city can adjust its equipment, operations or finances so as to minimize any such adverse impact.~~

**Secs. 54-32—54-50. - Reserved.**

**SECTION 3.** Chapter 54, Solid Waste, Article III, Preparation, Collection and Disposal is deleted in its entirety and replaced with the following:

### **ARTICLE III. STORAGE, PREPARATION, AND COLLECTION OF SOLID WASTE**

#### **DIVISION 1. STORAGE**

**Sec. 54-51. Storage of solid waste.**

- (a) Residential Solid Waste - All Services. All containers shall be stored off the right-of-way prior to being brought curbside on the day of collection.
- (b) Commercial Solid Waste – All Services. In all zoning districts, excluding neighborhoods comprised solely of single- and two-family dwellings, containers for solid waste shall be stored in an enclosure that meets the requirements of subsection (c), below, such that the containers are not visible from the street on which they are located or from adjacent residentially zoned properties. Storage areas shall be free from debris and structurally sound.
- (c) Enclosure Standards - Minimum Standards. Enclosures for commercial solid waste containers shall consist of screening on at least three sides 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. In lieu of vinyl fencing or vinyl-coated chain link with vinyl slats, enhanced architectural designs including vegetative buffering, masonry facing, and other aesthetically upgraded fencing may be substituted, if approved by the city. If an enclosure is located closer than 30 feet to the street or property line, the enclosure shall be completed with an appropriate gate. Interior dimensions of newly constructed enclosures shall be a minimum of 12 ft. by 16 ft. for one dumpster and 12 ft. by 32 ft. for two dumpsters. All containers must have a minimum of 24 inches of clearance on both sides. If this cannot be achieved, the property owner must sign a hold harmless agreement releasing the city from all responsibility for damage. All containers must be serviced from a flat and level surface. The city will not be responsible for containers that may roll due to gravity because of an unsafe slope or incline. Construction and maintenance of enclosures shall be the exclusive responsibility of the property owner. Maintenance and repairs to the container enclosures must be completed within 14 days of written notice from the city being received by the property owner or designee. Enclosures must be kept free from debris other than city owned containers. The city will not be held responsible for damage to enclosures, including gates, through the course of normal business operations. Prior to the construction of an enclosure, plans shall be submitted to the director or his designee for approval.

**Secs. 54-52—54-60. - Reserved.**

#### **DIVISION 2. PREPARATION**

**Sec. 54-61. Preparation of solid waste.**

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- (a) Residential Solid Waste – Manual Service. Those residents who have manual solid waste collection shall provide solid waste containers (manual) of such size and type, and at such locations, as the director may reasonably require in order to promote the sanitary, aesthetic and economic collection and disposal of solid waste. No container placed curbside for collection shall weigh more than 40 pounds. All solid waste, before being placed in containers for collection, shall have all free liquids drained from it and may be wrapped in paper and placed in appropriate plastic or paper bags. Only solid waste shall be placed in the containers.
- (b) Residential Solid Waste – Automated Services. For residents with automated solid waste collection, one solid waste container (automated) will be provided. All solid waste, before being placed in containers for collection, shall have all free liquids drained from it and may be wrapped in paper and placed in appropriate plastic or paper bags. Residents may choose from 35-, 65- or 95-gallon cart sizes. Each cart will be embedded with a radio frequency identification tag that will designate each cart to a specific property. Carts remain the sole property of the city. Residents requesting a second cart will pay an additional fee. Only solid waste shall be placed in the containers.
- (c) Residential Solid Waste – Special needs customers. Customers physically unable to place containers at curbside shall receive non-curbside service at no extra charge. The director shall determine eligibility for such service. The director is authorized to request medical verification of eligibility for such service. Containers must be visible from the road.
- (d) Commercial Solid Waste - Manual Services. Commercial customers who have manual solid waste collection shall provide solid waste containers (manual) of such size and type, and at such locations, as the director may reasonably require in order to promote the sanitary, aesthetic and economic collection and disposal of solid waste. No container placed curbside for collection shall weigh more than 40 pounds.
- (e) Commercial Solid Waste - Automated Services. 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 65- or 95-gallon solid waste containers (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 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.

**Secs. 54-62 – 54-72. Reserved.**

### **DIVISION 3. COLLECTION**

**Sec. 54-73. Collection of solid waste.**

- (a) Residential Collection Service.

- (1) Frequency. Generally, solid waste will be collected twice each week. On legal holidays and days in which the sanitary landfill is closed, collection of solid waste will not be made and

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collection for those persons affected will resume on their next regularly scheduled day of collection for solid waste.

(2) *Placement of Containers - Manual Services.* Containers shall be placed curbside for collection at ground level on the property being served. Containers shall be placed a minimum of three feet away from other objects. All containers shall be stored prior to being brought curbside no later than 7 a.m. on the day of collection and removed from the curbside and brought back to storage by 6 p.m.

(3) *Placement of Containers - Automated Services.* Containers shall be placed curbside for collection at ground level on the property being served. All containers shall be stored prior to being brought curbside no later than 7 a.m. on the day of collection and removed from the curbside and brought back to storage by 6 p.m. Containers shall be placed a minimum of three feet away from other objects. The arrows on the topside lid of the container must point towards the street. All solid waste must fit inside the container in order to be serviced.

(4) *Limitations - Manual Services.* On each collection day, the city shall collect an unlimited amount of properly prepared solid waste from each residential living unit.

(5) *Limitations - Automated Services.* On each collection day, the city shall collect the solid waste container (automated) assigned to each residential living unit.

(6) *Liability* - The city will not be responsible for damage to any access gate, private road, driving surface, pavement or accompanying sub-surface and entire container placement site except due to intentional, grossly negligent or willful misconduct by the city. All gated communities shall ensure that the gates are in working order.

(b) *Commercial Collection Services.*

(1) *Frequency.* Generally, collection for commercial customers with automated cart or manual can service will be twice each week. Commercial customers with dumpster service may choose to have the dumpster collected from once to six times weekly. Commercial customers with roll-off service may choose to be on an on-call collection service or a scheduled collection service of one to six times weekly.

(2) *Placement of Containers - Generally.* All containers shall be easily accessible from the street by the collection vehicles, shall be located on firm, level ground 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. Overloaded containers may be charged an additional fee and solid waste not placed within the dumpster will not be collected. Providing and maintaining acceptable access to a location approved for a container shall be the exclusive responsibility of the property owner. The property owner shall provide unobstructed access to the containers on the scheduled collection day. Failure to do so may result in an additional fee for a return trip service.

(a) *Dumpster Services.* Rollout service is available for an extra fee for dumpsters that are not readily accessible for collection. The property owner shall maintain the enclosure structure and gates in working order at all times.

(b) *Can or Cart Services.* The property owner shall maintain the enclosure.

(c) *Roll-off Services.* The property owner shall maintain any permanent roll-offs in an enclosure meeting the standards of section 54-51(c).

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(3) Limitations. The city shall collect a reasonable accumulation of solid waste from hotels, motels, restaurants, schools, churches and other businesses and institutions during the collection period according to the rate schedule set forth in article VI of this chapter. The director shall have the authority to refuse to collect extra amounts or to make an additional charge for such amounts.

(4) Liability. The property owner shall ensure that any right of way provided by the customer for the city's equipment is sufficient to bear the weight of all the city's equipment and vehicles reasonably required to perform service contracted. The city will not be responsible for damage to any private road, driving surface, pavement or accompanying sub-surface and entire container placement site except due to negligence or willful misconduct by the city. The city shall not be responsible for normal wear and tear of any part of a container enclosure.

**Secs. 54-74 – 54-83. Reserved.**

#### **DIVISION 4. OTHER WASTES**

**Sec. 54-84. Hazardous and special waste.**

- (a) Materials not collected by city. No person shall place the following materials or items out for collection and disposal in the municipal solid waste program:
  - (1) Biohazardous or biological waste.
  - (2) Lead-acid batteries.
  - (3) Hazardous waste.
  - (4) Incinerator ash, excluding ash from human and animal cremation.
  - (5) Whole tires.
- (b) Disposal. The hazardous and special wastes identified in subsection (a) shall be recycled, except incinerator ash, or placed in special management areas for storage, collection or disposal in accordance with applicable federal, state and local permits and requirements.
- (c) Household hazardous waste collection program. Residential customers may dispose of household waste with hazardous components at times and locations designated by Sarasota County pursuant to the Sarasota County household hazardous waste collection program or pursuant to disposal methods authorized or recommended by the director.
- (d) Combining hazardous waste with other waste. Notwithstanding any other provision of law to the contrary, it shall be unlawful and a violation of this chapter for any residential or commercial customer to combine hazardous waste with any recyclable materials, yard waste or other solid waste for collection or disposal.
- (e) Commercial customers. Commercial customers shall contract with a licensed and permitted hazardous or biohazardous waste transportation and treatment, storage or disposal facility for disposal or recycling of hazardous waste.
- (f) Recovery of damages caused by violations. The city shall be entitled to recover damages from any person violating this section. The recoverable damages shall include, but not be limited to, the cost of disposal of the biohazardous waste or hazardous waste, together with a reasonable administrative charge for such service, as well as attorney fees and costs incurred in collection efforts, trial or appellate proceedings. This remedy shall be in addition to all other remedies available to the city for such violations.

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**Sec. 54-85. Bulk waste.**

**(a) Residential Bulk Collection – Solid Waste**

(1) Residential Collection – Manual Services. Solid waste items that are longer than two feet by four feet and/or weigh more than 40 pounds can be collected curbside, by appointment for a fee.

(2) Residential Collection – Automated Services. Solid waste items that are longer than two feet by four feet and/or weigh more than 40 pounds and/or do not fit inside the city provided collection cart can be collected curbside, by appointment for a fee.

**(b) Residential Bulk Collection – Recycling**

(1) White Goods Collection – All Services. White goods will be collected at no additional fee. All white goods for collection must be curbside at the property they were generated from on the appointed day, and not set under power lines or tree branches. White goods must be a minimum of three feet from any other object.

(2) Yard Waste Collection – All Services. Yard waste consisting of more than that allowed by section 54-120(a)(2) is collected by appointment only. Each residential living unit is allowed two 20-yard collections each fiscal year free of charge. For amounts greater than the two 20-yard collections per year, a fee will be charged in accordance with article VI of this ordinance. Only brush, small branches, fronds, bushes, shrubs, or leaves can be included in this collection. No stumps, logs, trees or branches measuring larger than eight inches in diameter may be included. Piles of yard waste must be curbside at the property they were generated from and not set under power lines or tree branches. Piles must be a minimum of three feet from any other objects.

**(c) Commercial Bulk Collection. Commercial customers may schedule an appointment for bulk item collection for a fee.**

**Secs. 54-86—54-90. - Reserved.**

**SECTION 4.** Chapter 54, Solid Waste, Article IV, Recycling, is amended to read as follows:

**ARTICLE IV. RECYCLING**

**Sec. ~~54-131~~ 54-91. Educational and promotional programs.**

Programs shall be implemented for the purpose of educating the citizens of the city concerning recycling requirements, promoting recycling among the citizens, reducing the amount of hazardous waste generated by households and commercial uses, and proper collection and handling of recyclable materials, yard trash, household waste with hazardous components and nonrecyclable solid waste. Appropriations and expenditures for educational and promotional purposes pursuant to this section are declared to be for a lawful public purpose.

**Sec. ~~54-132~~ 54-92. City procurement policy regarding purchase of products with recycled content.**

The city shall purchase products or materials with recycled content when they are available at reasonable prices within a reasonable period of time and meet the performance standards and applicable specifications or standards of the city.

**Sec. ~~54-133~~ 54-93. Ownership of recycling containers.**

The City of Venice Code of Ordinances is amended as follows with ~~strike through text~~ identifying deletions and underlined text indicating additional language.

Containers for recycling which may be provided to users shall be and remain the sole property of the city. It shall be unlawful and a violation of this chapter for any person to use such containers for any other purpose than storing recyclable materials for collection, to intentionally damage or destroy such containers, or to fail to return such containers to the city when no longer used for such purpose.

**Sec. ~~54-134~~ 54-94. Ownership of recyclable materials.**

Prior to the time of placement of recyclable materials at the curb or location specified for collection, this chapter shall not limit the right of, or prohibit, any person from donating, selling or otherwise lawfully recycling recyclable materials. From the time of placement of residential recyclable materials at the curb or other authorized, centralized location specified for collection, such recyclable materials shall become and be the sole property of the city or its authorized agent.

**Sec. ~~54-135~~ Unauthorized removal of recyclable materials.**

~~It shall be unlawful and a violation of this chapter for any person, without approval from the division, to collect, pick up, remove, or cause to be collected, picked up or removed any recyclable material from the curb or authorized, centralized location specified for collection. The collection, pickup or removal of each recyclable item shall constitute a separate offense and a violation of this chapter. Any person selling recyclables or who has contracted with an outside hauler for collection shall report the quantity of material recycled to the director annually for reporting purposes pursuant to F.S. § 403.706.~~

**Sec. ~~54-136~~ Combining recyclable materials, yard trash and solid waste; recycling required.**

- ~~(a) Notwithstanding any other provision of law to the contrary, it shall be a violation of this chapter for any person to combine recyclable materials or yard trash with nonrecyclable solid waste in any combination or amount other than that approved by the city, or to dispose of recyclable materials or yard trash in any manner other than recycling or composting.~~
- ~~(b) Any recyclable material that is combined with solid waste and cannot be easily separated prior to collection will be collected as an extra collection at the rate of \$15.60 per cubic yard.~~

**Sec. ~~54-137~~ 54-95. Amendments to list of recyclable materials.**

- (a) *State requirements.* Materials which are required to be separated and offered for recycling to meet the minimum recycling program requirements of F.S. § 403.706, as amended, shall not be deleted from the definition and list of recyclable materials.
- (b) *Source reduction.* Before determining that a material is to be deleted from the list of recyclable materials, city council may consider and adopt by ordinance source reduction alternatives, including incentives, requirements, restrictions or prohibitions concerning the use of the material or alternative materials in the city.
- (c) *Implementation schedules.* If a material is added or deleted from the list of recyclable materials, the city council may designate an implementation schedule including effective dates for separation, collection, processing and, if necessary, rate revision.

**Secs. 54-96 – 54-109. Reserved.**

**SECTION 5.** Chapter 54, Solid Waste, Article V, Storage, Preparation and Collection of Recyclables is added to read as follows:

**ARTICLE V. STORAGE, PREPARATION, AND COLLECTION OF RECYCLABLES**

The City of Venice Code of Ordinances is amended as follows with ~~strike through text~~ identifying deletions and underlined text indicating additional language.

## **DIVISION 1. STORAGE**

### **Sec. 54-110. Storage of recycling containers.**

- (a) Residential Recycling Storage – All Services. All containers shall be stored prior to being brought curbside no later than 7:00 a.m. on the day of collection and removed from the curbside and brought back to storage by 6:00 p.m.
- (b) Commercial Recycling Storage. In all zoning districts, excluding neighborhoods comprised solely of single- and two-family dwellings, containers for recyclables shall be stored in an enclosure that meets the requirements of section 54-51(c), such that recycling containers are not visible from the street on which they are located or from adjacent residentially zoned properties. Storage areas shall be free from debris and structurally sound.

### **Secs. 54-111 – 54-119. Reserved.**

## **DIVISION 2. PREPARATION**

### **Sec. 54-120. Preparation of recycling.**

- (a) Residential Recycling. Residents are provided recycling bins at no charge. Additional bins may be provided by request. Excess recycling may be placed in paper bags.
  - (1) Corrugated Cardboard. Corrugated cardboard shall be flattened and cut down to two feet by three feet or smaller. Staples and tape with water-soluble glues do not have to be removed. Commercial customers using dumpsters must make sure the materials will free-flow when the container is emptied.
  - (2) Yard Waste. Tree trimmings, hedge clippings and similar material shall be cut into lengths not to exceed four feet and shall be securely tied in bundles not more than two feet thick. Tree trimmings or similar materials not exceeding four feet in length may be placed in open, solid containers (not plastic bags). No bundles of tree trimmings or similar materials over 40 pounds shall be placed at curbside for collection. The city does not provide containers for yard waste collection.
- (b) Commercial Recycling. Commercial customers shall use city provided recycling containers only. Commercial customers are offered bins, 94-gallon carts, or dumpsters. Charges apply for all containers. Materials must be separated by material type. Commercial customers using dumpsters 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.

### **Secs. 54-121 – 54-129. Reserved.**

## **DIVISION 3. COLLECTION**

### **Sec. 54-130. Collection of recycling.**

- (a) Residential Collection Service.
  - (1) Frequency. Generally, recycling will be collected once each week. On legal holidays and days in which the sanitary landfill is closed, collection of recycling will not be made and collection for those persons affected will resume on their next regularly scheduled day of collection for solid waste.
- (b) Commercial collection service.

(1) Frequency. Generally, recycling will be collected once each week. Customers with dumpster service may choose to have the dumpster collected from one to six times weekly. Commercial customers with roll-off service may choose to be an on-call collection service or a scheduled collection service of one to six times weekly.

(2) Placement of Containers – Dumpsters, roll-offs, bins or 94-gallon carts. All containers shall be easily accessible from the street by the collection vehicles, shall be located on firm, level ground 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. Overloaded containers may be charged an additional fee. Rollout service is available for 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. The property owner shall ensure that any right of way provided by the customer for the city's equipment is sufficient to bear the weight of all the city's equipment and vehicles reasonably required to perform contracted service. The city will not be responsible for damage to any private road, driving surface, pavement or accompanying sub-surface and entire container placement site except due to the negligence or willful misconduct of the city. The city shall not be responsible for normal wear and tear of any part of a container enclosure or gate. The property owner shall maintain the enclosure structure and gates in working order at all times. The property owner shall provide unobstructed access to the containers on the scheduled collection day. Failure to do so may result in an additional fee for a return trip service.

(3) Limitations – Commercial services. The city shall collect a reasonable accumulation of recycling, as determined by the director or his designee, from hotels, motels, restaurants, schools, churches and other businesses and institutions per week according to the rate schedule set forth in article VI of this chapter. The director shall have the authority to refuse to collect extra amounts or to make an additional charge for such amounts.

**Secs. 54-131 – 54-160. Reserved.**

**SECTION 6.** Chapter 54, Solid Waste, Article V, Rates and Charges; Billing Procedure, Sec. 54-161, Fee schedule; deposits, is amended to read as follows:

#### **ARTICLE ~~V~~ VI. - RATES AND CHARGES; BILLING PROCEDURE**

**Sec. 54-161. - Fee schedule; deposits.**

- (a) *Basic service.* The fees for basic service for the collection and disposal of solid waste placed for collection in containers accessible to city collection equipment shall be as follows:

*Charge per Month*

(1) Residential customers – Manual Services. Each residential living unit using container service shall pay fees as follows: Unlimited containers, not to exceed 40 pounds per container, picked up twice a week. ~~\$10.54~~ \$11.07

(2) Residential Customers – Automated Services. Each residential living unit shall be provided by the city one 35-, 65-, or 95-gallon, wheeled cart, picked up

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twice a week.

\$11.07 (one cart)

Residents will be charged \$50.00 to obtain a second cart.

\$16.07 (two carts)

(3) Commercial customers – Manual Services For hotels, motels, restaurants, schools, churches and other businesses and institutions using container service not to exceed 40 pounds per container, the fee shall be as follows:

a. One or two containers, picked up twice a week

~~\$10.54~~ \$11.07

~~b. Tag for each extra container~~

~~\$1.44~~

(4) Commercial Customers - Automated Services. Prior approval must be received by the director or his designee for all commercial customers to use cart collection for their solid waste removal. Carts are assigned to the property address and may not be removed. Carts remain the property of the city. Customers shall lease 65- or 95-gallon carts, the fee shall be as follows:

a. One 65-gallon cart picked up twice a week

\$11.07

b. Additional 65-gallon cart picked up twice per week

\$16.07

c. One 95-gallon cart picked up twice a week

\$11.07

d. Additional 95-gallon cart picked up twice per week

\$16.07

(b) *Recycling.* Recycling fees are as follows:

*Charge per Month*

(1) *Residential customers.* Each residential living unit using container service shall pay fees as follows:

a. Single-family residences: Two containers, 14 gallons each, picked up once a week.

~~\$8.02~~ \$8.42

b. Multifamily living units, apartments and manufactured homes: Each multifamily living unit will be provided one of the following:

1. Two red boxes per each living unit, picked up once a week.

~~\$8.02~~ \$8.42

2. 94-gallon containers as necessary per establishment, picked up once a week.

~~\$8.02~~ \$8.42

(2) *Commercial customers.* Each commercial business will be provided with the opportunity to utilize city service for

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recycling. Such service will be provided at the customer's request for the following fees:

- a. Two containers, 14 gallons each, picked up once a week
- b. 94-gallon containers, collected once a week:
  - 1. First container
  - 2. All additional containers (each)
- c. Two, 32-gallon cans, bags or bundles of yard waste collected once a week

~~\$8.02~~ \$8.42

\$29.42

\$19.62

~~\$8.02~~ \$8.42

(c) *Dumpsters*. No change.

(d) *Roll-off service*. Fees for roll-off service are as follows:

| Roll-off Container Size (cubic yards) | Pull Charge (per pull, with minimum charge of <del>\$157.50</del> <u>\$210.00</u> per month) | Tipping Fee (Applies to all sizes)                  |
|---------------------------------------|--|---|
| 10, 20, 30, 40                        | <del>\$157.50</del> <u>\$210.00</u>  | Actual scale fee for tonnage (landfill or recycled) |
| Compacted                             | <del>\$236.25</del> <u>\$315.00</u>  |   |

(e) ~~*Special household collection (scheduled on-call service)*~~. Bulk collection.

(1) One cubic yard or less \$21.00

(2) Each additional cubic yard 21.00

(f) through (h) No change.

**Secs. 54-162 - 54-164. No change.**

**Sec. 54-165. - Application for service; change in service.**

(a) Application for service. Each new customer shall submit an application with the city finance department for solid waste and recycling collection service, showing thereon the applicant's billing or mailing address, the legal description of the premises to be served, and the type and frequency of service desired.

(b) Charge for change in service. Each customer shall pay a service charge of \$15.00 for each and every subsequent application for a change in the type or frequency of service.

(c) Charge for reinstatement of service. Where service is discontinued for cause or at the request of the customer, the customer shall pay a charge of \$25.00 for a reinstatement of service, together with all unpaid balances for previous service, including fees, penalties and any costs of collection.

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(d) Service conversion. No conversion from container to dumpster or from dumpster to container will be made without the consent of the director. Where the size or number of service conversions will cause an adverse impact on city equipment, operations or finances, the director may withhold consent to convert until the city can adjust its equipment, operations or finances so as to minimize any such adverse impact.

**SECTION 7.** Chapter 54, Solid Waste, Article VI, Disaster Debris Management, is renumbered to Article VII.

**ARTICLE ~~VI~~ VII. - DISASTER DEBRIS MANAGEMENT**

**Sec. 54-170 through 54-176. - No change.**

**SECTION 8.** All Ordinances or Resolutions or parts thereof in conflict therewith are superseded to the extent of any such conflict.

**SECTION 9.** Severability. If for any reason a provision of this Ordinance or the application thereof to any person, group of persons, or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of the Ordinance are severable.

**SECTION 10.** 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 11TH DAY OF SEPTEMBER 2018.**

First Reading: August 28, 2018

Final Reading: September 11, 2018

Adoption: September 11, 2018

\_\_\_\_\_  
John Holic, Mayor

Attest:

\_\_\_\_\_  
Lori Stelzer, CMC, City Clerk

I, Lori Stelzer, CMC, 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, a meeting thereof duly convened and held on the 11th day of September, 2018, a quorum being present.

**WITNESS** my hand and the official seal of said City this 11th day of September, 2018.

\_\_\_\_\_  
Lori Stelzer, CMC, City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney