

ORDINANCE NO. 2019-30

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 54, SOLID WASTE, ARTICLE I, IN GENERAL, SECTION 54-1, DEFINITIONS; ARTICLE III, STORAGE, PREPARATION AND COLLECTION OF SOLID WASTE, DIVISION 2, PREPARATION, SECTION 54-61, PREPARATION OF SOLID WASTE; ARTICLE V, STORAGE, PREPARATION AND COLLECTION OF RECYCLABLES, DIVISION 2, PREPARATION, SECTION 54-120, PREPARATION OF RECYCLING; ARTICLE VI, RATES AND CHARGES; BILLING PROCEDURE, SECTION 54-161, FEE SCHEDULE; DEPOSITS, AND ADDING ARTICLE VIII, PRIVATE ROLL-OFF CONTAINER HAULERS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Venice City Council recognizes that solid waste and recycling services may change over time for various reasons such as improved service, lower cost, or enhanced environmental practices; and

WHEREAS, the Code of Ordinances is being updated to implement previously approved and scheduled solid waste collection rate increases and stakeholder recommendations; and

WHEREAS, the City proposes a waste hauler permit system to improve regulation and quality of services provided by private waste haulers within the City limits; and

WHEREAS, the Code is modified to prohibit the use of plastic bags for yard waste collection which will benefit the community and local environment.

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

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

SECTION 2. Chapter 54, Solid Waste, Article I, In General, Section 54-1, Definitions, is amended to add the following three definitions:

Sec. 54-1. Definitions.

Downtown Area refers to the 100, 200, and 300 blocks of Miami Avenue, Venice Avenue, and Tampa Avenue.

Private Hauler means a private entity whose primary business is collecting, removing and/or disposing waste materials.

Private Hauler Permit means a permit issued by the public works department to allow a private hauler to deliver, service, and collect roll-off containers within the city limits.

Waste materials means construction and demolition debris, solid waste and recyclable materials.

SECTION 3. Chapter 54, Solid Waste, Article III, Storage, Preparation and Collection of Solid Waste, Division 2, Preparation, Section 54-61, Preparation of solid waste, is amended to read as follows:

Sec. 54-61. Preparation of solid waste.

- (a) No change.
- (b) *Residential solid waste – Automated services.* For new customers ~~residents~~ with automated solid waste collection, one solid waste container (automated) will be provided at a cost of \$100.00. 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 may request requesting a second cart or replacement cart at a cost of \$100.00 will pay an additional fee. There shall be no charge for a replacement cart needed due to normal wear and tear. Only solid waste shall be placed in the containers.
- (c) No change.
- (d) No change.
- (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 a~~ 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.

SECTION 4. Chapter 54, Solid Waste, Article V, Storage, Preparation and Collection of Recyclables, Division 2, Preparation, Section 54-120, Preparation of recycling, is amended to read as follows:

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. Plastic bags are not permissible in recycling containers or for excess recycling.

(1) No change.

(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 traditional manual collection styled garbage cans or paper bags. ~~No garbage cans, paper bags or open, solid containers (not plastic bags).~~ No bundles of tree trimmings or similar materials over 40 pounds shall be placed at curbside for collection. Plastic bags are not permissible for yard waste disposal. The city does not provide containers for yard waste collection.

(b) No change.

SECTION 5. Chapter 54, Solid Waste, Article VI, Rates and Charges; Billing Procedure, Section 54-161, Fee schedule; deposits, is amended to read as follows:

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:

(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. ~~\$11.07~~ \$11.51

(2) *Residential customers – Automated services.* Each residential living unit shall be provided by the city one 35-, 65-, or 95-gallon, wheeled cart, at a cost of \$100.00 for new customers, picked up twice a week (one cart). ~~\$11.07~~ \$11.51

Residents will be charged ~~\$50.00~~ \$100.00 to obtain a second cart (two carts). ~~\$16.07~~ \$16.51

(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 ~~\$11.07~~ \$11.51

(4) *Commercial customers – Automated services.* Prior approval must be received by the director or 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 a~~ a 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~~ \$11.51

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

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

- a. No change.
- b. Multi-family living units, apartments and manufactured homes: Each multi-family living unit will be provided one of the following:
 - 1) No change.
 - 2) No change.

(2) No change.

(3) No change.

(c) 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 \$210.00 <u>\$218.00</u> per month)	Tipping Fee (Applies to all sizes)
10, 20, 30, 40	\$210.00 <u>\$218.00</u>	Actual scale fee for tonnage (landfill or recycled)
Compacted	\$315.00 <u>\$328.00</u>	

(e) No change.

(f) No change.

(g) *Other charges.*

(1) No change.

(2) No change.

(3) *Dumpster lock-bar installation fee.* A fee of \$100.00 will be charged for the installation of a locking bar on any and all dumpsters.

(4) *Roll-off container delivery and/or relocate fee.* A fee of \$100.00 will be charged for delivery of each roll-off container. A \$100.00 relocation fee may be charged at the discretion of the director or his designee for requests to move a roll-off without a pull charge.

(5) ~~(3)~~ *Bulk trash and special collections.* The director shall have the authority to determine charges for these services based on the cost of providing the service.

(h) No change.

SECTION 6. Chapter 54, Solid Waste, Article VIII, Private Roll-off Container Haulers, is hereby added and reads as follows:

ARTICLE VIII. PRIVATE ROLL-OFF CONTAINER HAULERS

Sec. 54-201. Requirements for private haulers.

- (a) Private haulers shall obtain a permit from the city and execute a permit agreement prior to conducting business in the city as a private hauler. A person or entity not meeting the definition of a private hauler shall not be required to obtain a permit for removal of waste materials resulting from the performance of the primary business of that person or entity on the same property.
- (b) It shall be unlawful for any person, other than the city, to engage in the collection, removal, or disposal of any waste materials without complying with this article. Any person or entity who fails to comply with the requirements of this article shall be subject to the penalties set forth in this article and may be subject to judicial action by the city.

Sec. 54-202. Permit application, private hauler agreement, and permit requirements; duration of private hauler agreement and permit.

- (a) Permit application.
 - (1) Applicants shall provide the following information under oath on forms supplied by the city:
 - a. The name, type of business entity, and mailing address of the applicant and contact information for the applicant's designated representative;
 - b. The types of materials to be collected, removed, or disposed of by the applicant under the permit for which the applicant is applying; and
 - c. A complete record of any felony convictions, civil penalties and misdemeanor convictions involving waste materials or recycling, collection or disposal, against the applicant and every partner, officer or director of the applicant.
- (b) Permit application fee. Each applicant shall remit the required nonrefundable permit application fee of \$250.00 along with the application and any renewal thereof.
- (c) Permit agreement and collection fees. The applicant shall execute a private hauler agreement, provided by the city, with all required attachments, to confirm compliance with the requirements of this article. Every private hauler shall remit collection fees and documentation, as detailed in the private hauler agreement, to the department within 30 days of the end of the month in which the waste materials were collected. Failure to remit the fees and documentation shall be grounds for the private hauler to have its permit suspended or revoked and, in addition, may result in the imposition of monthly late fees in the amount of \$15.00 or 15 percent of the amount due, whichever is greater.
- (d) The city shall deny a permit to an applicant for any of the following reasons:
 - (1) The applicant has not submitted a complete permit application, permit application fee, and private hauler agreement, with all required supporting documents;

- (2) The applicant has submitted false or materially misleading statements in the application; or
- (3) The applicant or a partner, director, or officer of the applicant has been convicted of any felony offense involving waste materials, recycling, collections or disposal within the past five years or has been convicted of a misdemeanor or a civil penalty involving waste materials, recycling collections or disposal within the past three years.
- (e) The execution of the private hauler agreement and the issuance of a permit by the city shall not be construed as a grant of franchise or vested rights.
- (f) The director, or his designee, is authorized to execute the private hauler permit agreement on behalf of the city along with any related documents and amendments.
- (g) Private hauler agreements and permits must be renewed every three years. To renew the permit, a private hauler shall submit all required documents and fees set forth in this section. Private haulers shall notify the city of any changes in the documents set forth in subsection (a) above within 30 days.

Sec. 54-203. Liability insurance.

(a) A private hauler operating within the city shall at all times maintain general liability insurance, commercial automobile liability insurance, workers' compensation insurance, environmental liability insurance, and any other insurance which the city determines to be necessary, issued by an insurance company licensed to do business in the state of Florida, in the amounts established by the city, which shall be reasonably based on industry standards and the risk determined to exist. The insurance policy shall be in occurrence form and the city shall be named as an additional insured on the certificate of insurance.

(b) A private hauler shall furnish the city with a certificate of insurance which shall be accepted by the city only after approval by the director of human resources. The private hauler shall notify the city within three business days of any changes in the insurance coverage. Upon the cancellation or lapse of any policy of insurance as required by this section, the private hauler's permit shall be immediately revoked unless, prior to the expiration or cancellation date of the insurance policy, another insurance policy meeting all requirements of the original insurance policy is obtained and a new certificate of insurance is provided to the city.

Sec. 54-204. Method of making collections and routes traveled.

A private hauler operating within the city shall abide by the following conditions:

- (1) Hours of collection. Hours of collection within the city shall be between 7:00 a.m. and 8:00 p.m.

- (2) Routes of travel. All vehicles shall travel between points of collection and disposal on major thoroughfares whenever possible. Travel within the Downtown Area is prohibited unless necessary for container collection.
- (3) Travel lanes. Containers shall be placed on private property when possible. Containers that must be placed on the roadway shall comply with the following restrictions:
 - a. Containers must be placed in such a way as to not impede two-way traffic;
 - b. Containers must have plywood under each contact point. The plywood shall be no less than ½ inch thick and two feet by four feet in size; and
 - c. Containers must have a minimum of four reflective cones or barricades set in a tapered pattern, beginning at 15 feet on the approach side of the container, with two cones or barricades placed on the departing side.
- (4) Hurricane provision. Private haulers are required to either remove the contents of the roll-off container or secure it in such a manner as to minimize the danger of such material causing damage to persons or property from high winds from 24 hours after a hurricane watch or warning has been issued until the hurricane watch or warning has been lifted.
- (5) Container travel preparation. Each and every roll-off container must be covered when leaving the collection site and traveling to the disposal site.
- (6) Property damage. A private hauler is responsible for the restoration of any city-owned property damaged by the private hauling work, including but not limited to asphalt, pavement markings, curbing, sidewalk, utilities, irrigation and sod. Any damage must be restored to the previously existing condition or better within 30 days of the date written notice is sent by the city to the private hauler.
- (7) Location restrictions. The city has the right to restrict the location of any commercial container to ensure the public's safety and to prevent traffic hazards.
- (8) Equipment. Trucks and container assemblies must be maintained in a manner to ensure public safety. All containers shall be lettered with the name of the private hauler and a current, working phone number for such private hauler.
- (9) Weights of loads hauled. The total gross weights hauled over city roads per vehicle shall not exceed the maximum gross weights established by federal and state laws.

Sec. 54-205. Denial, suspension, and revocation of private hauler agreement and permit.

- (a) If the city finds that a private hauler has violated any section of this article, or any provision or condition of the private hauler agreement or permit, the city may, after notice and an opportunity to be heard, suspend or revoke the private hauler's permit.
- (b) The applicant or the permittee shall have a right to appeal a decision by the director to deny, suspend, or revoke a permit. The appeal shall be on a form provided by the city clerk and must be filed with the city clerk within ten days of the decision. The appeal shall be heard by the city manager or his designee. The hearing shall be conducted at a reasonable time and place, following written notice to the appellant. The hearing shall be informal and strict rules of evidence shall not be applicable, but the minimal requirements of due process shall be observed. The objective of the hearing shall be to determine whether the denial, suspension or revocation complies with the

requirements of the city code. At the hearing, the city and applicant may introduce such evidence as is deemed necessary. The decision of the city manager or his designee shall be final and the applicant shall be deemed to have exhausted all administrative remedies.

(c) A permit that has been suspended or revoked under this article will not be reinstated or reissued unless and until the private hauler has complied with all requirements of this section, including the resubmission of a permit application and permit application fee and the execution of the private hauler agreement.

SECTION 7. All Ordinances or parts of Ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 8. 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 24TH DAY OF SEPTEMBER 2019.

First Reading: September 10, 2019
Final Reading: September 24, 2019

ADOPTION: September 24, 2019

John W. Holic, 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 24th day of September 2019, a quorum being present.

WITNESS my hand and the official seal of said City this 24th day of September 2019.

Lori Stelzer, MMC, City Clerk

APPROVED AS TO FORM:

City Attorney