

ORDINANCE NO. 2019-05

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE COLLECTION OF SOLID WASTE, RECOVERED MATERIALS, AND RECYCLABLE MATERIALS; AUTHORIZING THE TOWN TO APPROVE FRANCHISES FOR THE COLLECTION OF SUCH ITEMS; PROVIDING FOR DEFINITIONS, USE OF APPROVED CONTAINERS, DESIGNATED PLACEMENT, HOURS WHEN ITEMS CAN BE PLACED OUT FOR COLLECTION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council believes it is necessary to modify its current regulations for the collection and disposal of solid waste in order to provide that there are no conflicts between the Town Code and any agreements it may have with a franchisee hauler; and,

WHEREAS, the Town Council believes that authorizing the Town to enter into franchise agreements for the collection of waste materials will enhance the ability of the Town to ensure appropriate levels of service are provided and used within the Town and to compensate the Town for the use of its public roadways in the provision of such services.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and incorporated herein by this reference.

Section 2. The Town of Loxahatchee Groves hereby amends Ordinance 2018-05 as follows:

ARTICLE III. COLLECTION OF WASTE; FRANCHISES AND REGISTRATION OF CONTRACTORS AUTHORIZED

Sec. 38-54. 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:

Bulk Trash, shall mean any non-vegetative item which cannot be containerized, bagged, or bundled; including, but not limited to, inoperative and discarded refrigerators, ranges, toilets, pool heaters, water softeners, pianos, washers, dryers, bath tubs, water heaters, sinks, bicycles, and other similar domestic appliances, household goods and furniture and shall not be commingled with Vegetative Waste. There shall be no weight limit for any item of Bulk Trash. No glass items, such as glass doors, windows or furniture, is permitted to be placed for bulk pickup.

Commercial Solid Waste shall include any Garbage, Bulk Trash, Trash, or Vegetative Waste that is not Residential Solid Waste. Substantial effort shall be made not to commingle Garbage, Trash, or Bulk Trash with Vegetative Waste.

Commercial Solid Waste collection service shall mean the collection and disposal of Commercial Solid Waste within the Service Area. Such service includes both Containers and Compactors but does not include Roll-off Collection Services.

Construction and Demolition Debris, as defined in Section 403.703, Florida Statutes, means discarded materials generally considered to be not water-soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing 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, and includes rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing or land development operations for a construction project, including such debris from construction of structures at a site remote from the construction or demolition project site. 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 also includes:

- (a) Clean cardboard, paper, plastic, wood, and metal scraps from a construction project;
- (b) Except as provided in s. 403.707(9)(j), yard trash and unpainted, nontreated wood scraps and wood pallets from sources other than construction or demolition projects;
- (c) 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
- (d) De minimis amounts of other nonhazardous wastes that are generated at construction or destruction projects, provided such amounts are consistent with best management practices of the industry.

Container shall mean and include any container designed or intended for an automated or semi-automated collection system requiring the use of some other standard receptacle compatible with the Contractor's equipment supplied by the Contractor and approved by the Town. All Containers must be of the specifications as designated by the contract administrator, in writing.

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~~Garbage~~ means all kitchen and table refuse, swill and every accumulation of animal and vegetable matter that attend the preparation, decay, dealing in or storage of meats, fish, fowl, game or vegetable matter. The term "garbage" shall include combustible waste such as paper, rags, boxes and boxes used in connection with the distribution or storage of food, and glasses, bottles, tin cans, or other disposable receptacles of food or food products.

~~Garbage Can~~ shall mean any commonly available light gauge steel, plastic, or galvanized receptacle of a non-absorbent material, closed at one end and open at the other, furnished with a closely fitted top or lid and handle(s). A ~~Garbage Can~~ is also defined as a heavy duty, securely tied, plastic bag designed for use as a ~~garbage receptacle~~. Such container including waste materials shall not exceed fifty (50) gallons in capacity or fifty (50) pounds in weight.

~~Pyrolysis~~ means a process through which post-use polymers are heated in the absence of oxygen until melted and thermally decomposed, and then cooled, condensed, and converted to any of the following:

- (a) Crude oil, diesel, gasoline, home heating oil, or another fuel.
- (b) Feedstocks.
- (c) Diesel and gasoline blendstocks.
- (d) Chemicals, waxes, or lubricants.
- (e) Other raw materials or intermediate or final products.

~~Pyrolysis Facility~~ means a facility that receives, separates, stores, and converts post-use polymers, using gasification or pyrolysis.

~~Recovered Materials~~, as defined in Section 403.703, Florida Statutes, means 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 the term does not include materials destined for any use that constitutes disposal. Recovered materials as described in this subsection are not solid waste.

~~Recyclable Materials~~ shall mean those materials designated in writing by the Town to the Contractor which are capable of being recycled and which would otherwise be processed or disposed of as solid waste. The materials initially designated by the Palm Beach County Solid Waste Authority are newspapers (including inserts); magazines; catalogs; phone books; aluminum cans, foil, and pans; plastic containers #1 - #7 (except styrofoam); glass bottles and jars; gable topped containers; aseptic containers; corrugated cardboard; kraft bags; and steel and ferrous cans. The Town reserves the right to designate Mixed Paper as a recyclable material at any time during the term of this Contract upon written notice to the Contractor at no additional cost.

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~~Recycling Containers~~ shall mean bins as supplied by the Palm Beach County Solid Waste Authority to each unit that is to receive Curbside Residential Recycling Collection Service in the Service Area.

~~Residential Recycling Collection Service~~ shall mean Curbside Residential Recycling Collection Services and Containerized Residential Recycling Collection Service.

~~Residential Solid Waste~~ shall mean Garbage, Trash and Bulk Trash resulting from the normal housekeeping activities of a Dwelling Unit, including Garbage and Trash, but shall not include Vegetative Waste. ~~Residential Solid Waste~~ shall also mean Construction and Demolition Debris (C&D) resulting from minor home repair from the Dwelling Unit.

~~Residential Solid Waste Collection~~ shall mean roadside Residential Solid Waste collection service and/or Containerized Residential Solid Waste collection service, and disposal.

~~Solid Waste~~ means collectively, Commercial Solid Waste and Residential Solid Waste.

~~Solid Waste Collection Services~~ shall mean Commercial Solid Waste Collection Services and Residential Solid Waste Collection Services.

~~Trash~~ means other waste not included in the term "garbage," and wastepaper, glass, straw, excelsior or other rubbish, and waste not connected with the preparation, distribution or storage of food, excluding grass cuttings, leaves and other lawn or garden waste.

~~Vegetative Waste~~ shall mean any vegetative matter resulting from yard and landscaping maintenance by any party and shall include materials such as tree and shrub materials, grass clippings, palm fronds, tree branches and similar other matter usually produced as refuse in the care of lawns, landscaping and yards. All items other than palm fronds, tree branches and Christmas trees such as grass clippings, leaves, pine needles, and similar small loose items must be bagged or containerized with each filled container weighing less than 50 pounds. ~~Vegetative Waste~~, except palm fronds, must be no more than six (6) feet in length and no single item shall weigh more than 50 pounds, and shall be placed neatly at the curb. Natural Christmas trees will be collected as ~~Vegetative Waste~~ and any section must not be more than 8 feet in length or 50 pounds in weight.

Biomedical or Biohazardous Waste: As defined by F.S. § 403.703(2), as may be amended.

Biological Waste: As defined by F.S. § 403.703(3), as may be amended.

Bulk Waste: Any non-vegetative item which cannot be containerized, bagged, or bundled; including, but not limited to, inoperative and discarded refrigerators, ranges, toilets, pool heaters, water softeners, pianos, washers, dryers, bath tubs, water heaters, sinks, bicycles, and other similar domestic appliances or household goods. There shall be no weight limit for any item of Bulk Waste. No commercial or non-passenger tires and only two, on an annual basis, passenger

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car tires are permitted to be placed as bulk pickup. The term "Bulk Waste" may be used interchangeably with the term "Bulk Trash."

Business Days: shall mean Monday through Saturday, except for Holidays.

Cart: shall mean a curbside container meeting the Town's specifications intended for collection via automated or semi-automated means to be supplied by the Contractor to households receiving Curbside Residential Solid Waste Collection Service.

Collection: The process whereby Solid Waste, Garbage, Trash, Bulk Trash, Vegetative Waste or Recovered Material is gathered and transported to a Designated Facility.

Commercial Recycling Collection Service: shall mean the Dual Stream Recycling Collection of Recovered Materials by the Contractor for entities within the Service Area that are not serviced by Residential Recycling Collection Service.

Commercial Solid Waste: shall include Solid Waste that is not Residential Solid Waste.

Commercial Solid Waste Collection Service: shall mean the collection of Commercial Solid Waste within the Service Area. Such service includes both Containers and Compactors, but does not include Roll-off Collection Services

Compactor: Any container which has compaction mechanism(s), whether stationary or mobile, all inclusive.

Construction and Demolition Debris (C&D): Materials generally considered to be not water soluble and which are nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, roofing material, pipe, gypsum wallboard, and lumber from the construction or destruction of a structure as part of a construction or demolition project. Mixing of a de minimis amount of waste other than C&D from the construction site will not automatically cause it to be classified as other than C&D.

Container shall mean and include any container designed or intended to be mechanically dumped into a loader packer type truck or recycling vehicle. All Containers must be of the specifications as designated by the Town Manager in writing.

Contractor: A person or entity that has entered into an Agreement with the Town to provide solid waste and recycling collection services for the Town.

Dwelling Unit: Any type of structure or building unit intended for or capable of being utilized for residential living other than a licensed Hotel or Motel unit.

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Garbage: All putrescible waste which generally includes but is not limited to kitchen and table food waste, animal, vegetative, food or any organic waste that is attendant with or results from the storage, preparation, cooking or handling of food materials whether attributed to residential or commercial activities, but shall not include Vegetative Waste or Special Waste.

Hazardous Waste: A hazardous waste as identified by the State of Florida Department of Environmental Regulation in Florida Administrative Code 17-730, as may be amended, or the United States Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq., and implementing regulations, as may be amended.

Household Hazardous Waste (HHW): Solid Waste as defined by the State of Florida Department of Environmental Regulation as a hazardous waste in the State of Florida Administrative Code, or by any future legislative action or by federal, state or local law.

Land Clearing: The removal of vegetation for the purpose of improving real property through remodeling, new construction or agricultural use. Land clearing shall include, but is not limited to, trees, brush, dirt, rocks or similar obstructions/materials being removed from a parcel of assessed residential land using mechanical devices such as a bobcat, backhoe, front-end loader, tractor, bulldozer, etc. Removal refers to the physical action of the equipment digging, scraping, bulldozing, and/or pulling debris from the ground. Transporting legally cut vegetation to the curb using a mechanical device does not constitute land clearing. A chainsaw is not to be considered a mechanical device in the removal process.

Pyrolysis: means a process through which post-use polymers are heated in the absence of oxygen until melted and thermally decomposed, and then cooled, condensed, and converted to any of the following:

- (a) Crude oil, diesel, gasoline, home heating oil, or another fuel.
- (b) Feedstocks.
- (c) Diesel and gasoline blend stocks.
- (d) Chemicals, waxes, or lubricants.
- (e) Other raw materials or intermediate or final products.

Pyrolysis Facility: means a facility that receives, separates, stores, and converts post-use polymers, using gasification or pyrolysis.

Recovered Materials shall 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 waste stream for sale, use, or reuse as raw materials, but the term does not include materials destined for any use that constitutes disposal. Recovered Materials as described above are not Solid Waste. Recovered Materials do not include any material or substance that does not fit within one of the six categories described in this definition (metal, paper, glass, plastic, textile or rubber). Among other things, unsorted Construction and Demolition Debris is not a Recovered Material.

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Recyclable Materials (Recyclables): Those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.

Recycling Cart: A Container intended for Recyclables collection with a ninety-five (95) gallons capacity on wheels for rolling, with a non-removable hinged lid, suited to automatic dumping equipment provided by the Contractor's collection vehicles and containing not over two hundred fifty (250) pounds.

Recycling Container: shall mean a rigid container made of plastic or other suitable substance or a paper bag that is used for the storage of Recovered Materials.

Residential Recycling Collection Service: The collection of Recovered Materials by the Town or its Contractor from all Dwelling Units in the Service Area that also receive Residential Solid Waste Collection Service for Solid Waste, and other Dwelling Units as designated by the Town, and the delivery of those Recovered Materials to an Authority Recovered Materials Processing Facility or designated Authority transfer station.

Residential Solid Waste Collection Service: Residential Solid Waste and Vegetative Waste Collection service for all Dwelling Units from which Garbage is collected at curbside or roadway and delivery to an Authority designated disposal facility or transfer station.

Residential User: A person, including, but not limited to, owners, lessees, and sublessees utilizing a building, a portion thereof, specifically designed for and used for occupancy of that person. For the purposes of this Agreement, Residential User shall include users of single family, dwellings.

Residue: The portion of the Recyclable Materials stream accepted by the Contractor that is not converted to Recovered Materials due to breakage and/or transportation or processing inefficiencies.

Roll-off Collection Service: The Collection of C&D-only roll-off containers, or the Collection of C&D by other mechanical means, within temporary locations in the Service Area, limited to new construction sites and remodeling or refurbishment sites.

Service Area: The corporate limits of the Town of Loxahatchee Groves, Florida for which the Contractor has been granted this Agreement.

Sludge: A solid or semi-solid, or liquid generated from any waste water treatment plant, water supply treatment plant, air pollution control facility, septic tank, grease trap, portable toilets and related operations, or any other such waste having similar characteristics or effects.

Solid Waste: As defined by F.S. § 403.703(32), as may be amended, including garbage, rubbish, trash, and other discarded waste. Residential Solid Waste and Commercial Solid Waste, but shall not include Special Waste, as defined in this Agreement, or Recovered Materials. Solid Waste

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shall mean Bulk Waste, Garbage, rubbish, refuse, Trash, Vegetative Waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural or governmental operations, but for the purpose of this Agreement shall not include Special Waste.

Solid Waste Authority Disposal Facility: A place or places specifically managed or operated by the Solid Waste Authority of Palm Beach County or another facility if specifically designated in writing by the Authority.

Source Separated: Recovered Materials that are separated from Solid Waste at the location where the recovered materials and solid waste are generated. The term does not require that various types of Recovered Materials be separated from each other and recognizes de minimis Solid Waste may be included in the recovered materials. Materials are not considered Source Separated when two or more types of Recovered Materials are deposited in combination with each other in a Container located where the materials are generated and when such materials contain more than 10 percent solid waste by volume or weight, in which case the materials are Solid Waste. The term "various types of Recovered Materials" means metals, paper, glass, plastic, textiles and rubber.

Special Services: Any services requested or required by the customer which are in addition to or a change in, Residential Solid Waste Collection Service or Residential Recycling Collection Service, as set out or similar to those listed in Exhibit I as may be amended from time to time.

Special Waste: For the purposes of this Agreement, Special Waste refers to wastes that can require special handling and management, including but not limited to, Biohazardous Waste, Biological Waste, Hazardous Waste, lead-acid batteries, automobiles, boats, internal combustion engines, non-automobile tires, Sludge, dead animals, livestock waste, septic tank waste. Special Waste may also include items determined by the Town Manager to be reasonably unmanageable.

Trash shall mean all refuse accumulation of paper, rags, wooden or paper boxes and containers, sweepings, broken toys, tools, utensils, and all other accumulations of a similar nature other than Garbage, which are usual to housekeeping and to the operation of stores, offices and other business places, but shall not include Vegetative Waste.

Vegetative Waste shall mean any vegetative matter resulting from yard and landscaping maintenance by any party and shall include materials such as tree and shrub trimming materials, grass clippings, palm fronds, tree branches and similar other matter usually produced as refuse in the care of lawns, landscaping and yards. All items other than palm fronds, tree branches and Christmas trees such as grass clippings, leaves, pine needles, and similar small loose items must be bagged or containerized with each filled container weighing less than 50 pounds. Vegetative Waste, except palm fronds, must be no more than six (6) feet in length and no single item shall weigh more than 50 pounds, and shall be placed neatly at the edge of the road. Natural Christmas trees will be collected as Vegetative Waste and any section must not be more than 8 feet in length or 50 pounds in weight.

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Sec. 38-55. Franchise for collection of solid waste and residential recycling collection service.

- (a) The Town may enter into an exclusive franchise for the collection of Solid Waste and Residential Recyclable Materials from all locations in the Town to the extent not prohibited by state law or may enter into any number of franchises that the Town determines is in the best interest of the Town.
- (b) The Town shall grant franchises through agreements with solid waste collectors approved by the Town council. The agreement shall provide:
 - (1) The right and obligation to provide Solid Waste Collection Services and Residential and Recyclable Materials Collection Services within the Town boundaries, present and future, for all residences;
 - (2) The right to provide Solid Waste Collection Services and Residential and Recyclable Materials Collection Services within the Town boundaries for all non-residential uses in existence on June 5, 2018, located within the Town which use bulk containers for their Solid Waste Collection, and which have contracts for the collection of Solid Waste in place as of June 5, 2018, at such time as such contracts shall expire;
 - (3) The right to provide Solid Waste Collection and Services to any newly annexed areas as permitted by state statute;
 - (4) The right and obligation to provide Solid Waste Collection Services and Residential and Recyclable Materials Collection Services within the Town boundaries, present and future, for all residential and non-residential establishments, that are certified for occupancy after June 5, 2018, and governmental establishments to the extent permitted by law; provided, however, that a certificate of occupancy issued as a result of remodeling with no change in ownership of the property shall not require the customer to change to collector;
 - (5) As of June 5, 2018, the right and obligation to provide Solid Waste Collection Services and Residential and Recyclable Materials Collection Services within the Town boundaries for: collector's existing customers; customers/property owners in the Town that have a change in ownership; and customers/property owners whose contract for Solid Waste Collection and disposal services expires.
- (eb) In the event that the Town grants an exclusive contract, or a Solid Waste or Recyclable Materials collection entity is not granted a franchise by the Town and has existing contracts within the Town, then only existing contracts as of June 5, 2018, for Solid Waste Collection Services and Residential and Recyclable Materials Collection Services

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are exempt until such time as the contract expires at which time the customer/property owner must use a solid waste collection entity that is franchised by the Town.

(dc) The Town Council may require businesses performing Solid Waste Collection, disposal, and recycling services within the Town to pay a franchise fee to the Town, in an amount determined by the Town Council, for the privilege of conducting and operating solid waste collection, disposal, and recycling services on the public streets, roads, alleys, and other thoroughfares of the Town. The franchise fee, as indicated below, shall be based on a percentage of the amount charged for solid waste collection, that is described in a franchise agreement between the Town and a contractor. Disposal, and recycling services, as reflected in the business' financial books and records, and in the agreements between the business and all of its customers in the Town. The amount charged to customers shall be the amount charged to customers for solid waste collection, disposal, and recycling services exclusive of any franchise fee. Any franchise fee required by the Town Council shall be paid to the Town in a manner and an amount as set forth in a franchise agreement with the contractor, following receipt of the revenue from the customer, in monthly installments, by the 15th day of the month.

(e) Any franchise fee collected by the Town shall be a sum of money equal to 25 percent. (By way of example only, if the business' charge to its customer for solid waste collection, disposal, and recycling services is \$100.00, then the franchise fee will be \$25.00. The business will be required to remit to the Town the \$25.00 franchise fee, following receipt of the \$100.00 service charge from the customer. Consequently, the total amount billed to the customer would be \$125.00.)

(f) In the event the Town Council requires a franchise fee, then annually on the 30th business day of September each year, each solid waste collection and disposal company operating in the Town shall file with the Town manager, or his designee, an application, in the form provided by the Town, which shall set forth all of the business' gross receipts for the previous year for collection and disposal of solid waste originating in the Town, and permit the Town, or its authorized agent, to inspect and audit the financial books, reports, and records of the solid waste collection and disposal business to insure proper payment of the franchise fee amount to the Town. Any shortfall or overage discovered by the Town during any inspection of the business' records shall be paid by the party owing same no later than 30 days following receipt of written notice from the Town of such shortfall or overage.

Sec. 38-56. Collection to be by town or franchisee.

(a) Each residential owner or lessee, each apartment owner and each owner-operator of a non-residential use shall subscribe to a regularly scheduled Solid Waste Services or Recyclable Materials Collection service as may be provided either by the Town or by such private individual or concern as may be franchised by the Town, except as may be exempted by Town ordinance or state law. The levels of necessary service shall be

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determined based upon the use. Any collection services in addition to regularly scheduled collection services shall be scheduled through the Town. Verification of adequate Solid Waste and Recyclable Collection Services must be provided to the Town upon the Town's request. ~~So long as the Town levies and collects its Residential Solid Waste Collection Special Assessment, the Town shall collect the costs of such service and remit to the franchisee. The franchisee shall collect all other costs of service provided within the Town.~~

(b) No individual, corporation or other entity will be permitted to collect Solid Waste or Recyclable Materials within the Town either on a regularly scheduled basis or, alternatively, on a non-scheduled short-term, or temporary, basis unless such individual, corporation or other entity is properly franchised by the Town, except as may be required or exempt by state law or Town ordinance.

See. — Customer Fees.

(a) ~~Fees for solid waste service may be collected as a special assessment levied and collected by the Town or collected by the Town or franchise operator by billing the owner and/or lessee for the solid waste collection service within the Town. The Town may also provide, by agreement, for the billing and collection of the Town's fee for solid waste service by another governmental entity. Any residential owner or lessee, apartment owner or non-residential user who shall fail to make appropriate payment related to solid waste collection service shall have his solid waste collection service terminated. Any residential owner or lessee, apartment owner or non-residential user whose solid waste collection service shall be so terminated shall be deemed in violation of this chapter.~~

(b) ~~Fees for refuse and recycling collection, which shall be collected by the Town, franchisor, or other authorized governmental entity, shall be as established by the Town Council.~~

Sec. 38.57. Solid waste collection special assessments shall constitute a lien on improved real property.

All solid waste collection special assessments imposed against the owners of assessed units pursuant to this chapter shall constitute, and are hereby imposed as, liens against such real property as of January 1 of each year or as soon thereafter as the certified roll is received by the tax collector. Until fully paid and discharged or barred by law, the solid waste collection special assessments shall remain liens equal in rank and dignity with the lien of county ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved. If any solid waste collection special assessment liens become delinquent by not being fully paid by April 1 following the year in which they are assessed, or immediately after 60 days have expired from the mailing of the original notice set forth by the uniform method, whichever is later, and remain delinquent, such

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liens shall be enforced by the tax collector in the same manner as any other special assessment lien of the Town.

Sec. 38.58. Containers required.

Each dwelling unit shall be required to have a Town approved garbage container. It shall be unlawful within the Town for any person to place any solid waste or vegetative waste out for collection unless such solid waste or vegetative waste is in a Container, if such Container is required and approved by the Town Council. A Garbage Can may not be used if a Container has been required and approved by Town Council.

See. Maintenance of Exterior of Premises relating to Collection

(a) All items placed out for collection shall be placed in the area designated by the property owner for the placement of such items. Should the Town or a franchisor request, the property owner shall designate such location in writing. Any items placed in an area not designated for pickup shall be deemed a blighting condition and/or nuisance pursuant to paragraph (b) below.

(b) At all times, any exterior premises adjacent to a public roadway used for access to the property shall be maintained by the owner or operator of such premises such that the appearance of such premises shall not constitute a blighting condition, blighting factor or nuisance. Items placed for collection in violation of Section, "Containers Required" shall be deemed a violation of this Section.

See. Designated debris placed for collection.

It shall be unlawful within the Town for any person to place upon the area adjacent to a public roadway used for access to the property for solid waste collection and designated pursuant to Section any item other than for collection pursuant to the terms of this ordinance.

See. Location for placing debris for collection

All debris placed out for collection shall be placed on the property from which the debris was generated, at a location adjacent to the public roadway used for access to the property, but not within swales or recorded drainage or roadway easements. It shall be unlawful to place debris for collection within swales, or recorded drainage or roadway easements, or within public roadways, that abut the property of another or on the property of another.

Sec. 38.59 Precollection procedures generally.

(a) The placement of garbage in a loose and uncontained manner on the roadside, swale, other locations adjacent to the roadway, or in dumpster enclosures shall be strictly prohibited.

(b) No person shall place for curbside collection any garbage, bulk waste, vegetative waste, or recyclable materials upon any property other than in the swale or area adjacent to and directly in front of the same property from which the garbage, bulk waste, vegetative waste, or

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recyclable materials was generated or accumulated, unless a predetermined location has been approved by the Town and the Town's Contractor.

(c) All garbage containers, when placed for curbside collection, shall be at ground level, not within the roadway, and immediately accessible to collection crews.

(d) No person shall place any garbage containers, or any accumulation of garbage, bulk waste or vegetative waste in any portion of a roadway, right-of-way or upon private property in any part of a front yard or a side yard abutting a right-of-way except during the time periods as allowed by this Article. No person in possession of real property shall allow any garbage containers or roll-out cart, or any accumulation of garbage, bulk waste or vegetative waste to remain in any portion of a roadway or right-of-way abutting his/her property to the centerline of the roadway or right-of-way, or in any part of the front yard or side yard abutting the roadway or right-of-way, except during the day scheduled for collection or as otherwise set forth in this Article.

(e) Private roads shall be fully accessible to the Town's contractor and equipment in order for collections to be made by the Town's Contractor without delay.

(f) Unacceptable materials shall be stored and properly disposed of by the person responsible for their generation or accumulation.

(g) Hazardous wastes shall be stored and properly disposed of by the person responsible for their generation or accumulation.

Sec. 38.60. Hours when garbage, etc., may be placed out for collection.

It shall be unlawful within the Town for any person to place any Solid Waste or Recyclable Materials adjacent to the public road used for access to the property any earlier than 6:00 p.m. on the day before the scheduled solid waste collection day applicable to such person's property. It shall be unlawful within the Town for any person to fail to remove from the public roadway used for access to the property or adjacent to such public roadway any Container by 6:00 a.m. within 24 hours of the day following the scheduled Solid Waste or Recyclable Materials collection day applicable to such person's property. All Solid Waste, Bulk, Vegetation and Recyclable materials must be placed out for pick up no later than 7:00 a.m. on the day of service.

Sec. 38.61. Construction and demolition debris.

Source separated construction and demolition that qualifies as Recoverable Materials shall not be part of the franchise; otherwise, Collection of Construction and Demolition Debris may be made part of the Town's exclusive franchise agreement for solid waste collection included with a franchise granted pursuant to this chapter.

Construction and demolition debris originating prior to, during, or subsequent to the construction of new buildings, alterations or additions to existing buildings of whatsoever type or from demolition of existing structures will not be collected under the Town's residential service. Removal of these construction and demolition debris is the responsibility of the building contractor or installer.

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Construction and demolition debris resulting from minor homeowner repairs (residential do-it-yourself projects) which meet the requirements for trash collection must be bundled, bagged or boxed and will be collected at curbside. Discarded lumber pieces must be no longer than four (4) feet without nails. Larger materials may be picked up by special request at an additional charge from the contractor.

Sec. 38.62. Registration of recovered material dealers.

- (a) A recovered materials dealer or pyrolysis facility must register with the Town before engaging in business within the jurisdiction of the local government. Such registration process is limited to requiring the dealer or pyrolysis facility to:
 - (1) register its name, including the owner or operator of the dealer or pyrolysis facility, and, if the dealer or pyrolysis facility is a business entity, its general or limited partners, its corporate officers and directors;
 - (2) its permanent place of business;
 - (3) evidence of its certification under Section 403.7046, Florida Statutes, and;
 - (4) a certification that the recovered materials or post-use polymers will be processed at a recovered materials processing facility or pyrolysis facility satisfying the requirements of Section 403.7046.
- (b) The Town shall charge the dealer or pyrolysis facility a registration fee commensurate with and no greater than the cost incurred by the local government in operating its registration program, as established by resolution by the Town Council. Registration program costs are limited to those costs associated with the activities described in this ordinance.
- (c) The Town's reporting or registration process with regard to recovered materials or post-use polymers is governed by Section 403.7046 and rules of the Florida Department of Environmental Protection or any successor agency performing a like function, adopted pursuant to Section 403.7046.
- (d) The Town may temporarily or permanently revoke the authority of a recovered materials dealer to do business within the Town. If the Town believes that the recovered materials dealer finds the recovered materials dealer has consistently and repeatedly violated state or local laws, rules, regulations, and the Town's ordinances, it shall notice the recovered materials dealer of the charges and schedule a hearing before the Town's special magistrate using the notice and hearing process of Chapter 162, Florida Statutes.

Sec. 38.63. Recycling program.

- (a) Single family Residential collection.

- (1) *Paper Goods.* Paper Goods placed out for collection as Recyclable materials shall be segregated from all other solid waste material by all ~~single family homeowners~~ and residential units not using containerized refuse service. It shall be in a

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Container provided by the Town's Contractors and placed out for collection according to a scheduled day established by the Town along with all other Solid Waste or next to the Container or Garbage Can used by such Solid Waste customers. Recyclable Materials shall not be placed in plastic bags, and adequate precaution shall be made to prevent newspapers from being scattered by the elements.

(2) *Clear glass and aluminum cans.* All clear glass and aluminum cans placed out for collection as Recyclable Materials shall be placed in the Container provided for by the contractor of the Town and placed out for collection according to a scheduled day established by the Town along with all other Solid Waste or next to the Container or Garbage Can used by solid waste customers. No other waste besides clear glass and aluminum cans shall be placed in the container that is provided for by the Town.

(b) Multifamily collection.

(1) *Paper Goods.* Paper Goods placed out for collection as Recyclable Materials shall be segregated from all other solid waste material by all multifamily home owners and residential units using containerized Solid Waste Collection Service. At least one container for each trash dumpster shall be provided for each condominium or apartment complex for deposit of all Paper Goods and for collection of same. Collection of Paper Goods shall be made at least once weekly in accordance with a schedule approved by the Town. Paper Goods shall not be placed in plastic bags, and adequate precaution shall be made to prevent Paper Goods from being scattered by the elements.

(2) *Clear Glass and Aluminum cans.* Clear Glass and Aluminum Cans placed out for collection as Recyclable Materials shall be segregated from all other solid waste material by all multifamily unit owners and residential units using containerized Solid Waste Collection Service. At least one container for each trash dumpster shall be provided for each condominium or apartment complex for deposit of all Clear Glass and Aluminum Cans and for collection of same. All Clear Glass and Aluminum Cans shall be placed in the container provided and placed out for collection at least once weekly in accordance with a schedule approved by the Town. No other waste besides Clear Glass and Aluminum Cans shall be placed in the container that is provided for recyclables.

(eb) Unauthorized collection. It shall be a violation of this section for any person not authorized by the Town to collect or remove any Recyclable Materials as provided for above which has been specifically placed for collection in any recycling container in any single family residential area or any multifamily residential area of the Town.

Sec. 38.64. Vegetative waste.

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(a) Vegetative waste shall be collected from residential areas as set forth in the Franchise Agreement between the Town and its contractor and as approved by the Contract Administrator. Vegetative waste shall be placed adjacent to the pavement or travel way of the road. No more than six cubic yards of vegetative waste shall be placed out for pickup at a time. All items other than palm fronds, tree branches and Christmas trees such as grass clippings, leaves, pine needles, and similar small loose items must be bagged or containerized with each filled container weighing less than 50 pounds. Vegetative Waste, except palm fronds, must be no more than six (6) feet in length and no single item shall weigh more than 50 pounds, and shall be placed neatly at the edge of the road. Natural Christmas trees will be collected as Vegetative Waste and any section must not be more than 8 feet in length or 50 pounds in weight.

In the event of a dispute between the contractor and a customer as to what constitutes vegetative waste, the situation will be reviewed and decided by the Town Manager, whose decision shall be final.

(b) Vegetative waste may not be placed adjacent to the pavement or travel way of the road at time periods or at locations outside of those allowed by this Article. In the event this occurs, the Town's contractor may collect the vegetative waste and charge a fee as set forth in the franchise agreement with the contractor if requested by the customer.

Sec. 38.65. Bulk trash.

(a) It shall be unlawful for any person to leave outside any building in a place accessible to children any appliance, refrigerator or container with any doors, lids or closures of any type in place. This prohibition shall not apply to any appliance, refrigerator or container at a commercial establishment which has been placed on or adjacent to the rear of the building and is crated, strapped or locked to an extent that it is impossible for a child to obtain access to any compartment thereof.

(b) If bulk trash is placed adjacent to the pavement or travel way of the street/alley at time periods or at locations outside of those allowed by this Article, the Town's contractor may collect the bulk trash and charge a fee as set forth in the franchise agreement with the contractor if requested by the customer.

Sec. 38.66. Interim rates for new structures.

The Town shall have the ability to charge property owners, who receive a certificate of occupancy after the solid waste collection services non ad-valorem assessment roll has been provided to the Tax Collector, on a pro-rata basis, as part of the fee for the granting of the certificate of occupancy or final permit.

Sec. 38.67. Community piles.

The Town may provide for the establishment of vegetative piles that may be used by more than one property owner for residential vegetative waste as approved by the Town and its Contractor.

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Section 3. Conflict. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be, and the same are hereby repealed to the extent of such conflict.

Section 4. Severability. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 5. Codification. It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Loxahatchee Groves, Florida, that the Sections of this ordinance may be renumbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Section 6. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

Danowski Council Member DeMarois offered the foregoing ordinance. Council Member Danowski seconded the motion, and upon being put to a vote, the vote was as follows:

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 5 DAY OF November, 2019.

Danowski Council Member Danowski offered the foregoing ordinance. Council Member El-Ramey seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ROBERT SHORR, MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DAVID DEMAROIS, VICE MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LISA EL-RAMEY, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LAURA DANOWSKI, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN
LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS
19th DAY OF November, 2019.

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:



Lakesha Q. Beck, Town Clerk

APPROVED AS TO LEGAL FORM:



Office of the Town Attorney



Mayor Robert Shorr

Vice Mayor David Demarois



Council Member Laura Danowski



Council Member Lisa El-Ramey



Council Member Phyllis Maniglia

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