



LAKE MARY CITY COMMISSION

**Lake Mary City Hall
100 N. Country Club Road**

"Special Called" Meeting

AGENDA

FEBRUARY 26, 2015

2:00 PM

or as soon thereafter as possible

- 1. Call to Order**
- 2. Roll Call**
- 3. Unfinished Business**
 - A. Ordinance No. 1523 - Amending, moving and repealing portions of Chapter 91: Health and Public Safety, Sections 91.30 through 91.60 Solid Waste Collection - Second Reading (Public Hearing) (Dianne Holloway, Finance Director)**
 - a. Resolution No. 960 - Establishing Solid Waste Collection Service Fees**
- 4. Citizen Participation**
- 5. Adjournment**
- 6. THE ORDER OF ITEMS ON THIS AGENDA IS SUBJECT TO CHANGE**

Per the direction of the City Commission on December 7, 1989, this meeting will not extend beyond 11:00 P. M. unless there is unanimous consent of the Commission to extend the meeting.

PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE CITY ADA COORDINATOR AT LEAST 48 HOURS IN ADVANCE OF THE MEETING AT (407) 585-1424.

If a person decides to appeal any decision made by this Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Per State Statute 286.0105.



MEMORANDUM

DATE: February 26, 2015

TO: Mayor and City Commission

FROM: Dianne Holloway, Finance Director

VIA: Jackie Sova, City Manager

SUBJECT: Ordinance No. 1523 - Amending, moving and repealing portions of Chapter 91: Health and Public Safety, Sections 91.30 through 91.60 Solid Waste Collection - Second Reading (Public Hearing) (Dianne Holloway, Finance Director)

Background: Chapter 91 Health and Public Safety, Sections 91.30 through 91.60 of the Code of Ordinances are the Solid Waste Collection regulations of the City. Collection Services are provided in the form of a Franchise Agreement that was approved and adopted by Ordinance No. 1519 on November 6, 2014.

It is the intent of the City that the collection and hauling of solid waste is to be performed only by those authorized. With the adoption of the Franchise Agreement, it becomes necessary to amend City Code to provide for the terms. Proposed code amendments include repealing sections that no longer apply, addressing changes in nomenclature, eliminating unnecessary sections, clarifying ambiguities and ratifying current practices. With the elimination of certain sections of the code, the Franchise Agreement will become the governing document for the provision of collection and hauling of solid waste, removing the potential for conflicts and harmonizing the Code with the Agreement.

Because garbage fees are billed monthly on a consolidated utility bill, another important change necessary is to tweak the section titled garbage fee collection. On November 6, 2014, the City Commission approved and adopted Ordinance No. 1518 with an effective date of 90 days after passage and adoption. The proposed language now makes reference to the rules and regulations of the City pertaining to the collection of utility fees in Chapter 53 of the City's Code of Ordinances.

Fees charged for the collection and hauling of solid waste are established by the Franchise Agreement which has terms, renewal options and provisions to adjust the collection fee components of the service rates. The proposed language provides for the City Commission to make rate modifications by resolution.

Recommendation: The City Commission adopt Ordinance No. 1523, amending, moving and repealing portions of Chapter 91 Health and Public Safety, Sections 91.30 through 91.60 Solid Waste Collection of the Code of Ordinances.

ORDINANCE NO. 1523

AN ORDINANCE OF THE CITY OF LAKE MARY, FLORIDA, AMENDING, MOVING AND REPEALING PORTIONS OF CHAPTER 91: HEALTH AND PUBLIC SAFETY, SECTIONS 91.30 THROUGH 91.60 SOLID WASTE COLLECTION, OF THE LAKE MARY CODE OF ORDINANCES TO CLARIFY AND HARMONIZE WITH THE FRANCHISE AGREEMENT AND STATE LAW; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, on November 6, 2014, the City Commission passed and adopted Ordinance No. 1519, approving and adopting a Franchise Agreement with Waste Pro of Florida, Inc.; and

WHEREAS, the City Commission has evaluated the City's regulations governing solid waste collection and has concluded that certain provisions of the City's Code, including, but not limited to, definitions and administrative requirements need clarification and some modification to harmonize the City Code with the Franchise Agreement and state law; and

WHEREAS, the City Commission, through this Ordinance, is primarily reorganizing existing code into different sections, or repealing obsolete text; and

WHEREAS, the City Commission of the City of Lake Mary, Florida, hereby finds this Ordinance to be in the best interests of the public health, safety, and welfare of the citizens of Lake Mary; and

WHEREAS, words with single underlined type shall constitute additions and ~~strike through~~ shall constitute deletions to the original text from the language existing prior to adoption of this Ordinance.

NOW THEREFORE, IT IS HEREBY ENACTED BY THE CITY OF LAKE MARY AS FOLLOWS:

SECTION 1. Chapter 91, Health and Public Safety, Sections 91.30 through 91.60 Solid Waste Collection, are hereby amended as indicated in Exhibit "A" attached hereto and made a part hereof.

SECTION 2. Codification. The Code of Ordinances of the City of Lake Mary, Florida, be and the same is hereby amended in accordance with the terms, provisions and conditions of this ordinance. Further, that the sections of this ordinance may be renumbered or re-lettered to accomplish said amendment; "Ordinance" may be changed to "Section", "Article", or other appropriate word.

SECTION 3. Conflicts. All ordinances or resolutions or parts of ordinances or resolutions in conflict herewith are hereby repealed to the extent of any conflict.

SECTION 4. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 5. Effective Date. This Ordinance shall take effect immediately upon passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2015.

FIRST READING: February 6, 2015

SECOND READING: February 20, 2015

CITY OF LAKE MARY, FLORIDA

MAYOR, DAVID J. MEALOR

ATTEST:

CITY CLERK, CAROL A. FOSTER

For the use and reliance of the City
of Lake Mary only. Approved as to
form and legal sufficiency.

CATHERINE REISCHMANN, CITY ATTORNEY

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EXHIBIT A

CHAPTER 91: HEALTH AND PUBLIC SAFETY

SOLID WASTE COLLECTION

91.30 STATEMENT OF INTENT.

91.31 DEFINITIONS.

~~91.32 EXCLUSIVE FRANCHISE COLLECTOR. [REPEAL]~~

91.~~32~~43 MANDATORY PICK-UP. [MOVED FROM 91.43]

91.~~33~~56 ENTITLEMENT TO SERVICE. [MOVED FROM 91.56]

91.34 PROHIBITED ACTS.

~~91.35 CITY TO PROVIDE FOR SOLID WASTE REMOVAL EXCLUSIVELY. [REPEAL]~~

~~91.36 FRANCHISE AGREEMENT AUTHORIZED. [REPEAL]~~

~~91.37 AWARD OF FRANCHISE AGREEMENT. [REPEAL]~~

~~91.38 DUTIES OF FRANCHISE COLLECTOR. [REPEAL]~~

~~91.39 AUDIT REQUIREMENTS. [REPEAL]~~

~~91.40 TRANSFERABILITY; EXCLUSIVITY. [REPEAL]~~

~~91.41 IDENTIFICATION OF VEHICLES. [REPEAL]~~

91.~~35~~4 CONTAINERS OR REFUSE BINS REQUIRED. [MOVED FROM 91.51]

91.~~36~~52 PLACEMENT, PROPERTY CONTAINING, AND BUNDLING. [MOVED FROM 91.52]

~~91.537 EXTRAORDINARY SPECIAL SERVICES; HAZARDOUS WASTE;
SCAVENGING. [MOVED FROM 91.53]~~

91.~~38~~42 FRANCHISE AGREEMENT REQUIRED. [MOVED FROM 91.42]

91.~~39~~44 PERMIT TO TRANSPORT SOLID WASTE. [MOVED FROM 91.44]

91.~~40~~5 TERM OF PERMIT. [MOVED FROM 91.45]

- 91.416 REVOCATION OF PERMIT. [MOVED FROM 91.46]
- 91.427 COMMERCIAL RECYCLING NONEXCLUSIVE PERMITS. [MOVED FROM 91.47]
- 91.343 VEHICLE STANDARDS. [MOVED FROM 91.33]
- 91.544 FRANCHISE FEE. [MOVED FROM 91.54]
- 91.545 RATE SCHEDULE. [MOVED FROM 91.55]
- 91.4659 ~~GARBAGE FEE SERVICE CHARGE~~ COLLECTION. [MOVED FROM 91.59]
- 91.4760 DEDUCTION OF UNPAID SOLID WASTE COLLECTION CHARGES FROM WATER/UTILITY DEPOSIT. [MOVED FROM 91.60]
- ~~91.48 APPLICABILITY TO MOBILE HOME PARKS, APARTMENTS, AND CONDOMINIUM APARTMENTS. [REPEAL]~~
- ~~91.49 RESIDENTIAL COLLECTION SERVICE. [REPEAL]~~
- ~~91.50 COMMERCIAL COLLECTION SERVICE. [REPEAL]~~
- ~~91.57 AUTHORITY TO MAKE AMENDMENTS. [REPEAL]~~
- ~~91.58 INSURANCE REQUIREMENTS. [REPEAL]~~

CHAPTER 91: HEALTH AND PUBLIC SAFETY

SOLID WASTE COLLECTION

§91.30 STATEMENT OF INTENT.

(A) It is the intent of the City to require all persons within the corporate boundaries of the City to have their solid waste and recycling collected and disposed of in a proper, sanitary, and efficient manner; to make available to all persons a sanitary and efficient means of having their solid waste collected and disposed of; to eliminate illegal dumping; to provide an effective method of paying the cost for the services rendered; and to promote the health, safety, and welfare of the citizens of the City.

(B) It is further the intent of the City that the collection and hauling of solid waste is to be ~~done~~ performed only by those authorized by the City in the form of a Franchise Agreement or permit and that disposal shall be done only at a Seminole County-approved solid waste facility.

(C) In the event of a major disaster or emergency declared by the state, the City will have the legal responsibility to remove debris from public or private property when it is determined to be in the best interest of the public. Public interest is defined as being necessary to: 1) eliminate immediate threats to life, public health, and safety; or 2) eliminate immediate threats of significant damage to improved public or private property; or 3) ensure economic recovery of the affected community to the benefit of the community-at-large.

(D) The City also intends that if this ordinance is in conflict with the Franchise Agreement, the Franchise Agreement will prevail.

§ 91.31 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

~~“APARTMENT” or “CONDOMINIUM APARTMENT.” A building under one roof, housing multiple living units.~~

~~**BULK SERVICEWASTE.** An extraordinary commercial collection service for residential solid waste which is billed by cubic yard. Solid waste that consists of household refuse such as appliances, other white goods, furniture, or other items too large to be collected as part of regularly scheduled solid waste collections.~~

CITY CLERK. The City Clerk of the City of Lake Mary.

CITY MANAGER. The City Manager of the City of Lake Mary.

~~**COLLECTION SERVICES.** The provision of service to remove both commercial and residential solid waste from a designated storage point for disposal at a separate location utilizing persons and specially designed equipment for such purpose. The provision of utility service to remove solid waste, recyclables, yard trash, construction debris and bulk waste, as specified in~~

Code and by the Franchise Agreement, for transport to a licensed and certified facility for processing or disposal as designated by the Franchise Agreement.

COMMERCIAL RECYCLING NON-EXCLUSIVE PERMIT. A permit issued for the removal of commercial recycling materials as provided in § 91.472.

COMMISSION. The City Commission of the City of Lake Mary.

~~**CONTAINER.** Watertight cans not exceeding 96 gallons in capacity made of plastic with well-fitting lids. Garbage or recycling cart, dumpster, compactor, roll-off container, or any container approved by the City intended for collection of solid waste, recyclables, yard trash, or other materials as specified by the Franchise Agreement. Containers must be watertight and designed or intended to be used for automated or semi-automated collection.~~

CUSTOMER, Commercial or residential. The owner, occupant, tenant, or other person having control of the improved real property. Schools, apartments, condominium apartments, and mobile home parks receiving commercial-type collection shall be considered commercial.

~~"FINANCE DEPARTMENT." The Finance Department of the City of Lake Mary.~~

FRANCHISE AGREEMENT. The contractual agreement between the City and the authorized collector containing, but not limited to, a description of the service area; name of the person to perform commercial and residential collection services in the service area; the term of the agreement; the consideration to be paid for such agreement, if any, and the method of payment; the service to be furnished; performance bond and the conditions thereof; insurance provisions; responsibilities and obligations of the parties thereto; and such reasonable rules and regulations governing performance as are deemed necessary to implement the provisions of this subchapter.

FRANCHISE COLLECTOR. The company representative ~~who~~ which has executed a franchise agreement with the City and ~~who~~ which is required to perform Collection Services under the provisions of the franchise agreement.

FRANCHISE FEE (SERVICE RATES). The amount of money the Franchise Collector shall be obligated to pay the City for a Franchise Agreement as defined in this Code and the Franchise Agreement. Also, t~~The difference between the amount charged by the franchise collector and billed to the customer of the City.~~

GARBAGE. Every refuse accumulation of animal, fruit, or vegetable matter that attends the preparation, use, cooking and dealing in, or storage of edibles, and any other matter of any nature whatsoever, which is subject to decay, putrefaction, and the generation of noxious or offensive gases or odors, or which, during or after decay, may serve as breeding or feeding material for flies or other germ-carrying insects, or any container of the material defined herein, but excludes animal carcasses.

~~"GARDEN TRASH." All accumulations of leaves, grass, shrubbery cuttings, logs, tree limbs, brush, palm fronds, and other refuse the care of lawns, shrubbery, vines, and trees.~~

HAZARDOUS WASTE. ~~Materials or combinations of materials which require special management techniques and/or removable because of their acute or chronic effects on air and water quality; on fish, wildlife, or other biota; and on the health and welfare of the public. These materials include, but are not limited to, volatile, chemical, biological, explosive, flammable, radioactive, and toxic materials. 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, treated, or otherwise managed. The term does not include human remains that are disposed of by persons licensed under Chapter 497, Florida Statutes.~~

IMPROVED REAL PROPERTY. All residential, commercial, or other property that generates, or is capable of generating, solid waste.

INDUSTRIAL WASTES. The waste products of canneries, fisheries, slaughterhouses, or packing plants, condemned food products, agricultural waste products, waste and debris from brick, concrete block, roofing shingles, or tile plates, debris and wastes accumulated from land clearing, excavating, building, rebuilding, and the altering of buildings, structures, roads, streets, sidewalks, or parkways, and other solid waste products generated from industrial processing or manufacturing.

JUNK. Any tangible item such as furniture, appliances, bicycles, or smaller property not having a useful purpose to the owner or abandoned by the owner and not included within the definitions of garbage, ~~garden trash~~ yard trash, industrial wastes, or rubbish.

OWNER. The person designated on the real property tax roll maintained by the property appraiser for each parcel of improved real property.

RECYCLABLE MATERIALS. ~~Materials separated, at the point of generation, by the generator or his agent, as defined by F.S. § 403.703 et seq., as amended. (RECYCLABLES), shall mean~~ †Those materials that are capable of being recycled and that would otherwise be processed or disposed of as Solid Waste.

~~“REFUSE CONTAINER.” A large metal box for commercial solid waste or recyclable material, usually of the one cubic yard to eight cubic yard size, and roll-off boxes of larger capacities, lifted mechanically by trucks in order to empty.~~

RESIDENCE and/or RESIDENTIAL. ~~Means and Refers to s~~Single-family dwellings, duplexes and triplexes, mobile homes, and all other living units not coming within the definitions set out herein, where each such structure is located on a separate lot or parcel of land. ~~Apartments, condominium apartments, and mobile home parks are not included. Each living unit shall be deemed a separate “Residence.”~~

RESIDENTIAL COLLECTION SERVICE. The provision of collection services to residential improved real property.

~~—"RESIDENTIAL COLLECTION SERVICE CHARGE." The monthly fee or payment due the City by the customer for the provision of residential collection service to residential improved real property.~~

~~"RESIDENTIAL CONSTRUCTION DEBRIS." Waste generated from interior demolition, fencing, roofing, drywall, screen rooms, windows, carpet, etc.~~

~~—"RESIDENTIAL IMPROVED REAL PROPERTY." Improved real property occupied by a residence.~~

~~—"RESIDENTIAL LARGE ITEM BULK WASTE." Junk that requires additional handling, but which may be lifted by two persons; including white goods (such as refrigerators or stoves), furniture (such as sofas or mattresses), television sets, lawnmowers, and bicycles.~~

SERVICE CHARGE. The monthly fee or payment due the City by the customer for the provision of collection services to Commercial or residential customers. collection service charges.

SOLID WASTE. A general term that includes the specific terms garbage, garden trash, yard trash, rubbish, industrial wastes, and junk, but excludes all recyclable materials, as herein defined. Hazardous wastes (including fecal wastes, animal carcasses, and pathological wastes) are excluded. 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 governmental operations. Recyclable materials and hazardous waste are not solid waste. For the purposes of this Agreement, sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility are not included.

~~—"SOLID WASTE FACILITY." A transfer station, resource recovery facility, processing facility, or sanitary landfill designated or approved by the City and licensed and permitted under all applicable rules and regulations to receive solid waste.~~

SPECIAL SERVICE. Any collection or disposal service for which a special charge is applied. Special Services include, but are not limited to, on-call services for residential yard trash or bulk waste not meeting specifications as required by the Franchise Agreement.

YARD TRASH. Vegetative matter resulting from landscaping maintenance and land clearing operations and includes associated rocks and soils.

§91.3243 MANDATORY PICK-UP. [MOVED FROM §91.43]

It shall be mandatory for all residences and commercial establishments in the City to utilize the services of the franchise collector for solid waste removal services. All residences and commercial establishments within the City shall be billed by the City's Finance Department for solid waste

removal at the rates established. Any person believing that its living unit within the City is not a residence and is therefore not subject to mandatory residential solid waste removal may appeal to the City Commission for a determination. In addition to any other remedies afforded by law or set forth herein the City may record a lien against each unit of residential property for unpaid solid waste ~~collection~~ service fees from the date such fees become due until paid and/or terminate water/sewer service in a like manner as prescribed in § 91.5946, and as provided by rules and regulations governing the collection of utility fees in Chapter 53.

§91.3356 ENTITLEMENT TO SERVICE. [MOVED FROM §91.56]

Upon request for service to the City, and, if required, payment of the deposit and in consideration thereof, the owner, occupant, or tenant of the premises shall be entitled to the collection services upon the terms, conditions, and regulations specified herein.

§ 91.34 PROHIBITED ACTS.

It shall be unlawful for any person to do any of the following:

(A) To place, or cause to be placed, without permission, any solid waste upon the property of another.

(B) To convey or cause to be conveyed over and upon any of the streets and alleys of the City any solid waste without a franchise or license, or both such franchise and license, as may be required by the regulations affecting the collection and disposal of solid wastes.

(C) To deposit or dispose of any solid waste in or upon any public property to include streets, sidewalk, right-of-way or alleyway, or any stream, ditch, river, pond, creek, park, or public place in the City.

(D) To burn any solid waste generated or brought within the City, except certain trees and brush allowed to be burned where all applicable permits have been obtained.

(E) To place solid waste out for collection earlier than 6:00 p.m. of the day prior to a scheduled collection or to leave containers adjacent to the street any later than 8:00 p.m. on the day the containers are emptied.

(F) To place solid waste out for collection in any location not serviced by the franchise collector.

(G) To do any act prohibited or to fail to do any act required by the regulations affecting solid waste within the City.

(H) To remove solid waste or recyclable materials from any refuse bin, container, from a collection location, or from curbside.

(I) To accumulate or cause to be accumulated any garden trash yard trash, industrial waste, junk, rubbish, or other solid waste in or upon any premises or lot owned by him or her or in his or her control.

(J) To maliciously damage, destruction or remove containers from a property is strictly prohibited.

§91.351 CONTAINERS. ~~OR REFUSE BINS REQUIRED.~~ [MOVED FROM §91.51]

(A) Franchisee Collector shall provide adequate containers as described by the Franchise Agreement. ~~Containers must be in good condition, cleaned, repaired, and painted as needed by~~

~~the franchise collector. If requested by the City, the franchise collector shall replace old or damaged containers at the franchisee's cost which shall remain the property of franchisee. The property owner or occupant shall maintain the containers or refuse bins and the area of their location in a clean and sanitary condition. Spillage from over-filled containers or refuse bins may not be picked upon by the franchise collector.~~

(B) No service shall be provided to any residential or commercial improved real property which contains objects, obstructions, or vehicles which in any way hinder the servicing of the container ~~or refuse bin~~ by the franchise collector's vehicles and personnel.

§91.3652 PLACEMENT, PROPERTY CONTAINING, AND BUNDLING. [MOVED FROM §91.52]

(A) All residential containers shall be set out for collection in an unobstructed, convenient, and accessible location in the front of the residence adjacent to the travelled way serviced by the franchise collector or such other place as may be designated by the City for removal. No such containers shall be placed in any street or upon any sidewalk.

(B) Residential containers may be placed out for collection after 6:00 p.m. of the day prior to a scheduled collection and shall be removed not later than 8:00 p.m. on the day the containers are emptied.

(C) All logs, tree limbs, brush, palm fronds, and other garden trash yard trash shall not exceed six inches in diameter and shall be cut in four-foot lengths or less and placed in containers or tightly bundled for collection. Each container or bundle shall not exceed 50 pounds in weight. Any garden trash yard trash which by reason of its bulk, weight, or shape cannot be bundled as required herein, shall be collected as ~~extraordinary~~ a special services.

§91.537 EXTRAORDINARY SPECIAL SERVICES; HAZARDOUS WASTE; SCAVENGING. [MOVED FROM §91.53]

(A) The rates for ~~extraordinary~~ special services shall be established ~~approved~~ by the City by resolution.

(B) It shall be unlawful to place out for collection any hazardous waste as defined herein.

§91.3842 FRANCHISE AGREEMENT REQUIRED. [MOVED FROM §91.42]

No business or company shall collect solid waste, except as provided herein, in the City without having obtained a Franchise Agreement.

§91.3944 PERMIT TO TRANSPORT SOLID WASTE. [MOVED FROM §91.44]

(A) Certain persons who own businesses for which the transportation of certain construction, ~~and industrial~~ and organic waste is an integral part of the performance of that occupation may obtain a permit to transport these wastes. Examples of such occupations are roofing, demolition and land clearing contractors or grocery stores and restaurants.

(B) No person shall collect solid waste from any property used as a residence, including any person that in the course of business rents, leases, or sells individual apartments, condominium apartments, or mobile homes.

(C) Each such person shall make application for a permit to the Building Department. The application shall be made on forms provided by the City and shall provide, at a minimum, the following:

- (1) Name and address of person;
- (2) Description of occupation;
- (3) Description of the solid waste the occupation produces;
- (4) Description of equipment to be utilized; and
- (5) Agreement to comply with all conditions of license and provisions of this subchapter.

(D) A permit fee established by resolution and codified in Chapter 163 of this Code of Ordinances shall accompany each application.

§91.405 TERM OF PERMIT. [MOVED FROM §91.45]

The length of term for a permit to transport solid waste shall not exceed one year. The City, upon issuance of a permit, may restrict the permit to a specific time period not exceeding one year.

§91.416 REVOCATION OF PERMIT. [MOVED FROM §91.46]

The City may revoke a permit at any time if the person holding such permit is in violation of the provisions of this subchapter or the conditions of the permit.

§91.427 COMMERCIAL RECYCLING NONEXCLUSIVE PERMITS. [MOVED FROM §91.47]

(A) No person may collect or transport commercial source separated recyclable materials within the City without first obtaining a nonexclusive permit from the City Clerk. This provision applies to all persons except facilities within the City owned or operated by a governmental subdivision or entity of the state, the school district or a special taxing district.

(B) Each person desiring to perform commercial recycling services in the City shall make application for a nonexclusive permit to the City, which application shall be made on forms provided by the City and shall provide, at a minimum, the following:

- (1) Name and address of business;
- (2) Name and address of owner of business;
- (3) Corporate officers and directors and certificate of good standing;
- (4) Permanent place of business;
- (5) Copy of local business tax receipt;
- (6) Evidence of certification from the Florida Department of Environmental Protection;
- (7) Certification that all recovered materials collected will be recycled at a state-certified recycling facility;
- (8) Description of equipment to be utilized;
- (9) Copy of certificate of insurance; and
- (10) Agreement to comply with all conditions of permit and provisions of this subchapter.

(C) *Terms.* The term of a nonexclusive permit to collect, transport and process commercial source separated recyclable materials shall be for one year or a partial year beginning on October 1 of each year. Each permit shall expire on September 30 of each year, but may be renewed from

year to year upon application, payment of permit fees and a demonstration that the permittee is in compliance with the terms of this subchapter.

(D) *Fees.* A holder of a nonexclusive permit shall pay the permit fee of \$250 for each year or fraction thereof, which fee shall be paid on or before October 1, for each year of renewal. The City Commission may modify the permit fee by adoption of a resolution.

(E) *Insurance.*

(1) Each permittee shall, prior to the commencement of service, furnish the City with a certificate or certificates of insurance naming the City as additional insured as may be required by the City upon the advice of its insurance carrier and statutory minimum requirements to include a minimum of \$500,000 in liability.

(2) Throughout the duration of the franchise agreement, the contractor shall supply the City with a renewal or replacement certificate of insurance not less than 30 days before expiration or replacement of the insurance for which a previous certificate has been provided.

(F) *Equipment.* All equipment operated by the permittee shall be in good repair, appearance and in a sanitary condition at all times. All source separated recyclable materials hauled by the permittee shall be so contained that spilling of any nature is prevented. Failure to comply will result in code enforcement actions provided in § 37.08 of this code.

(G) *Charges.* Fees to be charged to those utilizing the services of the permittee are strictly a matter of negotiation between the permittee and the user, and will not be controlled or established by the City.

(H) *Notice of intention to offer service; report of service.* Each permittee shall advise the City, in writing, of each location and business at which the permittee intends to collect commercial source separated recyclable materials in advance of the commencement of collection. Each permittee shall submit to the City, on or before the twentieth day of the month following the month of service, a report indicating, at a minimum, the business names, addresses, telephone numbers, types, sizes, quantities and frequencies of containers being serviced by the permittee.

§91.343 VEHICLE STANDARDS. [MOVED FROM §91.33]

All trucks, trailers, and other vehicles operated by the franchise collector or other approved haulers to collect and transport solid waste in the City or to transport solid waste over any public roadways in the City during both normal or emergency operations shall:

(A) Be constructed as watertight as possible to limit the escape of water or other fluids from the vehicle.

(B) Be fully enclosed or covered so as to prevent the escape of any solid waste.

(C) Comply with all local, state, and federal roadway weight limits.

(D) Comply with all local, state, and federal rules and regulations applicable to such vehicles.

§91.544 FRANCHISE FEE. [MOVED FROM §91.54]

The franchise collector shall pay to the City a franchise fee approved by the City Commission. The amount of the franchise fee, and the terms and conditions of payment, shall be established at the time of the award of the Franchise Agreement and as modified from time to time by resolution, pursuant to § 91.36 of this chapter. ~~The books and records of the franchise collector shall be subject to audit by the City upon not less than 15 days demand for the purpose of determining the amount of roll-off franchise fees due to the City. Said book shall not be audited~~

more than two times per year or at a greater frequency than 180 each to the extent that said audits are performed for the purpose of validating roll-off franchise fees dues.

§91.545 RATE SCHEDULE. [MOVED FROM §91.55]

(A) The City Commission, by ~~ordinance~~ resolution, may establish and change, from time to time, a rate schedule to include deposits. ~~after holding two required public hearings.~~ The rate schedule shall represent all service charges and fees ~~costs~~ which are to be charged for providing residential and commercial collection service as provided for herein. Such rate schedule shall include:

- (1) Monthly residential collection service charges for providing residential collection service.
- (2) Commercial collection service charge size of container, and frequency of pickup.
- ~~(3) Residential collection service shall not be prorated.~~
- (34) ~~Bulk service~~ Special Service collection rate per cubic yard.
- (45) Franchise fee, including amount and conditions of payment.
- (56) Schedule of license, deposits, and other fees, as applicable.

(B) Such rates and fees in the rate schedule shall be established in accordance with any applicable provisions of the franchise agreement.

(C) These shall be no free services rendered for the collection, transportation, or disposal of solid waste, except as otherwise agreed between the City and the franchise collector.

§-91.4659 SERVICE CHARGE~~GARBAGE FEE~~ COLLECTION. [MOVED FROM §91.59]

(A) The service charge ~~garbage fee~~ shall be billed ~~and collected in advance with the monthly utility bill for those lots or parcels of developed property being charged a monthly stormwater fee and/or utilizing City utilities, and billed and collected separately as garbage fees for those lots or parcels of property and owners thereof not utilizing other City utilities.~~ All such ~~bills for garbage fees shall be rendered monthly~~ service charges are billed monthly by the City's Finance Department on a consolidated statement that may include, but is not limited to, wastewater, water, solid waste and stormwater services. Utility services shall be separately listed. ~~and Bills shall become due and payable in accordance with the rules and regulations established in this Chapter and the rules of the City pertaining to the collection of wastewater and water system utility fees, set forth in Chapter 53 of the City's Code of Ordinances. The garbage fee is part of a consolidated statement for utility customers which is generally paid by a single payment. In the event that a partial payment is received, the payment shall first be applied to garbage and trash, next applied to stormwater management, next applied to sewer, and finally applied to the water account.~~

(B) Any charge due hereunder which shall not be paid when due shall bear all approved monthly service charges as permitted by law or by ordinance of the City and may be recovered in an action at law by the City. The delinquent account shall be responsible for all costs of collection to include reasonable attorney's fees whether or not suit is necessary. In addition to any other remedies or penalties provided by this or any other ordinance of the City, failure ~~of any user of City utilities within the City~~ to pay said charges promptly when due shall result in subject such user to discontinuance of any or all collection services or utility services, as set forth in Chapter 53 of the Code, and the City Manager of the City is hereby empowered and directed to enforce this provision as to any and all delinquent accounts ~~users~~.

(C) In the case that a tenant in possession of any premises or building shall pay said service charges ~~garbage fees~~, it shall relieve the land owner from such obligation; but the City shall not be required to look to any person whatsoever other than the owner for the payment of such charges.

(D) The service charge~~garbage fee~~ hereinabove prescribed shall constitute a debt to the City for which the owner, tenant and/or occupant shall be jointly and severally liable. The records of the City shall be kept open for the inspection by the owner, tenant, or occupant and it shall be the responsibility of an owner, tenant or occupant to ascertain that the prescribed fee or fees are being paid.

§91.4760 DEDUCTION OF UNPAID SOLID WASTE COLLECTION CHARGES FROM WATER/UTILITY DEPOSIT. [MOVED FROM §91.60]

In addition to, and not in lieu of, any other remedies, any unpaid charges for residential solid waste collection may be deducted from any water/utility deposit for the residence for which the unpaid solid waste collection charges have accrued at such time as any refund of said deposit is requested. In addition, unpaid solid waste collection charges may be deducted from any water/utility deposit for the resident for which the unpaid solid waste collection charges have accrued at such time as the accrued charges are equal to or exceed the amount of the deposit.

~~§91.57 AUTHORITY TO MAKE AMENDMENTS. [REPEAL]~~

~~The City reserves the right to amend this subchapter in any manner necessary for the health, safety, or welfare of the public, and the City reserves the right, in the public interest, from time to time to prescribe by resolution, reasonable rules and regulations governing franchise collector's operations hereunder.~~

§91.48 through §91.60 Reserved.



MEMORANDUM

DATE: February 26, 2015

TO: Mayor and City Commission

FROM: Dianne Holloway, Finance Director

VIA: Jackie Sova, City Manager

SUBJECT: Resolution No. 960 - Establishing Solid Waste Collection Service Fees

DISCUSSION: Chapter 91 Health and Public Safety, Sections 91.30 through 91.60 of the Code of Ordinances are the Solid Waste Collection regulations of the City. Collection Services are provided in the form of a Franchise Agreement that was approved and adopted by Ordinance No. 1519 on November 6, 2014. Additionally, fees charged by the hauler are established in that agreement. The Commission also approved the customer charges as identified in Exhibit 1 of the Franchise Agreement.

Section 91.45 of the Solid Waste Code defines the components of the rate schedule and provides for changes by resolution. As the March 1, 2015, implementation date approaches and the Solid Waste Code has been amended to provide for the new Franchise Agreement, the last step in the process is to establish customer charges in the form of a rate schedule and adopt by resolution.

RECOMMENDATION: Adopt Resolution No. 960 establishing Solid Waste Collection Service Fees.

RESOLUTION NO. 960

**A RESOLUTION OF THE CITY OF LAKE MARY, FLORIDA,
ESTABLISHING CUSTOMER CHARGES FOR SOLID WASTE
COLLECTION; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, on November 6, 2014, the City Commission adopted Ordinance No. 1519, approving and adopting a Franchise Agreement with Waste Pro of Florida, Inc.; and

WHEREAS, the City Commission adopted Ordinance No. 1523 on February 26, 2015, amending, moving and repealing portions of Chapter 91: Health and Public Safety, Sections 91.30 through 91.60 Solid Waste Collection, of the Lake Mary Code of Ordinances to clarify and harmonize with the Franchise Agreement; and

WHEREAS, it is the desire of the City to establish customer charges for Solid Waste Collections as provided for in the Solid Waste Collection Ordinance and approved in the Franchise Agreement; and

WHEREAS, Ordinance No. 1523, Section 91.45 provides that the City Commission by resolution may establish, and change from time to time, a rate schedule to include deposits.

NOW, THEREFORE BE IT RESOLVED by the Mayor and City Commission of the City of Lake Mary, Florida, that:

Section 1. Ordinance No. 1523, Section 91.45 Rate Schedule is established as indicated in Exhibit "A" attached hereto and made a part hereof:

Section 2. Effective Date: This Resolution shall take effect March 1, 2015.

PASSED AND ADOPTED THIS 26th day of February 2015.

CITY OF LAKE MARY, FLORIDA

MAYOR, DAVID J. MEALOR

ATTEST:

CITY CLERK, CAROL A. FOSTER

EXHIBIT A

City of Lake Mary Solid Waste Collection Program Residential and Commercial Rate Schedule - Effective March 1, 2015

Residential Collection Service:

Service Category	Unit	Frequency	Rate
Curbside Pickup	per household	per month	\$ 18.00
Rear Door (Door-side)	per household	per month	\$ 24.00
The Forest	Association rate	per month	\$ 3,840.51
Smathers/Anderson	per household	per month	\$ 15.46
Special Service Fee	per cubic yard	as needed	\$ 20.00

Commercial Collection Service:

Container Size	Weekly Pickup Frequency for Commercial Container Service							Extra Pickup
	1	2	3	4	5	6	7	
96 gal (HAP)	\$ 32.62	n/a	n/a	n/a	n/a	n/a	n/a	
2 Yard	\$ 67.73	\$ 111.83	\$ 155.82	\$ 199.92	\$ 243.92	\$ 288.02	\$ 332.01	\$ 40.00
3 Yard*	\$ 92.72	n/a	n/a	n/a	n/a	n/a	n/a	\$ 40.00
4 Yard	\$ 118.44	\$ 206.54	\$ 294.63	\$ 382.73	\$ 470.82	\$ 558.92	\$ 647.01	\$ 40.00
6 Yard	\$ 162.34	\$ 292.68	\$ 423.02	\$ 553.37	\$ 683.61	\$ 813.95	\$ 944.30	\$ 40.00
8 Yard	\$ 208.72	\$ 382.44	\$ 556.27	\$ 729.99	\$ 903.72	\$ 1,077.44	\$ 1,269.03	\$ 40.00

*Service no longer offered

COMMERCIAL SERVICE - Compactors and Roll-Offs (1)		
Container Size	Container Rental & Maintenance per month	Fee per Pull (2)
20 cy Compactor	\$375.00	\$183.00
30 cy Compactor	\$375.00	\$183.00
34 cy Compactor	\$375.00	\$183.00
35 cy Compactor	\$375.00	\$183.00
40 cy Compactor	\$375.00	\$183.00
20 cy Roll Off	\$0.00	\$183.00
30 cy Roll Off	\$0.00	\$183.00
40 cy Roll Off	\$0.00	\$183.00

(1) Waste Pro will invoice customers directly for these services.

(2) In addition to these rates for compactors and roll-offs, Waste Pro shall include an administrative fee of \$20 per pull and remit to the City monthly.

Residential Deposit:

Water and/or Sewer Customer	Included in Water and/or Sewer Deposit
Garbage Only Customer	\$ 40.00

Commercial Deposit:

Greater of two times the projected monthly billing or minimum of \$100 as determined by the City Manager or designee.