

ORDINANCE NO. 09-2022

AN ORDINANCE OF THE CITY OF AVON PARK, FLORIDA PROVIDING FOR A TITLE FOR THE ORDINANCE; PROVIDING FOR REPLACEMENT OF PREVIOUS SOLID WASTE CODE UNDER ARTICLE II COLLECTION AND DISPOSAL; PROVIDING FOR SOLID WASTE COLLECTION TO BE A CITY UTILITY; PROVIDING FOR DEFINITIONS, MANNER OF COLLECTION BY THE CITY AND CUSTOMER RESPONSIBILITIES AND PROHIBITIONS; PROVIDING FOR OPEN TOP ROLL-OFF CONTAINERS AND COMPACTOR CONTAINERS FOR WASTES WHICH WILL NOT TO BE COLLECTED BY CITY; PROVIDING FOR SERVICE CHARGES, ADMINISTRATIVE RULES, RATES ESTABLISHED BY RESOLUTION; PROVIDING FOR PROHIBITION OF HAZARDOUS WASTE OR BIO-HAZARDOUS WASTE AND OTHER PROHIBITED ACTS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CODIFICATION, REPEAL OF CONFLICTING CODES, ORDINANCES, AND RESOLUTIONS; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Solid waste collection and management is becoming more complex and expensive as litter and environmental laws get stronger and mor enforcement; and,

WHEREAS, part of the effects of a loosely organized and enforced solid waste collection program is excessive wastes on street sides and litter on vacant lots and streets; and,

WHEREAS, the City Council, having considered the economic impact on solid waste customers, but in context with the economic externalities of not maintaining a tight solid waste collection and management system such as loss of property values and unsightly streets and parkways, have chosen to pass this more comprehensive solid waste code; and now,

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AVON PARK, FLORIDA AS FOLLOWS:

SECTION 1. TITLE. This Ordinance shall be referred to as the “2022 Solid Waste Ordinance”.

SECTION 2. Amendments to Solid Waste Code are shown as ~~strikethrough~~ for removal, and underline and redline for additions as follows:

Chapter 82 SOLID WASTE

ARTICLE I. IN GENERAL

Secs. 82-1—82-30. Reserved.

ARTICLE II. COLLECTION AND DISPOSAL

DIVISION 1. GENERALLY

Sec. 82-31. Definitions.

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

Business or commercial means any establishment or firm wherein a business or commercial occupational license is required by the city, except as otherwise provided in this article.

Coordinator means the coordinator of the solid waste division of the department.

Department means the public works department for the city.

Garbage means every refuse accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking and dealing in, or storage of meats, fish, fowl, fruits or vegetables, and any refuse accumulation of paper, wooden or paper boxes; cans, bottles or other containers; sweepings; and all other accumulations of a nature usual to housekeeping. The term "garbage" shall not include any yard waste.

Garbage can means a galvanized metal can or plastic can of the type commonly sold as garbage cans of a capacity not to exceed 32 gallons. Such cans are required to have handles on the sides of the can by which it may be lifted. Each can shall have a tightfitting top or cover.

Mobile home park means any business enterprise maintaining premises for the rent of mobile home sites, and each mobile home contained in such park shall be considered as a separate unit whether the mobile home is permanently affixed to the realty or not.

Multiple dwelling means a structure having more than one single family unit and shall include apartment buildings, motels and hotels.

Residence means a single family unit.

Travel trailer park means any business enterprise maintaining premises for the rent of trailer or camp sites for campers or travel trailers.

Yard waste means all reasonable accumulations of grass, trees, shrubbery or weed cuttings, pine needles, grass clippings, branches, palm fronds, other vegetation trimmings, and other refuse incident to the care of lawns, shrubbery, vines, trees and gardens. The term "yard waste" shall not be taken to include used or broken appliances, furniture, bedding, building materials, lumber, logs or other material of like nature.

Sec. 82-32. Scope of service.

- (a) No human or animal excrement will be picked up or transported by the public works garbage department or any franchisee.
- (b) Basic garbage and yard waste service will be conducted by the city or franchisee in a manner provided by this code, or by resolution not in conflict with this code, or by a franchise contract approved by the city council.

Sec. 82-33. Container service for large producers.

The coordinator shall assign to the large producers cubic yard containers provided by the city or a franchisee and will designate placement in one or more areas. The city or franchisee will maintain the containers' structure, provide paint, etc. The producer will maintain the container in a sanitary condition by cleaning and disinfecting in accordance with state and local health regulations. The producer will also ensure that a firm foundation is provided

under each canister to prevent roll over. The coordinator shall have the authority to change commercial can customers to commercial containers when the volume of trash is warranted.

Sec. 82-34. Service charges and rates.

- (a) The city shall maintain and operate, or franchise, a service for the collection and disposal of garbage and yard waste, and all persons whose premises are serviced thereby shall pay to the city for the use of such service rates as are set by resolution adopted by the city council.
- (b) The manner of collection and all rates for garbage, certain special wastes, and yard waste service shall be reviewed at least annually in conjunction with the preparation of the annual operating budget. Rates will be adjusted as determined necessary by the city council to ensure adequate revenue for the operation of the solid waste fund and to satisfy good accounting and business practices. Adjusted rates shall become effective as provided by resolution adopted by the city council.
- (c) The issuance of a certificate of occupancy to any residential property in the city is prima facie evidence of the need for garbage and yard waste service. All such residences within the city will be assessed a monthly garbage and yard waste charge regardless of whether the premises are occupied and regardless of whether water and sewer services are being utilized. Such monthly payment will be the responsibility of the owner of record of the dwelling.

Sec. 82-35. Collection and removal.

- (a) *Franchising authorized.* All refuse accumulated in the city shall be collected, conveyed and disposed of by the city government or pursuant to agreement with the city government. No person shall collect or convey over the streets or alleys of the city or dispose of any refuse accumulated in the city without a written contract or permit approved by the city council.
- (b) *Requirements for a permit.* Requirements for a permit are as follows:
 - (1) *Policy statements.* Permits are authorized under this article to aid the city in fulfilling its responsibility for providing an adequate, safe and sanitary system of collecting, transporting and disposing of garbage and rubbish from all buildings and establishments creating garbage or rubbish in the city.
 - (2) *Determination of need.* The city council shall determine if additional refuse service is needed.
 - (3) *Franchise conditions.* If a franchise is granted, it shall be for such period of time as may be fixed by the city council, but not in excess of five years, and may be exclusive.
- (c) *Prohibited accumulations.* It shall be unlawful for any person to allow accumulations of broken or used appliances, furniture, bedding, building materials or other unsightly accumulations to exist upon any such premises, and it shall be the duty of such person to make arrangement for a private contractor to collect and dispose of such accumulations.

Sec. 82-36. Containers required.

The occupants of each residence, multiple dwelling, business or commercial enterprise and trailer park are required to provide garbage cans and yard waste containers to sufficiently hold the accumulation of garbage and yard waste from each residence, multiple dwelling, business or commercial establishment or trailer park between the days such garbage and yard waste is collected.

Sec. 82-37. Wrapping and preparation of garbage; keeping containers covered.

All wet garbage matter shall be wrapped in paper before being placed in garbage cans. Containers shall first be drained of all liquids prior to being placed in garbage cans. All garbage cans shall be kept tightly covered at all

times except when it becomes necessary to lift the covers to deposit garbage in the garbage can or empty such can in a garbage truck.

Sec. 82-38. Preparation of yard waste.

- (a) All yard waste which is absorbent, such as grass and leaves, including fine grass cuttings, shall be contained in the required yard waste containers, except that yard waste containing no combustible matter, which will deteriorate or decay without giving off offensive odors, may be accumulated by the owner as such if maintained in a neat, orderly and sightly condition. All yard waste shall be separated from garbage prior to pickup.
- (b) No yard waste pickups will be made of vacant lots; provided, however, that the owner of any vacant lot may make arrangements with the city or franchisee for pickup of yard waste trash, and a reasonable charge for such service shall be determined by the coordinator.
- (c) Yard waste which is not prepared or separated as required in this section will not be picked up and will be a violation of this article.

Sec. 82-39. Location of containers.

Garbage and yard waste trash containers when not in use shall be kept away from the front of any building or premises. No garbage or yard waste trash container shall be kept or maintained upon or adjacent to any street, sidewalk, parkway or front yard and shall not be placed within five feet of any property line. No garbage can or yard waste trash container shall be deposited upon any adjoining lot or premises, whether vacant or improved, occupied or unoccupied, or in any street, alley or park in the city. Yard waste not required to be in yard waste containers, and garbage and yard waste containers filled for pickup, shall be neatly placed near, but not upon, the roadway on days of garbage and yard waste trash pickup so as to be convenient and accessible for collection.

Sec. 82-40. Inspection of containers; condemnation.

All garbage cans and yard waste containers shall be subject to the approval and condemnation of the coordinator. No appeal for such condemnation shall be possible except to the city council.

Sec. 82-41. Builders, building contractors, privately employed tree trimmers and tree surgeons and landscaping and lawn maintenance contractors.

Builders, building contractors, privately employed tree trimmers and tree surgeons and landscaping and lawn maintenance contractors must remove all yard waste trash and debris from the premises upon which they are working at their own expense. This shall include limbs, tree trunks, roots, concrete slabs, concrete blocks, bricks and all other materials used or generated by contractors in the course of building, altering or service to the premises.

Sec. 82-31. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where defined differently in F.S. ch. 403, as may be amended or where the context clearly indicates a different meaning:

Automated garbage collection means the system where an operator activates a mechanical arm on the side of the collection vehicle to lift and empty standardized collection carts.

Bulk waste means any household wastes that do not fit within the garbage carts, and household items such as couches, chairs, coffee tables, bed frames, rolled-up carpet, old toilets and more, that are too

large to fit in the provided cart. Extra garbage bags are not considered bulk waste. There is a 2 cubic yard maximum. This specifically excludes construction and demolition debris.

Bulk yard materials mean tree trimmings larger than five inches in diameter or greater than five feet in length.

City Manager means the City Manager, or his/her designee.

Commercial establishment means a property or properties zoned or used for commercial or industrial uses or used by an entity exempt from taxation under section 501(c)(3) of the Internal Revenue Code, and excludes property or properties zoned or used for single-family residential or multifamily residential uses.

Compactor container means a mechanical hydraulic or electrical machine designed and used specifically for compacting refuse or recyclables and is used for the storage, collection, and transport of solid waste for a commercial establishment.

Construction and demolition debris 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) yard trash (not yard debris or bulk yard materials) 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.

Curbside means area fronting the customer's property (a) no more than six feet from the curb or edge of pavement of road, (b) at least three feet between each garbage cart and any other container or other object such as a vehicle, fence, fire hydrant, or mailbox; and (c) not under power lines, by power poles, or on top of water meters.

Disposal means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or upon any land or water so that such solid waste or hazardous waste or any constituent thereof may enter other lands or be emitted into the air or discharged into any waters, including groundwater, or otherwise enter the environment.

Dumpster means a large metal box used for storage of garbage, usually two to eight cubic yards in size that is lifted and emptied mechanically by trucks, in which the contents are emptied into a truck and the empty container remains on site. Dumpster use is by City contract only and the City will designate

placement and appropriate storage structure. The city will maintain the containers' structure, provide paint, etc. The waste generator will maintain the container in a sanitary condition by cleaning and disinfecting in accordance with state and local health regulations. The waste generator will also ensure that a firm foundation is provided under each dumpster to prevent roll over. The City Manager shall have the authority to change commercial cart customers to commercial dumpster(s) when the volume of trash is warranted.

Garbage means solid waste, and includes but is not limited to, materials resulting from the preparation, cooking, and serving of food, including trimmings and other discarded matter from meat or produce, clothing, packaging, paper, and similar common items. It specifically excludes hazardous waste or bio-hazardous waste, construction and demolition debris, yard debris, domestic and farm animal carcasses, stable matter.

Garbage cart means a garbage container issued to an address by the City. Standard issue carts are 95 gallons, however, a special request by residential customers may be made to the City for one (1) smaller cart of either 35 gallons or 65 gallons in lieu of the 95-gallon cart, but with no adjustment in rates.

Hazardous materials mean 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 includes any solid wastes not acceptable at Highlands County Landfill.

Materials to be collected means garbage, solid waste, yard debris, and bulk wastes in the manner and quantities approved by this Code and generated solely at the address from which type are generated.

Open Top Roll-off container means any large capacity container used for the storage, collection, and transport of solid waste for commercially generated construction and demolition debris, bulk wastes, and garbage in quantities too large for pickup by the City, or other solid wastes not collected by the City, which are transported with their contents by a vehicle to a solid waste disposal site by permit of the City.

Solid waste means garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, commercial, or governmental operations.

Yard debris means all reasonable accumulations of grass, trees, shrubbery or weed cuttings, pine needles, grass clippings, branches, palm fronds, other vegetation trimmings, and other refuse incident to the care of lawns, shrubbery, vines, trees, and gardens.

White goods/appliances shall mean discarded refrigerators, ranges, washers, dryers, water heaters, dishwashers, and other similar domestic and commercial appliances, only from the address where generated.

Sec. 82-32 Establishment of system as public utility.

The garbage and solid waste collection and disposal system in existence in the City is established as and declared to be a public utility for the use and benefit of the City in the maintenance of public health, safety, and general sanitary conditions throughout the City.

Sec. 82-33. Collection by City.

(a) Except as otherwise provided in this Chapter, all garbage, solid waste, and materials accumulated in the City shall be collected, conveyed, and disposed of by the City. No person, for a fee shall collect,

transport, or convey over any of the streets, alleys, or public rights-of-way, or dispose of any materials to be collected. The occupants of each residence, multiple dwelling, business or commercial enterprise and trailer park are required to provide garbage cans and yard waste containers to sufficiently hold the accumulation of garbage and yard waste from each residence, multiple dwelling, business or commercial establishment or trailer park between the days such garbage and yard waste is collected.

(b) Residential garbage cart pickup will be performed twice each week on the same days each week. Each address will be issued one (1) cart; however, subject to approval of the City, arrangements can be made for additional carts at additional charge and rates.

(c) Yard debris will be picked up every other week on the first day of garbage collection. Small yard debris that cannot be bundled such as grass clippings, leaves, small clippings, etc., must be in bags or a garbage container other than the City garbage cart, and must not be comingled with any other wastes.

(d) Commercial garbage cart pickup will be performed twice each week on the same days each week. Each address will be issued one (1) cart upon request; however, subject to approval of the City, arrangements can be made for additional carts at additional charge and rates or replace carts with dumpsters by contract with the City.

(e) Commercial garbage dumpster and compactor container pickup will be performed in accordance with a contract between the business owner and the City.

(f) Bulk wastes will be picked up by the City every other week on the second day of garbage collection, up to 2 cubic yards, and the City Manager may limit the quantity and type of bulk items collected by the City, or when the City Manager determines that there is otherwise a reasonable probability that abuse of the City solid waste utility is occurring. The following are established limitations:

(1) Only bulk wastes generated at that same residential or commercial address may be placed for City pickup.

(2) Not more than four (4) automobile or light truck tires per year at residential addresses only, by appointment only.

(g) White goods will be picked by the City by appointment only.

(1) Not more than two white good/appliances in a year; and not more than one white good/appliance of the same type.

(2) White goods/appliances must be secured in accordance with law.

(h) No human or animal excrement will be picked up or transported by the public works garbage department or any franchisee.

(i) Basic garbage and yard waste service will be conducted by the City in a manner provided by this code, or by resolution not in conflict with this code, or by a franchise contract approved by the city council.

(j) Commercial entities performing work on property within the City must arrange for removal of all solid waste generated by them and shall not use the City's solid waste collection. Building and demolition contractors must identify the manner of disposal of construction and demolition debris as a prerequisite for a building/demolition permit. Builders, building contractors, privately employed tree trimmers and tree surgeons and landscaping and lawn maintenance contractors must remove all yard waste trash and debris from the premises upon which they are working at their own expense. This shall include limbs, tree trunks, roots,

concrete slabs, concrete blocks, bricks and all other materials used or generated by contractors in the course of building, altering or service to the premises.

Sec. 82-34. Preparation and placement of materials to be collected.

(a) Automated garbage collection.

(1) Automated garbage collection is used by the City for a single-family residence, therefore, resident or occupant of single-family residence is hereby required to use only the garbage cart(s) provided by the City, and no other cans, containers, or loose garbage.

(2) Carts must be placed only upon that resident's property who generated the waste. No person may call "on behalf of" the waste-generating resident or business other than the owner of the property for residences, or an owner or employee of the waste generating business.

(3) Garbage must be inside the garbage cart with the lid down. No bags or loose garbage shall be allowed to fall, accumulate, or be placed on or around the garbage cart. All wet garbage matter shall be wrapped in paper before being placed in garbage cans. Containers shall first be drained of all liquids prior to being placed in garbage cans. All garbage cans shall be kept tightly covered at all times except when it becomes necessary to lift the covers to deposit garbage in the garbage can or empty such can in a garbage truck.

(4) All yard debris and bulk items shall be kept separate from garbage.

(5) Each garbage cart with contents shall not exceed 150 pounds.

(6) Garbage carts shall be kept in good condition by the residential customer, including cleaning of garbage carts.

(7) The customer shall bear the cost to replace lost, stolen, or damaged garbage carts, except that garbage carts in need of replacement due to normal wear and tear and not abuse, shall be replaced at no additional cost to the customer.

(8) The City staff shall record the serial number of each cart issued in relation to the service address to which that cart is issued. A garbage cart shall not be removed from the property to which it is assigned and will transfer to new owners or tenants of the property.

(9) Except when legally placed curbside for collection, all garbage carts shall be stored at a location on the premises no closer to the street or other public or private way fronting the premises than the front edge of the primary structure located on the premises, or an imaginary line extending from the front edge of the primary structure to the side property lines of the waste-generating property. Not earlier than 6:00 p.m. of the day preceding the day of collection, nor later than 6:00 a.m. on the day of collection, all garbage carts shall be placed for collection as provided in this Chapter. On or before 6:00 a.m. following the day of collection, all garbage carts shall have been removed and returned to a place of proper storage.

(10) Except when otherwise specifically authorized in writing by the City Manager or when open top roll-off containers are used pursuant to Section 82-40, all garbage to be collected shall be placed curbside. The residential customer shall leave at least three feet between each garbage cart and any other container or other object such as a vehicle, fence, fire hydrant, or mailbox. Garbage cart shall not be placed under power lines, by power poles, on top of water meters, nor placed on sidewalks, streets, or other locations where interference with pedestrian or vehicular travel may occur. Dumpsters must be placed in a manner and location as provided by contract.

(11) Garbage carts shall not be placed on or in front of neighboring property not in the ownership or tenancy of the person by whom such garbage is accumulated. Single-family residential units shall not be permitted to share residential collection service with other residential units.

(12) Each residential customer choosing to place its containers at locations other than those designated by this Chapter may request a special collection service from the Solid Waste Department.

(13) Any garbage cart not placed or removed according to the requirements of this Chapter, or use of unapproved containers, may be tagged by the Solid Waste Department. After a warning for the first violation, customers shall be subject to a fine as provided by resolution, which will be placed on the account holder's utility bill.

(14) The property owner shall be responsible for the cost to collect and dispose of solid waste resulting from clean up from an eviction or move out of a renter.

(15) Dumpsters shall not be allowed for residential properties.

(b) Yard debris.

(1) Yard debris shall not be stored in a common container with other solid waste.

(2) Yard debris must be placed curbside for collection separately on designated days.

(3) Except for tree trimmings, yard debris shall be placed in plastic bags or other containers with contents not to exceed 40 pounds. Tree trimmings shall not exceed 40 pounds in weight, five inches in diameter or five feet in length and shall be tied and bundled or containerized not exceeding 40 pounds in weight. Bulk yard materials in excess of 40 pounds, five inches in diameter, or five feet in length shall be cut into smaller pieces by the generator of such bulk yard materials.

(4) Any bulk yard materials in excess of 40 pounds, five inches in diameter, or five feet in length shall be removed from the residential property and shall be disposed of by the customer. Failure to comply will result in a fine which shall be added to the utility bill in the amount of the cost of disposal and an administrative fee as provided by resolution.

(5) Yard materials must be generated only from the yard of the residential property from which they are generated, and not from any other address or location.

Sec. 82-35. Reserved

Sec. 82-36. Open top roll-off containers and compactor containers.

Any solid wastes that are not materials to be collected by the City must be disposed of at the sole responsibility of the waste generator. Such wastes may include garbage in excess of what is allowed for collection by the City, hazardous materials, bulk wastes white goods/appliances in amounts or types prohibited for City pickup, including construction and demolition debris.

Sec. 82-37. Service charges, administrative rules, rates.

(a) The City shall maintain and operate a service for the collection and disposal of garbage and yard waste, and all persons whose premises are serviced thereby shall pay to the city for the use of such service rates and charges as are set by resolution adopted by the city council. The City Manager is authorized to establish administrative rules, not inconsistent with this Chapter, necessary or prudent for the efficient and economical collection and disposal of solid waste from the City. Such administrative rules may be promulgated at any time necessary and implemented immediately and

may be reviewed by the City Council whenever a resolution for service charges, rates and fees is considered by the Council.

- (b) The manner of collection and all rates for garbage, certain special wastes, and yard waste service shall be reviewed at least annually in conjunction with the preparation of the annual operating budget. Rates will be adjusted as determined necessary by the city council to ensure adequate revenue for the operation of the solid waste fund and to satisfy good accounting and business practices. Adjusted rates shall become effective as provided by resolution adopted by the city council.
- (c) The issuance of a certificate of occupancy to any residential property in the city is prima facie evidence of the need for garbage and yard waste service. All such residences within the city will be assessed a monthly garbage and yard waste charge regardless of whether the premises are occupied and regardless of whether water and sewer services are being utilized. Such monthly payment will be the responsibility of the owner of record of the dwelling.

Section 82-38. Hazardous waste or bio-hazardous waste.

- (a) The collection and disposal of hazardous materials, hazardous wastes as defined by federal and state law, or bio-hazardous wastes shall be the sole responsibility of the owner or occupant, if occupied by other than the owner, of the improved property or vacant property upon which the waste is generated or located. Any collection and disposal of such waste shall be in strict compliance with all federal, state and local laws and regulations. The collection, transportation, and disposal of hazardous waste or bio-hazardous waste shall only be done in accordance with state and federal laws, as well as applicable county and City ordinances, and only by a vendor approved by appropriate regulatory agencies.
- (b) No person shall place or deposit hazardous materials, hazardous wastes or bio-hazardous waste in any garbage container, commercial container or in any other place where it might reasonably be expected to be transported to a landfill within the county, except as authorized by federal, state or local laws.
- (c) Any solid waste hauler or franchisee shall refuse to collect municipal solid waste from any improved property if the franchisee believes that such municipal solid waste contains hazardous materials, hazardous waste or bio-hazardous waste. If the franchisee believes that a person is depositing hazardous materials, hazardous waste or bio-hazardous waste for collection as municipal solid waste, the franchisee shall immediately notify the City code enforcement.
- (d) The City shall have the authority to inspect the waste being deposited by any person at any time to determine whether such waste contains hazardous materials, hazardous waste or bio-hazardous waste, and to take whatever action it deems necessary to insure the proper disposal of hazardous materials, hazardous waste or bio-hazardous waste.
- (e) A franchisee shall not be required to collect and dispose of hazardous materials, hazardous waste or bio-hazardous waste but may offer such service for an additional fee within any service area. The collection of such fee shall be the sole responsibility of the franchisee.
- (a)(f) Each business or occupation that has been certified as a small quantity generator of hazardous waste shall pay annually a small quantity generator notification and verification surcharge of \$50.00 on its business license or renewal thereof. For purposes of this paragraph, the term "small quantity generator" shall be defined as provided by federal regulations in 40 CFR part 260.10. The small quantity generator notification and verification surcharge shall be collected by the City Manager from each business having a physical business location in City which has been certified to be a small quantity

generator of hazardous waste. Any person who engages in or manages a business or occupation that has been certified to be a small quantity generator of hazardous waste without first paying the annual small quantity generator notification and verification surcharge as provided by resolution is subject to a penalty of 25 percent of the small quantity generator notification and verification surcharge due, in addition to any other penalty provided by law or ordinance. The small quantity generator notification and verification surcharge is due and payable on or before September 30 of each year or, if September 30 falls on a weekend or City holiday, on or before the first working day following September 30, and, if not paid by the due date, is delinquent and subject to a delinquency penalty of ten percent for the month of October, plus an additional five percent penalty for each subsequent month of delinquency until paid; provided, however, that the total delinquency penalty may not exceed 25 percent of the annual small quantity generator notification and verification surcharge imposed pursuant to this subsection on the delinquent establishment. Any person who engages in any business or occupation covered by this subsection who does not pay the annual small quantity generator notification and verification surcharge as provided by resolution, imposed pursuant to this subsection within 150 days after the initial notice shall be required to pay a penalty per offense as provided by resolution and is also subject to civil actions and penalties, including court costs, reasonable attorney's fees, and additional administrative costs incurred as a result of collection efforts.

Sec. 82-4239. Prohibited acts.

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

- (1) Do any act prohibited or to fail to do any act required by the regulations affecting the collection and disposal of refuse within the city.
- (2) Dump or dispose of garbage, trash, litter, solid waste materials and all other forms of matter of things being disposed of or abandoned into garbage bins owned by the city, by anyone other than the business or entity to which such bin is assigned. It shall be prima facie evidence of a violation of this subsection if the disposed of or abandoned material, as outlined in this subsection, can be established as having originated with a particular individual and he has allowed it to be so dumped, discarded or abandoned in any area other than an approved solid waste landfill.
- (3) Sleep in or temporarily occupy any garbage bin owned by the city.
- (4) Place for collection with the city garbage collection system any garbage, refuse or waste which was not generated on the site of the garbage collected.

DIVISION 2. ROLL-OFF CONTAINERS OR BAGSTER

Sec. 82-40. City Manager's determination.

For the purposes of this Division, the determination as to whether the City is unable to provide practical service for a nonresidential customer shall be made by the City Manager.

Sec. 82-41 & 82-42 Reserved.

DIVISION 3. ENFORCEMENT

Sec. 82-43. Payment of charges.

The rates and charges levied in this article shall be paid to and collected by the city in conjunction with other bills and charges for any and all other utilities covered within and under the direction of the city.

Sec. 82-44. Liens; prima facie evidence of delinquency.

All rates and charges required in this article, which remain unpaid for a period of 30 days after they become due and payable, shall be a lien against the premises served and may be recovered by the city by appropriate legal proceedings. Upon payment of all delinquent rates and charges due, a release or satisfaction of lien will be provided to the owner for filing or will be filed for the owner upon receipt from the owner of the filing fees charged by the city.

Sec. 82-45. Reserved.

Sec. 82-46. Penalty for violation of article.

~~Any violation of this article shall constitute a misdemeanor and shall be punishable by a fine of up to \$500.00 or imprisonment for up to 60 days in the county jail, or both.~~

~~(a) This code may be enforcement by the alternative means of chapter 162, Part I or Part II or any other lawful means of enforcement provided by law.~~

~~If enforced pursuant to chapter 162, Part II, the following shall apply:~~

~~1) Violations of the following sections shall be Class 1 violations~~

~~Section 82-33(a)~~

~~Section 82-33(c)~~

~~Section 82-33(f)(2)~~

~~Section 82-33(g)(1)~~

~~Section 82-33(g)(2)~~

~~Section 82-33(h)~~

~~Section 82-34(a)(1)~~

~~Section 82-34(a)(3)~~

~~Section 82-34(a)(4)~~

~~Section 82-34(a)(5)~~

~~Section 82-34(a)(6)~~

~~Section 82-34(a)(9)~~

~~Section 82-34(a)(10)~~

~~Section 82-34(a)(11)~~

~~Section 82-34(a)(15)~~

~~Section 82-34(b)(1)~~

~~Section 82-39(1)~~

~~Section 82-39(3)~~

~~2) Violations of the following sections shall be Class 2 violations~~

Section 82-33(f)(1)
Section 82-34(a)(2)
Section 82-34(a)(8)

3) Violations of the following sections shall be Class 3 violations

Section 82-34(b)(5)
Section 82-38(b)
Section 82-39(2)
Section 82-39(4)

4) Violations of the following sections shall be a Class 4 violation

Section 82-34(a)(14)

5) All other violations (not addressed above) of this Article shall be classified as Class 1 violations.

Secs. 82-47—82-75. Reserved.

SECTION 3. CODIFICATION.

The provisions of this Ordinance shall become and be made part of the Code of the City. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word, etc.

SECTION 4. REPEAL OF CONFLICTING CODES, ORDINANCES, AND RESOLUTIONS.

All City codes, ordinances and resolutions or parts of codes, ordinances and resolutions or portions thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 5. SEVERABILITY.

If any section, sentence, clause, part, or provision of this Ordinance is held to be invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby but shall remain in full force and effect.

SECTION 6. SCRIVENER'S ERROR.

The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Clerk or the Clerk's designee, without public hearing.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall be effective immediately upon passage.

IN WITNESS WHEREOF, the City of Avon Park, Florida, has duly adopted this Ordinance and caused it to be executed by the officers below as follows:

On the 27th day of June, 2022 the Ordinance was read for the first time, and the vote was:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilperson/Mayor Anderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilperson /Deputy Mayor Barnard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilperson McGuire	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilperson Mercure	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilperson Taylor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

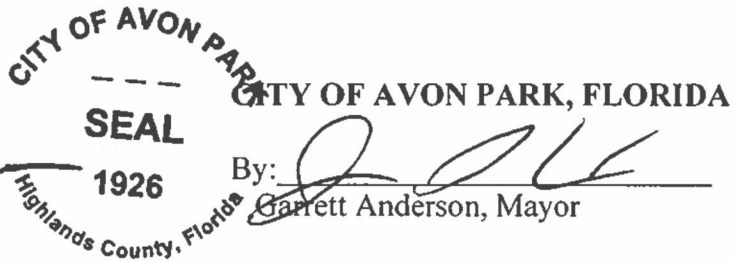
On the 11th day of July, 2022 the Ordinance was read for the second time at a public hearing, and the vote was:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilperson/Mayor Anderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilperson /Deputy Mayor Barnard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilperson McGuire	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilperson Mercure	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilperson Taylor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(Seal)

ATTEST:

By: Christian Hardman
Christian Hardman, City Clerk



By: Garrett Anderson
Garrett Anderson, Mayor

APPROVED AS TO FORM:

Gerald Buhr
Gerald Buhr, City Attorney