

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 50, "SOLID WASTE AND RECYCLING MANAGEMENT", OF THE CODE OF ORDINANCES, REVISING THE REGULATIONS RELATING TO DUMPSTERS AND DUMPSTER ENCLOSURES.

WHEREAS, Chapter 50 of the Hollywood Code of Ordinances establishes the procedures and regulations for solid waste and recycling management; and

WHEREAS, on March 20, 2002, the City Commission passed and adopted Ordinance No. O-2002-15 which amended Section 50.02 to establish guidelines and regulations for the enclosure of dumpsters; and

WHEREAS, Section 50.02(B) sets forth that the regulations for dumpsters and dumpster enclosures shall apply to those areas designated by resolution of the City Commission; and

WHEREAS, on March 20, 2002, the City Commission passed and adopted Resolution No. R-2002-89 which established two areas within the City in which the regulations would apply; and

WHEREAS, on April 20, 2016, a presentation was given to the City Commission to review the current regulations for dumpsters and dumpster enclosures; and

WHEREAS, the problem of unsightly dumpsters without enclosure exists citywide and the City Commission has expressed an interest in expanding the dumpster and enclosure regulations throughout the City; and

WHEREAS, on March 1, 2017, the City Commission passed and adopted Resolution No. R-2017-____ which repealed Resolution No. R-2002-89 and established that the dumpster enclosure regulations would apply citywide which requires certain revisions to the current ordinance regulations;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That Chapter 50, "Solid Waste and Recycling Management," of the Code of Ordinances of the City of Hollywood is hereby amended as follows:

(Coding: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions).

TITLE V: PUBLIC WORKS

CHAPTER 50. SOLID WASTE AND RECYCLING MANAGEMENT

§ 50.02 GARBAGE RECEPTACLES, DUMPSTERS AND COLLECTION.

* * *

(B) *Dumpsters and Dumpster enclosure.*

(1) *Purpose and applicability.* The purpose of this division is to promote the public health, safety and welfare through the regulation of Dumpster and dumpster enclosures in order to decrease and eliminate conditions of overflowing garbage and waste within the city. The regulations in this division shall apply citywide ~~to these areas designated by resolution of the City Commission and said areas shall comply with the regulations set forth below.~~

* * *

(3) *Enclosure and Dumpster requirements.* The following enclosure and Dumpster requirements shall be met by all properties as described below:

* * *

(c) *Service access.* Placement of dumpsters and enclosures shall be planned and constructed in a manner that allows unobstructed access to each dumpster and the unobstructed opening of the gates during the emptying process. Dumpsters shall not be located in such a manner that the service vehicle will block any street intersection. When adjacent to residentially zoned properties, enclosures shall be placed as far as possible from the abutting residential property line.

(d) *Gates.* All enclosures shall have ~~pedestrian and~~ service access gates and their construction shall be of sturdy metal frame and hinges with an opaque non-see-through facing material. Service gates shall be attached to a post not connected to the enclosure. Servicing gates shall incorporate gate stops and latches that are functional in the full open and closed positions and shall be of a size that will permit serving of the Dumpster. Enclosures with gates that swing out from the Dumpster shall be set back from the property line at least a distance equal to the width of the gate. Hinge assemblies shall be strong and durable so access and servicing gates function properly and do not sag. ~~All gates for pedestrian access shall be no more than 48 inches and no less than 36 inches in width.~~ Enclosure gates shall be closed at all times except for the time necessary to service the Dumpsters.

~~(e) Maze or baffle style openings. Maze or baffle style openings shall be permitted in place of a pedestrian access gate. A maze style opening is an~~

~~opaque wall or fence that can be located no more than 48 inches and no less than 36 inches from the enclosure opening and a minimum length of one and one-half times the length of the opening and centered upon the opening or one and one-quarter times the opening time the opening if the enclosure is closed on one end. The closed end must be adjacent to the opening.~~

~~(e)(f)~~ Pads and service drives. * * *

~~(f)(g)~~ Garbage containers. * * *

~~(g)(h)~~ Maintenance. * * *

~~(h)(i)~~ Materials and construction methods.

* * *

7. Exemptions.

* * *

~~E. No enclosure shall be required for bulk containers located on interior lots, behind the extension of the building line which directly abuts the alley.~~

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Section 2: That is the intention of the City Commission and it is hereby ordained that the provisions of this ordinance shall be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the provisions of said sections may be renumbered to accomplish such intention.

Section 3: That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 4: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

ORDINANCE AMENDING CHAPTER 50 OF THE CODE OF ORDINANCES RELATING TO DUMPSTERS AND DUMPSTER ENCLOSURES (2017).

Section 5: That this ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised _____, 2017.

PASSED AND ADOPTED on first reading this _____ day of _____, 2017.

PASSED AND ADOPTED on second reading this _____ day of _____, 2017.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC CITY CLERK

APPROVED AS TO FORM & LEGALITY
for the use and reliance of the
City of Hollywood, Florida only.

JEFFREY P. SHEFFEL, CITY ATTORNEY