

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 50 OF THE CODE OF ORDINANCES ENTITLED "SOLID WASTE AND RECYCLING MANAGEMENT" TO UPDATE THE REGULATIONS TO BE CONSISTENT WITH THE CITY'S COLLECTION SERVICES OPERATIONS.

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

WHEREAS, on August 28, 2019, the City Commission passed and adopted Resolution No. R-2019-240, which approved and authorized a contract with Waste Pro of Florida, Inc. for solid waste collection, recyclables collection, yard waste/bulk waste collection and disposal; and

WHEREAS, the proposed regulations will prevent yard debris from blocking stormwater entryways and allowing rainwater to successfully travel into the City's storm drains during rain events and effectively protect the City's stormwater management system; and

WHEREAS, due to changes set forth below the operation of the collection services, it is necessary to amend Chapter 50 in order for the regulations to reflect such changes.

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

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Ordinance.

Section 2: That Chapter 50 of the Code of Ordinances entitled "Solid Waste and Recycling Management" is hereby amended as follows¹:

TITLE XI: V

CHAPTER 50. SOLID WASTE AND RECYCLING MANAGEMENT

1 Coding: Words in ~~struck-through~~ type are deletions from existing text; underscored words are additions to existing text.

§ 50.01 DEFINITIONS.

[. . .]

COMMERCIAL ACCOUNTS. Any person receiving sanitation service other than one- or two-family residences, and includes accounts designated as industrial accounts and accounts for the collection, conveyance or disposal of construction and demolition material, rocks or soil.

DEPARTMENT. The Department of Public Works.

DIRECTOR. The Director of the Department of Public Works.

DUMPSTER. A container with a tight fitting lid and a minimum capacity of one cubic yard and approved for use by the Director of Public Works or his or her designee. For purposes of this chapter, bulk containers and/or compact containers shall be considered dumpsters.

[. . .]

§ 50.04 COLLECTION OF BULK WASTE, YARD WASTE AND RECOVERED MATERIALS.

(A) *Bulk waste and yard waste.*

(1) *Acceptable material.*

(a) To qualify as bulk waste material for collection by the city, bulk waste shall, in its entirety, meet the definition as set forth in § 50.01 and shall not exceed six cubic yards per collection pick-up. Bulk waste in excess of six cubic yards will not be picked up unless prior arrangements have been made and a fee has been paid either by check, money order, or charge to the customer's City utility account or to a major credit card which is acceptable to the City. The customer may also contract with any franchised hauler approved by the City for the same removal service.

(b) To qualify as yard waste material for collection by the City, the yard waste shall, in its entirety, meet the definition set forth in § 50.01 and shall not exceed four cubic yards per collection pick-up. Yard waste in excess of four cubic yards will not be picked up unless prior arrangements have been made and a fee has been paid either by check, money order, or charge to the customers' city utility account or to a major credit card that is acceptable to the City. The customer may also contract with any franchised hauler approved by the City for the same removal service.

(c) Bulk waste will be picked up once per month as specified in the advertised collection schedule posted on the City's website. Yard waste will be picked up once per week as specified in the advertised collection schedule posted on the City's website. This schedule may be subject to change.

(d) Yard waste consisting of leaves, grass clippings, small twigs or other vegetative material shall be placed in a standard bag. All logs, tree limbs, brush, palm fronds and other yard waste shall be cut in four-foot lengths or less and placed in containers or tightly bundled for collection.

(2) *Unacceptable material.*

(a) Any bulk waste or yard waste not meeting the definition set forth in § 50.01 is deemed unacceptable and will not be collected.

(b) Any yard waste consisting of unbundled material, including leaves, grass clippings, twigs, or vegetative material is deemed unacceptable and will not be collected. Yard waste is required to be placed in a standard bag.

(bc) Professional tree trimmers, lawn maintenance companies, arborists, landscapers, etc. are required to arrange for disposal of cuttings, branches, grass and leaves. They shall not leave these materials for pick up by the City Environmental Services Division unless arrangements have been made for payment of all fees required for these services. They are not considered City Environmental Services customers. These professionals are required to obtain all necessary local business tax receipts.

[. . .]

(3) *Proper Placement.*

[. . .]

(c) *Prohibitions.*

1. It shall be unlawful for the owner, tenant, or any person living on or in charge of any improved or vacant property to place or allow bulk waste or yard waste, waste material, junk, or other debris to be placed upon or to remain upon the public right-of-way abutting such property except as provided in §§ 50.02 (C), 50.04 (A)(3) and 101.05 (C) and (D).

2. It shall be illegal for any person to intentionally or accidentally wash, sweep, blow, or dispose of bulk waste, yard waste, waste material, junk or other debris or store such waste or material by wetlands, shorelines, into ditches or swales, near stormwater drains, or onto sidewalks or roadways.

23. It shall be unlawful for any person to deposit any commingled waste or any other waste or junk material on any vacant property for any purpose, whatsoever.

34. It shall be unlawful for any person to cause yard waste to be deposited onto the street or into storm drains.

45. It shall be unlawful for any person to place material on the swales and alleys for city pick up which did not originate from the abutting property. Any person placing bulk waste or yard waste onto the swale or adjacent to alleys for City pick up that did not originate from the abutting property shall be assessed a fee for removal and disposal of improperly placed material.

56. It shall be unlawful for any person to cause bulk waste or yard waste to be placed on streets, alleys, or City rights-of-way. Penalties for violation of this section shall be pursuant to § 10.99 or Chapter 36 of the Code of Ordinances.

67. It shall be unlawful for any person to place bulk waste or yard waste out on the swale(s) and/or alleys for City collection no sooner than noon (12 p.m.) on the day prior to the customer's regularly scheduled collection day. Any person placing bulk waste or yard waste out earlier than this shall be assessed a fee for the City to remove the bulk waste or yard waste if the bulk waste or yard waste is not removed within 24 hours of first notification of violation.

[. .]

§ 50.05 COLLECTION OF GARBAGE, RECOVERED MATERIALS, SOLID WASTE, RUBBISH, CONSTRUCTION AND DEMOLITION MATERIAL, ROCKS, AND SOIL BY PRIVATE CONTRACTOR; PERMIT REQUIREMENTS; RECYCLING.

(A) *Collection by private contractor.* All garbage, recovered materials, solid waste, and rubbish, as defined in § 50.01, shall be collected, conveyed and disposed of by the City except as herein provided. No person, partnership, association or corporation shall collect, convey or dispose of any garbage, recovered materials, solid waste rubbish, construction and demolition material, rocks, or soil accumulated in the City without first having obtained a permit from the Director of Public Works or designee. The issuance of a permit, as described above, gives each private contractor so permitted a franchise to collect garbage, solid waste, rubbish, construction and demolition materials, rocks, and soil within the City. A permit shall be issued only upon the criteria set forth in divisions (B), ~~and (C)~~, (D) and (E) below.

(B) The fact that any residential unit or any commercial property is occupied shall be proof that garbage or other refuse is being produced or accumulated upon such premises. However, a temporary residential vacancy, regardless of duration, shall not authorize a refund or excuse the nonpayment of any waste fee. Waste fees shall be chargeable on a pro rata basis on new residential units immediately following the issuance of a temporary or final certificate of occupancy by the City, or whenever the first waste is picked up from such unit by the City, whichever shall occur first.

(C) It is the exclusive function of the Department to collect and dispose of all waste in the City except as authorized by the Director and/or by law. The Director shall have the power to establish the type, frequency and amount of solid waste

collection service needed and to be rendered to all areas of the City and to promulgate rules and regulations not inconsistent herewith.

In the event that a location has constrained space and/or topographical limitations, the Director shall have the discretion to waive the requirements for minimum size or frequency of collection and impose requirements and frequencies better suited for the location in question. Such a waiver must be accompanied by adding recycling requirements where necessary at the same location.

The City Commission may authorize the collection of solid waste by commercial solid waste collectors for commercial accounts as defined in this chapter. If private collection is authorized, the contract with the commercial solid waste collector shall be non-exclusive and include but not be limited to garbage, trash and bulk waste collection and the number of collection days per week. In addition, for commercial accounts, the contract must specify a minimum of one or more container(s) with combined minimum capacity of two-cubic yards (2 CY) so as to avoid overflowing conditions with a minimum twice per week collection; two true and accurate copies of the contract shall be furnished to the Director or designee. The container(s) must be capable of holding a minimum capacity as set forth in the table below of solid waste for the number of units or size and activity of commercial account being served.

The following standards for container size and frequency of collection will be enforced (1 cubic yard container = 7-30 gallon containers):

<u>Number of Units</u>	<u>Container Capacity</u>	<u>Minimum Frequency</u>
<u>3-4</u>	<u>2 CY</u>	<u>2 x week</u>
<u>5-8</u>	<u>3 CY or 2 CY</u>	<u>2 x week 3 x week</u>
<u>9-12</u>	<u>4 CY</u>	<u>2 x week</u>
<u>13-16</u>	<u>4 CY or 3 CY</u>	<u>3 x week 4 x week</u>
<u>17-32</u>	<u>6 CY</u>	<u>3 x week</u>
<u>33-48</u>	<u>8 CY</u>	<u>3 x week</u>
<u>Over 48</u>	<u>8 CY</u>	<u>5 x week</u>

Note: The City reserves the right to increase the frequency and or container size as needed. All equipment utilized by a franchised private hauler shall comply with the requirements and provisions of this chapter. All containers shall be screened from the direct view of one or more individuals located on the adjacent property. The Department shall have the exclusive right to collect solid waste from any City

governmental facility, or any facility constructed or erected on City-owned or leased property, regardless of location.

(1) The Director and the Director's designated representatives are assigned the responsibility for enforcement of solid waste collection procedures enumerated in this chapter. The Director or designee has the authority to require the increase of frequency and/or size of a solid waste bin/container at solid waste generating dining establishments/restaurants or produce dispensing places if he/she determines that such locations pose an imminent hazard to the public health, safety, and welfare including but not limited to the presence of insects, rodents, continuous overflowing trash, and/or other potential health risks.

(2) Newspapers and other salvageable solid waste materials defined as aluminum cans, glass and plastic bottles, metal and tin cans, shall be separated from all solid waste materials as provided for in this chapter and shall be placed at the curb, in a container provided by the City, on the regularly scheduled recycling collection day or otherwise recycled unless otherwise designated by the Director. It shall be unlawful for any person, firm or corporation not licensed therefor, other than the owner, lessee, or occupant of that residential building, and City personnel, to collect or otherwise remove any newspapers or other salvageable materials that have been specifically placed for collection in the recycling collection program.

~~(BD)~~ *Permit required.* Any person, partnership, association or corporation who wishes to collect, convey or dispose of any garbage, recovered materials, solid waste, rubbish, construction and demolition material, rocks or soil accumulated in the City must have been granted a permit from the Director of Public Works or designee. The completed application for a one-year permit to collect, convey or dispose of any garbage, recovered materials, solid waste, rubbish, construction and demolition material, rocks or soil accumulated shall be on file no later than September 30th and shall include a fee, as applicable ~~under division (C)(2)~~ below.

Each applicant shall submit, in writing, a list of qualifications, including:

(a) Evidence of adequate number of trucks to provide service, and backup level to properly service number of customer accounts; including one backup truck for every five trucks in service.

(b) Certification of proper and adequate insurance coverage of not less than \$500,000 per occurrence public liability insurance.

(c) Demonstration that the permit applicant owns and maintains in good condition the various types of trucks, equipment and compaction units to provide the level of service desired by the City.

(d) Evidence of sufficient maintenance ability to meet the service needs of the number of trucks and equipment to be used by permittee.

(e) Demonstration that a local business office with a local telephone number will be operated to provide adequate response to customer inquiries or complaints. The office must be in Miami-Dade or Broward County. The telephone number must be a toll-free call from the City.

(f) Name, address and telephone number of the person to be contacted by the City with reference to the operation of this section.

(g) Names and addresses of the owners of the company making the application. If the applicant is a corporation, this includes a list of all officers and directors of the corporation. If the applicant is a partnership, this includes a list of all partners.

(h) The applicant shall provide a list of all convictions within the past ten years in federal court or the court of any state for violation of anti-trust, anti-competitive, racketeering or fraudulent practices laws with a brief description of the circumstances. The applicant shall also list all indictments, charges or investigations against the company within the past ten years pertaining to the above referenced matters with a brief description of the circumstances. This division also applies to all individuals listed in division ~~(B)(D)~~(1)(g) above.

(i) The applicant shall list any and all cities and counties from which the applicant or the principals have voluntarily or involuntarily withdrawn service during the five-year period immediately preceding the date of the application. The applicant shall also list all franchises issued to the applicant that have been voluntarily or involuntarily withdrawn, suspended, revoked or abandoned by either the issuing governmental entity or the applicant for the five-year period immediately preceding the date of the application with a brief description of the reason for such withdrawal. The applicant shall also provide a list of cities and counties where it is currently or has in the past provided service.

(j) The applicant shall submit evidence that a recycling program is in place and available to customers and shall comply with all state, county and local regulations for providing recycling services. Monthly reports shall be submitted to the Environmental Services Division indicating the types of materials and tonnage recycled, shall include proof that the materials were recycled and a list of recycling customers. However, recovered materials dealers who fall within F.S. Ch. 403 shall submit their quarterly reports in accordance with state laws, rules and regulations. Recycling programs may include materials listed in § 50.04 (B).

~~(G)~~ *Issuance of permit.*

(1) (a) In determining whether to issue a permit, the City Manager or designee shall consider the information provided by the applicant under division ~~(B)(D)~~, above. The City Manager or designee shall determine, based on these criteria, whether the applicant has sufficient experience, ability and expertise to allow

the applicant to successfully operate within the City in accord with all applicable laws and regulations.

(b) In analyzing the information provided in division ~~(B)~~(D)(1)(h) and (i), the City Manager or designee shall consider the number and seriousness of the specific incidents listed, and whether any penalty imposed has been satisfied.

(c) After evaluation of the permit application pursuant to (a) and (b) above, the City Manager or designee shall either grant the permit, which includes the permit requirements set forth in (d) below, or deny the permit.

(d) *Permit requirements.* In addition to the regulations set forth in this chapter, the permit holder shall also adhere to the following requirements:

1. Hours of service will be limited pursuant to the City's noise ordinance, Chapter 100, specifically §100.07(J).

2. All vehicles shall be clean, in good working condition and shall adhere to the maintenance schedule set forth in the applicant's permit application.

3. All pick up of ~~food and other putrescents~~ substances that may cause complaints of odor, or vermin or putridity ~~complaints~~ shall be at least twice a week, regardless of the size of the container.

[. . .]

Section 3: That it is the intention of the City Commission and it is 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 sections of this Code may be renumbered to accomplish such intention.

Section 4: That if any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, such invalidity shall not affect the validity of any remaining portions of this Ordinance.

Section 5: 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 are repealed to the extent of such conflict.

Section 6: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 50 OF THE CODE OF ORDINANCES ENTITLED "SOLID WASTE AND RECYCLING MANAGEMENT" TO UPDATE THE REGULATIONS TO BE CONSISTENT WITH THE CITY'S COLLECTION SERVICES OPERATIONS.

Advertised _____, 2023.

PASSED on first reading this _____ day of _____, 2023.

PASSED AND ADOPTED on second reading this _____ day of _____, 2023.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM:

DOUGLAS R. GONZALES
CITY ATTORNEY