

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 50, "SOLID WASTE AND RECYCLING MANAGEMENT" OF THE CODE OF ORDINANCES 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 regulation for solid waste and recycling management; and

WHEREAS, on August 28, 2019, the City Commission passed and adopted Resolution No. R-2019-240 that 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, due to 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, "Solid Waste and Recycling Management" of the Code of Ordinances of the City of Hollywood is hereby amended as follows:

## **TITLE V: PUBLIC WORKS**

### **CHAPTER 50. SOLID WASTE AND RECYCLING MANAGEMENT**

#### **§ 50.01 DEFINITIONS.**

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

*Brush material.*

\* \* \*

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

*Bulk waste.* Waste that may require special handling and management, and which by reason of bulk, shape, or weight cannot be placed in a container. Bulk waste includes but not is not limited to: furniture, fixtures, mattresses, discarded appliances or parts thereof, equipment, bicycles, other household items that are customary to ordinary housekeeping operations of a residential unit, metals, and scrap metal, including but not limited to white goods, duct work, sheet metal, light iron and unprepared scrap iron. Excluded materials include liquids, garbage, explosives, hazardous waste, radioactive waste, body waste, dead animals, and fuel tanks.

\* \* \*

~~*Commingled waste.* Any combination of brush material, yard waste or bulky waste, including but not limited to, furniture, discarded appliances or parts thereof, other household items, metals, yard waste, mulch, land clearing debris, vegetation, tree trimmings and scrap metal including, but not limited to, white goods, duct work, sheet metal, light iron and unprepared scrap iron, and debris. Excluded materials include liquids, garbage, explosives, hazardous waste, radioactive waste, body waste, dead animals and fuel tanks.~~

\* \* \*

*Unacceptable waste.* Includes motor vehicles, trailers, or other bulky items of machinery or equipment, highly inflammable substances, hazardous waste, sludge, pathological and biological wastes, liquid wastes, sewage, manure, feces (~~except from small pets~~), explosives and ordnance materials, radioactive materials, construction and demolition material, rocks, and soil.

*Yard Waste.*

\* \* \*

## **§ 50.02 GARBAGE RECEPTACLES, DUMPSTERS AND COLLECTION.**

\* \* \*

(A) *Garbage receptacles required; specifications.*

(1) All owners and occupants not using dumpsters shall store all garbage in an approved receptacle issued to the owner and/or occupant by the city City. The use of any other receptacle(s) is strictly prohibited.

\* \* \*

\* \* \*

(c) The total weight of the receptacle and contents shall not exceed ~~300~~ 100 pounds.

~~(d) Lids must be securely fastened on all receptacles located in a residential area. Any receptacle with an unsecured lid may not be collected by the city.~~

~~\* \* \*~~

~~(D) *Scheduled collection.* In areas designated by the City Manager or his/her designee, a once per week refuse collection schedule may be implemented. Environmental Services customers in these areas shall be provided with refuse carts having a capacity of 30 to 100 gallons. The City Manager or his/her designee may grant a fee reduction for such service, and the fee shall be based on the service provided.~~

~~(D) (E) *Placement and storage of receptacles.*~~

~~\* \* \*~~

~~(2) A property owner whose property abuts an alley shall store garbage and recycling receptacles in the alley access and a property owner whose property does not abut an alley shall store at the side or rear of the property unless a separate recessed storage area is provided on the owner's property if abutting an alley way. Garbage and recycling receptacles are not permitted to be stored in an alleyway unless the property owner has an approved recessed bay for storage.~~

~~\* \* \*~~

~~(4) Garbage and recycling receptacles shall be set out for collection no sooner than 5:00 p.m. on the day prior to the customer's regularly scheduled collection and no later than 7:00 a.m. on the customer's regularly scheduled day of service. The garbage and recycling receptacles must be returned to storage by 7:00 p.m. on the day of collection. The garbage and recycling receptacles must be placed within five feet of the curb/service point in order to accommodate pickup. sunset on the day prior to the customer's regularly scheduled garbage collection and returned to storage by sunset of the day of collection.~~

#### **§ 50.04 COLLECTION OF ~~COMMINGLED~~ BULK WASTE, YARD WASTE AND RECOVERED MATERIALS.**

~~(A) *Commingled Bulk waste and Yard waste.*~~

~~(1) *Acceptable material.*~~

~~(a) To qualify as commingled bulk waste material for collection by City, the ~~commingled~~ bulk waste shall, in its entirety, meet the definition as set forth in §50.01 and shall not exceed ~~four~~ six cubic yards per collection pick-up. Bulk Commingled waste in excess of ~~four~~ 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 customers' City of ~~Hollywood~~ utility account or to a major credit card that is acceptable to~~

the City city. 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. 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.

(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.

~~(a) Any commingled waste contaminated with garbage is unacceptable and will not be collected.~~

(b) 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's 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.*

(a) *Alleys.* In areas having service alleys that provide safe access for collection vehicles, all bulk waste and yard waste ~~commingled waste~~ shall be placed for collection at the rear of the private property affected, in a location easily accessible to the collection crews and must not impede the flow of traffic through the service alley. To allow for the safe operation of equipment, where possible, the bulk waste or yard waste debris is not to be placed near or under guy wires or adjacent to utility poles, trees, water meters, cable boxes, fences or other structures. In the event that construction work in alleys is necessary by outside entities or City projects, residents will be notified of temporary closures of the alley(s) prior to the work and will be required to place bulk waste and yard waste to the curbside for collection during the temporary closure period. Placement of bulk waste or yard waste is the responsibility of the property owner, and Any any damages to these items due to the improper placement of bulk

waste or yard waste ~~commingled waste~~ will be charged to the owner of the premises and if unpaid for a period in excess of 30 days after billing, shall constitute a nonpayment as described in §50.09.

(b) *Swales.* Any residential property owner whose residence does not abut an alley shall place all bulk waste or yard waste ~~commingled waste~~ for collection on the swale or unpaved portion of the right-of-way adjacent to his or her property. This placement shall not interfere in any way with pedestrian or vehicular traffic flow or line of sight. To allow for the safe operation of equipment, where possible, the bulk waste or yard waste ~~commingled waste~~ shall not be placed near or under any guy wires, or adjacent to utility poles, trees, water meters, cable boxes, telephone boxes, fences or other structures. Placement of bulk waste or yard waste ~~commingled waste~~ is the responsibility of the property owner, and any damage to these items due to the improper placement of bulk waste or yard waste ~~commingled waste~~ will be charged to the owner of the premises and if unpaid for a period in excess of 30 days after billing, shall constitute a nonpayment as described in §50.09.

(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 ~~commingled 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 ~~401.05(D)~~ 101.05(C) and (D).

\* \* \*

\* \* \*

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

5. It shall be unlawful for any person to cause ~~uncontainerized~~ bulk waste or yard waste ~~commingled waste~~ to be placed on streets, alleys, or City ~~city~~ right-of-ways. Penalties for violation of this section shall be pursuant to §10.99 or Chapter 36 of the Code of Ordinances. ~~§97.99.~~

6. It shall be unlawful for any person to place bulk waste or yard waste ~~commingled waste~~ out on the swale(s) and/or alleys for City ~~city~~ collection no sooner than noon (12:00 p.m.) on the day prior to the customer's regularly scheduled collection day. Any person placing bulk waste or yard waste ~~commingled waste~~ out earlier than this shall be assessed a fee for the City ~~city~~ to remove the bulk waste or yard

~~waste commingled waste~~ if the bulk waste or yard waste ~~commingled waste~~ is not removed within 24 ~~48~~ hours of the first notification of violation.

(4) *Collection schedule.* All ~~commingled waste set out for collection~~ shall not be placed on swales and/or alleys no sooner than noon (12 p.m.) on the day prior to the customer's regularly scheduled ~~commingled waste collection day for the area,~~ unless arrangements have been made for a special pick up, for the fee prescribed in § 50.07. The schedule for collection by area shall be established by resolution of the City Commission.— Bulk waste shall be picked as specified in the advertised collection schedule posted on the City's website. Yard waste shall be picked up as specified in the advertised collection schedule posted on the City's website.

(5) *Special pick up procedures.*

(a) Any person owning, living on or being in charge of any real property in the City ~~city~~ who is an Environmental Services Division customer may arrange with the Environmental Services Division of the Public Works Department for an individual ~~commingled waste~~ bulky waste or yard waste special pick up. A fee shall be charged for an individual ~~commingled~~ bulk waste or yard waste special pick up, provided that the ~~commingled waste~~ bulk waste or yard waste shall have been properly piled on the swale or in the alley adjacent to the property to facilitate pick up. Such fee shall be established by resolution of the City Commission and shall be added to the next regular utility bill mailed by the Utility Accounting Division to the location at which the special pick up was requested, or paid by the person maintaining a utility account requesting the special pick up. Except where an individual ~~commingle waste~~ bulk waste or yard waste special pick up shall have been arranged as provided above, where ~~commingled waste~~ bulk waste or yard waste has been placed or stored on such property, the City ~~city~~ shall post a notice in a conspicuous place on the property giving the owner, tenant or other person living on or being in charge thereof ~~three working days~~ 24 hours to remove such ~~commingled waste~~ bulk waste or yard waste or to arrange for its removal by the City ~~city~~. Unless the ~~commingled waste~~ bulk waste or yard waste shall have been removed within such ~~three day period~~ 24 hour period or an arrangement for its removal by the City ~~city~~ shall have been made within such time, the City ~~city~~ shall pick up such ~~commingled waste~~ bulk waste or yard waste in accordance with (c) below. ~~and the cost thereof as provided in the resolution in the resolution of the City Commission, shall be added to the next regular utility bill mailed on behalf of the city to the customer. However, in the event that the commingled waste shall not have been properly piled on the swale or in the alley as provided above, the cost of removal, together with a fine in the amount of \$100 for an improper pile, shall be assessed against the owner or other person in charge of the property and may be billed to such person in addition to the utility charges billed on the next ensuing utility service statement, or otherwise.~~

(b) Where ~~commingled waste~~ bulk waste or yard waste is placed or stored on vacant real property or on improved real property in the City ~~city~~ where utility service is not provided, the City ~~city~~ shall post a notice in a conspicuous place on the property giving the owner or other person in charge thereof ~~three working days~~ 24 hours to remove such

~~commingled waste bulk waste or yard waste. . Unless removed within such three day period 24 hour period, the City may remove the bulk waste or yard waste in accordance with (c) below. a fine for an improper pile together with an administrative charge totaling \$200, shall be assessed against the owner or other person in charge of the property and shall constitute a debt, subject to collection by legal process.~~

(c) In the event any person required by the terms of this section fails to properly pile the bulk waste or yard waste on the swale or in the alley as provided in (a) above, or fails to remove the bulk waste or yard waste as provided in (a) and (b) above, the City may cause such removal of the bulk waste or yard waste to be done and shall charge the cost of such services to that person. Such actions by the City shall be deemed as abating a nuisance in accordance with (d) below, and falls within §38.04 of the Code of Ordinances. There shall also be an administrative charge established by resolution of the City Commission for each service that the City is required to perform. Charges for such removal, along with any administrative or interest charge, shall be a lien upon such real property, and whenever a bill for such charges remains unpaid for 20 days after it has been rendered, the Finance Director shall file and record a claim of lien in the public records of Broward County and with the Clerk of the Circuit Court for Broward County. This claim of lien statement shall contain a legal description of the premises, the expenses and costs incurred, the date of such expenses, and a notice that the City claims a lien for this amount. For purposes of this section, incurred costs shall encompass, in addition to the abatement cost of the nuisance, all administrative, legal, postal and publication expenses, as well as all other direct or indirect costs associated therewith. All such unpaid charges shall bear interest after 20 days at the rate provided in §55.03(1), Florida Statutes for interest on judgments. The claim of lien statement shall further provide notice that interest on the unpaid charge shall accrue at the rate provided for in §55.03(1), Florida Statutes for interest on judgments. A copy of the claim of lien shall be mailed to the owner of the property, if his/her address is available. The City may pursue all legal means available to collect those liens, including but not limited to imposing a special assessment and collecting such in accordance with §38.04 of the Code of Ordinances. The costs incurred for collection, including legal fees, shall be recovered along with all amounts due the City under the lien. The remedies provided above shall be cumulative with all other remedies provided by this section and the election of any one shall not preclude the use of any other. Written notice of the assessment shall be given to the property owner, and if applicable, the agent, custodian, lessee or occupant. Such notice shall be by certified mail, return receipt requested and shall set forth the following:

(1) A description of the violation, a description of the action taken by the City to abate the nuisance, and the fact that the property has been assessed for the costs incurred by the City in abating the nuisance; and

(2) The aggregate amount of such costs and an itemized list of such costs; and

(3) The intent of the City to place the assessment on the tax roll as a non-ad valorem assessment if not paid by the following August 1; and

(4) The potential for the property to be subject to the sale of a tax certificate, bearing interest by law at the rate as high as 18% per annum, if the non-ad valorem assessment is not paid as part of the tax bill on the property; and

(5) The potential for the property to be sold and conveyed by tax deed if the tax certificate is not redeemed by payment of the non-ad valorem assessment, in full, plus interest, as required by Florida law.

~~(c) Except with respect to charges added to utility service bills, any charge for removal of commingled waste pursuant to (a) and (b) above shall become a lien upon the real property from which the commingled waste has been removed whenever a bill for such charges remain unpaid for 20 days after it has been rendered. The Financial Services Director shall file and record a claim of lien in the public records of Broward County, Florida. This claim of lien shall contain a legal description of the premises, the expenses and costs incurred, the date of such expenses, and a notice that the city claims a lien for this amount. All such unpaid charges shall bear interest after 20 days at the rate provided in F.S. §55.03(1) for interest on judgments, which fee will be disclosed on the claim of lien. A copy of the claim of lien shall be mailed to the owner of the property, if his/her address is available. The city may pursue all legal means available to collect those liens. The costs incurred for collection, including legal fees, shall be recovered along with all amounts due the city under the lien. The remedies provided above shall be cumulative with all other remedies provided by this section and the election of any one shall not preclude the use of any other.~~

~~(1) In the event that any property shall require the city to provide the services described above more than once in any 30 day period, an additional fee as established by resolution of the City Commission will be added to the second and each subsequent bill.~~

~~(2) All liens created pursuant to this section shall remain liens, coequal with the lien of all state, county, district, and municipal taxes, superior in dignity to all other liens, titles, and claims, until paid. The amount of such fees shall constitute a lien against the premises to the same extent and character as a lien for special assessments and with the same penalties and the same rights of collection, foreclosure, sale or forfeiture as obtained by special assessment liens and may be handled in the same manner by the city.~~

(e) In the event that any property shall require the City to provide the services described above more than once in any 30 day period, an additional fee as established by resolution of the City Commission will be added to the second and each subsequent bill.

(f) All liens created pursuant to this section shall remain liens, coequal with the lien of all state, county, district, and municipal taxes, superior in dignity to all other liens, titles, and claims, until paid. The amount of such fees shall constitute a lien



against the premises to the same extent, character and priority as a lien for special assessments and with the same penalties and the same rights of collection, foreclosure, sale or forfeiture as obtained by special assessment liens and may be handled in the same manner by the City.

(g) In addition to the remedies prescribed by above, if it shall be brought to the attention of the City Commission and it shall be determined that the accumulation of bulky waste or yard waste on private property within the City is a nuisance and is likely to have an immediate adverse effect upon the public health or safety, the City Commission may, by appropriate resolution or motion, order such nuisance summarily abated by the City in an orderly manner.

\* \* \*

(B) *Recycling.*

(1) *Single family, duplex and triplex owners, renters, and occupants of these units.*

\* \* \*

~~(b) *Collection times.* Residents shall receive weekly curbside or alley pick up of materials. Carts must be set out for collection no sooner than sunset on the day prior to the customer's regularly scheduled recycling collection day and returned to storage by sunset of the day of collection.~~

\* \* \*

**§ 50.08 BILLING PROCEDURE.**

~~(A) The fact that any place of abode or any place of business has water service and a certificate of occupancy shall be prima facie evidence that garbage is being produced and accumulated upon such premises. Fees for the collection and disposal of garbage shall be billed on the monthly water statement and shall be collected along with all other charges for service in accordance with §51.142, or in a manner as the City Manager may direct.~~

~~(B) The fees prescribed herein are payable, regardless of occupancy, subject to the provision that if water service is discontinued to the premises for any amount of time and for any reason other than for nonpayment the fees for sanitation services shall be reduced by 38% for the billing periods during which no usage is billed.~~

~~(B)(C)~~ Appeal requests for possible billing errors related to sanitation service shall not be considered beyond the three month period immediately preceding the appeal date, except that this limitation will not apply where the person requesting the appeal establishes to the satisfaction of the Director of Financial Services or his or her designee that the person requesting the appeal did not receive sanitation service as a

customer of the city during the period in question either because he or she hired a private contractor or sanitation service was provided to him or her indirectly through the lessor, condominium association, or cooperative association of the property to which the bill or bills in question apply.

~~(C)(D)~~ Whenever there exist exceptional conditions of occupancy and use of premises, the City Manager or his/her designee is hereby authorized to charge proper fees and prices for collection and disposal, predicated upon the cost therefor.

~~(D)(E)~~ *Proration of base charges.* On initial and final bills, the sanitation service charge per unit shall be prorated by dividing the charge by 30 days and then multiplying the resulting daily amount by the number of days of service in the initial or final billing period.

\* \* \*

Section 2: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated into this Ordinance.

Section 3: That 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 provisions of such sections 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.

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

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

Advertised \_\_\_\_\_, 2020.

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
JOSH LEVY, MAYOR

ATTEST:

\_\_\_\_\_  
PATRICIA A. CERNY, MMC  
CITY CLERK

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY for the use and reliance  
of the City of Hollywood, Florida only.

\_\_\_\_\_  
DOUGLAS R. GONZALES  
CITY ATTORNEY