

ORDINANCE NO. 2021-_____

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, RELATING TO UTILITIES, MAKING REVISIONS TO CITY OF TAMPA CODE OF ORDINANCES, CHAPTER 26 (UTILITIES) ARTICLE IV, SOLID WASTE; AMENDING CHAPTER 26; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council finds that following amendments to Chapter 26, Code of Ordinances, more specifically to Article IV, the Solid Waste Ordinance, shall include but not be limited to revisions to definitions, addition of accurate references to the Florida Administrative Code and to reflect current processes of the Department; and,

WHEREAS, the City Council of the City of Tampa has determined that the following amendments promote and protect the general health, safety and welfare of the residents of the City of Tampa; and,

WHEREAS, duly noticed public hearings as required by law were held by the City Council of the City of Tampa, at which public hearings all residents and interested persons were given an opportunity to be heard.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA:

Section 1. That the recitals set forth above are hereby incorporated as if fully set forth herein.

Section 2. That "Sections 26-146 et seq, also known as the City of Tampa Solid Waste Ordinance, is hereby amended by adding the underlined language and deleting the stricken language as follows:

Section 3. **Sec. 26-146. - Title.**

This article shall be known and may be cited as the "City of Tampa Solid Waste Ordinance."

(Ord. No. 89-253, § 2(58-151), 9-28-89)

Section 4. That "**Sec. 26-147. Definitions.**" is hereby amended by deleting the stricken language and adding the underlined language as follows:

Sec. 26-147. - Definitions.

1 For the purpose of this article, certain abbreviations, terms, phrases, words and their
2 derivatives shall have the following meanings:

3 *Apartment building* means a building under one (1) roof housing four (4) or more
4 living units having a centralized location for solid waste containers.

5 *Biohazardous waste* means any solid waste or liquid waste which may present a
6 threat of infection to humans. The term includes, but is not limited to, nonliquid human
7 tissue and body parts; laboratory and veterinary waste which contain human disease-
8 causing agents; used disposable sharps; human blood, and human blood products and
9 body fluids; and other materials which in the opinion of the Florida Department of Health
10 and Rehabilitative Services represent a significant risk of infection to persons outside the
11 generating facility.

12 *Biological waste* means solid waste that causes or has the capability of causing
13 disease or infection and includes, but is not limited to, biohazardous waste, diseased or
14 dead animals, and other wastes capable of transmitting pathogens to humans or animals.

15 *Brush transfer site* means that portion of McKay Bay Solid Waste Transfer Station
16 or other city site so designated to be utilized by residential customers of the city who
17 display a current month's utility bill which includes a garbage charge.

18 *Bulk service* means curbside service for commercial customers for solid waste
19 placed out in containers, plastic bags or corrugated boxes and which can be estimated by
20 cubic yard measurement and loaded by hand with ease.

21 *Clean debris* means any solid waste which is virtually inert and which is not a
22 pollution threat to groundwater or surface waters and is not a fire hazard and which is
23 likely to retain its physical and chemical structure under expected conditions of disposal
24 or use. The term includes uncontaminated concrete, including embedded pipe or steel,
25 brick, glass, ceramics, and other wastes designated by the director.

26 *Commercial collection* means departmental collection service for all commercial
27 establishments, including, but not being limited to, apartments, motels, hotels, trailer
28 parks, stores, office buildings, restaurants, service stations and garages, laundries and
29 cleaning establishments, industrial establishments and all other places not classified as
30 residential which produce or accumulate solid waste and maintain centralized locations
31 for refuse bins or containers.

32 *Construction and demolition debris* means materials generally considered to be not
33 water soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick,
34 concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the
35 construction or destruction of a structure as part of a construction or demolition project,
36 and including rocks, soils, tree remains, trees, and other vegetative matter which normally
37 results from land clearing or land development operations for a construction project.
38 Mixing of construction and demolition debris with other types of solid waste, including

1 materials from a construction or demolition site which is not from the actual construction
2 or destruction of a structure, will cause it to be classified as other than construction and
3 demolition debris.

4 *Construction material* means sand, wood, bricks, cement, concrete blocks, sheds,
5 fences, tiles, pipe, doors, windows, glass, roofing, lumber, aluminum sheeting materials,
6 plywood sheets, drywall, plasterboard, paint, debris and wastes, including metals,
7 accumulated from land clearing, excavating, building, rebuilding and altering of
8 buildings, structures, roads, streets, sidewalks or parkways and materials produced by
9 major construction, remodeling, repair and/or demolition.

10 *Container* means the ~~common twenty through thirty two gallon plastic or~~
11 ~~galvanized iron garbage can with well fitted lid, a plastic bag of similar capacity or a~~
12 ~~molded polyethylene barrel available in various capacities and used cart provided by the~~
13 Department to store solid waste generated at residences and small businesses.

14 *Curbside collection* means collection from that area within unobstructed arm reach
15 no more than five (5) feet from the curb or edge of the pavement of a public street or
16 alley serviced by the department of solid waste. Containers placed behind any structure
17 such as a fence or wall or placed in a vault below the ground surface are not included in
18 this definition and shall be excluded from curbside service.

19 *Department* means the department of ~~s~~Solid Wwaste and Environmental Program
20 Management.

21 *Director* means the director of the ~~D~~department of solid waste who shall be
22 responsible for the management of the affairs of such department.

23 *Disabled vehicle* means a motor vehicle and/or customary associated equipment
24 used for transfer, transport, storage, processing or disposal of solid waste which is, in the
25 opinion of the manager, interfering with the proper operations and management of the
26 McKay Bay Complex.

27 *Disposal* means the depositing of solid waste at a city owned, operated or approved
28 solid waste facility, including, but not limited to, incinerators, landfills, transfer stations,
29 brush sites and other similar facilities so designated by the director of the department ~~of~~
30 ~~solid waste~~.

31 ~~*Entrance facility manager* means that individual representative of the city who is~~
32 ~~responsible for operational and related activities at the McKay Bay Entrance Facility.~~

33 *F.A.C.* means the Florida Administrative Code, as revised or amended.

34 *Garbage* means every refuse accumulation of animal, fruit or vegetable matter that
35 is attendant to the preparation, use, cooking and dealing in or storage of edibles and any
36 other matter of any nature whatsoever, which is subject to decay, putrefaction and the

1 generation of noxious or offensive gasses or odors or which, during or after decay, may
2 serve as breeding or feeding material for flies or other germ-carrying insects or animals,
3 or any container of the material defined herein.

4 ~~*Garden trash* means all accumulations of leaves, grass or shrubbery cuttings and~~
5 ~~other refuse attendant to the care of lawns, shrubbery, vines and trees.~~

6 *Hand search load* means any solid waste material contained in a transporting vehicle
7 or associated equipment which, at the direction and in the discretion of the official, must
8 be unloaded for the purposes of examination and possible removal or recovery of specific
9 items contained therein.

10 *Hauler* means a person in the business of providing solid waste services.

11 *Hazardous wastes* means materials or combinations of materials which require
12 special management techniques because of their acute and/or chronic effects on air and
13 water quality; on fish, wildlife or other biota; and on the health and welfare of the public.
14 These materials include, but are not limited to, volatile, chemical, biological, explosive,
15 flammable, radioactive and toxic materials.

16 *Hot load* means any solid waste material contained in a transporting vehicle or
17 associated equipment which is in the process of combustion.

18 *Household items* means those items from a residence, including, but not limited to,
19 mattresses, beds, couches, chairs, refrigerators, water heaters, rubbish, etc., and not
20 including garbage, hazardous waste, industrial wastes, building materials and special
21 materials.

22 *Industrial wastes* means the waste products of canneries, slaughterhouses or packing
23 plants, condemned food products, agricultural waste products and other solid waste
24 products generated from industrial processing or manufacturing or any other solid waste
25 products generated from industrial wastes or rubbish.

26 *Junk* means any tangible item such as furniture, appliances, bicycles, motor vehicles
27 or smaller property not having a useful purpose to the owner or abandoned by the owner
28 and not included within the definitions of garbage, yard trash, yard waste, ~~garden trash,~~
29 industrial wastes or rubbish.

30 *Landfill or sanitary landfill* means a solid waste disposal facility, excluding those
31 exempted under Rule ~~1762-701.200(57)030(3)~~, F.A.C., which meets the criteria of
32 Chapter ~~1762-701~~, F.A.C. This term shall include: (a) a land spreading site; (b) a surface
33 impoundment; or (c) an injection well defined under and subject to the provisions of
34 Chapter ~~62-52817-28~~, F.A.C.

35 *McKay Bay Complex* means those facilities located near the intersection of Clark
36 Street and 34th Street in the city which are utilized for the weighing, transfer, handling

1 or disposal of solid waste. The facilities include, but are not limited to, the McKay Bay
2 Refuse-To-Energy Facility, the McKay Bay Solid Waste Transfer Station, the McKay
3 Bay Entrance Facility, a blade cleanout station, a hot-load station, parking areas and
4 roads, such facilities collectively to be referred to as the "complex."

5 *McKay Bay Entrance Facility also known as the "Scalehouse"* means the facility
6 located at the complex site for the weighing and processing of vehicles transporting
7 materials into and out of the McKay Bay Complex. This facility includes two (2)
8 scalehouses, three (3) motor truck scales and a computer system.

9 *McKay Bay Refuse-to-Energy Facility* means the solid waste disposal and energy
10 generation facility located at the complex, capable of processing by incineration up to
11 one thousand (1,000) tons per day of solid waste and generating up to twenty-five (25)
12 megawatts of electricity. This facility shall be referred to as the refuse-to-energy facility.

13 *McKay Bay Solid Waste Transfer Station* means the facility located at the complex
14 site where solid waste is transferred from collection vehicles to transfer vehicles to be
15 taken to a disposal facility.

16 *Permitted refuse bin* means a refuse bin permitted by the city under this article.

17 *Person* means any and all persons, natural or artificial including any individual,
18 firm, or association; any municipal or private corporation organized or existing under the
19 laws of Florida or any other state; any county of this state; and any governmental agency
20 of this state or the federal government.

21 *Plant Manager* means that individual representative of the city who is responsible
22 for operational and related activities at the McKay Bay Entrance Facility.

23 *Private solid waste services* means any person, firm or corporation involved in the
24 business of collection, transporting and/or disposal of solid wastes.

25 *Prohibited materials* means those materials, items or matter which are not permitted
26 to be placed into containers, refuse bins or out for collection or to be brought to any city
27 disposal facility, including, but not limited to, hazardous, biohazardous and toxic wastes
28 as regulated by the state and the federal government; containers five (5) gallons or greater
29 containing any amount of liquid; asbestos, liquid paints; sludges; vehicular batteries;
30 explosives or ammunition; pressurized gas cylinders five (5) gallons or greater; welding
31 cylinders; ignitable and flammable wastes; cesspool wastes; human remains and animal
32 carcasses or parts; PCB's radioactive materials; corrosive wastes; reactive wastes; closed
33 cartridge filters from dry-cleaning establishments; ashes; foundry sand; motor vehicles,
34 including major parts such as transmissions, rear ends, springs and fenders; large
35 machinery and equipment; motor oil; materials exceeding size, weight and quantity
36 limitations as established from time to time by the director; and any other waste having
37 the possibility of posing a threat to the health or safety of persons or causing damage to
38 the city's or contractors' vehicles and equipment.

1 *Refuse bin* means a large metal box for commercial solid waste, usually of the two-
2 cubic yard to eight cubic-yard size, or compactors and roll-off boxes of larger capacities,
3 lifted mechanically by trucks in order to empty.

4 *Refuse-to-energy facility* means the physical plant constructed by the city for
5 disposal of solid waste through incineration resulting in the simultaneous generation of
6 electricity.

7 *Regulations* refers to the terms and provisions of this article relating to storage,
8 collection and disposal of solid wastes.

9 *Residence* and *residential* mean and refer to single-family dwellings, duplexes,
10 triplexes and garage apartments and all other living units not coming within other
11 definitions set out herein. Each living unit of a duplex or triplex and each garage
12 apartment shall be deemed a separate residence.

13 *Residential collection* means the departmental collection service for residences.

14 *Rubbish* means refuse accumulations of paper, excelsior, rags, wooden or paper
15 boxes or containers, sweepings and all other accumulations of a nature other than
16 garbage, which are usual to housekeeping and to the operation of stores, offices and other
17 business places; also, any bottles, cans or other containers which, due to their ability to
18 retain water, may serve as breeding places for mosquitoes or other water-breeding
19 insects.

20 *Sanitary landfill* means a disposal facility employing an engineered method of
21 disposing of solid waste on land in a manner which minimizes environmental hazards by
22 spreading the solid wastes in thin layers, compacting to the smallest practical volume and
23 applying cover material as required by the department's regulations.

24 *Sludge* includes the accumulated solids, residues, and precipitates generated as a
25 result of waste treatment or processing, including wastewater treatment, water supply
26 treatment, or operation of an air pollution control facility, and mixed liquids and solids
27 pumped from septic tanks, grease traps, privies, or similar waste disposal appurtenances.

28 *Solid waste* is a general term that includes the specific terms "garbage," "~~garden~~
29 ~~trash,~~" "rubbish," "individual wastes," "junk," "construction and demolition debris,"
30 "refuse," "yard trash," "clean debris," "yard waste," "white goods," "special waste,"
31 "ashes," "sludge," or other discarded material, including solid, liquid, semisolid, or
32 contained gaseous material resulting from domestic, industrial, commercial, mining,
33 agricultural, or governmental operations.

34 *Special materials* means those materials which have originated outside the
35 continental United States, dead animals, pathological and infectious waste,
36 pharmaceutical drugs and controlled substances, documents and other records which
37 require certification of destruction and other materials or matter which, in the opinion of

1 the manager, must be processed in a manner or method different from the usual and
2 customary method of disposing of solid waste at any city disposal facility.

3 *Special services* means the collection upon request from residential or commercial
4 customers of certain solid waste placed at curbside in larger quantities than that
5 authorized to be collected under the ordinary fixed rate. Such collection is only available
6 upon request and for an additional charge as set forth herein.

7 *Special wastes* means solid wastes that can require special handling and
8 management, including but not limited to, white goods, whole tires, used oil, mattresses,
9 furniture, lead-acid batteries, biological wastes, construction materials, yard waste, and
10 any other waste which requires distinct, separate or extraordinary handling as mandated
11 by federal, state or local regulatory agencies.

12 *Transfer station* means a fixed facility used for removing refuse from collection
13 trucks and other vehicles and placing it in long-haul vehicles for transfer to a disposal
14 facility.

15 *Transporting* means to convey or cause any refuse to be conveyed from one (1)
16 address to another address.

17 *Used oil* has the meaning given it in Chapter ~~1762~~-710, F.A.C.

18 *User* means any private agency, person, partnership, corporation or business entity
19 delivering solid waste or removing recovered products from the McKay Bay Complex.

20 *Waste management facility* means any facility in which solid waste is collected,
21 separated, stored, transferred, treated, processed, deposited, or however the term is now
22 or hereafter defined by law.

23 *White goods* includes inoperative and discarded refrigerators, ranges, water heaters,
24 freezers, and other similar domestic and commercial large appliances.

25 *Yard trash* means vegetative matter resulting from landscaping maintenance and
26 land-clearing operations.

27 *Yard waste* includes trees, limbs, boughs, brush or bushes which are susceptible to
28 grinding, shredding or chipping.

29 (Ord. No. 89-253, § 2(58-152), 9-28-89; Ord. No. 91-83, § 1, 5-16-91; Ord. No. 92-140,
30 § 1, 8-27-92; Ord. No. 94-216, § 1, 10-20-94)

31 Cross reference— Definitions and rules of construction generally, [§ 1-2](#).

32 Section 5. **Sec. 26-148. - Prohibited acts.**

1 It is unlawful for any person to do any of the following:

- 2 (a) To place or cause to be placed any solid waste upon the property of another without
3 his consent;
- 4 (b) To convey or cause to be conveyed over and upon any of the streets and alleys of
5 the city any solid waste without a permit or license or both such permit and license,
6 as may be required by the regulations affecting the collection and disposal of solid
7 waste. Conveying or causing any refuse to be conveyed from one (1) address to
8 another shall be deemed transporting;
- 9 (c) To deposit or dispose of any solid waste in or upon any public street, sidewalk,
10 right-of-way or alleyway or any stream, ditch, river, pond, bay, creek, park or public
11 place in the city, except at such incinerators, sanitary landfills or transfer stations as
12 shall be designated by the director;
- 13 (d) To deposit, dump or dispose of any solid waste at, upon or in any incinerator,
14 sanitary landfill or transfer station as shall be designated by the director without first
15 obtaining the authorization of the custodian thereof;
- 16 (e) To burn or dispose of any solid waste generated or brought within the city, except
17 at a facility designated by the director;
- 18 (f) To produce or accumulate any ~~garden trash~~ yard waste, yard trash, industrial waste,
19 junk or other solid waste at any residence, commercial establishment or institution,
20 while such person is acting in the capacity of a contractor, without removing same
21 to a designated disposal facility;
- 22 (g) To place containers out for curbside collection any earlier than 4:00 p.m. sunset of
23 the day prior to a scheduled collection or to leave such containers out adjacent to the
24 street any later than 10:00 a.m. sunset on the day following a scheduled collection
25 the containers are emptied;
- 26 (h) To place any solid waste out for collection in any location not serviced by the
27 department, unless a permit to do so is first obtained from the director;
- 28 (i) To do any act prohibited or to fail to do any act required by the regulations affecting
29 solid waste within the city;
- 30 (j) To remove solid waste from any refuse bin, container from a collection location or
31 from curbside.

32 (Ord. No. 89-253, § 2(58-153), 9-28-89; Ord. No. 91-83, § 2, 5-16-91)

33 **Sec. 26-149. - Placing solid waste on streets, vacant lots, in streams, etc.**

34 No person shall place or accumulate or cause to be placed or accumulated any solid
35 waste in or upon any premises or lot owned by him or in his control nor shall any person
36 place, accumulate or cause to be placed or accumulated any solid waste in or upon the
37 premises of another or any public street, sidewalk, right-of-way or other public place or
38 any pond, stream, ditch or body of water, except as provided in this article.

39 (Ord. No. 89-253, § 2(58-154), 9-28-89)

40 Cross reference— Throwing or discharging trash, debris, etc., into navigable waters, §
41 14-239; excessive accumulation of debris, rubbish, trash, etc., declared public nuisance, §

1 19-49; placing or permitting offensive matter on streets, vacant lots, in streams, etc., §
2 19-53; protection of public drainage systems, § 21-9.

3 **Sec. 26-150. - Littering in parks and public places.**

4 (a) It is unlawful for any person to litter, which is hereby defined to include throwing
5 or depositing solid waste in or upon any public square, street, sidewalk, unoccupied
6 lot, beach, parkway, park, alley, the waters of the city or other public area in the
7 city, except in receptacles provided for that purpose.

8 (b) Persons placing solid waste in receptacles in public areas shall do so in such a
9 manner as to prevent it from being carried or deposited by the elements upon any
10 street, sidewalk, beach, parkway, park or other public area. Where such receptacles
11 are not provided, all such solid waste shall be carried away from the park, beach or
12 public area by the person responsible for its presence and properly disposed of
13 elsewhere.

14 (Ord. No. 89-253, § 2(58-155), 9-28-89; Ord. No. 91-83, § 3, 5-16-91)

15 Cross reference— Littering in parks and public places, § 19-55.

16 **Sec. 26-151. - Scavenging.**

17 It is unlawful for any unauthorized person to remove materials from a permitted
18 refuse bin, a container at a collection location or at curbside.

19 (Ord. No. 89-253, § 2(58-156), 9-28-89)

20 **Sec. 26-152. - Ownership of solid waste.**

21 All solid waste except prohibited wastes, once placed in a permitted refuse bin or
22 set out for residential or commercial collecting becomes the exclusive property of the
23 city.

24 (Ord. No. 89-253, § 2(58-157), 9-28-89; Ord. No. 91-83, § 4, 5-16-91)

25 **Sec. 26-153. - Department of solid waste to provide for solid waste removal**
26 **exclusively.**

27 (a) Solid waste produced in the city shall be mandatorily collected by the city or by its
28 franchisees, licensees or permittees and shall be removed exclusively under the
29 direction of the solid waste department pursuant to the terms and provisions of this
30 chapter and such rules and regulations as the director shall prescribe for the
31 removal, transportation and disposal of such solid waste. The department of solid
32 waste has the authority to require proof of disposal from parties claiming no need
33 for solid waste service.

34 (b) Each and every person who generates commercial or industrial waste shall,
35 periodically, complete questionnaires or answer survey questions relative to the

1 types and quantities of waste generated by that person, when required to do so by
2 the director of solid waste.

3 (Ord. No. 89-253, § 2(58-158), 9-28-89; Ord. No. 91-83, § 5, 5-16-91)

4 **Sec. 26-154. - Occupation of building prima facie evidence of solid waste.**

5 The fact that any place of abode or any place of business is occupied shall be prima
6 facie evidence that solid waste is being produced and accumulated upon such premises
7 and that service charges for the collection and disposal thereof are due the city.

8 (Ord. No. 89-253, § 2(58-159), 9-28-89)

9 **Sec. 26-155. - Resurvey of premises; appeal from charges.**

10 (a) The director has the right at any time on his own motion or upon citizen request
11 to recheck or resurvey any premises and to reduce or increase the service charge
12 for the following months as provided herein according to the volume of solid
13 waste found to be produced or accumulated upon such premises or the type of
14 services rendered.

15 (b) ~~Any person paying or who is responsible for paying the service charges~~
16 ~~computed under this chapter~~ A customer who believes that ~~a the service fee or~~
17 charge assessed is incorrect may file a written application with the director for
18 an administrative hearing to determine whether the proper service charges have
19 been assessed. Within ~~ten thirty (3+0)~~ thirty (30) days of the receipt of such application, it
20 shall be the duty of the ~~Chief of Staff director~~ to appoint a Hearing Officer who
21 will promptly schedule an administrative hearing at which the department shall
22 present evidence and testimony to show that the service charges have been
23 properly assessed and are due and owing, and the customer shall have the right
24 to rebut by cross-examining witnesses and by presenting evidence and testimony
25 to show that such service charges are incorrect. Such application for hearing
26 shall be made prior to the time the disputed service charge becomes delinquent
27 and, if application is not made within the prescribed time, any right to hearing
28 will be deemed waived; the customer shall be subject to the penalties enumerated
29 in this chapter. If the service charge is found to be correct after hearing, the
30 charge shall be payable immediately, and the customer shall be assessed an
31 additional charge of One Hundred Fifty Dollars ~~twenty-five dollars~~ (\$150~~25~~.00)
32 to cover the cost of the hearing, which amount shall be included in the customer's
33 bill on a pro rata basis over the next three (3) billing periods.

34 (Ord. No. 89-253, § 2(58-160), 9-28-89)

35 **Sec. 26-156. - Right to service.**

36 (a) *Generally.* Upon request for service and payment of the required deposit and in
37 consideration thereof, the owner, occupant or tenant of the premises shall be entitled

1 to the solid waste collection and disposal services of the department upon the terms,
2 conditions and regulations specified herein.

3 (b) ~~Elderly persons~~. A customer who is an owner, tenant or occupant of a residential
4 premises from which solid waste is collected may, after acceptance by the city of a
5 written application supported by the customer's certificate stating that the customer
6 is sixty-five (65) years of age or older and that the premises is normally occupied
7 by not more than two (2) persons, including the customer, receive collection from
8 the city whereby such customer shall be entitled to have collected at each regularly
9 scheduled collection no more than one (1) thirty-two-gallon container of normal
10 solid waste.

11 (1) Applications and certificates required for such services shall be upon forms to
12 be provided by the city. Applications for such service shall be made on the date
13 on which the applicant reaches sixty-five (65) years of age or thereafter.
14 Collection service shall be provided to the customer at the then current
15 discounted rate. ~~at a rate of one dollar and fifty cents (\$1.50) off the standard~~
16 ~~curbside rate, subject to the provisions of this subsection from the date of~~
17 ~~application, and shall continue without annual reapplication or renewal, so long~~
18 ~~as such provisions continue in force and are complied with by the customer. The~~
19 ~~acceptance of applications and certificates and the provisions of collection~~
20 ~~service by the city shall not be construed as granting any vested rights thereto~~
21 ~~nor creating a contract therefor, and the special service procedure and rates~~
22 ~~provided for herein may be discontinued by the city without recourse to the~~
23 ~~customer.~~

24 (2) Any customer who violates the provisions of this subsection shall be billed
25 retroactively for up to twenty-four (24) months for services rendered at the
26 standard curbside rate.

27 (3) Any customer who knowingly files a certificate required by this subsection that
28 contains false information or who, without having given prior notice to the
29 department ~~of sanitation~~, puts out for collection any solid waste in excess of the
30 one (1) thirty-two-gallon container limit, (or the smallest size provided by the
31 Department) after the city has accepted an application for and begun to provide
32 the service as provided in this subsection, shall be guilty of an offense against
33 the city, punishable as set forth in section 1-6 of this Code.

34 (4) Any solid waste placed out for collection by a residential owner, tenant or
35 occupant sixty-five (65) years of age or older that exceeds the amount picked up
36 by the department under this special rate to that customer shall be collected and
37 disposed of by the department within a reasonable time after receiving notice of
38 the location of same, for which service there will be a special service charge in
39 addition to the minimum charges set forth in this chapter.

40 (Ord. No. 89-253, § 2(58-161), 9-28-89)

41 **Sec. 26-157. - Permits.**

42 A permit is required to engage in the business of collecting, receiving, storing,
43 separating, transporting or disposing of any type of waste, including but not limited to
44 solid or special waste.

- 1 (a) A property owner or occupant ~~erson~~ that hauls their own residential solid waste
 2 generated on his/her own residential property as described in Sec. 26-160(c), is
 3 ~~Currently property owners or occupants are required to obtain a permit, but is~~
 4 exempt from payment of occupational business license tax.
- 5 (b) A person that has a Commercial Solid Waste Franchise pursuant to Chapter 26,
 6 Article VIII.
- 7 (c) A person that has a franchise to collect construction and demolition debris
 8 pursuant to proposed Chapter 26, Article IX.
- 9 (d) Collectors of Recyclable Material and Recovered Materials in compliance with
 10 the proposed requirements in Chapter 26, Article V (“Recyclable and Recovered
 11 materials Ordinance”) .
- 12 ~~A person that collects and transports yard trash that the person generated while~~
 13 ~~performing lawn maintenance or land clearing services.~~
- 14 (e) A person that is a repairman, roofer, or contractor who collects only the waste
 15 material he or she generates while providing their services and then transports
 16 such material in the person’s own motor vehicle.
- 17 (f) Upon request, a permittee must provide receipts demonstrating that the permittee
 18 used the McKay Bay Facility for the disposal of processible solid waste that the
 19 permittee collected or generated within the City §26-175(b).

20 (Ord. No. 89-253, § 2(58-162), 9-28-89; Ord. No. 91-83, § 6, 5-16-91)

21 **Sec. 26-158. - Service of privately owned refuse bins.**

22 No service shall be rendered by the department for the collection and disposal of
 23 any solid waste contained in any privately owned refuse bin unless the owner, tenant or
 24 occupant of the premises upon which the same is installed shall have, prior to the
 25 installation thereof, obtained a permit acknowledging that the container is compatible
 26 with the collection service vehicles of the department.

27 (Ord. No. 89-253, § 2(58-163), 9-28-89)

28 **Sec. 26-159. - Applications, documentation for permits.**

- 29 (a) Any person legally entitled to apply for and receive a certificate or permit under
 30 the provisions of this article shall make such application in writing to the city on
 31 forms provided for that purpose. Every applicant for a certificate or permit shall
 32 provide the required information to the official in order that the official may
 33 determine that the application is in compliance with the provisions of this article.
 34 The official may require plans, specifications or drawings and such other

1 information as he may deem necessary and pertinent, prior to the granting of a
2 permit. If the official determines that the plans, specifications, drawings,
3 descriptions or other information furnished by the applicant is in compliance with
4 this chapter, the rules and regulations of any other department having jurisdiction
5 and any other laws, rules and regulations, he shall issue the permit applied for upon
6 payment of the required fee.

- 7 (b) The order, sequence and prerequisites for making applications for service shall be
8 as designated by the official.

9 (Ord. No. 89-253, § 2(58-164), 9-28-89)

10 **Sec. 26-160. - License and permit requirements for private or haul-your-own solid or**
11 **special waste services.**

- 12 (a) It is unlawful for any person to engage in the business of collection, transportation
13 or disposal of solid waste within the city without first making written application
14 for an approved permit from the solid waste department for service at each specific
15 address and paying the appropriate occupational license tax.
- 16 (b) A permit may be granted to a person to engage in the business of collection,
17 transportation or disposal of solid waste within the city when, by reason of the
18 nature, size, volume, shape or character of solid waste generated or produced at a
19 particular premises, it is not possible, safe, feasible or practicable within the
20 discretion of the director for the solid waste to be collected, transported or disposed
21 of by the equipment and facilities of the department. Any such permit shall limit
22 the recipient to collection, transportation or disposal of solid waste generated or
23 produced from such particular premises specified in the permit. The director may
24 deny any permit if service can be furnished by the department.
- 25 (c) Whenever by reason of the nature, size, volume, shape or character of any solid
26 waste it shall not be possible, safe, feasible or practicable for the solid waste to be
27 collected, transported and disposed of by the equipment and facilities of the
28 department and the owner or occupant of the premises which generated or produced
29 such solid waste does not choose to use a private solid waste service, such owner
30 or occupant may, upon written application therefore, be issued a permit by the
31 director to collect, transport and dispose of the same himself. The application shall
32 indicate the manner of collection, transportation and disposal to be utilized and the
33 exact location of disposal. An occupational license tax will not be required for haul-
34 your-own accounts, but the owner or occupant must pay the permit fee as herein
35 provided. Regular solid waste haulers must pay the occupational license tax as well
36 as the permit fee as herein provided.
- 37 (d) An application for a permit to engage in the business of collection, transportation
38 or disposal of solid waste from a specific address shall be on a form provided by
39 the department. The form shall show the name and address and authorization of the
40 customer to be served, the name of the person to be granted the permit or, if a
41 corporation, the names of the principal officers and the names of the local operating
42 managers who are actually responsible for performing such services for the
43 corporation, together with the business address and telephone number of each such

1 person; a description of the type, size, pickup service frequency of equipment to be
2 used; the length of service, permanent or temporary (less than six (6) months) and
3 the exact location of disposal.

- 4 (e) There shall be an application fee administered for the processing of each
5 application submitted to the department. The application fee may be waived for
6 nonprofit organizations involved in recycling. The fee is payable in cash or money
7 order when the application is submitted. The application must be submitted to the
8 department ~~for approval~~ at least seven (7) days prior to ~~or within seven (7) days~~
9 ~~from~~ the planned commencement of permanent service. The department must
10 approve the permit prior to commencement of service. The application fee is not
11 reimbursable if the application for the permit is denied. If the application for the
12 permit is approved, the permit shall be issued.
- 13 (f) A permit is valid for one (1) calendar year from approval date. The permit shall be
14 renewed each year or with the change of solid waste haulers.
- 15 (g) A permit holder, upon request of the department, may at any time be required to
16 show receipts from the approved disposal site. Failure to produce receipts may
17 result in the revocation of the permit.
- 18 (h) Any permittee who, at his business location, transfer site or other site authorized
19 by the director, collects, receives, transports, stores and separates solid or special
20 waste which is generated within the 1983 jurisdictional limits of the city may
21 dispose of any nonrecyclable solid or special waste either within or outside the city
22 limits at locations approved by the appropriate governmental entity. The owner or
23 his agent, as a condition precedent to receiving this nonrecyclable waste for disposal
24 at that location, shall apply for and receive a permit from the department.

25 (Ord. No. 89-253, § 2(58-165), 9-28-89; Ord. No. 91-83, § 7, 5-16-91)

26 **Sec. 26-161. - Revocation of permits.**

27 The official may revoke permits issued by him upon finding that:

- 28 (a) The permit was issued by mistake of law or fact;
- 29 (b) The permit is for work which violates the provisions of this chapter;
- 30 (c) The permit was issued upon a false statement or misrepresentation by the
31 applicant;
- 32 (d)-The permit violates any ordinance of the city or any state or federal law, rule or
33 regulation;
- 34 (e) The work is not being performed in accordance with the provisions of this
35 chapter;
- 36 (f)-The certificate of competency or license of the permittee has become invalid by
37 reason of expiration, suspension, revocation or otherwise;
- 38 (g) The work is not being performed under the supervision of the holder of the
39 certificate or license upon which the same was issued;

1 (h) The work is not being done in accordance with the terms of the permit, the plans
2 or the application upon which the same was issued; or

3 (i) Payment of the permit fee was not ~~e~~affected due to insufficient funds or any
4 other reason.

5 (Ord. No. 89-253, § 2(58-166), 9-28-89)

6 **Sec. 26-162. - Nontransferability of permits.**

7 No permit shall be transferable from one (1) permittee to another.

8 (Ord. No. 89-253, § 2(58-167), 9-28-89)

9 **Sec. 26-163. - Inspections, other approvals.**

10 All installations, work, maintenance and improvements made by private hauling
11 companies and regulated by this article shall at all times be subject ~~at all times~~ to
12 inspection by the city. The director may require whatever documents, drawings or
13 certificates necessary to effect approval of such work.

14 (Ord. No. 89-253, § 2(58-168), 9-28-89)

15 Cross reference— Inspections generally, § 1-27.

16 **Sec. 26-164. - Solid waste code enforcement division; duties.**

- 17 (a) There is hereby created within the solid waste department a division to be known
18 as the "solid waste code enforcement division."
19 (b) It is the duty of the director and the persons assigned to the solid waste code
20 enforcement division, who shall be called "solid waste code inspectors," to
21 implement and enforce all sections of this article as it relates to the collection,
22 accumulation, disposal, depositing, transporting or dumping of garbage, trash,
23 rubbish or any other solid waste generated within or brought into the city limits.
24 (c) The provisions of this section are intended to be supplemental to the minimum
25 property standards provisions of this Code and are not intended to repeal or
26 invalidate any other provisions of this Code.

27 (Ord. No. 89-253, § 2(58-169), 9-28-89)

28 **Sec. 26-165. - Improperly prepared curbside accumulations of solid waste.**

29 It is unlawful to place solid waste out for curbside collection other than in the
30 manner prescribed in this article. The department shall cause violators to be notified, and
31 upon notification such violators shall, within seven (7) days, comply with the
32 requirements of this Code relating to placement of solid waste for collection. As an
33 alternative, the department may cause notice of violation to be given but may collect the
34 improperly placed solid waste at additional charge to the owner, occupant or tenant for

1 special service as set forth in the resolution of city council setting the amount of such
2 charges, which additional charge shall be included in the utility bill in the next billing
3 period.

4 (Ord. No. 89-253, § 2(58-170), 9-28-89)

5 **Sec. 26-166. - Containers and commercial solid waste container refuse bin regulations.**

6 (a) The Department will provide one ninety-five (95) gallon solid waste and one
7 ninety-five (95) gallon recycling cart. Residential collection fees include one solid
8 waste and one recycling cart only to the owner or occupant of every residence or
9 commercial establishment. Additional charges shall be assessed if additional carts
10 are requested. Only City provided carts will receive collection service. ~~shall provide~~
11 ~~or arrange for containers or refuse bins with proper, well-fitting covers, adequate to~~
12 ~~contain the solid waste generated or produced by such establishment, and shall~~
13 ~~place all such solid waste therein. Containers shall be watertight and shall not~~
14 ~~exceed thirty two (32) gallons in capacity or weigh, when filled, more than fifty~~
15 ~~(50) pounds. Plastic bags of at least one and one half (1½) mil thickness may be~~
16 ~~used if they are tied or sealed to prevent spillage. Other type containers and refuse~~
17 ~~bins may be used upon approval by the director.~~ The owner or occupant shall
18 maintain the containers or refuse bins and the area of their location in a clean and
19 sanitary condition. Solid waste and recycling carts are assigned to a location and
20 shall not be removed from that location by anyone other than the Department.

21 (b) Requirements for Loss or Damage to City Container

22 (1) Customer must notify the City within seventy-two (72) hours if the
23 customer's container is stolen, lost, or damaged beyond repair.

24 (4)(2) Loss of damage caused by customer negligence – customer shall
25 reimburse the City for the cost of repairing or replacing the Container,
26 including the cost of delivering a repaired or replaced Container shall
27 be charged to the customer on the next month's utility bill, but only to
28 the extent to recoup the City's costs.

29 (c) Any privately owned container or refuse bin which is in disrepair due to the lack
30 of a well-fitting cover or the presence of holes, cracks or tears in the bottom or sides
31 may be condemned and so marked by department employees. Any containers so marked
32 must be immediately replaced by the owner or occupant with acceptable containers as
33 specified herein. Any privately owned container in disrepair shall be marked by the
34 Department as condemned and a Notice of Violation shall be placed on the container.

35 (1) Customer required to remove any Container marked as condemned
36 within seventy-two (72) hours after Notice of Violation issued.

37 (2) If Customer fails to comply, Department may remove the container
38 and take it to an appropriate site for impoundment.

39 (3) City can remove a container when the Container is:

40 a. A danger or nuisance to the public

1 b. Placed on City property or public right-of-way without a
2 permit.

3 c. The Department shall make good faith effort to notify the
4 owner of the Container that it is in the City's possession. The
5 owner is responsible for the City's costs for transporting and
6 storing the Container. If the owner fails to claim the
7 Container within one hundred twenty (120) days after
8 Container is impounded, the City may use, sell or otherwise
9 dispose of the Container.

10 ~~Such condemned containers or refuse bins may be picked up and removed by~~
11 ~~department collection crews at any scheduled collection following the marking~~
12 ~~of the container or refuse bin with the condemnation card if not replaced as~~
13 ~~specified herein.~~

14 (d) For apartments with four (4) or more units and for certain other commercial
15 customers, service will be rendered by refuse bins if feasible or by bulk service if bins
16 are not feasible at the determination of the director.

17 ~~(e)~~ No service shall be given to any residential or commercial premises permitting
18 persons, objects, obstructions or vehicles to hinder in any way whatsoever the servicing
19 of the container or refuse bin by department vehicles and personnel. If service is
20 obstructed and the customer requests a return trip, then a separate charge will be made
21 as set forth in the resolution of the city council setting the amount of the charges.

22 ~~(a)~~ (f) Any solid waste which, by reason of its bulk or shape, cannot be placed
23 within a container shall be tied in a bundle not to exceed four (4) feet in length or fifty
24 (50) pounds in weight and placed at curbside for collection. If the solid waste is of such
25 a nature that it cannot be tied or bundled, it may be placed out for collection upon request
26 to the department. Such solid waste will be collected at a time specified by the
27 department ~~and the associated a charge per cubic yard of solid waste collected, will be~~
28 ~~imposed. The minimum charge for such this type of solid waste collection is the fee for~~
29 ~~collecting no less than that charged for one (1) cubic yard of solid waste. An additional~~
30 ~~charge will be incurred if a residential or commercial curbside service customer sets out~~
31 ~~a pile of yard waste that exceeds four (4) cubic yards in size. for such special service~~
32 ~~shall be made for such collection~~

33 ~~(b)~~ (g) A refuse bin for two (2) business establishments wishing to share a refuse
34 bin for their mutual service shall be authorized only if the premises are adjacent to or
35 directly behind each other and a written request from the owner, occupant or tenant in
36 whose name the city utility account appears is submitted to the solid waste department.

37 ~~(e)~~ (h)-All permanent open-top containers must be enclosed to prevent any materials
38 from being windblown.

39 ~~(d)~~ (i)-Open-top containers shall not be used to contain putrescible solid waste.

1 (e) (j)—All new establishments requesting refuse bin service must provide an
2 aesthetically pleasing enclosure and suitable slab for the bin.

3 (f) (k)—All refuse bins must have lid covers in good working condition, and the
4 cover, lid and side doors must be closed at all times to prevent spillage.

5 (l)—Spillage from improper containers or refuse bins will not be picked up by the
6 department.

7 (m) For collection of commercial waste in the Downtown Core Business District,
8 including the use of Pay-As-You-Throw (PAYT) bags and the payment of associated
9 charges.

10 (Ord. No. 89-253, § 2(58-171), 9-28-89)

11 **Sec. 26-167. - Prohibited materials.**

12 It is unlawful to place out for collection by or on behalf of the department or deliver
13 to any city disposal facility prohibited materials as defined herein.

14 (Ord. No. 89-253, § 2(58-172), 9-28-89)

15 **Sec. 26-168. - Public nuisance.**

16 It is unlawful and declared a public nuisance for any owner, agent, custodian, lessee,
17 occupant or tenant of any real estate property abutting any public street, right-of-way or
18 land area dedicated for use as a public street within the city to allow the existence of any
19 accumulations of debris, rubbish, trash, garbage, refuse, ~~yard waste garden trash~~ or junk
20 between the paved or graded surface of any public street or alley intended or designed
21 for vehicular traffic and the property line of the abutting real estate.

22 (Ord. No. 89-253, § 2(58-173), 9-28-89)

23 Cross reference— Excessive accumulations of debris, rubbish, trash, etc., declared public
24 nuisance, § 19-49.

25 **Sec. 26-169. - Placement of containers.**

26 (a) All residential containers shall be set out for collection in a convenient and
27 accessible location in the front of the residence adjacent to and within unobstructed
28 arm reach no more than ~~five~~ three (3) feet from the curb or edge of the pavement
29 of a public street or alley serviced by the department or such other place as may be
30 designated by the department for removal by curbside collection. No such
31 containers shall be placed in any street or alley or upon any sidewalk. Containers
32 shall not be placed within four (4) feet of a utility pole, mailbox, or other similar
33 structure; within four (4) feet of a motor vehicle; not on the top of a surface-level
34 utility meter or vault; not directly under a low-hanging overhead wire or other
35 obstruction. Residents who, by reason of health, physical incapacity or handicap,

1 cannot comply with the provisions of this subsection, and who have no able-bodied
2 assistance available may be exempted therefrom by the official, in writing after:

- 3 (1) Presenting to the solid waste department a medical certificate reflecting that it
4 would be injurious to their health to carry or lift containers so as to place them
5 out for collection as required by this section; and
6 (2) Completing a disability allowance form furnished by the solid waste
7 department.
8 (3) A resident exempted from the provisions of this subsection shall receive
9 back-door collection at the standard curbside rate. It is unlawful for a resident
10 to file a certificate required by this subsection that contains false information
11 or to put out for collection any solid waste in excess of one (1) thirty-two-gallon
12 container.
- 13 (b) The official is authorized to make determinations that due to the size or condition
14 of an alley or due to rerouting or size of trucks certain residential alley service can
15 no longer be continued. In such event, the official shall cause any residents affected
16 by such termination of service to be notified at least one (1) week in advance of
17 termination and shall specify where the new curbside point of collection shall be.
- 18 (c) Residential containers shall be placed out for collection after 4:00 p.m. sunset of
19 the day prior to a scheduled collection and shall be removed from curbside not later
20 than 10:00 a.m. sunset of the day of collection to a location within the property not
21 visible from the street. Violators may be charged a re-inspection fee if customer
22 fails to remove Residential Container or Commercial Cart from the curbside within
23 twenty-four (24) hours after a Notice of Violation is issued and may be subject to
24 an inspection fee by Code Enforcement. The service charge may include an
25 administrative fee equal to six percent (6%) of the costs incurred by the City. The
26 service charges shall be included in the customer's next monthly utility bill.

27 (Ord. No. 89-253, § 2(58-174), 9-28-89)

28 **Sec. 26-170. - Pretreatment of international carrier wastes.**

29 Discharge of wastes from international common carriers to a sanitary landfill are
30 required to meet federal treatment and disposal regulations. Such treatment shall be
31 required of the responsible agency or carrier responsible for such waste. Such treatment
32 is not required for wastes that are incinerated at the McKay Bay Refuse-to-Energy
33 Facility.

34 (Ord. No. 89-253, § 2(58-175), 9-28-89)

35 **Sec. 26-171. - ~~Garden trash~~ Yard waste.**

- 36 (a) All logs, tree limbs, brush, palm fronds and other yard waste ~~garden trash~~ shall be
37 cut in four-foot lengths or less and placed in containers or tightly bundled for
38 collection. Each container or bundle shall not exceed fifty (50) pounds in weight.
39 Any yard waste ~~garden trash~~ which by reason of its bulk, weight or shape cannot be
40 placed within a container or cannot be bundled as required herein shall be collected
41 as provided in this article. Such solid waste shall be placed out for collection in the

1 same location as other residential solid waste. All residential containers shall be set
2 out for collection in a convenient and accessible location, normally in the front of
3 the residence, adjacent to and within an unobstructed arm's reach or no more than
4 ~~five (5)~~ three (3) feet from the curb or the edge of the pavement of a public street.

5 Trash and brush must be placed curbside.

6 ~~(b)(a) - Solid waste produced by construction, repairs or demolition of buildings will
7 not be collected or removed by the city, and it shall be the responsibility of the
8 contractor or owner to remove and dispose of same at disposal locations approved
9 by the city.~~

10 (Ord. No. 89-253, § 2(58-176), 9-28-89)

11 **Sec. 26-172. - Operation of business where wind regularly carries solid waste into**
12 **street; fencing requirements.**

13 It is unlawful for the owner, tenant or occupant of any parcel of land to operate or
14 permit the operation of any business upon such parcel of land when and where, by reason
15 of the combined effect of the prevailing winds and the location, configuration and size of
16 the structures thereon, solid waste generated by the operation of the business or the
17 customers or patrons thereof is regularly driven, carried or conveyed by such winds in
18 appreciable quantities into or upon any public street, unless and until such owner,
19 occupant or tenant shall have erected or caused to be erected on each boundary of such
20 parcel of land as shall abut an area having a residential zoning classification or a street
21 abutting such an area a proper fence to retain such material with only such openings for
22 ingress and egress of a size and number as shall be necessary. Solid waste generated by
23 the operation of a business or its customers must be contained in proper containers and
24 fenced so as to contain the containers and any contents from being conveyed by winds
25 onto any public or private street.

26 (Ord. No. 89-253, § 2(58-177), 9-28-89)

27 Cross reference— Operation of business where wind regularly carries refuse into
28 streets, § 19-52.

29 **Sec. 26-173. - Governmental agencies.**

30 For any premises owned, leased or occupied by the United States of America or any
31 agency thereof the state or any political subdivision thereof, including any body politic
32 and corporate created under the laws of the United States or of the state, the city may
33 enter into contracts, negotiated by the mayor and approved by the city council, with any
34 such body or agency for the collection, transportation and disposal of solid waste
35 prescribing rates and charges to be paid by such body or agency in lieu of the rates
36 hereinabove prescribed; provided, however, that the charges to be paid by such body or
37 agency shall be less than an amount which is fair and equitable taking into account the
38 cost to the city of such collection, transportation and disposal.

39 (Ord. No. 89-253, § 2(58-178), 9-28-89)

1 **Sec. 26-174. - McKay Bay Complex—Prohibitive rules.**

2 It is unlawful for any person to:

- 3 (1) Smoke at the McKay Bay Complex, except in designated areas;
- 4 (2) Remove tarpaulins or other covers from vehicles transporting solid waste at the
- 5 McKay Bay Complex, except in designated areas;
- 6 (3) Bring prohibited materials to the McKay Bay Complex;
- 7 (4) Operate automobiles, pickup trucks, vans and other similar privately owned and
- 8 operated motor vehicles at the McKay Bay Complex, except in designated areas;
- 9 (5) Allow the load from a vehicle to drop, shift, leak, blow or otherwise escape
- 10 from a vehicle while at the McKay Bay Complex;
- 11 (6) Drive a vehicle on the disposal complex which exceeds the size (width, height,
- 12 length or weight) limitations stated in F.S. Ch. 316.

13 (Ord. No. 89-253, § 2(58-179), 9-28-89)

14 **Sec. 26-175. - Same—Brush site restrictive rules.**

- 15 (a) Hot loads and hand search loads shall be processed only in designated areas.
- 16 (b) Disabled vehicles shall not be moved with the assistance of employees, agents or
- 17 other representatives of the complex unless a written release of liability executed
- 18 by an authorized person has been received for filing at the McKay Bay Entrance
- 19 Facility.
- 20 (c) Hoppers, containers and other equipment used for the transport and/or disposal of
- 21 solid waste shall be cleaned only at designated areas.
- 22 (d) Special materials shall be processed at the project on a per-occurrence-and-tonnage
- 23 basis (i.e., flat rate and tonnage) under the direction of the manager. The manager
- 24 reserves the right to reject any special materials for good cause and reserves the
- 25 right to remove or require removal of any special materials for good cause at the
- 26 expense of the individual or entity transporting such materials to the project.
- 27 Requests for disposal of special materials must be received at least two (2) working
- 28 days prior to disposal.
- 29 (e) The McKay Bay Complex is restricted to those individuals and entities conducting
- 30 official business at the complex site. Visitors to the McKay Bay Complex must have
- 31 prior authorization from the official.
- 32 (f) All persons utilizing any of the McKay Bay Complex must sign a release of
- 33 liability form.
- 34 (g) The brush transfer sites shall be utilized only by residential customers. To use the
- 35 free facilities, residents must show a current city utility bill, including a residential
- 36 garbage charge and proof that the resident resides at the address listed on the bill.
- 37 The resident must be present. Exemptions are limited to residents unable to travel.
- 38 (h) All commercial customers, including lawn and tree services, can use only the
- 39 McKay Bay Transfer Station and must pay the current disposal fee. Violators will
- 40 be prosecuted.

41 (Ord. No. 89-253, § 2(58-180), 9-28-89)

1 **Sec. 26-176. - McKay Bay Entrance Facility mandatory rules.**

- 2 (a) All persons wishing to utilize the disposal complex must have their vehicles
3 weighed at the McKay Bay Entrance Facility, must receive a weigh ticket and must
4 follow procedures directed by the manager.
- 5 (b) Weigh tickets obtained at the McKay Bay Entrance Facility must be available at
6 all times to be shown to a representative of the complex.
- 7 (c) The manager or his designee will designate the facility or area thereof for the
8 deposit of solid waste delivered by any person desiring to utilize the disposal
9 complex.
- 10 (d) Vehicles must be reweighed at the McKay Bay Entrance Facility after disposal of
11 solid waste at the designated disposal complex or area thereof unless they have an
12 unloaded weight (tare weight) on file at the McKay Bay Entrance Facility.
- 13 (e) All speed limits and other traffic controls must be strictly obeyed.
- 14 (f) Disabled vehicles must be removed immediately to a location which will not
15 interfere with the ordinary and regular operation and management of the disposal
16 complex, as determined by the manager.
- 17 (g) Prior to entry through the McKay Bay Entrance Facility:
18 (1) Metal drums or containers forty-two (42) gallons or greater must be flattened
19 and cut out at both ends.
20 (2) Containers of any size that have at one (1) time contained an acutely hazardous
21 waste as defined in title 40 CFR, must be triple rinsed, and the rinsings must be
22 managed as a hazardous waste.
23 (3) Containers five (5) gallons or greater must be empty of all liquids.
- 24 (h) All accidents occurring at the McKay Bay Complex must be reported immediately
25 to the manager or his designee. In reporting accidents, persons involved shall use
26 the city accident report and shall supply such information as is requested to the
27 appropriate city official and/or law enforcement officials.
- 28 (i) Any materials improperly delivered, processed or disposed of shall be removed
29 immediately by and at the expense of the person responsible for the improper or
30 unauthorized delivery, processing or disposal.
- 31 (j) Hot loads and hand search loads dumped in designated areas must, at the direction
32 of the manager, be reloaded and processed or removed at the expense of the person
33 delivering same to the disposal complex.
- 34 (k) All loads of material received at the disposal complex are subject to a search at the
35 sole discretion of the manager.
- 36 (l) Hours of operation for the disposal complex shall be determined by the director of
37 the solid waste department or his designee.

38 (Ord. No. 89-253, § 2(58-181), 9-28-89)

39 **Sec. 26-177. - Report of small dead animals in the city; disposition of carcasses.**

40 Whenever a small animal measuring less than twenty-four (24) inches at the
41 shoulder and less than fifty (50) pounds in weight dies within the city limits, the owner,
42 occupant or tenant of the premises on which the carcass is found may report the fact

1 immediately to the solid waste department and arrange for its removal and disposal
2 according to the regulations of the solid waste department.

3 (a) The City's removal of small dead animals is subject to the Department's regulations.

4 (b) The City is not responsible for the removal or disposal of animals that die in a
5 commercial facility such as an animal shelter.

6 (c) Any person who has custody or control of any animal is required to comply with the
7 Code requirements for the collection and disposal of such material. If any animal
8 excrement is collected, it must be placed in a plastic bag, which shall be tied or closed
9 and then placed in a container for disposal or placed in a container that is covered
10 with a lid or similar closure.

11 (Ord. No. 89-253, § 2(58-182), 9-28-89)

12 **Sec. 26-178. - Construction and demolition debris disposal.**

13 (a) Solid waste produced by construction, repairs or demolition of buildings will not
14 be collected or removed by the city, and it shall be the responsibility of the
15 contractor or owner to remove and dispose of same at disposal locations approved
16 by the city.

17
18 (b) -All construction and demolition debris shall be separated from the solid waste
19 stream and segregated in separate locations at a solid waste disposal facility or other
20 permitted site.

21 (c) The City has the right to charge a fee for processing special materials on the applicable
22 per occurrence rate and the applicable per ton rate.

23 (d) Any person wishing to dispose of waste materials on the tipping floor of the Transfer
24 Station at the McKay Bay Complex shall be required to provide and use their own
25 personal protection equipment which must comply with all applicable standards and
26 regulations established by the Director.

27 (e) Any person requesting the City to conduct a search for an item lost in solid waste or
28 recyclable materials will be charged an hourly fee for the City's services.

29 (f) The City will not collect construction and demolition debris that is placed in a
30 Commercial Cart or Residential Container.

31 (g) Any person that is in the business of collecting and transporting construction and
32 demolition debris in the City must comply with the requirements in this Chapter.

33 ~~(a)~~(h) Construction and demolition debris may be disposed of on the property which
34 it is generated, or on property where is adjacent or contiguous to and under common
35 ownership and control as that property where the waste is generated. Such disposal,
36 however, is subject to the provisions of Rule ~~6217-701.730040~~, F.A.C. Such
37 disposal areas must also be closed, graded and vegetated as specified in Rule ~~6217-~~
38 ~~701.730803(9)~~, F.A.C.

1 ~~(b)~~(i) Construction and demolition debris may be disposed of off-site at the city's solid
2 waste facility or at a facility operating under a general permit issued by the director.
3 Such a facility operating under a permit issued by the director shall accept only
4 construction and demolition debris for disposal.

5 ~~(e)~~(j) Nothing in this section shall prevent the burning or recycling of construction
6 and demolition debris in accordance with department rules.

7 (Ord. No. 92-140, § 2, 8-27-92)

8 **Sec. 26-179. - Special wastes disposal.**

9 (a) It is unlawful to dispose of the following wastes in any landfill:

10 (1) Lead-acid batteries;

11 (2) Used oil, except as provided in Chapter ~~1762~~-710, F.A.C.;

12 (3) Yard waste, except in unlined landfills classified by department rule. Yard
13 waste that is separated from other solid waste at the point of generation may be
14 accepted at a solid waste disposal unit, that composts the yard waste, pursuant
15 to Chapter-~~62-709~~~~17-709~~, F.A.C.;

16 (4) White goods; and

17 (5) Whole waste tires, except as provided in Chapter-~~17-711~~~~62-711~~, F.A.C.

18 (b) It is unlawful to dispose of lead-acid batteries in the city's refuse-to-energy plant.
19 Lead-acid batteries shall be accepted as trade-ins for new lead-acid batteries by all
20 persons who sell these types of batteries at retail.

21 (Ord. No. 92-140, § 3, 8-27-92)

22 **Sec. 26-180. - Designation of waste management facilities.**

23 The following facilities are hereby designated as the city's waste management
24 facilities:

25 (1) MacKay Bay Complex, the legal description of which is as follows:

26 That parcel of land lying in the Northeast ¼ of Section 20,
27 Township 29 South, Range 19 East, more particularly described
28 as follows, to wit:

29 Commence at the Southwest corner of the North ½ of the
30 Northeast ¼ of the Northeast ¼ of said Section 20; run thence
31 South 89°28'21" East 75.01 feet to the point of beginning of the
32 parcel herein described; run thence North 00°12'35" East 65.01
33 feet; thence South 89°28'21" East 445.0 feet; thence South
34 73°46'47" East 240.31 feet; thence South 00°12'35" West 45.00
35 feet; thence South 18°27'31" West 418.32 feet; thence North
36 89°28'21" West 545.00 feet; run thence North 00°12'35" East
37 442.99 feet to the point of beginning. Containing 309,830 square
38 feet (7.11 acres), more or less.

39 ~~(b) Manhattan Avenue Brush Site, the legal description of which is as follows:~~

1 ~~That parcel of land lying in the Northeast ¼ of Section 20,~~
2 ~~Township 30 South, Range 18 East, more particularly described~~
3 ~~as follows, to wit:~~

4 ~~Commence at the Northeast corner of the Northeast ¼ of~~
5 ~~said Section 20, run thence Southerly along the easterly boundary~~
6 ~~of said Northeast ¼, a distance of 1180.00 feet; thence westerly~~
7 ~~and parallel to the northerly boundary of said Northeast ¼, a~~
8 ~~distance of 15.00 feet for the point of beginning of the parcel~~
9 ~~herein described; run thence southerly and parallel to said easterly~~
10 ~~boundary, a distance of 40.00 feet; thence westerly and parallel~~
11 ~~to said northerly boundary, a distance of 75.00 feet; thence~~
12 ~~southerly and parallel to said easterly boundary, a distance of~~
13 ~~350.00 feet; thence westerly and parallel to said northerly~~
14 ~~boundary, a distance of 210.00 feet; thence northerly and parallel~~
15 ~~to said easterly boundary, a distance of 415.00 feet; thence~~
16 ~~easterly and parallel to said northerly boundary, a distance of~~
17 ~~210.00 feet; thence southerly and parallel to said easterly~~
18 ~~boundary, a distance of 25.00 feet; thence easterly and parallel to~~
19 ~~said northerly boundary, a distance of 75.00 feet to the point of~~
20 ~~beginning. Containing 90,169 square feet (2.070) acres), more or~~
21 ~~less.~~

22 (2) The Director may designate temporary disposal sites and emergency waste
23 management sites.

24 (Ord. No. 94-216, § 2, 10-20-94)

25 -Secs. 26-181—26-200. - Reserved.

26 Section 6. **ARTICLE V. - RECYCLABLE AND RECOVERED MATERIALS**

27 **Sec. 26-201. - Title.**

28 This article shall be known and may be cited as the "City of Tampa Recyclable and
29 Recovered Materials Ordinance."

30 (Ord. No. 91-83, § 8, 5-16-91; Ord. No. 98-247, § 2, 11-5-98)

31 **Sec. 26-202. - Definitions.**

32 For purpose of this article, certain abbreviations, terms, phrases, words, and their
33 derivatives shall have the following meaning:

34 *Buy-back center* means supervised processing or intermediate collection facilities that
35 pay consumers for the recyclable or recovered materials received.

36 *Commercial recyclable collection* means departmental or private recycling service for
37 commercial establishments and all other places not classified as residential which

1 produce or accumulate recyclable or recovered materials and maintain centralized
2 locations for recycling bins or other containers.

3 Contaminated recycling means the placement of items that are not accepted in the
4 program guidelines in the recycling bin/container.

5 *Curbside recycling* means the collection of recyclables or recovered materials from that
6 area from within an unobstructed arm reach from the curb or edge of the pavement of a
7 public street or alley serviced by the department, its contractor or permitted private
8 recycling service.

9 *Department* means the ~~city~~ department of ~~s~~Solid ~~w~~Waste and Environmental Program
10 Management.

11 *Director* means the director of the department or his designee.

12 *Drop-off center* means either manned or unmanned facilities that rely upon customers to
13 contribute collected recyclables or recovered materials without pay.

14 *Material recycling facility (MRF)* means a central location involved in source separating,
15 processing, recovering, storing and marketing recyclable or recovered materials.

16 *Permitted recycling location* means a bin, location or other designated area permitted by
17 the city under this article, clearly designated and marked for collecting, sorting,
18 processing and recovery of recyclable or recovered materials.

19 *Private recycling* means recycling by any person involved in the business of collecting,
20 separating, processing, storing or transporting recyclable or recovered materials.

21 *Recovered materials* means metal, paper, glass, plastic, textile, or rubber, materials that
22 have known recycling potential, can be feasibly recycled, and have been diverted and
23 source separated or have been removed from the solid waste stream for sale, use, or reuse
24 as raw materials, whether or not the materials required subsequent processing or
25 separation from each other, but does not include materials destined for any use that
26 constitutes disposal. Recovered materials as described herein are not solid waste.

27 *Recyclable material* means those materials which are capable of being recycled and
28 which would otherwise be processed or disposed of as solid waste.

29 *Recycling* means any process by which solid waste, or materials which would otherwise
30 become solid waste, are collected, separated, or processed and reused or returned to use
31 in the form of raw materials or products.

32 *Residential recyclable collection* means the departmental or private recycling service
33 collection or transportation of recyclable or recovered materials from residences.

34 *Source separated* means the recovered materials are separated from solid waste where
35 the recovered materials and solid waste are generated. The term does not require that
36 various types of recovered materials be separated from each other and recognized de

1 minimis solid waste, in accordance with industry standards and practices, may be
2 included in the recovered materials.

3 *Transporting* means to convey recyclable or recovered materials or cause to convey
4 recyclable or recovered materials from one address to another address.

5 *Yard waste* includes trees, limbs, boughs, brush or bushes which are susceptible to
6 grinding, shredding or chipping.

7 (Ord. No. 91-83, § 8, 5-16-91; Ord. No. 98-247, § 3, 11-5-98)

8 **Sec. 26-203. - Recycling permits, applications and documentation, revocation of**
9 **permits.**

- 10 (a) A recycling permit is required when a commercial refuse bin (usually of the two-
11 cubic to eight-cubic yard size), a roll-off container, or a refuse compactor of any size,
12 volume, shape or character is used to engage in the business of collecting, receiving,
13 separating, storing or transporting any recyclable or recovered materials within the
14 city.
- 15 (b) A permit may be granted to a person to engage in the business of collecting,
16 receiving, storing, separating, or transporting recyclable or recovered materials
17 within the city. Any such permit shall limit the recipient to collecting, separating,
18 storing, and transporting recyclable or recovered materials from the particular
19 premises specified in the permit.
- 20 (c) If the owner or occupant of a nonresidential premise which generates or produces
21 recyclable or recovered materials chooses not to use the city's recycling service or a
22 private recycling service, such owner or occupant may, upon written application
23 thereof, be issued a permit by the director to collect and transport recyclable or
24 recovered material himself. The application shall indicate the manner of collection
25 and transportation to be utilized and the exact location of such activities. An
26 occupational license tax will not be required for haul-your-own accounts, but the
27 owner or occupant must pay the permit fee as herein provided. Even if such owner
28 or occupant chooses to use the city's recycling service or a private recycling service,
29 such owner or occupant shall be exempt by the department from the payment of any
30 permit or application fee required by this section for maintaining a refuse bin, can,
31 or box for recovered materials in a certain location, if the location is an educational
32 institution or a religious institution as the term is defined in F.S. § 212.08(7)(o)(2)(a)
33 and (d).
- 34 (d) An application for a permit to engage in the business of collecting, receiving,
35 storing, separating and transporting recyclable or recovered material from a specific
36 address shall be on a form provided by the department. The form shall show the
37 following information: the name, address and authorization of the customer to be
38 served; the name of the person to be granted the permit or, if a corporation, the
39 names, business addresses and telephone numbers of the principal officers and the
40 local operating managers who are actually responsible for performing such services
41 for the corporation; a description of the type, size, pickup service frequency of
42 equipment to be used; the length of service, permanent or temporary (less than six
43 (6) months) and the exact location of the recycling activities.

- 1 (e) There shall be an application fee administered for the processing of each application
2 submitted to the department. The application fee may be waived for not-for-profit
3 organizations involved in recovering recyclable or recovered materials. The fee is
4 payable in cash or money order when the application is submitted. The application
5 must be submitted to the department for approval prior to or within seven (7) days
6 from the planned commencement of permanent service. The department must
7 approve the permit prior to commencement of permanent service. The application
8 fee is not reimbursable if the application for the permit is denied. If the application
9 for permit is approved, the permit shall be issued.
- 10 (f) A permit is valid for one (1) calendar year from approval date. The permit shall be
11 renewed annually and also with every change of private recycling firms. The director
12 may revoke permits issued by him for any of the grounds stated in section 26-161 of
13 this Code or for any work, conduct, or activity of the permittee or the business of
14 said permittee found by the director to be against the interest of public health, safety
15 or welfare.
- 16 (g) Any permittee who, at his business location, transfer site, drop off center, buy-back
17 center or other site authorized by the director, collects, receives, transports, stores,
18 or separates recyclable or recovered material which is generated within the 1983
19 jurisdictional limits of the city must dispose of any nonrecyclable solid waste
20 material within or outside the city limits at locations approved by the director and
21 the appropriate governmental entity and shall be subject to pay the solid waste
22 service fee. The owner or his agent, as a condition precedent to receiving this
23 nonrecyclable material at that location, shall apply for and receive a permit from the
24 department.

25 (Ord. No. 91-83, § 8, 5-16-91; Ord. No. 92-98, §§ 1, 2, 6-25-92; Ord. No. 98-247, § 4,
26 11-5-98)

27 **Sec. 26-204. - Recovery of recyclable or recovered materials.**

- 28 (a) Recovery of recyclable or recovered materials by any person other than the city, its
29 contractors, licensees or permittees from any solid waste generated or brought within
30 the city must occur prior to the placing of such solid waste in a permitted refuse bin
31 or the setting out for residential or commercial collection; and such recovery shall
32 be subject to state and local public health and safety laws.
- 33 (c) It is unlawful for any unauthorized person to remove materials from a recycling
34 facility, can, box, or bin at a collection location or curbside.
- 35 (d) Any and all recyclable or recovered materials once placed in a permitted bin, box,
36 can, or recycling facility becomes the property of the city or its franchisees, licensees,
37 or permittees.
- 38 (e) Every person who is in the business of collecting, receiving, storing, separating,
39 transporting recyclable or recovered materials susceptible to recycling shall be
40 required to list and report to the director, on forms to be prepared by the department,
41 the quantity of materials recycled. Such list and report shall be due biannually or
42 more often at the request of the director.

43 (Ord. No. 91-83, § 8, 5-16-91; Ord. No. 98-247, § 5, 11-5-98)

