

**SARASOTA COUNTY ORDINANCE NO. 2024-020**

**AN ORDINANCE OF SARASOTA COUNTY, FLORIDA RELATING TO THE REGULATION OF SOLID WASTE, CODIFIED AS CHAPTER 106, ARTICLE I AND II OF THE CODE OF ORDINANCES OF SARASOTA COUNTY, FLORIDA; AMENDING SECTION 106-31; AMENDING SECTION 106-36; AMENDING SECTION 106-46; AMENDING SECTION 106-47; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA:**

**SECTION 1.** This Ordinance shall amend Article I and II, Chapter 106 of the Code of Ordinances of Sarasota County, Florida (the “Code”). In this Ordinance, new text is indicated by underlining and deleted text by ~~strikethrough~~.

**SECTION 2.** Section 106-31 of the Code is hereby amended to read as follows:

**Sec. 106-31. – Findings**

\* \* \*

(s) There is a valid distinction regarding cost of service between types of residential properties due to differences in the quantity of Residential Waste generated, typical occupancy levels and methods of Collection. The different classes of Residential Customers are based on these distinctions. This basis is not unreasonable or discriminatory. Studies have shown that certain properties generate a higher quantity of Solid Waste, Program Recyclables and Yard Trash, have a higher year-round occupancy level, utilize individual Collection containers (Curbside Containers) and are primarily single-family residences. For purposes of this Article, these properties are designated Class I Customer. A second group of properties has been shown to generate a lower quantity of Solid Waste, Program Recyclables and Yard Trash, have on the average a lower year-round occupancy level, utilize mechanically serviced containers (Class II Containers and Class II Recycling Containers) as well as individual Collection containers and are primarily multiple-family or higher density residential properties. ~~These properties include, but are not limited to, condominium units, apartment buildings, mobile homes, mobile home parks, and cooperatives and shall be designated Class II Customer.~~

\* \* \*

**SECTION 3.** Section 106-36 of the Code is hereby amended to read as follows:

**Sec. 106-36. - Definitions.**

All definitions contained in this section shall be consistent with definitions contained within the Florida Statutes, as amended from time to time. In case of any conflict with definitions contained

in Florida Statutes, the statutory definition shall apply. The following definitions shall be applicable to this Article, all rules promulgated hereunder, and contracts issued hereunder, unless a different meaning is specifically indicated in the text.

\* \* \*

*Class I Customer* means ~~single family, duplex triplex and quadruplex Dwelling Units; apartments of two to nine Dwelling Units, residential combination (residence plus commercial), and retirement homes that do not have commercial kitchens and contain two to nine Dwelling Units located within the Service District(s)~~ a Residential Customer receiving Residential Collection Service in a Curbside Container located within the Service District(s).

\* \* \*

*Class II Customer* means ~~mobile homes, recreational vehicles, condominiums, cooperatives, apartment buildings with ten or more Dwelling Units, retirement homes with ten or more Dwelling Units where each unit has a separate cooking facility/kitchen, time share apartments, mobile home parks including lots for mobile homes and recreation vehicles located within the Service District(s)~~ a Residential Customer receiving Residential Collection Service in a Class II Container located within the Service District(s).

\* \* \*

**SECTION 4.** Section 106-46 of the Code is hereby amended to read as follows:

**Sec. 106-46. – Residential customer classifications.**

Differences exist as to the quantity of Residential Waste generated, and whether mechanically serviced containers (Class II Containers or Class II Recycling Containers) or individual containers (Class I Containers) are used. Therefore, two Residential collection service types, Class I and Class II Customers, class of properties are established within the Solid Waste Service District(s) for the purpose of allocating the cost of providing service and establishing the appropriate assessments.

(a) ~~The following types of Improved Real Property within the Solid Waste Service District(s) shall be assigned Class I Customers:~~

- (1) ~~Single family.~~
- (2) ~~Duplex and triplex.~~
- (3) ~~Quadruplex.~~
- (4) ~~Apartments, 2-9 Dwelling Units.~~
  
- (5) ~~Retirement homes with no commercial kitchen, 2-9 Dwelling Units and each unit does not have a separate cooking facility/kitchen.~~
- (6) ~~Retirement homes with no commercial kitchen, 2-9 Dwelling Units.~~
- (7) ~~Residential combination residence and store.~~

(b) ~~The following types of Improved Real Property within the Solid Waste Service District(s) shall be assigned Class II Customers:~~

- (1) ~~Mobile homes.~~
- (2) ~~Recreational vehicles.~~
- (3) ~~Condominiums.~~
- (4) ~~Cooperatives.~~
- (5) ~~Apartments, 10+ Dwelling Units.~~
- (6) ~~Retirement homes, 10+ Dwelling Units and each unit has a separate cooking facility/kitchen.~~
- (7) ~~Time shares.~~
- (8) ~~Mobile home parks including lots for mobile homes and recreational vehicles.~~

**SECTION 5.** Section 106-47 of the Code is hereby amended to read as follows:

**Sec. 106-47. – Responsibilities of the customers.**

All property owners of Improved Real Property are mandated to subscribe to Residential Waste Collection Service or Commercial Waste Collection Service, as appropriate, and shall be subject to assessments, Rates and Fees.

- (a) General Provisions.

\* \* \*

(6) The Executive Director may authorize ~~Curbside Collection, including~~ the use of Recycling Bins or Carts for the Collection of Program Recyclables, for Class II Residential Customers where efficiency and other circumstances require.

\* \* \*

- (b) Customers utilizing Curbside Container Collection.

\* \* \*

(12) Customers shall notify the Franchisee of the need for the collection of Residential Waste not placed in Curbside Containers not including properly prepared Program Recyclables or Yard Trash Bulk Waste Collection Service 48 hours prior to the scheduled Solid Waste Collection day. Such waste included in the Solid Waste Assessment are limited to 10 Cubic Yards, 4 times per year. Additional collections are subject to Supplemental Collection Service.

(a) Doors to refrigerators or freezers shall be removed prior to being Set Out for Collection.

(b) Customers may Set Out up to five gallons of used oil placed in plastic containers marked as "used oil" with screw-on lids, and up to five oil filters placed in clear zip-lock plastic bags.

(c) Customers may Set Out up to four automotive Tires, on or off the rim, of up to 25 inches in diameter.

~~(13) Customers shall notify the Franchisee of the need for White Goods Collection Service 48 hours prior to the scheduled Solid Waste Collection day. Doors to refrigerators or freezers shall be removed prior to being Set Out for Collection.~~

~~(14) Customers shall notify the Franchisee of the need for E-Waste Collection Service 48 hours prior to the scheduled Solid Waste Collection day.~~

~~(15) Customers may Set Out up to five gallons of used oil placed in plastic containers marked as "used oil" with screw on lids, and up to five oil filters placed in clear zip lock plastic bags for Collection on each scheduled Solid Waste Collection day.~~

~~(16) Customers may Set Out up to four automotive Tires, on or off the rim, of up to 25 inches in diameter, for Collection on each scheduled Solid Waste Collection day.~~

~~(1317)~~ Curbside Containers, Recycling Containers, and other Residential Waste shall be placed Curbside by 6:00 a.m. of the designated Collection day to ensure Collection.

~~(1418)~~ Curbside Containers, Recycling Containers and other Residential Waste shall not be placed at the curb earlier than 5:00 p.m. of the day prior to the designated Collection day. All emptied containers shall be returned to proper storage on the Premises no later than 10:00 a.m. on the day following the designated Collection day. Curbside Containers shall be stored between Collection days in the side or rear yard and not Front Yard. Public easements and rights-of-way are not to be used as a storage location for Curbside Containers. Curbside Containers shall be stored within the perimeter of privately owned property.

~~(1519)~~ Under a Dual Stream Recycling program, Curbside Customers shall place only Paper Program Recyclables into a Recycling Container that is designated for paper, and only Container Program Recyclables in a Recycling Container that is designated for such. The contents of one Recycling Container shall not be mixed with the contents of the other Recycling Container. Corrugated Cardboard shall be flattened and placed neatly beside, in, or between the two Recycling Containers. Bundled Corrugated Cardboard shall not exceed six inches in height per bundle.

~~(1620)~~ Curbside Customers under Single Stream Recycling Collection shall place all Paper and Container Program Recyclables into the same Recycling Container. Corrugated Cardboard shall be flattened and cut to a size to be placed neatly into the Recycling Container.

~~(1724)~~ It shall be the responsibility of the owners and/or occupants of commercial and Industrial establishments not utilizing commercial containers for collection service to not maintain or permit on the property a public nuisance injurious to the health as defined herein.

(c) Residential Customers utilizing Class II Containers.

(1) Residential Customers ~~eligible and~~ using Class II Containers or Class II Recycling Containers may arrange for their own container or one from the Franchisee. Use of a container furnished by someone other than the Franchisee will not act to reduce the Special Assessment. If the Customer elects to use their own container(s), the container(s) must be compatible with the Franchisee collection equipment.

\* \* \*

(12) Class II Customers shall notify the Franchisee of the need for the collection of Residential Waste not placed in Curbside Containers not including properly prepared Program Recyclables or Yard Trash Bulk Waste Collection Service 48 hours prior to the scheduled Solid Waste Collection day. Such waste included in the Solid Waste Assessment are limited to 10 Cubic Yards, 4 times per year. Additional collections are subject to Supplemental Collection Service.

(a) Doors to refrigerators or freezers shall be removed prior to being Set Out for Collection.

(b) Customers may Set Out up to five gallons of used oil placed in plastic containers marked as "used oil" with screw-on lids, and up to five oil filters placed in clear zip-lock plastic bags.

(c) Customers may Set Out up to four automotive Tires, on or off the rim, of up to 25 inches in diameter.

~~(13) Class II Customers shall notify the Franchisee of the need for White Goods Collection Service. 48 hours prior to the scheduled Solid Waste Collection day. Doors to refrigerators or freezers shall be removed prior to being Set Out for Collection.~~

~~(14) Class II Customer shall notify the Franchisee of the need for E-Waste Collection Service 48 hours prior to the scheduled Solid Waste Collection day.~~

~~(15) Class II Customers may Set Out up to five gallons of used oil placed in plastic containers marked as "used oil" with screw-on lids, and up to five oil filters placed in clear zip-lock plastic bags for Collection on each scheduled Solid Waste Collection day.~~

~~(16) Class II Customers may Set Out up to four automotive Tires for Collection on each scheduled Solid Waste Collection day.~~

~~(1317)~~ The Customer shall place all other Residential Waste at the Collection point agreed to by the Franchisee and Customer on the Collection day.

\* \* \*

**SECTION 6. SEVERABILITY.**

The provisions of this Ordinance are severable, and it is the legislative intention to confer upon the whole or any part of the Ordinance the powers herein provided. If any of the provisions of this Ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of the Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such unconstitutional provision not been included herein.

**SECTION 7. EFFECTIVE DATE.**

This Ordinance shall take effect immediately upon filing with the Florida Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Sarasota County, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2024.

BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA

By: \_\_\_\_\_  
Chair

ATTEST:

KAREN E. RUSHING, Clerk of the  
Circuit Court and Ex-Officio Clerk of the  
Board of County Commissioners of  
Sarasota County, Florida

By: \_\_\_\_\_  
Deputy Clerk