

ORDINANCE NO. 2026-038

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 12, "GARBAGE AND REFUSE," ARTICLE II, "COLLECTION AND DISPOSAL," SECTIONS 12-21, "DEFINITIONS," AND 12-23, "FRANCHISE AGREEMENT REQUIRED TO PROVIDE COLLECTION SERVICE; FRANCHISE FEE," AND AMENDING ARTICLE III, "RECYCLABLE WASTE," BY CREATING A NEW DIVISION I, "RESIDENTIALLY ZONED AREAS," ENACTING SECTION 12-50, "DEFINITIONS;" AND CREATING A NEW DIVISION 2, "NON-RESIDENTIALLY ZONED AREAS," ENACTING SECTIONS 12-60, "DEFINITIONS," 12-62, "USE OF EXCLUSIVE FRANCHISEE FOR CONSTRUCTION OR DEMOLITION DEBRIS REQUIRED IN NON-RESIDENTIAL ZONED AREAS OF THE CITY; EXCEPTIONS," 12-63, "CONTAMINATION PROHIBITED," 12-64, "DUTIES OF NON-EXCLUSIVE COMMERCIAL RECYCLING FRANCHISE HOLDERS," AND 12-65, "REVOCATION OF NON-EXCLUSIVE FRANCHISE OR REGISTRATION," TO PROVIDE FOR UPDATES TO REFLECT THE CITY'S POLICY DECISION TO RETURN TO CURBSIDE RECYCLING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City desires to amend Chapter 12, "Garbage and Refuse," of the City's Code of Ordinances to reflect the City Commission's decision to return to curbside recycling beginning October 1, 2026; and

WHEREAS, the City Commission finds and determines that updating Chapter 12, "Garbage and Refuse," of the City's Code of Ordinances to comport with policy is in the best interest of the residents of Coconut Creek.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:

Section 1: Ratification. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance.

Section 2: Amendment. That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 12, "Garbage and Refuse," by amending Article II, "Collection and Disposal," Sections 12-21, "Definitions," and 12-23, "Franchise agreement required to provide collection service; franchise fee," and amending Article III, "Recyclable Waste," by creating a new Division 1, "Residentially Zoned Areas," and enacting new Section 12-50, "Definitions," and creating a new Division 2, "Non-Residentially Zoned Areas," and enacting new Sections 12-60, "Definitions," 12-62, "Use of exclusive franchisee for construction or demolition debris required in non-residential zoned areas of the city; exceptions," and 12-63, "Contamination prohibited," 12-64, "Duties of non-exclusive commercial recycling franchise holders," and 12-65, "Revocation of non-exclusive franchise or registration," to read as follows:

Chapter 12 – GARBAGE AND REFUSE

ARTICLE II. - COLLECTION AND DISPOSAL

Sec. 12-21. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bulky waste means a large discarded item that (a) is discarded by a customer as a result of the customer's normal housekeeping activities on their own premises and (b) cannot be placed in a garbage cart or garbage can because of its size, shape or weight. Bulky waste includes furniture, fixtures, white goods, and large pieces of carpet.

Commercial property means all real property that is located in the service area and not classified as residential property. Commercial property includes property used primarily for: (a) commercial purposes, such as hotels, motels, stores, restaurants, business offices, and service stations; (b) institutional purposes, such as governmental offices, churches, hospitals, and schools; and (c) not-for-profit organizations. Commercial property includes commercially zoned property that is used primarily for residential purposes. Vacant land, not classified as improved real property, shall be deemed commercial property.

Commercial waste means garbage, rubbish, and bulky waste generated on commercial property. Commercial waste does not include yard waste.

Construction and demolition waste shall have the meaning set forth in F.S. § 403.703(6), except construction and demolition waste does not include land clearing debris. In general, construction and demolition waste means discarded materials generally considered to be not water soluble and non-hazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, resulting from the construction, destruction, or renovation of a structure.

Corrugated cardboard (OCC)/cardboard: grooved sheets of fiber attached to one (1) or more fiber liners typical to packaging and boxes for delivery are hereby declared to be recyclable waste as long as the surface is not contaminated with grease or other liquid contaminants.

Dwelling unit means any type of structure or building, or a portion thereof, intended for, or capable of being used for, residential living. A dwelling unit includes a room or rooms constituting a separate, independent living area with kitchen or cooking facilities, a separate entrance, and bathroom facilities, which are physically separated from other dwelling units, whether located in the same structure or in separate structures. However, a room in a licensed hotel or motel is not a dwelling unit.

Exclusive franchisee means that one (1) business entity that has an exclusive franchise with the city to collect and dispose of all solid waste and all recyclables from residentially single and multifamily zoned properties and who has an exclusive franchise with the city to collect and dispose of all solid waste excepting recovered materials from commercial establishments, as provided by F.S. § 403.7046.

~~*Garbage* means all kitchen and table food waste and animal or vegetative waste that is attendant with or results from the storage, preparation, cooking, or handling of food materials~~ shall mean all organic and non-organic waste that is typically generated within residential and commercial properties that have not been separated for recycling and have been set out for collection, but does not include yard waste, construction and demolition waste, land clearing debris, bulk waste, or special waste.

Garbage cart means a garbage container that is made with heavy-duty hard plastic or other impervious material, with an enclosed bottom and sides, mounted on two (2) wheels, equipped with a tight-fitting hinged lid, having a capacity of approximately one hundred (100) gallons or less, and used for the automated or semi-automated collection of garbage and rubbish.

Materials include all garbage, residential or commercial waste, rubbish, bulky waste, and yard waste.

Metal can. A metal can of any size.

Multi-family dwelling means a building with multiple dwelling units that are located under one roof. Multi-family dwellings include apartments, condominiums, and mixed-use buildings that contain multiple dwelling units.

Plastic containers means those plastic containers labeled #1 or #2.

Recovered materials mean metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled and have been diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. Recovered materials as described above are not solid waste. A recovered material does not include any material or substance that does not fit within one (1) of the six (6) categories described in this definition (metal, paper, glass, plastic, textile, or rubber). Among other things, construction and demolition waste is not a recovered material.

Recyclable materials mean those materials that are capable of being recycled and would otherwise be processed or disposed of as solid waste.

Residential recyclable waste means that waste which is designated by the city as recyclable by ordinance, and includes materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. It includes those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste. It does not include any material that will be ultimately discarded or disposed.

Rubbish means waste materials (other than garbage, yard waste, and bulky waste) resulting from normal housekeeping activities on residential property and commercial property. Rubbish includes discarded trash, rags, sweepings, packaging, recyclable materials that are not source separated, and similar materials.

Residential waste means garbage, rubbish, recyclable materials, yard waste, and bulky waste generated by a residential customer upon the customer's residential property. Residential waste does not include any waste generated by a commercial business or enterprise.

Single-family dwelling means a building with a single dwelling unit located under one (1) roof.

Solid waste shall have the meaning set forth in F.S. § 403.703(36). Solid waste includes biomedical waste, bulky waste, commercial waste, construction and demolition waste, disaster debris, electronic equipment, garbage, hazardous material, land clearing

debris, radioactive waste, recyclable materials, residential waste, rubbish, tires, white goods, and yard waste.

Yard waste means vegetative matter resulting from yard and landscaping maintenance, including but not limited to shrub and tree trimmings, grass clippings, palm fronds, and branches. Yard waste does not include land clearing debris.

Sec. 12-23. - Franchise agreement required to provide collection service; franchise fee.

(a) Each and every person providing a garbage ~~and~~ solid waste, or residential recycling collection service within the city shall enter into a franchise agreement with the city prior to commencement of operation.

(b) The provisions of the franchise agreement described in this section shall include, but not be limited to, a requirement that a franchise fee be paid to the city.

ARTICLE III. - RECYCLABLE WASTE

DIVISION 1. RESIDENTIALLY ZONED AREAS

Sec. 12-50. - ~~Reserved.~~ Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Garbage Cart. When used in this article, this phrase means a receptacle, having a capacity of not more than thirty-two (32) gallons and otherwise conforming to the provisions of section 12-27, Code of Ordinances, for ordinary household garbage and household trash, as those terms are defined in section 12-21, Code of Ordinances.

Mechanized container. When used in this article, this phrase means a receptacle, having a capacity greater than thirty-two (32) gallons, and otherwise conforming to the provisions of section 12-29, Code of Ordinances, for all kinds of refuse, as said term is defined in section 12-21.

Metal can. A metal can of any size is hereby declared to be residential recyclable waste.

Plastic containers. Those plastic containers labeled #1 or #2 are hereby declared to be residential recyclable waste.

Residences. All residential area dwelling units in the city are designated by the city commission to be part of the recycling program.

Residential construction and demolition solid waste. Residential construction and demolition debris means solid waste from only residential zoned construction or demolition sites, and is material generally considered to be not water soluble and non-hazardous in nature, including but not limited to steel, glass, brick, concrete, asphalt material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure. The term includes rocks, soils, tree remains, trees and other vegetative project and includes those recovered materials source separated on site.

Residential recyclable waste. That waste which is designated by the city as recyclable by policy and that is generated from single family or multifamily residentially zoned areas, and includes materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. It includes those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste. It does not include any material that will be ultimately discarded or disposed.

Secs. 12-51-12-52. Reserved.

Secs. 12-57-12-59. Reserved.

DIVISION 2. NON-RESIDENTIALLY ZONED AREAS

Sec. 12-60. - Reserved. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial establishment means a use in a non-residentially zoned area which generates recyclable recovered materials.

Recyclable construction and demolition sites are those sites in the city, zoned non-residential, which generates recovered materials as defined by § 403.703, Florida Statutes, that are source separated at the site, and fall under the exemption for recovered materials, as contained in § 403.7046, Florida Statutes.

Exclusive franchisee means that one (1) business entity that has an exclusive franchise with the city to collect and dispose of all solid waste and all recyclables from residentially single and multifamily zoned properties and who has an exclusive franchise with the city

to collect and dispose of all solid waste excepting non residentially zoned recovered materials, as provided by § 403.7046, Florida Statutes.

Non-residential recyclable recovered materials from construction or demolition debris on a non-residentially zoned site. Non-residential recyclable construction and demolition recovered materials means recovered materials from non-residentially zoned sites, and includes materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, as defined under § 403.703, Florida Statutes, except such materials must be source separated on site whether or not the recovered materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. The term does not include materials destined for any use that constitutes disposal. It does include those recovered materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste and excludes any recovered material that is not source separated from a de minimis five (5) percent amount of solid waste.

Non-residential recyclable recovered materials. Those recovered materials which are designated by the city as recyclable by policy and statute and that is generated from non-residentially zoned areas, and includes materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the recovered materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. It includes those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste and excludes any material that is not source separated from a de minimis five (5) percent amount of solid waste.

Recovered materials dealer means any person registered with the State of Florida as a recovered materials dealer pursuant to § 403.7046, Florida Statutes, as amended from time to time.

Sec. 12-62. - Reserved. Use of exclusive franchisee for construction or demolition debris required in non-residential zoned areas of the city; exceptions.

Every person, owner, contractor, subcontractor, partnership or corporation who is in possession of a building permit or demolition permit for whatever purposes from the city in a non-residential zoned area of the city and is generating construction or demolition refuse, debris, garbage, or solid waste, or does not have a building permit or demolition permit and is generating construction or demolition refuse, debris, solid waste, or garbage in a non-residential zoned area of the city shall use the garbage and refuse hauling service of the city's exclusive franchisee for all construction and demolition debris, refuse, solid waste, or garbage generated from the site except as provided in section 12-63 below. Further, it is a violation of this section for any such person to use the services of

any person, firm, or corporation other than the city's exclusive franchisee to haul or remove construction or demolition debris, refuse, solid waste, or garbage from any site in a non-residentially zoned area of the city, except as provided in section 12-63 below. Further, it is a violation of this section for any such person other than the city's exclusive franchisee to haul or remove construction or demolition debris, refuse, solid waste, or garbage from any site in a commercial or industrial zoned area of the city, except as provided in section 12-63 below. Failure to adhere to this section shall result in the imposition of a civil penalty in the amount of five hundred dollars (\$500.00) per day for each day the violation continues.

Sec. 12-63. - Reserved. Contamination prohibited.

Mixing of recyclable construction and demolition debris with other types of solid waste, including material which is not from the actual construction or destruction of a structure, except for a de minimis amount of not more than five (5) percent will cause it to be considered solid waste, and shall not be hauled or removed except by the city's exclusive franchisee.

Sec. 12-64. - Reserved. Duties of non-exclusive commercial recycling franchise holders.

Restrictions on operating in the city and award of non-exclusive franchise:

(a) It shall be unlawful to commence or engage in the business of collecting and disposing of commercial recovered materials recyclables originating in the city without a non-exclusive commercial recycling franchise issued by the franchising authority in accordance with the provisions of this subchapter;

(b) It shall be unlawful for any hauler operating in the city to:

(1) Collect any construction and demolition debris recovered material whether capable of recycling or otherwise from any property zoned for residential purposes except for the exclusive solid waste franchise holder;

(2) To collect any commercial and construction demolition debris recovered material containing more than five (5) percent of solid waste or non-recyclable material except for the exclusive solid waste franchise holder;

(3) To collect any construction and demolition debris recovered materials not source separated on site of collection and containing more than a de minimis amount of solid waste five (5) percent;

(4) To deliver any commercial recovered material recyclables to any facility that has not complied with the city's local reporting process established pursuant to § 403.7046, Florida Statutes, including payment of the permit fee and compliance with the city reporting requirements;

(5) Dispose of any solid waste collected in the city including the de minimis five (5) percent remainder from any construction and demolition debris recovered material recycling at any location other than the recourse recovery systems designated in the plan of operation of the solid waste

disposal agreement as defined by the code of the city's flow control ordinance;

(c) In order to operate a commercial recycling collection operation servicing the city, the hauler must pay the franchise fee as required by this subchapter; deliver to the city the necessary customer account information and comply with the city flow control ordinance and non-exclusive franchise agreement and show proof that the recovered material processing/recycling facility that receives the recovered materials is permitted by the city.

Sec. 12-65. Revocation of non-exclusive franchise or registration.

Any person who has registered with the city as a non-exclusive recycling construction and demolition franchised hauler, shall have its registration temporarily or permanently revoked if it has consistently and repeatedly violated state laws or city ordinances, rules and regulations. Any person who is found to have more than two (2) notice of violations to any rule or regulation, shall be brought before a special master, appointed by the city commission, with the right of representation, and an opportunity to be heard on the charges. The special master may temporarily or permanently revoke the registration, after hearing from the city and the violator. The decision of the special master is final, and appealable only to the Seventeenth Judicial Circuit in and for Broward County, within thirty (30) days after the decision of the special master.

Sec. 12-66. Reserved.

Section 3: Conflicts. That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4: Severability. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

Section 5: Codification. That the provisions of this ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida and any paragraph or section may be renumbered to conform with the Code of Ordinances.

Section 6: Effective Date. That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS ____ DAY OF _____, 2026.

PASSED SECOND READING THIS ____ DAY OF _____, 2026.

Jeffrey R. Wasserman, Mayor

Attest:

Joseph J. Kavanagh, City Clerk

	<u>1st</u>	<u>2nd</u>
Wasserman	_____	_____
Brodie	_____	_____
Welch	_____	_____
Rydell	_____	_____
Railey	_____	_____

CODING:

Words in ~~strike-through~~ type are deletions from existing text.
Words in underline type are additions to existing text.
Asterisks (***) indicate existing text not shown.