

ORDINANCE NO. 8025-09

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, RELATING TO THE SCHEDULE FOR SOLID WASTE COLLECTION SERVICES; AMENDING ARTICLE VII, SOLID WASTE MANAGEMENT, SECTIONS 32.271 THROUGH 32.322, APPENDIX A, SCHEDULE OF FEES, RATES AND CHARGES, ARTICLE XXV, PUBLIC WORKS-FEES, RATES AND CHARGES, SECTION; (3)(c) SOLID WASTE COLLECTION RATES THROUGH SOLID WASTE ROLL-OFF CONTAINER OR WASTE RECEPTACLE SERVICE (5)(b)(ii)(7), CLEARWATER CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is determined to be fair and reasonable to establish fees, rates and service charges based on the cost to serve the various classes of customers; now therefore,

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

Section 1. Article VII, Solid Waste Management, Section 32.271 through Section 32.322, Clearwater Code of Ordinances, is hereby amended as follows:

DIVISION 1. GENERALLY

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Sec. 32.2715. Definitions.

As used in this chapter:

(1) *Commercial container* means any container approved by the **Solid Waste/General Services Department** ~~solid waste department~~ and serviced by a commercial collection vehicle.

(2) *Commercial establishment* means a property or properties zoned or used for commercial or industrial uses, or used by an entity exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code. The term excludes property or properties zoned or used **exclusively** for single-family residential or multi-family residential uses **of four units or less**.

(3) *Compactor* means any mechanical hydraulic or electrical machine designed and used specifically for compacting refuse or recyclables.

(4) *Compacted* means refuse or ~~garbage~~ condensed by a compactor.

(5) *Construction debris* means discarded building materials and rubble including but not limited to earth, cement, brick, wire, cans, flooring materials, lumber, plaster, roofing materials and any other waste resulting from construction, remodeling, repair or demolition of any structure or pavement. Such construction debris may be either commercial or residential in character.

(6) Containerized service means collection of solid waste or recyclables in city-approved containers.

(7) Contamination means when more than de mininis non-recyclable items (such as trash, food waste, glass, putrescible garbage) are included with recyclables, or when two or more different types of recyclables are commingled in a container intended for one.

(8)(6) Customer means owner, occupant, tenant, or other person having control of the improved real property.

(9) Eviction or move-out refuse means any refuse that is left for collection resulting from an eviction or a move-out.

(10) E-Waste means inoperative or discarded electronic equipment including, but not limited to televisions, computer CPUs, monitors and peripherals, and handheld and desktop telecommunications equipment.

(11)(7) Hazardous material means material which is radioactive, volatile, flammable, explosive, infectious, toxic or otherwise hazardous, including but not limited to material designated as hazardous in any Federal, Florida, Pinellas County, or Clearwater statute or regulation **law or ordinance**; also that waste which is determined to be hazardous by the United States Environmental Protection Agency, or any other federal agency.

(12) Late payment means any payment remitted after the required due date.

(13)(8) Materials recovery facility means a solid waste management facility that provides for the extraction from solid waste of recyclable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

(14)(9) Putrescible waste garbage means household or commercial solid waste that will putrefy.

(15)(10) Recovered materials means metal, **fiber**, 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 are not solid waste.

(16)(11) Recovered materials dealer means any person **or entity** who handles, purchases, receives, recovers, sells, or is an end-user of recovered materials.

(17)(12) Recovered materials processing facility means a facility engaged solely in the **receiving**, storage, processing, resale or reuse of recovered materials. Such a facility is not a solid waste management facility if it meets the definitions of section 403.7045(1)(f), Florida Statutes.

(18)(13) Recyclable means those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.

~~(19)(14)~~ *Recycling* means the collection, processing, marketing, reprocessing and resale or reuse of any material which would otherwise be processed or disposed of as solid waste.

~~(20)(15)~~ *Recycling bin* means any container issued by the city for the purpose of recycling.

~~(21)(16)~~ *Refuse* means all putrescible and non-putrescible solid waste.

~~(22)(17)~~ *Residential refuse container* means a city issued automated container and/or a city-approved 32-gallon container or other container approved by the director of **Solid Waste/General Services** ~~solid waste~~.

(23) Roll-off container means any large capacity container used for commercial or industrial service, or for special purposes, including but not limited to, containers with capacities between (10) ten and forty (40) cubic yards and which are transported with their contents by vehicle to a solid waste disposal site.

(24) Servicing means any interaction with Solid Waste/General Services with regards to including, but not limited to, installing cleaning, deodorizing, pulling, removing, or repairing damage to waste receptacles

~~(25)(18)~~ *Solid waste* means sludge not regulated under the Federal Clean Water Act or Clean Air Act; sludge from a waste treatment works, water supply treatment plant, or air pollution control facility; or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural or governmental operations. The term does not include recovered materials as defined in this section or in section 403.703(7), Florida Statutes.

~~(26)(20)~~ **Solid Waste/General Services** ~~Solid waste~~ director means the person authorized to exercise and enforce the provisions of this ordinance.

~~(27)(19)~~ *Solid waste management* means the process by which solid waste is collected, transported, stored, separated, processed or disposed of according to an orderly, purposeful and planned program which includes closure and long-term maintenance.

~~(28)(21)~~ *Solid waste management facility* means any solid waste disposal area, volume reduction plant, transfer station, materials recovery facility or other facility, the purpose of which is resource recovery or the disposal, recycling, processing or storage of solid waste. The term does not include recovered materials processing facilities which meet the requirements of Section 403.7046(4), Florida Statutes, except the portion of such facilities, if any, that is used for the management of solid waste.

~~(29)(22)~~ *Source-separated* means that recovered materials are separated from solid waste where the recovered materials and solid waste are generated. The term does not require that various types of recovered materials be separated from each other and recognizes that de minimis solid waste, in accordance with industry standards and practices, may be included in the recovered materials.

~~(30)(23)~~ *Special wastes* means solid waste that can require special handling and management, including, but not limited to, white goods, waste tires, used oil, lead-acid batteries, construction and demolition debris, ash residue, **e-waste, paint** yard trash, and biological wastes.

~~(31)(24)~~ *Trash* means any waste accumulation of paper, sweepings, rags, bedding or other matter of any kind, other than garbage, which is usually attendant to housekeeping, except recyclables.

(32) Waste receptacle means any vehicle or container, but is not limited to trailers, roll-off containers, compactors or any other functionally equivalent containers, used to collect, transfer or haul solid waste or construction debris from one location to another.

~~(33)(25)~~ *White goods* means inoperative and discarded refrigerators, ranges, water heaters, freezer[s] and other similar domestic and commercial large appliances of any color.

~~(34)(26)~~ *Yard waste* means vegetative matter resulting from landscaping and maintenance.

Sec. 32.272. Collection by city; exceptions.

(1) *Generally.* All refuse accumulated in the city shall be collected, conveyed and disposed of by the city government. Following receipt and referral by the City **Council** Commission of annexation petitions, the city shall, upon request by the petitioners, collect refuse accumulated on properties being annexed by the city. **Any residential, commercial, or industrial property within the City that is being constructed, is occupied, or is capable of being occupied, shall be presumed to be generating solid waste for collection.**

(2) *Exception for commercial establishments.* This chapter shall not prohibit the actual producers of solid waste or the owners of premises upon which solid waste has accumulated, from personally collecting, conveying and disposing of such solid waste provided such producers or owners comply with the provisions of this chapter and with all other governing laws and ordinances. This paragraph shall not be construed to provide for or as allowing collection by subcontract. An owner or producer of refuse or recyclable materials may sell or donate these materials but may not enter into any disposal agreement whereby the owner or producer pays for the use of the container or for hauling.

(3) *Exception for outside collectors.* This chapter shall not prohibit solid waste collectors from outside of the city from hauling such solid waste over city streets prescribed by the director of public works provided such collectors comply with the provisions of this chapter and all other governing laws and ordinances.

~~(4) *Exception for private collectors with roll-off containers, compactors or waste receptacles.* This chapter shall not prohibit a private collector holding a permit from the placing and servicing roll off containers for commercial and industrial solid waste issued by the city that the city does not choose to collect and approves for collection by outside contract.~~ **A private collector who currently holds a city issued permit for placing**

and servicing roll-off containers, compactors, or waste receptacles for commercial and industrial waste, may continue to provide said service for the duration of all existing customer contracts. The private collector shall provide the city with evidence of all such contracts. This exception shall only apply to contracts entered into on or before June 4, 2009. Moreover, the City may honor an existing private refuse contract for existing development which annexes into the City for the remainder of the contract term or for five (5) years from the date of annexation, whichever is shorter.

(5) **Exception for bulky items.** The city has the right to refuse garbage service of any unusual or extremely bulky item or to require the owner or producer of waste to reduce it to such size and weight as can be handled by city equipment.

Sec. 32.273. Director of Solid Waste/General Services ~~solid waste~~; powers; appeals from action.

(1) All solid waste and recyclables accumulated in the city shall be collected, conveyed, and disposed of or otherwise managed by the city under the supervision of the director of **Solid Waste/General Services** ~~solid waste~~.

(2) The director of **Solid Waste/General Services** ~~solid waste~~ shall have the authority to establish the type of container, the frequency of collection, location of container, amount of solid waste and recycling collection or disposal service needed, **so long as such change does not fall below any minimum standards set forth by Federal and Florida law or local ordinance.**

Sec. 32.274. Unlawful practices generally.

It is hereby declared unlawful and a violation of this chapter for any person to do or permit to be done any of the following acts or practices:

(1) To deposit on or bury in, or cause to be deposited in or buried in, any property, public or private, and any street, alley, the waters of Clearwater Bay, or any creek, watercourse, storm sewer, or ditch within the corporate limits of the city, any solid waste or other noxious, malodorous or offensive matter;

(2) To fail or neglect to keep or cause to be kept clean and sanitary or tightly covered and in good state of repair all containers and trash receptacles;

(3) To place or allow to be placed upon the streets, alleys, curbs, bicycle paths or sidewalks of the city any rubbish, sweepings, debris, trash or waste materials of any kind, which constitutes a menace to traffic, both vehicular and pedestrian, or a health or aesthetic problem, or which impairs the proper operation of the city's sewer or drainage system;

(4) To remove recyclables or any marketable materials from solid waste placed out for collection. Such an act is declared "scavenging" and is punishable by a fine of \$500.00 per incident. An incident is deemed to be the removal of such materials from a single premises;

(5) To dispose of any paint, hazardous material, acid, explosive material, Inflammable liquids, burning substance or any dangerous or highly corrosive material, used oil or biohazardous wastes in any refuse container which might be detrimental or harmful to any person or persons. The city will not be responsible for the collection or disposal of these materials or of special industrial wastes. Damage to city-owned containers as a result of the above will be repaired at the expense of the user; or

(6) To place or deposit or cause to be placed or deposited upon any of the streets, sidewalks, parkways, thoroughfares, public parks, or other public places of the city, any tree trunks or limbs, any trash, debris, papers, litter, solid waste, or other discarded matter of whatever kind, except as specifically provided within the rules and regulations; or

(7) To bring any solid waste into the city from outside the city limits, or transfer solid waste originating from one party to another party within the city, for the purpose of collection and removal by Solid Waste/General Services; or

(8) It shall be unlawful for any third party or contractor to create or leave construction debris, yard waste or refuse subsequent to the performance of any work on private property for the city to collect. No materials from such operations shall be placed in any residential container, commercial container, waste receptacle or set out curbside for collection by the City without prior authorization by the Solid Waste/General Services director.

Sec. 32.275. Prohibited materials.

(1) *Building materials.* Except for roll-off container **or waste receptacle** services, the city shall not be responsible for the collection of dirt, rock, sod, plaster, lumber, metal or other construction or building material originating from private property preliminary to, during or subsequent to the construction of new buildings, or alterations or additions to existing buildings. Such material shall be removed by the owner of the property or by the contractor. No certificate of occupancy shall be issued until such material has been removed by the owner or contractor.

~~(2) *Contagious disease solid waste.* The removal of clothing, bedding or other solid waste from homes or other places where highly infectious or contagious diseases have prevailed shall be performed by a licensed medical waste collector registered with the director of solid waste. Such solid waste shall not be placed for collection and shall not be collected by solid waste personnel.~~

~~(2)(3) *Inflammable or explosive materials.* Highly flammable or potentially explosive materials or toxic substances shall not be placed in containers for regular collections, but shall be disposed of as directed by the director of **Solid Waste/General Services** solid waste at the expense of the owner or possessor thereof.~~

~~(3)(4) *Prohibited materials.* Biohazardous waste, flammable liquids, motor oil, pesticides, herbicides and other hazardous materials shall not be placed for collection, and shall not be collected by solid waste personnel.~~

Sec. 32.276. Enforcement.

The director of **Solid Waste/General Services** ~~solid waste~~ is authorized to exercise limited police powers to enforce the provisions of this chapter. These limited police powers shall include the authority to issue a notice of violation of a provision of this chapter and, following a reinspection after the time specified in the notice for corrective action, if there has not been substantial compliance with the notice of violation, or if the violation has been corrected but reoccurs, the director of **Solid Waste/General Services** ~~solid waste~~ may cause a summons to be issued by a sworn police officer, **code enforcement officer, or designated Solid Waste/General Services employee** of the city for appearance in county court, or may notify the code enforcement board and request a hearing pursuant to sections **7-102 of the Clearwater Community Development Code** ~~2.218 and 2.219~~. A notice of violation shall describe the nature of the violation, the corrective action necessary to cure the violation, and the time within which corrective action shall be taken. A notice of violation shall be served in the manner set forth in section ~~162.12, 2-216~~ **Florida Statutes**.

Personnel ~~Employees~~ authorized by the city manager **or designee** as code enforcement officers **or solid waste personnel** are hereby designated as the investigating and enforcing authority pursuant to this article. The code enforcement officers **or solid waste personnel** are authorized and directed to receive all complaints, make inspections to determine if a violation of this article exists, gather all relevant information concerning such complaints, conduct field investigations and inspections of real property, and enter upon real property, with or without a warrant as required by law, in the conduct of official business pursuant to this article.

It shall be unlawful for any person to interfere, harass, or otherwise impede a city code enforcement officers or solid waste **personnel** ~~employee~~ who **are** is carrying out or acting within the scope of his/her duties. A law enforcement official shall have the authority to arrest an individual in violation of **Article VII** ~~this section~~.

Sec. 32.277. Penalties.

(1) Any person **or entity** found to be in violation of the provisions of this article shall be prosecuted as provided in section 1.12.

(2) Imposition of a penalty or fine does not prevent the ~~code enforcement board~~ **appropriate City designee** from proceeding or from revoking or suspending a license or permit.

(3) In addition to the penalties provided in subsection (a) of section 1.12, any condition caused or permitted to exist in violation of any of the provisions of this Code can be deemed a public nuisance, and may be abated by the city as provided by law. If action to remedy the condition is taken by the city, the actual costs of such action plus administrative costs of up to \$200.00 shall be owed by the owner to the city and shall constitute a lien against the property until paid.

(4) If a customer has not removed extra or nonconforming solid waste or other industrial waste, hazardous waste or noncombustible refuse within 24 hours after notification by solid waste, the director of **Solid Waste/General Services** ~~solid waste~~ may order such removal and all costs incurred shall be placed against the customer's utility account.

(5) Failure to remove a container tagged with a warning by the **Solid Waste/General Services Department** ~~code enforcement/solid waste department~~ within the specified

period of time subjects the customer to a fine of \$10.00 per day, which is placed on the customer's utility bill. Repeat offenders, at the discretion of the director of **Solid Waste/General Services** ~~solid waste~~, may be placed on **side or** rear yard **premium** service at the appropriate fee.

(6) In the event a roll-off container or waste receptacle becomes a danger or nuisance, the roll-off container or waste receptacle shall be impounded and owner given notice, if reasonably possible, and owner shall be responsible for claiming such roll-off container or waste receptacle at owner's own expense as detailed in subsection 7.

(7) Roll-offs containers and/or waste receptacles located on city property and/or rights-of-way that are not registered shall be hauled to a city site and an initial fee of \$300.00 and a \$50.00 a day storage fee shall be assessed against the owner of such equipment. If such equipment is not recovered after thirty (30) days, after the City has gone through reasonable efforts to provide the owner notice, then such equipment may be disposed of.

(8) Roll-off container and/or waste receptacle Permittee shall incur a 1% penalty charge on the total amount of remittance, as specified in Appendix A of this code and referred to in section 32.290(2)(b) of this division, for every month that the remittance is past due. Furthermore, Permittee shall incur a 1% penalty charge on the total amount of remittance for every month that the Permittee fails to provide invoice copies and monthly service reports, as required by section 32.290(2)(b). Failure to comply with the permit submission requirements may result in revocation or denial of issuance or renewal of a permit.

Sec. 32.278. Service fees and charges.

(1) The fact that any place of abode or any place of business is occupied shall be prima facie evidence that refuse is being produced and accumulated upon such premises and that fees for the collection and disposal thereof are due the city.

(2) See Appendix A for solid waste management system deposits, fees, service charges, and rate schedules.

(3) The solid waste collection and disposal charges are applicable until all municipal utilities including lawn (water) meters are disconnected.

(4) For accounts payable, see section 32.066.

(5) Additional service charges may be levied at the discretion of the director of **Solid Waste/General Services** ~~solid waste~~.

Sec. 32.279. Duty of property owner to supply receptacle; exception.

It shall be the duty of all owners of residences, businesses, professional offices, and other commercial establishments in the city to supply each of such establishments with ~~solid waste~~ **receptacles** ~~containers~~ except where furnished by the city.

Sec. 32.280. Duty of property owner; precollection practices.

(1) *Preparation of solid waste.*

(a) *Garbage.* All garbage shall be drained of liquid and shall be wrapped or bagged in paper or plastic before being placed in any container for collection.

(b) *Trash.* All trash shall be drained of liquid before being deposited for collection.

(c) *Recyclables.* Recyclables shall be prepared for collection in accordance with existing policies **that** of the city **provides**. ~~as part of the recycling education program.~~

(d) *Yard waste.* Loose yard waste shall be placed inside a container, other than the city-issued container, approved by the city and placed ~~for recycling collection~~ at curbside, separate from other trash. Such containers shall not be filled above the rim of the container. Single articles such as palm fronds, tree branches and limbs shall be cut or broken into pieces which are less than four (4) inches in diameter and four (4) feet long and shall be stacked at curbside for ~~recycling collection~~. **It shall not be the responsibility of the solid waste personnel to clean up de minimis debris resulting from standard collection.** ~~Larger articles may be collected by special pickup upon request and approval by the director of solid waste.~~

(e) *Scrap metal and appliances.* Scrap metal and appliances shall be placed at the curb for recycling collection separate from other trash. Freezers, refrigerators, clothes washers, clothes dryers, dishwashers or similar airtight units shall have the doors removed **or secured** before being placed for collection. All stand-up items shall be laid flat. Scrap metal such as poles, pipes and antennas shall be cut or bent into pieces not longer than six (6) feet.

(f) *Crates and cardboard boxes.* Crates and cardboard boxes shall be collapsed prior to being placed for collection.

(g) *Dangerous material.* All dangerous material collected manually such as broken glass, light bulbs, **and** razor blades, ~~and fluorescent tubes~~ shall be deposited in a disposable container and placed at curbside for collection.

(h) None of the above may be placed out prior to **twenty-four (24)** ~~forty-eight (48)~~ hours in advance of a scheduled pick-up.

(2) *Containers.*

(a) *Duty to provide and maintain in sanitary condition.* Except in the case of containers provided by the city, all containers shall be provided by the owner, tenant, or occupant of the premises. Containers shall be maintained in good condition and shall be subject to inspection and approval of conditions by city code enforcement inspectors and others having jurisdiction. Routine maintenance of can[is], carts, and **waste receptacles** ~~dumpsters~~ in a sanitary manner is the responsibility of the user.

Any container that does not conform to the provisions of this chapter or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof, shall be promptly replaced by the customer upon written notice by the city. The director of **Solid Waste/General Services** ~~solid waste~~ shall have the authority to discontinue collection service for failure to comply. In the event of damage to a container provided by the city caused by a user of the container, the cost of repair or replacement shall be charged to the customer's account.

(b) *Specifications.* Containers shall be made of durable plastic or metal, equipped with suitable handles and tight-fitting covers, and shall be water-tight. Except in the case of containers provided by the city, each container shall have a capacity of not more than thirty-~~two~~ (32) gallons, and shall weigh not more than ~~sixty~~ (60) pounds when full.

(c) *Commercial trash bins.* No commercial trash bins or trash rooms shall be used without written permission of the director of **Solid Waste/General Services** ~~solid waste~~. No existing bin shall continue to be used, and no new bin shall be permitted for use, unless it is completely enclosed and watertight.

(d) *Commercial containers.* Containers shall be of such size and shape as to be capable of being lifted and emptied into city collection vehicles. Commercial front end containers provided by the owner and used in conjunction with compactors shall first be approved by the director of **Solid Waste/General Services** ~~solid waste~~, such approval to relate to the ability of the city to service such equipment.

(3) *Storing of solid waste.*

(a) *Public places.* No person shall place any solid waste in any street, alley or other public place or upon any private property whether owned by such person or not, unless it is in containers for collection. No person shall place any solid waste at the curb for collection except on his or her property, and such placement shall be behind the curb or where the curb should be. Any person having a corner lot may use the side yard curb, subject to the director of **Solid Waste/General Services'** ~~solid waste's~~ approval. No person shall throw or deposit any solid waste in any ditch, stream or body of water.

(b) *Unauthorized accumulation.* Any unauthorized accumulation of solid waste on any lot or premises is hereby declared to be a nuisance and is prohibited. Failure to remove any accumulation of solid waste following notice to the owner or tenant and a reasonable opportunity to take corrective action shall be deemed a violation of this chapter.

(c) *Reserved.*

(d) *Commercial establishments.* All commercial establishments shall secure solid waste accumulated upon the premises so as to eliminate wind-driven debris and unsightly litter conditions in and about the establishment.

(e) *Public parking lots.* All public parking lots shall be provided with containers in sufficient quantity so that there shall be at least one container for every 50 parking spaces. This requirement shall apply to parking lots with a capacity in excess of 25 spaces. It shall be the responsibility of the owner or the manager of the parking lot to collect the material deposited in the containers and deposit the material in a container for collection. As used in this subsection the term "public parking lot" shall mean a privately owned lot open to the general public.

(f) *Construction sites.* All construction sites shall ~~use~~ utilized city-approved **waste receptacles** ~~trash containers~~, the number of which shall be determined according to the size of the job at the discretion of the director of the building division. Construction sites shall be kept clean and orderly at all times and the building director may suspend or red tag a construction job until the premises are brought up to a satisfactory sanitary condition. **Any waste receptacle used to collect refuse that is not supplied by the City shall be required to be registered with the director of Solid Waste/General Services.**

(4) **Waste receptacles, compactors, roll-off containers and baling machines.**

(a) *Registration.* Prior to the placement of compactors, roll-off **containers, waste receptacles**, and baling machines such equipment shall be registered with the director of **Solid Waste/General Services** ~~solid waste~~.

(b) *Storage of compacted trash.* Compacted cardboard, trash or by-products thereof as described in this section which have been compacted into bales shall be stored in fireproof structures or buildings at all times unless awaiting transport to ultimate disposal.

(c) *Transporting compacted or roll-off trash.* No person shall transport compacted trash or recyclable materials, **collected within the City of Clearwater**, over streets and roadways in the corporate city limits without prior registration with the director of **Solid Waste/General Services** ~~solid waste~~.

Sec. 32.281. Duty of property owner; collection practices.

(1) *Frequency of collection.*

(a) *Residential and small businesses.* Solid waste accumulated by residences and small businesses shall be collected twice each week on regularly scheduled days except Saturdays, Sundays and holidays.

(b) *Commercial.* Motels, hotels, restaurants, supermarkets, hospitals, schools and other establishments may have daily collection services to fit their respective needs at the regular rates charged. ~~therefore~~. Where necessary to protect the public health, the director of **Solid Waste/General Services** ~~solid waste~~ or an authorized health department official may require more frequent collections.

(c) *Special collections.* Restaurants and **all** other establishments having **putrescible waste** ~~which has an offensive odor or will constitute a nuisance~~ may ~~shall~~ be collected, **at minimum, once a week. If the waste becomes offensive in odor or becomes a nuisance, it shall be collected as often** as deemed necessary **to**

address the offensive odor or nuisance, at the discretion of ~~and upon the approval of the director of Solid Waste/General Services solid waste.~~

All waste receptacles within the city limits that contain putrescible refuse shall, at the discretion of the Solid Waste/General Services Director, be required to have a minimum of one collection per week.

(2) *Collection locations.*

(a) Curbside pickup ~~(c) Side or rear building.~~ Solid waste containers shall be placed for collection on the ground at the curblines, immediately in front of and contiguous to owner's property and at least ten (10) feet away from any permanent structure or vehicle and cannot obstruct pedestrian passage. Solid waste containers shall be placed for collection at ground level on the property, not within the right-of-way of a street or alley, and shall be accessible without entering into a building or shelter of any type. Exceptions may be granted with the approval of the director of Solid Waste/General Service ~~solid waste.~~

(b) *Handicapped and elderly.* Any person who has been certified by a physician as being unable to place a solid waste container at the curb shall be entitled to have the solid waste collected at the side or rear of the building at no extra charge.

(c) (a) Side or rear yard premium service ~~building collection.~~ A fee as stated in Appendix A will be charged to customers who wish to have the containers pulled out and placed back for them by solid waste personnel. ~~Solid waste containers shall be placed for collection at ground level on the property, not within the right of way of a street or alley, and shall be accessible without entering into a building or shelter of any type. No solid waste shall be collected unless containers are readily accessible by solid waste personnel without unlocking a door, gate or other obstacle. Exceptions thereto may be approved in writing by the director of solid waste provided that an additional payment for the extra service is agreed upon by both parties.~~

(3) *Container placement and removal.*

(a) Residential refuse and/or recycling containers and yard waste placed near the curb, street or alley shall be placed there no earlier than 7:00 p.m. on the evening preceding the collection day and must be removed to a point at the side or rear of the structure by 7:00 a.m. of the following day. Any container not removed will be tagged by the Solid Waste/General Services Department ~~code enforcement/solid waste department~~ with a warning. Second violators will be subject to a fine of \$10.00 per day, which will be placed on the customer's utility bill. Repeat offenders will be placed on side or rear yard premium service at the stipulated rate.

(4) Eviction/Move Out Refuse.

The property owner shall be responsible for time and material charges as stated in Appendix A for any refuse clean up resulting from an eviction or move out.

Sec. 32.282. Yard waste/bulk collections.

(1) It is the responsibility of all tree surgeons, nurseries, lawn care services and landscaping contractors, or any individual or company doing work on private property, to remove from the premises all residue and rubbish resulting from said work. Failure to comply will result in a fine in the amount of not less than the existing cost for removal plus an administrative fee not to exceed \$200.00, for the first infraction. A second infraction may result in the loss of the occupational license.

(2) All white goods' doors must be removed **or secured** before being set out for collection.

(3) Items for collection should be placed out no earlier than **24** ~~48~~ hours in advance of a scheduled pick-up and should not present a health or safety hazard to the general public.

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Sec. 32.284. Waste receptacle ~~Dumpster~~ enclosures/storage of containers.

(1) *Enclosure required.*

(a) Customers who receive containerized service and who are not subject to the requirements of **paragraph 5** subsection (b) of this section shall meet the following requirements with respect to **waste receptacle** ~~Dumpster~~ enclosures.

(b) The enclosure will be constructed and maintained in such a manner as to ensure that the **waste receptacle** ~~Dumpster~~ is not visible from ground level.

(c) The enclosure shall have a gate that is of sufficient width so that the **waste receptacle** ~~Dumpster~~ is easily accessible by a front-end loading refuse collection truck. Said truck requires 12 feet of unobstructed access.

(d) The **base of the** enclosure shall contain a six-inch-thick reinforced concrete pad of a size suitable for the **waste receptacle** ~~Dumpster~~ in use at that location.

(2) Those customers whose site receives containerized service and whose use of or improvement to the service site requires site plan approval or approval of minor change of use, shall also comply with the rules and regulations regarding enclosure dimensions, materials, location, and other physical attributes, as may be promulgated and amended from time to time by the director of **Solid Waste/General Services** ~~solid waste~~.

(3) Every containerized customer **who receives containerized service** shall assume all risk and shall indemnify, defend, and save harmless the City of Clearwater from and against all loss, damage, cost or expense for the enclosure which is not due to the negligence of the City of Clearwater.

(4) No final building inspection shall be undertaken nor certificate of occupancy issued for any site which has not complied with the enclosure requirements contained in this section.

(a) Any residential customer obtaining service for any multiple-family residence, and who is not otherwise subject to the requirements of section 32.321, shall provide an enclosure for recycling containers. These recycling enclosures shall be located so that the recycling containers are easily accessible by the residents, and by the refuse collectors, using ~~front-end rearloading~~ vehicles. The enclosures shall be constructed so that the recycling containers are not visible from any public right-of-way. In addition, the director of **Solid Waste/General Services** ~~solid waste~~ or designee shall have the authority to review the proposed location and construction of such enclosures to ensure that they meet the criteria of this section, and also to ensure that any applicable building and safety code provisions are complied with.

(5) The **Solid Waste/General Services** ~~solid waste~~ director shall have the authority to waive some or all requirements of this section, except those relating to accessibility and location, in those cases in which the customer demonstrates that:

(a) The **waste receptacle** ~~Dumpster~~ or recycling container would not be visible at ground level from any adjacent right-of-way or property, due to the existences of walls, fences, or other screening on site in compliance with this Code; or

(b) Enforcement of this section would result in extreme hardship.

(6) All enclosures are required to be constructed in accordance with the City of Clearwater specifications.

(7) Placement of containers. Subscribers or private collectors authorized to provide services under this article shall not place any container or receptacle for solid waste or recycling outside of any building or structure without first having obtained permission from the City approving location of such container.

Sec. 32.285. Collection and disposal by commercial establishments, private individuals and outside collectors.

(1) *Requirement for vehicles.* All transported refuse shall be containerized or tarped, and vehicles used for hauling shall be licensed by the city and approved by the director of **Solid Waste/General Services** ~~solid waste~~. The actual producers of solid waste or the owners of premises upon which solid waste is accumulated who desire personally to collect and dispose of such solid waste, persons who desire to dispose of waste material not included in the definition of solid waste and solid waste collectors from outside of the city who desire to haul solid waste over the streets of the city, shall use a water-tight vehicle provided with a tight cover and shall operate the vehicle so as to prevent offensive odors escaping ~~therefrom~~ and materials from being blown, dropped or spilled.

(2) *Rules and regulations.* The director of **Solid Waste/General Services** ~~solid waste~~ shall have the authority to adopt reasonable and necessary regulations concerning private collection and disposal and the hauling of solid waste over city streets by outside collectors.

* * * * *

DIVISION 2. PERMIT FOR ROLL-OFF CONTAINER AND/OR WASTE RECEPTACLE SERVICE

Sec. 32.288. Required.

~~A permit is required by this division for persons or companies placing or servicing roll-off containers, whether installed permanently or temporarily within the city.~~

Pursuant to section 32.272(1), it shall be unlawful for any party, other than the City, to engage in the business of collecting, removing, or disposing of construction or demolition debris and commercial or industrial waste. However, a sole proprietor or corporate entity placing or servicing a roll-off container or waste receptacle for the purpose mentioned in this section shall be required to procure a permit to legally continue such business activity without penalty, and hereinafter be known as Permittee, only under the following conditions: (1) yearly application of an already existing permit, so long as Permittee has adhered by all the permit application requirements in section 32.289, (2) a permit may be issued when, pursuant to section 32.293(3), the City first determines that it is unable or unwilling to collect, remove or dispose of a particular type or volume of refuse, or (3) when such sole proprietor or corporate entity only services individual trailers or other similar rubber tire vehicles that are no larger than fifteen (15) cubic yards.

Sec. 32.289. Application.

Every sole proprietor or corporate entity ~~person~~ required to procure the permit for roll-off container, or waste receptacle service provided for in section 32.288 shall submit an application for such permit to the city manager or designee. The application shall:

(1) Be a written statement upon forms provided by the City. Such application form shall include an affidavit to be sworn to by the applicant before a notary public of the state.

(2) Require the disclosure of all information necessary in compliance with this division.

(3) Be accompanied by a permit fee in the amount set out in appendix A to this Code.

(4) Be submitted to the city manager or designee together with all pertinent information required in this division, in order that a determination can be made by the city manager or designee.

~~(5) Contain a complete record of all arrests and convictions against the applicant and every partner, officer or director of the applicant for violations of any and all laws and ordinances of the city, county, state or federal government.~~

~~(5)(6) Contain the names of employees responsible for the operation of applicant's business, meaning those who will manage, administer and supervise the business under the permit when issued. , including the amount of experience possessed by each such employee. If such employee is other than a partner or director of the applicant, then each such employee shall complete a city police department background information report, executed under oath, and submit to a background investigation, photograph and fingerprints.~~

~~(6)(7) Contain the following additional information:~~

- (a) Number, type and size of waste collection vehicles in use;
- (b) Number of employees assigned to each waste collection vehicle;
- (c) Name and location of every establishment in the city, including short-term construction sites, where roll-off containers or waste receptacles are placed and serviced by the applicant.

(7) Be accompanied by copies of all contracts or options for the servicing or placing of roll-off containers or waste receptacles within the City of Clearwater. For permitting purposes only, the City shall honor existing private servicing contracts for the remainder of the contract term or for five (5) years from the date of execution, whichever is shorter, provided that such contract or option was in effect on or before June 4, 2009. If the applicant is unable to provide copies of contracts or options, as required by this section, applicant shall be ineligible to obtain a permit.

(8) Disclose all previous business names, current subsidiaries, parent companies or any successors.

Sec. 32.290. Prerequisites to issuance.

In determining whether ~~or not~~ a permit for the placement or servicing of a roll-off container or waste receptacle should be issued, the city manager or designee shall consider and base his the decision on the following:

- ~~(1) A review of the material submitted pursuant to section 32.289;~~
- ~~(2) A review of all convictions of the applicant, the reasons therefore and the conduct of the applicant subsequent to release;~~
- ~~(3) The license history of each applicant;~~
- (2)** ~~(4)~~ The certificate of approval of the city manager or designee to the effect that the applicant has satisfied the following:

(a) The adequacy of the equipment to be used, **as used in this subsection, adequacy of equipment shall mean that the roll-off container and/or waste receptacle does not present a danger or nuisance, is structurally sound, and has markings identifying the current owner of such equipment, such markings shall include the sole proprietor or corporate entity name, phone number, and container number;**

(b) The applicant has agreed to remit to the city each month a fee **of 15% of the monthly gross revenue billed by Permittee,** as set out in Appendix A to this Code, **accompanying the remittance, the Permittee shall supply invoice copies corroborating the monthly gross revenue derived from servicing locations within the City of Clearwater,** and the applicant has agreed to furnish a duplicate copy of the applicant's monthly billing; **Moreover, a Permittee shall also provide to the director of Solid Waste/General Services a monthly report identifying**

collections made within the City, together with the appropriate service addresses for such collections. The report, remittance, and invoice copies are due no later than the last business day of the following month;

(c) The applicant has agreed to make all books and records applicable to the business conducted under the permit required by section 32.288 available to the city for inspection and audit;

(d) The applicant has provided a copy of a certificate of insurance demonstrating that the applicant's employees performing work pursuant to the permit are covered by workers' compensation insurance.

* * * * *

Sec. 32.292. Liability insurance.

The holder of a permit for roll-off container **and/or waste receptacle** service issued pursuant to this division shall maintain in effect at all times public liability insurance in the minimum amounts of \$500,000.00 single limit for personal injuries arising out of one occurrence and \$100,000.00 property damage, and shall furnish the city a certificate evidencing such insurance. The city shall be named as an additional insured under such insurance. The permit holder shall furnish a certificate of insurance demonstrating compliance with the requirements of this section.

Sec. 32.293. Roll-off and/or waste receptacle permit application, Termination, denial renewal.

(1) All permits for roll-off container **and/or waste receptacle** service issued pursuant to this division shall be valid for not more than one year and shall terminate on **December 31st** September 30 of each year. **Regardless of date of issuance, issuance fee shall be the full amount as stated in Appendix A.**

(2) ~~Applicants~~ Each permit holder **shall complete** make a written application for renewal on forms provided by the city manager **or designee** on or before **January 1** October 1 of each calendar year. **The application shall be accompanied by the fee as stated in Appendix A.** which renewal application shall update the information provided by the initial application and shall be accompanied by a fee in the amount required for initial applications.

~~(3) Applications for renewal shall be processed in the same manner as an initial application.~~

~~(3)(4) No permits required by this division shall be renewed, and no new permit shall be issued to any **sole proprietor or corporate entity** person unless the city manager **or designee** determines that the city is unable **or unwilling** to collect, remove or dispose of **a particular type or volume of refuse.** certain garbage, rubbish and other accumulations.~~

~~(4)(5) Such permit may be terminated or denied by the city manager but only after the procedure set out in section 29.41(2) has been followed. Notwithstanding the procedure set out in section 29.41(2), appeal of the city manager's decision to terminate or deny a new permit or renewal shall be to the city **council.** commission~~

~~(5) (6)~~ The granting or ~~renewal~~ of a permit pursuant to this division shall not be construed as a grant of a franchise or of vested rights.

(6) No permit shall be issued to any applicant who is delinquent in remittance of franchise fees, penalties, or interest.

(7) The permit issued to the applicant shall not be transferable.

(8) No permit shall be issued after all Permittee's contracts or options to service or place roll-off containers and/or waste receptacles within the City of Clearwater have terminated or such contracts cease to be enforceable.

Sec. 32.294. Revocation or suspension.

The city manager or designee, after affording the Permittee ~~holder of a permit~~ for roll-off container or waste receptacle service notice of the charges and opportunity to be heard with respect to any revocation proceedings, may, if the city manager finds this article to have been violated or that false statements were made on any application ~~or application for renewal~~ or on any submittal required by this division by the permittee ~~permit holder~~, agent or employee, revoke the permit in its entirety, suspend the permit for a stated period of time, place the Permittee ~~permit holder~~ on probation, or place other conditions thereon as the city manager or designee finds necessary.

Sec. 32.295. Rates.

Rates for roll-off container and or waste receptacle service are listed in Appendix A - Schedule of Fees, Rates and Charges, Section XXV, Public Works Utility Fees, Rates and Charges.

Sec. 32.296. Prohibition.

No hazardous or medical waste shall be placed in City of Clearwater roll-off containers and/or waste receptacles ~~compactors~~. Hazardous and/or medical waste shall be disposed of by authorized contractors in compliance with federal, state and local laws and regulations.

DIVISION 3. RECOVERED MATERIALS DEALERS*

Sec. 32.311. Required.

(1) ~~After February 1, 1994~~ A recovered materials dealer shall provide to the Solid Waste/General Services ~~solid waste~~ director of ~~the city~~ a copy of the certification required by F.S. § 403.7046, prior to engaging in business within the city. In addition, a recovered materials dealer shall register with the Solid Waste/General Services ~~solid waste~~ director of ~~the city~~ prior to engaging in business within the city.

(2) Recovered materials generated at commercial establishments within the city shall be source-separated at the premises of the commercial establishment.

Sec. 32.312. Prohibition.

(1) Any person, sole proprietor or corporate entity not certified under F.S. § 403.7046, as required is expressly prohibited from doing business as a recovered materials dealer within the city.

(2) The city expressly reserves the right to provide for the exclusive collection, transportation and processing of recovered materials from single-family or multi-family residential properties or to enter into an exclusive franchise for such services to these properties, or any combination thereof, at the option of the city.

(3) Certified recovered materials dealers are limited to providing service to commercial establishments only.

(4) Only recovered materials may be removed from the commercial solid waste stream.

Sec. 32.313. Recovered Materials Dealer registration, termination, denial.

Every sole proprietor ~~person~~ or corporate entity hauling, collecting, receiving, and/or processing recovered materials shall be required to register as a recovered materials dealer shall register with the director of Solid Waste/General Services. ~~solid waste~~
The registration shall:

(1) Include a completed written registration on the forms provided by the city manager or designee on or before October 1 of each year. ~~Be a written statement upon forms provided by the city.~~ Such registration forms shall include an affidavit to be sworn to by the registrant before a notary public. Regardless of issuance date, issuance fee shall be the full amount as stated in Appendix A.

~~(2) Require the disclosure of all information necessary in compliance with this division.~~

~~(2)~~ (3) Be accompanied by a registration fee in the amount set out in Appendix A to this Code.

~~(4) Be submitted to the city manager by the director of solid waste together with all pertinent information required in this division, in order that a determination can be made by the city manager.~~

~~(3)~~ (5) Contain the name of the dealer, including the owner or operator of the dealer, its general and limited partners if a partnership, its corporate officers and directors if a corporation, its permanent place of business, evidence of certification under F.S. §403.7046, and a certification that the recovered materials will be processed at a recovered materials processing facility satisfying the requirements of F.S. §403.7046.

(4) Registration may be terminated or denied by the director of Solid Waste/General Services upon compliance with the procedure set forth in section 29.41 (2).

(5) Registration pursuant to this division shall not be construed as a grant of a franchise or vested interest.

(6) Registration shall not be transferable.

Sec. 32.314. Reporting.

Each certified recovered materials dealer registered with the city shall provide to the director of **Solid Waste/General Services** ~~solid waste~~ a quarterly report identifying the types and tonnages of recovered materials from the City of Clearwater that were collected, recycled, or used during the reporting period; the approximate percentage of recovered materials reused, stored or delivered to a recovered materials processing facility or disposed of in the solid waste disposal facility; and the locations where any recovered materials were disposed of as solid waste. Each quarterly report shall be due not later than the last business day of the month following the end of each calendar quarter.

~~Sec. 32.315. Termination, denial, renewal.~~

~~(1) All registrations for recovered materials dealers doing business within the city shall be valid for not more than one year, and shall terminate on December 31 of each year.~~

~~(2) Each registrant shall make a written application for renewal of registration on forms provided by the director of solid waste works on or before October 1 of each calendar year, which renewal application shall update the information provided by the initial application and shall be accompanied by a fee in the amount required for initial applications.~~

~~(3) Applications for renewal shall be processed in the same matter as an initial application.~~

~~(4) Registration may be terminated, or an applications for renewal may be denied, by the director of solid works upon compliance with the procedure set forth in section 29.41(2).~~

~~(5) Registration or the renewal of a registration pursuant to this division shall not be construed as a grant of a franchise or a vested right.~~

Sec. 32.3156. Revocation or suspension.

The city manager **or designee**, after affording the registrant notice of the charges and an opportunity to be heard with respect with to any revocation proceedings, may, if the city manager finds this article to have been violated or that false statements were made on any report, application ~~or application for renewal~~ or on any submittal required by this division by the applicant, agent or employee, revoke the registration in its entirety, suspend the registration for a stated period of time, place the registrant on probation or place other conditions thereon as the city manager **or designee** finds necessary.

DIVISION 4. RECYCLING BY CITY

Sec. 32.320. Curbside.

(1) Curbside recycling shall be **provided** ~~made available~~ to residential, office, and hotel/motel units which are served by rearloader or sideloader solid waste collection and a fee shall be assessed in the amount set out in Appendix A to this Code.

(2) Curbside recycling collection will be ~~once-weekly~~. A recycling container will be furnished by the city along with instructional materials providing the necessary information for proper participation to include the designation of the collection day.

(3) Curbside recycling containers placed near the curb, street or alley shall be placed there no earlier than 7:00 p.m. on the evening preceding the collection day and must be removed to a point at the side or rear of the structure by 7:00 a.m. of the following day. Any container not removed will be tagged by the **Solid Waste/General Services Department** ~~code enforcement/solid waste department~~ with a warning. Repeat violators will be subject to a fine in the amount set forth in section 32.281(3)(a), which will be placed on the customer's utility bill.

Sec. 32.321. Multi-family recycling.

Multi-family recycling **shall be provided** ~~will be offered~~ to complexes within the city. The program will be phased in by the ~~solid waste department~~.

(1) A ~~the fee~~ **shall be assessed in the amount set out in** ~~schedule for multifamily recycling will be provided~~ Appendix A to this Code.

(2) Multi-family recycling **may be** ~~will be~~ tailored to the needs of each complex and **is** ~~will~~ be integrated into a full-service solid waste management program.

(3) Repeated contamination of the recyclable materials collected by the Solid Waste/General Services Department will result in a rejection of service, and the recipient of said service shall still be responsible for paying all applicable fees as stated in Appendix A to this code.

Sec. 32.322. Commercial recycling.

Commercial recycling **may** ~~will~~ be provided by the **Solid Waste/General Services Department** ~~Department~~ in competition with certified recovered materials dealers registered with the city. The **Solid Waste/ General Services Department** ~~solid waste~~ will provide customized recycling service to commercial establishments tailored to the needs of the establishment and integrated into a total solid waste management program. Commercial recycling base rates will be set out in Appendix A to this Code, and such base rates may be amended from time to time by resolution adopted by the city ~~council commission~~. The city manager **or designee** may adjust the rates upwards or downwards in order to **be cost-competitive** ~~compete effectively~~ with private recovered materials dealers operating within the city.

Section 2. Appendix A, Article XXV Public Works – Fees, Rates and Charges is hereby amended as follows:

* * * * *

(c) Solid waste collection rates.

1. Monthly charges for twice-weekly collection of solid waste in prescribed containers.

a. Single-family and multiple-family dwellings.

(i) Curbside pickup: One 90-gallon container will be provided for automated service for each living unit. Additional 90-gallon containers will be provided at the discretion of the director of **Solid Waste/General Services** solid-waste at the rate specified below. Where routes are automated, automated service shall be the only option.

TABLE INSET:

	Effective 10/1/2007	10/1/2008	10/1/2009	10/1/2010	10/1/2011
Each living unit, minimum	\$21.48	\$22.55	\$23.68	\$24.86	\$26.10
Each additional container	21.48	22.55	23.68	24.86	26.10

(ii) Side or rear **yard premium service** building collection: Manual pickup has a limit of two containers per living unit, each having a capacity no larger than 32 gallons. For each additional 32-gallon or smaller container for rear yard pickup, the fee specified below will be charged for side or rear building collection of each 90-gallon container.

TABLE INSET:

	Effective 10/1/2007	10/1/2008	10/1/2009	10/1/2010	10/1/2011
Each living unit	\$42.96	\$45.10	\$47.36	\$49.72	\$52.20
Each additional container	14.99	15.74	16.53	17.36	18.23

(iii) Base charge: The base charge will be included in the monthly charge for active accounts as specified below. Dormant accounts will be assessed the base charge for each account.

TABLE INSET:

	Effective 10/1/2007	10/1/2008	10/1/2009	10/1/2010	10/1/2011
Each account, minimum	\$7.14	\$7.50	\$7.88	\$8.28	\$8.70

(iv) Service outside of the municipal limits. Accounts outside the City limits shall be assessed 125% of the city's monthly charges for curbside service for twice-weekly collection for each unit.

b. Motels, apartment motels, or apartments renting by day or week; all containers serving the premises shall be centrally located at one collection point.

(i) Curbside pickup:

First living unit, minimum

TABLE INSET:

Effective 10/1/2007	10/1/2008	10/1/2009	10/1/2010	10/1/2011
\$21.48	\$22.55	\$23.68	\$24.86	\$26.10

All additional living units, per unit

TABLE INSET:

Effective 10/1/2007	10/1/2008	10/1/2009	10/1/2010	10/1/2011
\$11.25	\$11.82	\$12.41	\$13.03	\$13.68

(ii) Side or rear **yard premium service** building collection:

First living unit, minimum

TABLE INSET:

Effective 10/1/2007	10/1/2008	10/1/2009	10/1/2010	10/1/2011
\$42.96	\$45.10	\$47.36	\$49.72	\$52.20

All additional living units, per unit

TABLE INSET:

Effective 10/1/2007	10/1/2008	10/1/2009	10/1/2010	10/1/2011
\$21.48	\$22.55	\$23.68	\$24.86	\$26.10

c. Motels, apartment motels, or apartments renting by day or week with commercial containers. In accordance with the schedule in subsection (3)(c)2.a. of this section.

d. Commercial buildings of all types such as stores, hotels, factories, filling stations, service establishments and the like with separate water metering for twice weekly collection.

(i) Curbside pickup, minimum

TABLE INSET:

Effective 10/1/2007	10/1/2008	10/1/2009	10/1/2010	10/1/2011
\$21.48	\$22.55	\$23.68	\$24.86	\$26.10

(ii) Side or rear **yard premium service** building collection :

Two containers, minimum

TABLE INSET:

Effective 10/1/2007	10/1/2008	10/1/2009	10/1/2010	10/1/2011
\$42.96	\$45.10	\$47.36	\$49.72	\$52.20

Each additional container

TABLE INSET:

Effective 10/1/2007	10/1/2008	10/1/2009	10/1/2010	10/1/2011
\$14.99	\$15.74	\$16.53	\$17.36	\$18.23

(iii) Commercial containers: In accordance with the schedule in subparagraph (3)(c)2.c of this section.

e. Each building containing four or more separate business or professional offices and one common water meter.

(i) Curbside pickup:
First eight containers
TABLE INSET:

Effective 10/1/2007	10/1/2008	10/1/2009	10/1/2010	10/1/2011
\$89.88	\$94.38	\$99.10	\$104.06	\$109.26

Each container in excess of eight
TABLE INSET:

Effective 10/1/2007	10/1/2008	10/1/2009	10/1/2010	10/1/2011
\$13.19	\$13.85	\$14.55	\$15.28	\$16.05

(ii) Side or rear **yard premium service** building collection:
First eight containers

TABLE INSET:

Effective 10/1/2007	10/1/2008	10/1/2009	10/1/2010	10/1/2011
\$179.76	\$188.76	\$198.20	\$208.12	\$218.52

Each container in excess of eight
TABLE INSET:

Effective 10/1/2007	10/1/2008	10/1/2009	10/1/2010	10/1/2011
\$26.36	\$27.68	\$29.06	\$30.51	\$32.04

(iii) Commercial containers: In accordance with the schedule in subparagraph (3)(c)2.c. of this section.

2. Monthly charges for daily commercial (except Saturday, Sunday and holidays) collection for solid waste in prescribed containers.

a. Curbside pickup:

(i) One container, minimum

TABLE INSET:

Effective 10/1/2007	10/1/2008	10/1/2009	10/1/2010	10/1/2011
\$56.19	\$59.00	\$61.95	\$65.05	\$68.30

(ii) Each additional container

TABLE INSET:

Effective 10/1/2007	10/1/2008	10/1/2009	10/1/2010	10/1/2011
\$56.19	\$59.00	\$61.95	\$65.05	\$68.30

b. Side or rear **yard premium service** building collection:

(i) One container, minimum

* * * * *

4. The charges set forth above shall be subject to adjustment for increases or decreases in the dump fee. Uniform increases or decreases shall be recommended by the director of **Solid Waste/General Services** ~~solid waste~~ and approved by the city manager, and a copy of the adjusted charges shall be filed with the city clerk. Other increases or decreases shall be subject to approval by the adoption of an ordinance by the city **council** ~~commission~~, upon the recommendation of the city manager.

5. Each single-family or multi-family dwelling customer will be allowed up to 4 (four) additional complimentary yard waste pick-ups beyond the once-weekly yard waste collection implicit in 32.281(1)(a), per 12-month period providing the combined yardage of the 4 (four) pick-ups does not exceed a total of 40 (forty) cubic yards during that 12 month period.

6. Waste receptacles excluding residential refuse containers shall be eligible for two cleanings per year at no charge. Any subsequent cleaning shall incur a \$100.00 per waste receptacle charge .

(d) Recycling.

1. Recovered materials dealer annual application fee (effective 10/1/2007) . . . \$57.50

2. Curbside recycling:

a. Monthly charges for curbside service for once-weekly collection for each unit:

TABLE INSET:

Fiscal Year Beginning October 1,				
2007	2008	2009	2010	2011
\$2.01	\$2.07	\$2.13	\$2.19	\$2.44

b. Charge for additional curbside recycling bins or replacement of bins lost or damaged due to negligence shall be: Cost plus \$1.15 (effective 10/1/2007) handling charge per bin (one-time charge per delivery).

~~c. Charge for a curbside recycling bin shall be: Cost plus \$1.15 (effective 10/1/2007) handling charge.~~

~~(c)~~ d. Special collection of recyclables where cCity services a bin at the residence or carries bin to curb, without physician's certification of medical necessity, shall be: Twice the curbside recycling charge.

~~(d)~~ e. Service outside of the municipal limits. Accounts outside the City limits shall **be have 110% of a ten percent surcharge assessed over and above the city's** monthly charges for curbside service for once weekly collection for each unit.

3. Monthly charges for multi-family collection of prescribed service initiated before January 1, 1996:

a. Service with semi-automated carts:

* * * * *

Multi-family complexes serviced with one compartmentalized container cluster of four equates to one three cubic-yard **D** dumpster.

4. Monthly charges for once-weekly collection of recyclables at each multi-family complex offered after January 1, 1996, will be for each living unit:

TABLE INSET:

Effective	10/1/2008	10/1/2009	10/1/2010	10/1/2011

10/1/2007				
\$1.49	\$1.54	\$1.59	\$1.64	\$1.82

Billing for recycling service offered before June 1996, will commence June 1, 1996. Billing for service offered after June 1, 1996, will commence in the appropriate billing cycle of the month following.

5. Monthly charges for commercial collection represents the target level of commercial recycling from which the **Solid Waste/General Services Department** ~~solid waste division~~ will flex up or down to be **cost**-competitive with certified recovered materials dealers (private recycling companies) operating within Clearwater.

a. The target level charge for service with semi-automated carts shall be charged on the same basis as rates included in 3.a.

b. The target level charge for service with non-compacted commercial containers shall be the same as rates included in 3.b. above.

* * * * *

(5) Other miscellaneous charges:

* * * * *

(b) *Solid waste roll-off container **or waste receptacle** service:*

(i) *Private service fees:*

1. Permit fee to place or service roll-off containers **or waste receptacles** (§ 32.292(3)), (effective 10/1/2007) \$56.50

2. Monthly fee of 15 percent of the gross revenue billed by ~~permit holder~~ **Permittee for** from the installation, pull, disposal or any servicing of roll-off containers **or waste receptacles** within the city for the preceding month including roll-off containers installed permanently **or** and temporarily. **For the purposes of this section gross revenues shall include but not be limited to fuel surcharge, overweight or any other charges excluding penalty and/or late charges.** (§ 32.293(4)(b)).

(ii) *Public service fees:*

1. Monthly fee of 15 percent of the gross revenue billed by ~~permit holder~~ **the City for** from the installation, pull, disposal or any servicing of roll-off containers **or waste receptacles** within the city for the preceding month including roll-off containers installed permanently **or** and temporarily. **For the purposes of this section, gross revenues shall include but not be limited to fuel surcharge, overweight or any other charges excluding penalty and/or late charges.**

2. Pull charges. A pull being the hauling, dumping and returning of a **roll-off** container **or waste receptacle** one round trip:

In the City of Clearwater

* * * * *

3. Deposits.

a. Roll-off ~~container/and or waste receptacle~~ **compactor**. A \$400.00 deposit will be charged for each roll-off **and/or waste receptacle** ~~compactor~~.

b. ~~Open top container~~. A \$400.00 deposit will be charged for open top roll-off containers. Service charges will be assessed against the deposit until it is insufficient to cover the next pull and disposal bill. At that time the customer will be required to make a payment on account or replenish the deposit in order to cover the next service billing.

be. The initial deposit may be set at less than the normal two-month level upon determination of being in business for two years or more or otherwise providing satisfactory credit worthiness and by executing a special deposit/payment agreement approved by the director of **Solid Waste/General Services** ~~solid waste~~ which provides for a more rapid payment schedule than normal.

4. Billing. Roll-off containers **and/or waste receptacle** service will be billed for a combination of the pull charge, disposal fee and any other roll-off services rendered.

5. Other service charges.

a. Rental. A \$3.40 (effective 10/1/2007) per day rental charge will be assessed for containers not pulled and dumped a minimum of once each month.

b. Rinse and deodorize (effective 10/1/2007) \$24.57

c. Overload charge for any container loaded above the rim (effective 10/1/2007) . . . \$56.50

d. Damage. Damage to container will be assessed at actual cost of repair.

e. Enforcement. Any charges assessed against a city roll-off vehicle for overweight or overloading will be paid by the customer to whom the container service is provided.

f. Malfunction. Containers that are damaged and/or not maintained properly and cannot be dumped will be returned to the owner for repair and a pull charge assessed for the trip. After repair, a second pull charge will be assessed for the pull along disposal fee and other appropriate charges.

g. Premium service. Any roll-off **container or waste receptacle** service required after duty hours or on weekends or holidays where overtime must be paid will be billed to the customer at time and one-half or 150 percent of the established charge.

h. Placement or retrieval. A \$56.50 (effective 10/1/2007) charge will be assessed for the placement or retrieval of a container requested and not used or returned without an associated pull charge.

i. Lease and service rates. Lease and service rates for compactors will be based upon the size, type and installation requirements of the compactor as determined by the director of **Solid Waste/General Services** ~~solid waste~~.

6. Charges for roll-off **container or waste receptacle** service represents the target level of charges for the services rendered from which the ~~S~~**solid W**~~waste/General Services~~ **Department** will flex up or down to be cost-**competitive** ~~effective~~ while providing the most economical service to customers.

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Section 3. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING _____