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ORDINANCE NO. 985-07



AN ORDINANCE OF THE CITY OF ZEPHYRHILLS AMENDING CHAPTER 11 OF THE ZEPHYRHILLS CITY CODE TO DELETE THE CONTENTS AS PRESENTLY EXISTS AND BY SUBSTITUTION, TO PROVIDE NEW DEFINITIONS; TO PROHIBIT CERTAIN ACTS; TO LICENSE AND ESTABLISH REQUIREMENTS FOR PRIVATE SANITATION SERVICES; REQUIRING CERTAIN CONTAINERS OR BINS; REGULATING PLACEMENT OF CONTAINERS; GOVERNING YARD TRASH; GOVERNING HAZARDOUS WASTES; ESTABLISHING RATES AND CHARGES; PROVIDING FOR SPECIAL SERVICES; PROVIDING A METHOD FOR RATE CHANGES; ESTABLISHING LICENSING FEES FOR PRIVATE SANITATION SERVICES; PROVIDING FOR BILLING AND PAYMENT; ESTABLISHING DEPOSITS; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE.

Rept: 1128473 Rec: 112.00
DS: 0.00 IT: 0.00
09/12/07 Dpty Clerk

SECTION 1. DEFINITIONS. The following terms and phrases, when used in this chapter, shall have the meanings as described to them by this section:

Apartment – The term “apartment” shall mean a building having four (4) or more living units. Individual living units within motels or hotels that contain kitchens shall, for the purpose of this ordinance, not be considered apartments.

Bulky Waste – The term “bulky waste” shall mean large items of solid waste, other than white goods, which because of their bulk/size, require special collection and management. Examples include stumps, furniture, hot water heater, furnace, auto parts and small amounts of remodeling waste from residential sources, Bulky wastes are normally generated by residential sources.

Business Unit – The term “business unit” shall include each business within an office complex, shopping center, medical or professional office. Each separate person, firm, or activity operating within a single building or sharing the same space shall be considered a separate business unit for the purpose of billing. The requirement for an occupational license shall be used to define a business unit.

Commercial – The term “commercial” shall include all commercial establishments including but not limited to motels, hotels, office buildings, restaurants, and all other places not classified as residential.

Construction and Demolition Waste (C & D Waste) – The term “construction and demolition waste” shall mean waste and debris from brick, concrete, block, lumber and roofing materials or debris and waste accumulated from land clearing, excavating, building, rebuilding and altering of buildings, structures, roads, streets, sidewalks or parkways.

Container – The term “container” shall mean the common twenty through forty-five gallon plastic or galvanized metal garbage can with well-fitting lid or a securely tied plastic bag designed to store refuse and strong enough to support the weight of the contents without tearing or splitting when lifted by the top.

Curbside Collection – The term “curbside collection” refers to collection from that area within unobstructed arms reach of the public street or alley. Containers placed behind any structure such as a fence or wall or placed in a vault below the ground surface are not included in this definition and shall be excluded from curbside service.

Department – The term “department” shall mean the Department of Sanitation of the City of Zephyrhills.

Designated Disposal Facility – The term “designated disposal facility” shall mean a facility designated by the director for delivery of solid waste collected within the City and destined for disposal.

JED PITTMAN, PGSCO COUNTY CLERK
09/12/07 09:07am
OR BK 7630 PG 533

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Record and Return to:
City Clerk's Office
5335 8th Street
Zephyrhills, FL 33542

Director – The term “director” shall mean the City of Zephyrhills’ Public Works Director or designee thereof.

Dumpster – The term “dumpster” shall mean a large metal box for commercial, industrial, or institutional solid waste or recyclable material, usually of the two (2) cubic yard to eight (8) cubic yard size, lifted mechanically by trucks in order to empty.

Enterprise Fund – The term “enterprise fund” shall mean a fund for a specific purpose that is self supporting from the revenues generated.

Hauler – The term “hauler” is universally used in North America to describe any organization (publicly or privately owned and operated) that collects solid waste. Most often used however, to describe a privately owned organization.

Hazardous Wastes – The term “hazardous wastes” shall mean materials or combinations of materials which require special management techniques because of their acute and/or chronic effects on air and water quality; on fish, wildlife, or other biota; and on the health and welfare of the public. These materials include, but are not limited to, volatile, chemical, biological, explosive, flammable, radioactive, and toxic materials.

Industrial Wastes – The words “industrial wastes” shall mean the waste products of canneries, slaughterhouses or packing plants, condemned food products, agricultural waste products, other solid waste products generated from industrial processing or manufacturing.

Master Meter Customers – The term “master meter customers” shall mean residential units served by a refuse bin or dumpsters collected at centrally designated points.

Private Sanitation Service – The term “private sanitation service” shall mean any person, firm or corporation involved in the business of collection and disposal of solid wastes.

Prohibited Wastes – The term “prohibited wastes” shall mean solid wastes the department will not collect, including biohazardous waste, sharps, flammable liquids, explosives, motor oil, pesticides, herbicides, and other hazardous materials.

Recyclable Materials – The term “recyclable materials” shall mean materials separated, at the point of generation by the generator or its agent, and donated or sold by the generator for purposes of recycling; said materials to include, but not be limited to, newsprint, cardboard, aluminum, glass, plastic, and ferrous metals; recyclable materials shall not include, however, any materials once placed in a permitted refuse bin.

Refuse Bin – The term “refuse bin” shall mean a large metal box for commercial solid waste or recyclable material, usually of the two (2) cubic yard to eight (8) cubic yard size, and roll-off boxes of larger capacities, lifted mechanically by trucks in order to empty.

Residential Collection – The term “residential collection” shall mean the departmental collection services for residents.

Residential Solid Waste – The term “residential solid waste” shall refer to solid waste generated from single and multifamily sources; frequently called household solid waste, or household wastes.

Residential Unit – The term “residential unit” shall include each single family home, and each unit within a duplex, triplex, and multiple family structure, condominium, apartment, mobile home, trailer, or recreational vehicle parks.

Roll-Off Container (Roll-off) – The term “roll-off container” or “roll-off” shall mean a non-compacting or compacting refuse bin, normally ten to forty yards of capacity, used for the storage, collection and transport of commercial, institutional or industrial solid waste. Frequently referred to as a “box”.

Sharps – The term “sharps” shall mean items used in animal or human patient care or treatment or in medical research or industrial laboratories including hypodermic needles, syringes (with or

without the needles), Pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, lancets, cultures dishes (regardless of presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agents, such as used slides and cover slips.

Solid Waste – The term “solid waste” is a general term that includes the specific terms “garbage”, “yard trash”, “rubbish”, “industrial wastes”, “construction and demolition wastes”, and “hazardous wastes”, but excludes all recyclable materials as herein defined.

Special Services – The term “special services” shall mean the collection upon request from residential or commercial customers of certain solid waste placed at curbside in larger quantities than that authorized to be collected under the ordinary fixed rates. Such collection is only available upon request and for an additional charge as set forth herein.

Transfer Station – The term “transfer station” shall mean a facility where the transfer of collected solid wastes from collection vehicles to transfer vehicles takes place.

Transfer Vehicle – The term “transfer vehicle” shall mean a transportation unit which is used for the long haul of solid waste from a transfer station to a distant solid waste management facility.

White Goods – The term “white goods” is used to denote large household appliances such as refrigerators, stoves, ranges, air conditioners, dryers and washing machines.

SECTION 2. PROHIBITED ACTS.

It shall be unlawful and offense against the City for any person to do any of the following:

- (a) To place or cause to be placed any solid waste upon the property of another without his consent.
- (b) To convey or cause to be conveyed over and upon any of the streets and alleys of the City any solid waste without a permit or license, or both such permit and license, as may be required by the regulations affecting the collection and disposal of solid waste.
- (c) To deposit or dispose of any solid waste in or upon any public street, sidewalk, right-of-way or alleyway, or any stream, ditch, river, pond, bay, creek, park or public place in the City except at such incinerators, sanitary landfills or transfer stations as shall be designated.
- (d) To deposit, dump, or dispose of any solid waste at, upon, or in any incinerator, sanitary landfill or transfer station as shall be designated by the director without first obtaining the authorization of the custodian thereof.
- (e) To burn or dispose of any solid waste generated or brought within the City, except at a facility designated by the director.
- (f) To produce or accumulate any yard trash, construction and demolition waste, industrial waste, junk or other solid waste at any residence, commercial establishment, or institution while such person is acting in the capacity of a contractor without removing same to a designated disposal facility.
- (g) To place containers out for curbside collection any earlier than sunset of the day prior to a scheduled collection or to leave such containers out adjacent of the street any later than sunset of the date the containers are emptied.
- (h) To place any solid waste out for collection in any location not serviced by the department unless a permit to do so is first obtained from the director.
- (i) To do any act prohibited or to fail to do any act required by the regulations affecting solid waste within the City.

(j) To remove solid waste or recyclable materials from any refuse bin, container, from a collection location, or from curbside.

(k) To park in front of or otherwise block access to a dumpster or refuse bin so as to prevent the pickup or collection of solid waste.

(l) To deposit or otherwise dispose of any material in a refuse bin or container unless said bin or container is clearly marked "For Public Use".

SECTION 3. PLACING OR PERMITTING SOLID WASTE ON STREETS, VACANT LOTS, IN STREAMS, ETC.

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

SECTION 4. LITTERING IN PARKS AND PUBLIC PLACES.

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

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

SECTION 5. LICENSE AND PERMIT REQUIREMENTS FOR PRIVATE SANITATION SERVICES.

(a) It shall be unlawful for any person to engage in the business of collection, transportation, or disposal of solid waste within the City without first making written application for and obtaining the appropriate occupational license from the City and a permit from the department for service at a specific address. Private haulers applying for or receiving a permit shall pay fees as required in Section 22. The following activities shall not require a permit from the department:

(1) The collection, transportation, and disposal of yard trash from residential or commercial property by privately employed tree trimmers, tree surgeons, landscape services, and yard maintenance operations.

(2) The collection, transportation, and disposal of construction and demolition waste unless such waste is mixed with other types of solid waste.

(b) Application for a permit to engage in the business of collection, transportation or disposal of solid waste from a specific address within the City shall be on a form provided by the department which shall show the name and address and authorization of the customer to be served, the name of the person or persons to be granted the permit, or in case of a corporation, the names of the principal officers and the names of the local operating managers who are actually responsible for performing such services for the corporation, together with the business address and telephone number of each such person; a description of the type of equipment to be used in such collection, transportation, and disposal, and the exact location of disposal. The granting of such permit shall not be construed as the grant of a franchise or of vested rights nor shall such permit become coupled with an interest, such permit may be revoked by the City at any time.

(c) A permit may be granted to a person to engage in the business of collection, transportation or disposal of solid waste within the City when, by reason of the nature, size,

volume, shape or character of the solid waste generated or produced at particular premises, it is not possible, safe, feasible or practicable within the discretion of the director for said solid waste to be collected, transported or disposed of by the equipment and facilities of the department. Any such permit shall limit the recipient to collection, transportation or disposal of solid waste generated or produced from such particular premises specified in the permit.

(d) Whenever by reason of the nature, size, volume, shape, or character of any solid waste it shall not be possible, safe, feasible, or practicable for said solid waste to be collected, transported, and disposed of by the equipment and facilities of the department, and the owner or occupant of the premises which generated or produced such solid waste does not choose to use a private sanitation service, such owner or occupant may, upon written application therefore, upon forms to be provided by the department, obtain a permit from the department to collect, transport, and dispose of the same himself. Said application shall indicate the manner of collection, transportation and disposal to be utilized and the exact location of disposal.

(e) Any person holding one or more permits or licenses to engage in the business of collection, transportation or disposal, of solid waste, or recycling or recyclable materials, within the City shall, on or before September 30 of each year, deliver to the department a complete report detailing the size, service frequency, and location of all refuse bins, including all permitted refuse bins as well as bins for recyclable materials, located within the City, and controlled by that person on the preceding October 1, and shall provide, within thirty (30) days, such other reports as may be requested by the department. Failure to deliver timely and accurate reports shall be cause for the revocation of such person's occupational license and all permits issued pursuant to this section.

(f) Audit of records: By acceptance of a permit and in consideration of the receipt thereof, the permit holder shall make available, within five business days after notice, all records of the permit holder which pertain to any container or refuse bin placed within the City, including but not limited to contracts, trip tickets, invoices and any documents supporting the information compiled within the supplemental filings required by subsection (i), for inspection, copying and auditing by the City.

(g) Penalties: Should the City find conditions of the permit have been violated, or if it determines false statements were made on the application, application for renewal or any submittal required by the permit application or permit, the City may revoke the permit in its entirety, suspend the permit for a period of time, or place other conditions on the permit as it finds necessary.

(h) Permits: Permits shall be renewed annually on or prior to October 1 and shall be valid only for servicing those establishments identified in the application and subsequent addenda to the application

(i) Subsequent filings: The permittee shall file, on a monthly basis, a supplement to its application, disclosing any new locations of service and the dates such service went into effect, as well as any service locations which have been discontinued and the date of termination of service.

(j) Insurance: The permittee shall obtain and provide an insurance certificate documenting commercial/general liability insurance written on an occurrence basis, with a combined single limit of \$500,000.00, auto liability insurance covering any auto, hired auto, and non-owned auto, with a combined single limit of \$500,000.00 and workers compensation and employees' liability insurance as per statutory limits. The certificate shall list the City as additionally insured.

SECTION 6. SCAVENGING.

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

SECTION 7. OWNERSHIP OF SOLID WASTE; RECOVERY OF RECYCLABLE MATERIALS.

All solid waste and any recyclable materials mixed therein, except hazardous wastes, once placed in a permitted refuse bin, in a container at a collection location, or at curbside, becomes the exclusive property of the City. Recovery of recyclable materials from any solid waste generated or brought within the City must occur prior to the placing of such solid waste in a permitted refuse bin, in a container at a collection location, or at curbside, and such recovery shall be subject to state and local public health and safety laws.

SECTION 8. COLLECTION.

Containers or refuse bins required; cleanliness.

(a) The owner or occupant of every residence or commercial establishment shall provide or arrange for containers or refuse bins with proper well-fitting covers, adequate to contain the solid waste generated or produced by such establishment, and shall place all such solid waste therein.

(1) Rigid plastic or metal containers shall be watertight, shall not exceed forty-five (45) gallons in capacity, and shall not weigh more than fifty (50) pounds when filled.

(2) Plastic bags of at least one and one-half mill thickness may be used if they are tied or sealed to prevent spillage, do not exceed thirty-two (32) gallons in capacity, and do not weigh more than thirty (30) pounds when filled

(3) Other type containers and refuse bins may be used upon approval by the director.

(4) The owner or occupant shall maintain the containers or refuse bins and the area of their location in a clean and sanitary condition.

(5) Spillage from improper containers or refuse bin over-spillage will not be picked up by the department.

(6) No more than four (4) four containers or plastic bags of solid waste and ten (10) containers, plastic bags or bundles of yard trash shall be placed curbside per pick-up. More than previously mentioned can be arranged for a special pick-up at an additional charge.

(b) Any privately owned container or refuse bin which is in disrepair due to the lack of a well-fitting cover or the presence of holes, cracks or tears in the bottom or sides may be condemned and so marked by department employees. Any containers so marked must be immediately replaced by the owner or occupant with acceptable containers as specified herein. Such condemned containers or refuse bins may be picked up and removed by department collection crews at any scheduled collection following the marking of the container or refuse bin with the condemnation card if not replaced as specified herein.

(c) Service may be rendered by either containers or by refuse bins, at the department's option.

(d) No service shall be given to any residential or commercial premises permitting persons, objects, obstructions or vehicles to hinder in any way whatsoever the servicing of the container or refuse bin by department vehicles and personnel. If service is obstructed and the customer requests a return trip, then a separate charge will be made.

(e) Any solid waste which, by reason of its bulk or shape, cannot be placed within a container or refuse bin shall be tied in a bundle and placed at a curbside for collection. If the solid waste is of such a nature that it cannot be tied and bundled, it may be placed out for collection and will be collected at such time as may be specified by the department as a special service and for an additional charge as set forth herein.

(f) Yard trash in excess of six (6) cubic yard per month or any other solid waste not placed in containers or refuse bins shall be collected as a special service and for an additional charge as set forth herein.

SECTION 9. SANITATION DEPARTMENT TO PROVIDE FOR SOLID WASTE REMOVAL EXCLUSIVELY.

Solid waste produced in the City shall be removed exclusively under the direction of the sanitation department pursuant to the terms and provisions of this ordinance.

SECTION 10. CONTAINERS TO BE PLACED FOR CONVENIENT COLLECTION; ALLEY SERVICES; EXCEPTION.

(a) All residential containers shall be set out for collection in a convenient and accessible location in the front of the residence adjacent to and within unobstructed arm's reach of a public street or alley serviced by the department or such other place as may be designated by the department for removal by curbside collection. No such containers shall be placed in any street or alley or upon any sidewalk.

SECTION 11. YARD TRASH TO BE PROPERLY PREPARED FOR COLLECTION; DEPOSITING ON STREET PROHIBITED; SPECIAL SERVICES DESCRIBED.

(a) All logs, tree limbs, brush, palm fronds and other yard trash shall be cut in four (4) foot lengths or less, six (6) inches in diameter and placed in containers or tightly bundled for collection. Each container or bundle shall not exceed forty (40) pounds in weight. Any yard trash which by reason of its bulk, weight or shape cannot be placed within a container, or cannot be bundled as required herein shall be collected if placed out for collection in the same location as other residential solid waste as a special pick-up for an additional charge as set forth herein.

(b) Solid waste produced by construction, repairs, or demolition of buildings will not be collected or removed by the City, and it shall be the responsibility of the contractor or owner to remove and dispose of same.

(c) It is the responsibility of all the tree surgeons, nurseries, lawn 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 actual 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.

SECTION 12. IMPROPERLY PREPARED CURBSIDE ACCUMULATIONS OF SOLID WASTE.

It shall be unlawful to place solid waste out for curbside collection other than in the manner prescribed in this chapter. The department shall cause violators to be notified and upon notification such violators shall, within seven (7) days, comply with the requirements of this Ordinance relating to placement of solid waste for collection. In the alternative, the department may cause notice of violation to be given but may collect the improperly placed solid waste at additional charge to the customer for special service as set forth herein, which additional charge shall be included in the customer's bill in the next billing period.

SECTION 13. HAZARDOUS AND PROHIBITED WASTES.

It shall be unlawful to place out for collection by the department any hazardous or prohibited waste as defined herein.

(a) Building material – The City shall not be responsible for the collection of dirt, rock, sod, plaster, lumber, metal or other construction and demolition waste 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.

(b) Contagious disease solid waste – The removal of clothing, bedding or other solid waste from homes or places where highly infectious or contagious diseases have prevailed shall be performed by a licensed medical waste collector registered with the building department.

Such solid waste shall not be placed for collection and shall not be collected by department personnel.

(c) 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 at the expense of the owner or possessor thereof.

(d) Prohibited waste – Biohazardous waste, flammable liquids, motor oils, pesticides, herbicides, and other hazardous materials shall not be placed for collection, and shall not be collected by department personnel.

SECTION 14. COMMERCIAL CONTAINER REGULATIONS

(a) All commercial establishments shall be charged a monthly fee for solid waste collection and disposal services according to the level of service and as specified in herein. Exceptions to these charges shall be made only with an approved contract from an authorized permittee.

(b) Safe and accessible container or refuse bin locations, as approved by the director shall be provided by the owner/occupant of the establishment. Dumpsters shall be located a minimum of ten (10) feet from the buildings and/or overhangs to prevent damage during the dumping process. When used, dumpster enclosures shall be ten (10) feet wide by ten (10) feet deep (clear inside dimensions) with a twelve (12) foot opening when the gates are open. Each gate shall be equipped with a positive stop rod to hold the gate open. Additional space will be required, if anything else is placed inside the enclosure. Site must be approved by the director.

(c) City dumpsters shall not be moved without the express permission of the director.

(d) All raw garbage shall be placed in leak-proof bags before being placed in City dumpsters for collection. Liquid waste is prohibited in City dumpsters. All loose paper or other materials that pose a "fly-away" hazard during the dumping process shall be placed in tied bags prior to being deposited in the City dumpster.

(e) No hazardous, infectious, prohibited, or industrial waste shall be placed in City dumpsters. This includes waste cooking oils/grease, major auto parts, and large items which hang outside the perimeter of the dumpster.

(f) Care, cleaning and sanitation of City-owned dumpsters is the responsibility of the establishment(s) using the assigned dumpster(s). Upon request, dumpsters will be steam cleaned by the department for a fee of \$75.00 per dumpster.

(g) City employees will not be required to collect refuse stacked above the side panels of the dumpster which would prevent the lids from closing. City employees may remove material stacked above the side panels and set it aside in order to safely dump the dumpster. They will not reload the material removed.

(h) Material stacked in front of or around a dumpster which prevents the dumpster being safely emptied shall constitute a "blocked dumpster" and will not be dumped until the material is relocated by the establishment(s) assigned to the dumpster. An extra trip charge will be charged to the appropriate establishment assigned to the dumpster as set forth herein.

(i) The director may authorize an unscheduled chargeable extra trip for dumpsters found to be overflowing, the charge for which is noted in Section 11-21(b) (8).

(j) Any dumpster that is believed to have not been emptied on the scheduled day shall be brought to the attention of the department within 24 hours of the scheduled dump day or the next regular business day.

(k) Extra pick-ups that are requested by the users of a dumpster will occur the same day if the department is notified by phone before 10:30 a.m. and the work order is signed, by fax or in person. If the request is received and the work order signed after 10:30 a.m., the pickup will occur the next business day. The extra trip rate is as noted in Section 21(b) (8).

(l) It is the responsibility of the establishment to ensure the dumpsters are not blocked on the scheduled collection day. Dumpsters that are inaccessible due to obstructive parking or other reasons beyond the control of the department may require a chargeable extra pick-up before the next scheduled collection day.

(m) All gate's enclosures must be unlocked and gates to enclosures opened not later than 7 a.m. on the service day. Drivers are not permitted to close gates or push dumpsters.

(n) Special service items, such as furniture and yard trash in excess of four (4) feet in length or six (6) inches in diameter, should not be placed in dumpsters.

(o) Every customer receiving dumpster service shall assume all risk and shall indemnify, defend, and save harmless the City of Zephyrhills from and against all loss, damage, cost or expense for enclosure.

SECTION 15. JURISDICTION OVER VIOLATIONS; CORRECTIVE ACTION.

(a) Employees authorized by the City Manager as code enforcement officers are hereby designated as the investigating and enforcing authority pursuant to this article. The code enforcement officers 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.

(b) It shall be unlawful for any person to interfere, harass, or otherwise impede a City code enforcement officer or solid waste employee who 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 this section.

16 THROUGH 20 RESERVED.

SECTION 21. RATES AND CHARGES ESTABLISHED.

The department is operated as an Enterprise Fund. There are hereby fixed and prescribed monthly rates and charges (herein sometimes called the service charges) for the service and facilities furnished and to be furnished by the department for collection and disposal of solid waste to be paid by the owner, tenant, or occupant of each premise or parcel of land which shall use or be served by such services and facilities, which rates and charges shall be payable monthly for services rendered as follows:

(a) Residential dwellings.

(1) Effective October 1, 2007 through September 30, 2008, for residential units where the solid waste is collected curbside in individual containers; the rate shall be Ten Dollars and Thirty Cents (\$10.30) per month for each residential unit. Beginning October 1, 2008 and each year thereafter, the rate shall be adjusted pursuant to Section 21(d).

(2) Beginning October 1, 2007, for residential units where the solid waste is collected curbside in individual containers, a Fifteen Dollar (\$15.00) Turn-on Fee shall be charged when service is initiated and a Fifteen Dollar (\$15.00) Turn-off Fee shall be charged when service is stopped.

(3) Effective October 1, 2007 through September 30, 2008, for master meter customers, the rate shall be Seven Dollars and Twenty-five Cents (\$7.25) per month per residential unit. Beginning October 1, 2008 and each year thereafter, the rate shall be adjusted pursuant to Section 11-21(d).

(b) Commercial

(1) Effective October 1, 2007 through September 30, 2008, for commercial premises where the solid waste is collected curbside in individual containers, the rate shall be Ten Dollars and Seventy Cents (\$10.70) per month for each business unit. Beginning October 1, 2008 and each year thereafter, the rate shall be adjusted pursuant to Section 21(d).

(2) Effective October 1, 2007 through September 30, 2008, for commercial premises served by refuse bins or dumpsters, the rate shall be the greater of Ten Dollars and Seventy Cents (\$10.70) per month per business unit served, or a monthly rate based on the volume of the refuse bin in cubic yards and the frequency of collection per week as noted below. Beginning October 1, 2008 and each year thereafter, the rates shall be adjusted pursuant to Section 21(d).

The following monthly rates shall apply from October 1, 2007 through September 30, 2008:

Dumpster Size Cubic Yard	Frequency of pick-ups per week				
	2	3	4	5	6
2	\$48.00	\$73.00	\$97.00	\$121.00	-
3	\$73.00	\$109.00	\$145.00	\$182.00	-
4	\$97.00	\$145.00	\$194.00	\$242.00	-
6	\$145.00	\$218.00	\$291.00	\$364.00	-
8	\$175.00	\$262.00	\$349.00	\$436.00	\$536.00

(3) The City may require the use of dumpsters in lieu of conventional garbage cans for other than single family residential use.

(4) The number of pickups required by users, together with requirement as to container size and capacity for dumpsters, shall be determined by the director.

(5) For installation of new containers, it is the responsibility of the customer to have an adequate pad of concrete, asphalt or timber of proper size and storage capability at a location acceptable and approved by the director, and an enclosure, if used, as set forth in Section 11-14(b).

(6) There shall be a charge of Twenty-Five Dollars (\$25.00) for delivering, removing, exchanging or placement of a dumpster for users.

(7) An additional charge of Twelve Dollars (\$12.00) per cubic yard times the size of the refuse bin shall be made for extra trips or pick-ups, or return trips due to over-spillage.

(8) Refunds. There shall be no refund of any service charge prescribed herein on account of partial vacancy.

(9) There may be a refund of service charges, not to exceed charges assessed for a one year period, for total vacancy of the premises provided that the owner of the premises requests the refund from the department in writing and the department determines that no service has been rendered from the premises for the period for which the refund is requested. No refunds or credits are authorized for partial vacancies for sixty (60) days or less.

(10) Free service. There shall be no free services rendered by the department for the collection, transportation or disposal of solid waste.

(11) Deposit: For commercial accounts, a deposit for solid waste services will be charged equal to two times the monthly service charge. That deposit level must be maintained at all times.

(c) Special Services.

(1) The term "special services" shall include but not be limited to the collection of yard trash in excess of six (6) cubic yards per month; the collection of junk, bulky waste, white goods, or rubbish not placed within containers or refuse bins; or the collection of yard trash, junk, bulky waste, white goods, or rubbish from lots, or property not paying a monthly fee for collection services.

(2) The additional charge for special services shall be Two Hundred Dollars (\$200.00) per hour, billed in quarter hour increments, plus the actual disposal charge.

(d) Rate Adjustments.

(1) Consumer Price Index adjustment: On October 1, 2008, and on October 1 of each subsequent year, the rate schedules provided in subsections (a) and (b) of this section shall be adjusted based on the percentage change in the Consumer Price Index for all Urban Consumers (CPI-U): South Urban, All Items (unadjusted).

(2) Any rate schedule adjustments, other than that provided for in subsection (d) (1) of this section, shall be made only upon authorization by the City Council. A public hearing shall be had by the City Council regarding such change in the rate schedule, and notice of such public hearing shall be duly published at least fifteen (15) days prior to the date of such public hearing.

SECTION 22. LICENSING FEES – PRIVATE SANITATION SERVICES.

(a) Permit fees: Any person or firm providing private sanitation services within the City shall obtain a permit pursuant to Section 11-5 and pay an annual general operating permit fee of Two Hundred Dollars (\$200.00). Each permit shall be purchased prior to October 1 of each year and shall expire September 30 of each year.

(b) Service fees: Any person or firm issued a permit to provide private sanitation services within the City shall pay a monthly service fee.

(1) The monthly service fee shall be equal to twenty percent (20%) of gross revenues from collection, disposal, hauling, maintenance and all direct or indirect charges associated with providing solid waste collection and disposal services to customers within the City of Zephyrhills.

(2) Service fees shall be remitted to the City within 15 days of end of month and a copy of all monthly invoices shall be included with each payment.

(3) Failure to abide with these terms may cause the hauler's permit to operate in the City to be revoked.

(c) The issuance of a permit to provide private sanitation services to a residence or business within the City shall not exempt that residence or business from the normal monthly service fee charged by the City.

SECTION 23. BILLING: PAYMENT: DELINQUENT ACCOUNTS.

(a) The monthly charges provided for in Section 21 shall be billed on monthly statements, issued by the City for water services; but shall be itemized separately on such statement.

(b) Such garbage and trash collection charge herein provided for shall be paid within twenty-one (21) days after the date of mailing of the statement, as stamped thereon; or such collection service shall be discontinued until all of such charges shall be paid in full.

(c) No customer shall be allowed to terminate charges for garbage and trash fees unless such customer also terminated water service to the premises.

SECTION 24. BILLING PERIODS.

The monthly period upon which the solid waste service charge shall be computed and for which they shall be paid for each premises or parcel of land shall:

(a) For premises or parcels of land served by the waterworks and/or sanitary sewer system of the City, coincide with the monthly period upon and for which charges for the furnishing of water and/or sanitary sewer service are computed, and;

(b) For premises or parcels of land not served by the waterworks or sanitary sewer system of the City, the monthly period most convenient to the City.

SECTION 25. DEPOSITS.

Any customer of the City not using sewer or water services shall be charged a deposit for sanitation services which is equal to twice the expected monthly fee for sanitation services.

SECTION 26. CHARGE TO CONSTITUTE DEBT.

The service charges hereinabove prescribed shall be and constitute a debt to the City for which the owner, tenant, or occupant, shall be jointly and severally liable. The records of the City shall be kept open for the inspection by the owner, tenant, or occupant and it shall be the responsibility of each of them to ascertain that the prescribed service charges are paid or are being paid. Service charges may be billed retroactively for up to twenty-four (24) months for services rendered but unpaid.

SECTION 27. OCCUPATION OF BUILDING PRIMA FACIE EVIDENCE OF SOLID WASTE.

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

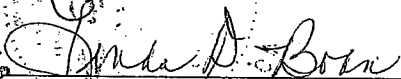
SECTION 28. EFFECTIVE DATE.


This ordinance shall become effective when passed on the third reading and signed by the Mayor or on October 1, 2007, whichever is later.

SECTION 29. SEVERABILITY.


If any part of this ordinance shall be declared unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

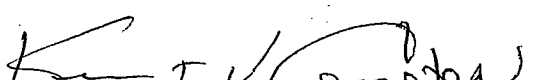
The foregoing Ordinance No. 985-07 was read and passed on the first reading in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 13th day of August, 2007.

Attest: 
Linda D. Boan, City Clerk


Kenneth V. Compton, Council President

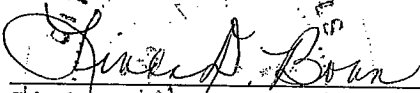
The foregoing Ordinance No. 985-07 was read and passed on the second reading, following a public hearing, in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 27th day of August, 2007.


Attest: 
Linda D. Boan, City Clerk


Kenneth V. Compton, Council President

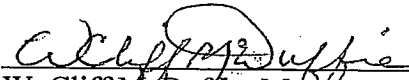
The foregoing Ordinance No. 985-07 was read and passed on the third reading, following a public hearing, in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 10th day of September, 2007.

Attest:

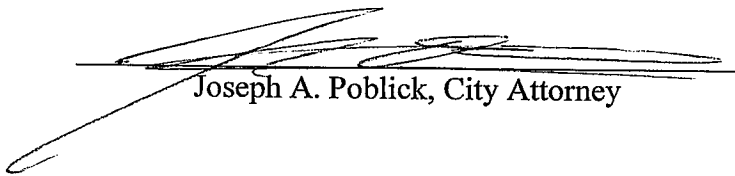

Linda D. Boan, City Clerk


Kenneth V. Compton, Council President

The foregoing Ordinance No. 985-07 was approved by me this 10th day of September, 2007.


W. Cliff McDuffie, Mayor

Approved as to legal form and legal content


Joseph A. Poblick, City Attorney