

AN ORDINANCE PROVIDING FOR THE MANDATORY COLLECTION AND DISPOSAL OF SOLID WASTE WITHIN THE UNINCORPORATED AREAS OF MANATEE COUNTY, FLORIDA; PROVIDING DEFINITIONS; PROVIDING INTENT; ESTABLISHING THE MANDATORY COLLECTION OF SOLID WASTE FROM ALL IMPROVED REAL PROPERTY WITHIN THE UNINCORPORATED AREAS OF MANATEE COUNTY; PROVIDING FOR AREA-WIDE VARIANCES; PROVIDING CRITERIA AND PROCEDURES FOR INDIVIDUAL EXEMPTIONS; PROVIDING FOR THE REVOCATION OF INDIVIDUAL EXEMPTIONS; PROVIDING FOR PERIODIC REVIEW OF AREA-WIDE VARIANCES AND INDIVIDUAL EXEMPTIONS; SPECIFYING PROHIBITED ACTS; ESTABLISHING THE PUBLIC UTILITIES DEPARTMENT TO PROVIDE FOR SOLID WASTE COLLECTION EXCLUSIVELY; ESTABLISHING COUNTY RESPONSIBILITY; AUTHORIZING THE COUNTY TO ENTER INTO FRANCHISE AGREEMENTS WITH AUTHORIZED COLLECTORS; PROVIDING FOR THE AWARD OF FRANCHISE AGREEMENTS; PROVIDING FOR THE DESIGNATION OF SERVICE AREAS; ESTABLISHING THE DUTIES OF AUTHORIZED COLLECTORS; PROVIDING EXCLUSIVE RIGHTS OF COLLECTION TO AUTHORIZED COLLECTORS; PROVIDING FOR THE PROVISION OF TRANSPORT LICENSES; PROVIDING RESIDENTIAL AND COMMERCIAL COLLECTION SERVICE; ESTABLISHING CONTAINER AND LOCATION REQUIREMENTS; PROHIBITING THE COLLECTION AND DISPOSAL OF HAZARDOUS WASTES; PROVIDING FOR OWNERSHIP OF SOLID WASTE, RECYCLABLES; ESTABLISHING PRIMA FACIE EVIDENCE OF THE ACCUMULATION OF SOLID WASTE; ESTABLISHING BILLING AND DEPOSIT FOR COLLECTION SERVICE; PROVIDING FOR SERVICE CHARGES; PROVIDING FOR FRANCHISE FEES; PROVIDING FOR IMPACT FEES; PROVIDING FOR THE ESTABLISHMENT OF RATES; ESTABLISHING BILLING PROCEDURES; PROVIDING PENALTIES; PROVIDING REPEAL OF CHAPTER 1-13 OF MANATEE COUNTY LAWS; PROVIDING FOR CONFLICT OR INCONSISTENCY; AND PROVIDING AN EFFECTIVE DATE.

FILED FOR RECORD

MAY 8 AM 9 36

CLERK OF CIRCUIT COURT
MANATEE COUNTY
FLORIDA

WHEREAS, Chapter 57-1552, Laws of Florida, authorizes and empowers the Board of County Commissioners of Manatee County to provide for solid waste collection and disposal.

WHEREAS, Chapter 57-1552, Laws of Florida, also authorizes and empowers the Board of County Commissioners of Manatee County to prescribe and collect fees for solid waste collection and disposal; and

WHEREAS, Chapter 57-1552, Laws of Florida, also authorizes and empowers the Board of County Commissioners of Manatee County to adopt rules and regulations, and to create districts for solid waste collection and disposal; and

WHEREAS, the instances of illegal, unsightly and potentially dangerous and unsanitary dumping have increased markedly in the unincorporated areas of Manatee County; and

WHEREAS, this dumping has been caused in large part by property owners who do not have their solid waste collected or disposed of in a proper and sanitary manner; and

WHEREAS, requiring persons in Manatee County to have their solid waste collected and disposed of in a proper and sanitary manner will greatly reduce instances of illegal dumping; and

WHEREAS, it is desired to provide for the levy of charges against residential properties within the unincorporated areas of Manatee County for the collection and disposal of solid waste, reflecting the benefit to residential properties of the provision of such service; and provide a fair and equitable method for the determination of charges for solid waste collection and disposal from other than residential properties; and

WHEREAS, that requirement will result in making Manatee County a more healthy and sanitary place to live, and will promote the general health, safety, and welfare of the citizens of Manatee County, especially those living in the unincorporated areas.

Garbage Disposal

85-11

NOW, THEREFORE BE IT ORDAINED, by the Board of County Commissioners of Manatee County, Florida, that:

ARTICLE I IN GENERAL

Section 1. Authority to adopt rules and regulations.

The Board of County Commissioners of Manatee County is authorized to adopt reasonable rules and regulations found to be necessary for the protection of public health, covering the storage, collection, transportation and disposal of solid waste; to create districts for solid waste collection and disposal; and, to prescribe and collect fees for solid waste collection and disposal under the authority of Florida Statutes, Section 125.01. Any person violating any of the provisions of said rules or regulations shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as otherwise provided by law (Laws of Florida, Chapter 57-1552 and Chapter 67-1672).

Section 2. Definitions.

For the purpose of this Ordinance, the definitions contained in this section shall apply unless otherwise specifically stated. When not inconsistent to the context, words used in the present tense include the future, words in plural numbers include the singular, and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

Apartment, or Condominium Apartment, shall mean a building under one (1) roof, housing four (4) or more living units.

Authorized Collector shall mean the Person who has executed a Franchise Agreement with the County for a specified Service Area and who is required to perform Collection Services under the provisions of the Franchise Agreement.

Board shall mean the Board of County Commissioners of Manatee County, Florida.

Bulk Service shall mean Commercial Collection Service for solid waste placed out in containers, plastic bags or other approved manner, and which must be estimated by cubic yard measurement and loaded by hand.

Clerk shall mean the Clerk of the Circuit Court of Manatee County, Florida.

Collection Services shall mean the provision of service to remove Solid Waste from a designated storage point for disposal at a separate location utilizing Persons and specially designed equipment for such purpose. Collection Services include Commercial Collection Service and Residential Collection Service.

Commercial Collection Service shall mean the provision of Collection Services to Commercial Improved Real Property.

Commercial Collection Service Charge shall mean the fee or payment to be paid to the Department by the Owner of Commercial Improved Real Property for the provision of Commercial Collection Service.

Commercial Improved Real Property shall mean Improved Real Property utilized by commercial establishments, whether such establishments are profit or not-for-profit establishments, including, but not limited to: motels, hotels, stores, office buildings, restaurants, service stations and garages, laundries and cleaning establishments, manufacturing and other industrial establishments.

Container shall mean watertight cans not exceeding thirty-two (32) gallons in capacity made of plastic or galvanized iron with well-fitting lids, which when filled do not weight more than fifty (50) pounds or a plastic bag of similar capacity of at least one and one-half mil thickness which are tied to prevent spillage.

County shall mean Manatee County, Florida.

Customer shall mean the Owner of Improved Real Property.

Department shall mean the Public Utilities Department, Manatee County, Florida.

Director shall mean the Director of the Public Utilities Department, Manatee County, Florida.

Franchise Agreement shall mean the contractual agreement between the County and the Authorized Collector containing, but not limited to, a description of the Service Area; name of the Person to perform Commercial and Residential Collection Services in the Service Area; the term of the agreement; the consideration to be paid for such agreement, if any, and the method of payment; the service to be furnished; performance bond and the conditions thereof; insurance provisions; responsibilities and obligations of the parties thereto; and such reasonable rules and regulations governing performance as are deemed necessary to implement the provisions of this Ordinance.

Garbage shall mean every refuse accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking and dealing in, or storage of edibles, and any other matter, of any nature whatsoever, which is subject to decay, putrefaction and the generation of noxious or offensive gasses or odors, or which, during or after decay, may serve as breeding or feeding material for flies or other germ-carrying insects, or any container of the material defined herein, but excludes animal carcasses.

Garden Trash shall mean all accumulations of leaves, grass, shrubbery cuttings, logs, tree limbs, brush, palm fronds, and other refuse attending the care of lawns, shrubbery, vines and trees.

Hazardous Waste 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 shall mean the waste products of canneries, fisheries, slaughterhouses or packing plants, condemned food products, agricultural waste products, waste and debris from brick, concrete block, roofing shingles or tile plates, debris and wastes accumulated from land clearing, excavating, building, rebuilding, and altering of buildings, structures, roads, streets, sidewalks or parkways and other solid waste products generated from industrial processing or manufacturing.

Improved Real Property shall mean all residential, commercial or other property that generates or is capable of generating Solid Waste.

Junk shall mean any tangible item such as furniture, appliances, bicycles, or smaller property not having a useful purpose to the owner or abandoned by the owner and not included within the definitions of garbage, garden trash, industrial wastes or rubbish.

Mobile Home Park shall mean Improved Real Property containing twenty (20) or more trailers, mobile homes, and/or recreational vehicles used as a Residence in close proximity to one another. Mobile Home Parks shall include recreational vehicle (RV) parks and travel trailer parks. Such Mobile Home Parks may be under one ownership or consist of individually owned lots.

Owner shall mean the Person designated on the real property tax roll maintained by the Property Appraiser for each parcel of Improved Real Property.

Person shall mean any individual, firm, partnership, corporation, association, executor, administrator, trustee, or other legal entity, whether singular or plural, masculine or feminine, as the context may require.

Recyclable Materials shall mean materials separated, at the point of generation, by the generator or his 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 Refuse Bin at a collection location.

Refuse Bin shall mean a large metal box for commercial Solid Waste or Recyclable Material, usually of the one-cubic yard to eight-cubic yard size, and roll-off boxes of larger capacities, lifted mechanically by trucks in order to empty.

Residence. The terms "Residence" and "Residential" shall mean and refer to single-family dwellings, duplexes and triplexes, mobile homes, and all other living units not coming within the definitions set out herein, where each such structure is located on a separate lot or parcel of land. Apartments, Condominium Apartments, and Mobile Home Parks are not included. Each living unit of a duplex or triplex shall be deemed a separate residence.

Residential Collection Service shall mean the provision of Collection Services to Residential Improved Real Property.

Residential Collection Service Charge shall mean the monthly fee or payment due the Department by the Owner of Residential Improved Real Property for the provision of Residential Collection Service.

Residential Improved Real Property shall mean improved Real Property occupied by a Residence.

Rubbish shall mean the accumulation of paper, excelsior, rags, wooden or paper boxes or containers, sweepings, and all other accumulations of a nature other than Garbage, which are usual to housekeeping and to the operation of stores, offices, and other business places, also any bottles, cans or other containers which, due to their ability to retain water, may serve as breeding places for mosquitoes or other water-breeding insects.

Service Area shall mean a portion of unincorporated Manatee County with specific designated boundaries with one Authorized Collector providing Collection Services under a Franchise Agreement.

Service Charge shall mean Commercial and/or Residential Collection Service Charges.

Solid Waste shall mean a general term that includes the specific terms "Garbage", "Garden Trash", "Rubbish", and "Industrial Wastes", but excludes all recyclable materials, as herein defined. Hazardous Wastes (including fecal wastes, animal carcasses and pathological wastes) are excluded.

Solid Waste Facility shall mean a transfer station, resource recovery facility, processing facility, or sanitary landfill in the County licensed and permitted under all applicable rules and regulations to receive Solid Waste.

Special Waste shall mean Junk that requires additional handling, but which may be lifted by two (2) persons; including white goods (such as refrigerators or stoves), furniture (such as sofas or mattresses), television sets, lawnmowers, and bicycles.

Section 3. Statement of County Intent.

It is the intent of the County to require all Persons within the unincorporated areas of the County to have their Solid Waste collected and disposed of in a proper, sanitary and efficient manner; to provide all persons with a sanitary and efficient means of having their Solid Waste collected and disposed of; to eliminate illegal dumping; to provide an effective method of collecting the cost for the services rendered; and to promote the health, safety, and welfare of the citizens of the County.

It is hereby declared and determined by the County that the Solid Waste collection and disposal services provided pursuant to this Ordinance, including, but not limited to, the accomplishment of the intent stated herein, shall and do constitute a benefit to each Commercial and Residential Service Unit, equal to, or in excess of, the cost of providing such Solid Waste collection and disposal service.

It is the further intent of the County that collection and hauling of Solid Waste is to be done only by those authorized by the County and that disposal shall be done only at County designated Solid Waste Facilities.

Section 4. Mandatory Collection of Solid Waste.

All Solid Waste generated and accumulated within the unincorporated area of Manatee County, by both Residential and Commercial Improved Property, shall be collected and removed by an Authorized Collector except as otherwise provided herein. No owner, occupant or other person having control of Improved Real Property shall collect or remove, or cause to be removed, any Solid Waste generated on such Real Property except by utilizing an Authorized Collector, except as otherwise provided herein.

Section 5. Areawide Variance.

The Board, upon the recommendation of the Director, may temporarily exclude Residential Improved Real Property from the Residential Collection Service Charge if, after investigation of the facts and in the Director's opinion, the property is located in an area that is impractical and/or economically unfeasible to provide Residential Collection Service.

The County shall not provide Residential Collection Service to any Residential Improved Real Property excluded by the Board through the area-wide variance.

The Owner, occupant, or other person having control of Residential Improved Real Property excluded by the Board under the areawide variance shall provide a proper, sanitary, effective method of removing, collecting, and disposal of the Solid Waste generated on the property. Such person shall only utilize an Authorized Collector, through individual arrangement, for the removal, collection and disposal of Solid Waste.

Owners of Commercial Improved Real Property located within an area included within the areawide variance shall not be excluded and shall remain subject to all the provisions of this Ordinance.

In areas excluded by the Board, the Director may place Solid Waste Refuse Bins for the exclusive use of County Residential Customers. Such Refuse Bins are to be located and serviced as determined by the Director.

Section 6. Individual Exemptions: Criteria

A. Residential Improved Real Property: Exemptions from the Residential Collection Service Charge shall be granted only by the Director on individual parcels of Residential Improved Real Property meeting all of the following requirements:

1. that exceed five acres in area or the dwelling unit is set back 300 feet or more from the public roadway, and
2. that is not within a platted subdivision of record, and
3. that is a single-family residence, and
4. that is not billed for water and/or sewer service by the County, and
5. for which the Owner can demonstrate to the satisfaction of the Director that a proper, sanitary, effective method of removing, collecting and, where applicable, disposing of the Solid Waste generated on the Owner's property is being utilized in conformance with all applicable rules and regulations, or the Owner has proposed such a method, and has the equipment and facilities to carry out the proposal.

B. Commercial Improved Real Property: Exemptions from the requirement for Solid Waste collection by an Authorized Collector for Owners of Commercial Improved Real Property shall be granted only by the Director on individual parcels that contain one (1) individual commercial or industrial establishment, and:

1. the Owner can demonstrate to the satisfaction of the Director that the Solid Waste generated on the Owner's property is being disposed of on the Owner's property in conformance with all applicable rules and and regulations; or
2. the Owner collects and hauls the Solid Waste generated on the Owner's property provided that:
 - a. the Solid Waste is disposed of at a Solid Waste Facility designated by the Director, and
 - b. the vehicles utilized are owned solely by the Owner, and
 - c. the personnel utilized are employed solely by the Owner, and
 - d. the Owner has obtained a license from the Director in accordance with the provisions of this Ordinance; or
3. the Authorized Collector requests the Director to exclude an individual property, and provided that:
 - a. the Commercial Improved Real Property is located within an areawide variance, and provided that
 - b. the Authorized Collector can demonstrate to the satisfaction of the Director that provision of Commercial Collection Services would be impractical and/or economically unfeasible within the Commercial Collection Service Charge.

C. No individual exemption shall be granted by the Director until an application has been made in accordance with the provisions herein.

D. The County shall not provide Collection Services to any Improved Real Property for which an individual exemption has been granted.

E. No individual exemption shall be granted by the Director which may result in the degradation of the environment or create unsightly conditions.

F. All individual exemptions granted by the Director shall be temporary and may be withdrawn by the Director if the conditions under which it was granted have changed. Also, the Director may establish a term and/or expiration date to each individual exemption requiring reapplication under the provisions of Section 7 of this Ordinance.

Section 7. Individual Exemptions: Procedure.

A. The Owner of any parcel of Real Property desiring an individual exemption may take application for such individual exemption to the Director. The Board may establish, by resolution, a filing fee, which fee shall accompany such application. The application shall be made on forms provided by the Director and shall provide, at a minimum, the following information:

1. the name of the applicant,
2. the legal description of the property for which the individual exemption is sought,
3. the reason the individual exemption is sought, and
4. the proposed method of collection, removal and, where applicable, disposal of Solid Waste if the individual exemption is granted.

B. The Director shall review the application and shall provide a copy to the Manatee County Health Department for its review. If the application otherwise meets the criteria set out herein, the Director shall grant an individual exemption.

Upon issuance of an individual exemption, the Director shall remove such property from the Solid Waste collection system. The County shall not provide Residential Collection Service to any Residential Improved Real Property for which an individual exemption has been granted.

Persons receiving an individual exemption shall not collect and remove Solid Waste generated on his property except in the manner proposed in the application for the individual exemption.

Section 8. Individual Exemption: Revocation.

If the Director determines that Solid Waste is not being collected and disposed of in a proper, sanitary and effective manner from any Improved Real Property for which an individual exemption has been issued, he shall revoke the individual exemption, and upon thirty days notice to the Owner of Residential Improved Real Property, he shall institute Collection Service and impose the Residential Collection Service Charge.

Section 9. Periodic Review.

The Director shall, annually, or more often if necessary, review all the areawide variances and exemptions issued for all Improved Real Property. If the conditions under which the exemption was issued or areawide variance was made have changed so as not to qualify further for such exemption, the Director shall revoke such exemption or recommend to the Board to withdraw the areawide variance and upon thirty days notice to the Owner(s) of Residential Improved Real Property affected, shall institute Collection Service and impose the Residential Collection Service Charge.

Section 10. Boundaries.

The Director shall maintain a current map of the unincorporated areas of the County delineating the boundaries of all areawide variance areas and all parcels for which an exemption has been granted.

Section 11. Vehicle Standards

All trucks, trailers, and other vehicles used to collect and transport Solid Waste in unincorporated Manatee County or to transport Solid Waste over any public roadways in unincorporated Manatee County shall:

1. Be constructed as watertight as possible to limit the escape of water or other fluids from the vehicle;
2. Be fully enclosed and covered so as to prevent the escape of any Solid Waste. If a covering is used, it shall be of canvas or other suitable materials of such size as to fully cover the Solid Waste and overlap the sides and ends of the vehicle by at least one foot. It shall be free of any gaps, tears or other holes. The cover shall be securely and tightly tied down at all corners and tied at least every four feet along the sides;
3. Comply with all local, state and federal roadway weight limits;
4. Comply with all local, state and federal rules and regulations applicable to such vehicles.

Section 12. Prohibited Acts.

It shall be unlawful and an offense against the County 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.
- (b) To convey or cause to be conveyed over and upon any of the streets and alleys of the County any Solid Waste without a Franchise or license, or both such Franchise 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, creek, park or public place in the County;
- (d) To burn any Solid Waste generated or brought within the County, except certain trees and brush allowed to be burned in rural areas where all applicable permits have been obtained.
- (e) To place Solid Waste out for collection earlier than sunset of the day prior to a scheduled collection or to leave Containers adjacent to the street any later than sunset on the day the Containers are emptied;
- (f) To place Solid Waste out for collection in any location not serviced by the Authorized Collector;
- (g) To do any act prohibited or to fail to do any act required by the regulations affecting Solid Waste within the County;
- (h) To remove Solid Waste or Recyclable Materials from any Refuse Bin, Container, from a collection location, or from curbside.
- (k) To accumulate or cause to be accumulated any Garden Trash, Industrial Waste, Junk, Rubbish, or other Solid Waste in or upon any premises or lot owned by him or in his control.

Sections 13-20. Reserved.

ARTICLE II COLLECTION

Section 21. Public Utilities Department to Provide for Solid Waste Removal Exclusively.

Solid Waste produced in the unincorporated County shall be removed exclusively under the direction of the Department pursuant to the terms and provisions of this Ordinance and such rules and regulations as the Director shall prescribe for the removal, transportation, and disposal of such Solid Waste.

Section 22. County Responsibility.

It shall be the responsibility of the County to provide for Residential and Commercial Collection Service to all Residential and Commercial Improved Real Property under the terms and provisions of this Ordinance except as provided otherwise herein.

Section 23. Franchise Agreements with Authorized Collectors for Residential and Commercial Collection Service.

The Board may enter into a Franchise Agreements with any Person to provide for Residential and Commercial Collection Service within specified portions of the unincorporated areas of the County. Said Franchise Agreement shall contain a description of the Service Area; the name of the Person to collect the Solid Waste generated within the Service Area; the length of the Franchise Agreement; the consideration to be paid for such Franchise Agreement and the method of payment; the service to be furnished; the amount and method of payment to the Authorized Collector for his performance under the Franchise Agreement; the performance bond and the conditions thereof to be furnished by the Authorized Collector; and such reasonable rules and regulations governing the performance by the Authorized Collectors as are deemed necessary to implement the provisions of this Ordinance. Such Franchise Agreement shall be exclusive and the term may be for up to fifteen years, or less.

Section 24. Award of Franchise Agreements.

A. Immediately following the effective date of this Ordinance, and subsequently, at least 90 (ninety) days prior to the expiration of the Franchise Agreements, the Board shall publish notice in accordance with the administrative procedures of the County, of its intent to receive petitions from any Person desiring to provide Residential and Commercial Collection Service within the Service Areas.

The notice shall include a description of the Service Area, or Service Areas for which petitions are sought and shall describe the services sought. A closing date for receipt of petitions shall be specified.

B. Applicants for a Franchise Agreement shall obtain a petition form provided by the Department and shall file a certified petition, with the required filing fee, to the Clerk. The application shall be transmitted by the Clerk to the Board in accordance with the provisions of this Ordinance.

C. Upon receipt of a petition for a Franchise Agreement, the Board shall determine the ability of the applicant to comply with the provisions of this Ordinance and may hold a public hearing on such application if it deems it to be in the public interest after publishing notice thereof in accordance with the administrative procedures of the County.

D. If the Board finds that the statements in said petition are true and satisfactory, that the applicant is capable of complying with the provisions of this ordinance and other applicable rules and regulations, and that there is a public need for Residential and Commercial Collection Service within the Service Area for which application is made, the Board may issue a notice of its intent to enter into a Franchise Agreement with the applicant.

E. The Board shall deny any petition for a Franchise Agreement if, after due investigation and public hearing as provided herein, the Board finds and determines as a matter of fact that statements made in the petition are false, that applicant is unable to provide the service requested, that the need for such service has not been demonstrated or that the applicant does not comply with the provisions of this ordinance or other applicable regulations. Reasons for such denial shall be stated in writing and mailed to the applicant.

F. After issuing notice of intent to enter into a Franchise Agreement, The Board shall advise the applicant by certified mail. The Board shall enter into negotiations with the applicant with respect to the Franchise Agreement and upon satisfactory agreement execute the Franchise Agreement with the applicant.

If the Board is unable to negotiate a satisfactory Franchise Agreement with the applicant, the Board may withdraw its intent to enter into a Franchise Agreement with the Applicant and take such other action as may be provided herein.

G. As an alternative to the above stated procedures A through F, the Board may receive and accept bids from applicants to provide Residential and Commercial Collection Service in designated Service Areas and may accept the bids which it deems to be in the best interest of the County and enter into Franchise Agreements, or it may deny the same in accordance with the law.

Section 25. Designation of Service Areas.

The Board, following a public hearing, shall designate not more than five (5) nor less than three (3) Service Areas for Residential and Commercial Collection Service within the County. The Board may revise or modify the boundaries of the Service Areas after appropriate public hearings and due notice has been given to the Authorized Collectors. However, in no event may the Board reduce or eliminate an existing Service Area during the effective period of any Franchise Agreement without formal amendment of the Franchise Agreement. All portions of the unincorporated County shall be included within a Service Area. The director shall maintain a complete and full description of the designated service Areas.

The Board may, from time to time, after appropriate public hearing, change or modify the boundaries of any Areawide Variance by resolution to best accomplish the purpose and intent of this Ordinance and to provide the most efficient Residential and Commercial Collection Service to the citizens of the unincorporated County.

Section 26. Duties of Authorized Collector.

The Authorized Collector shall perform, at a minimum, the following:

A. Collect and remove all properly contained or bundled Solid Waste and all Special Wastes generated by Residential and Commercial Improved Real Property within the Service Area of the Authorized Collector. For those Residences within a Service Area for which an areawide variance has been given by the Board, the Authorized Collector may provide Residential Collection Service on an individual basis as set out herein.

B. Carry out and perform all applicable provisions of the Franchise Agreement.

C. The County shall have the right to conduct a financial audit performed by a certified public accountant in accordance with generally accepted accounting principles whenever determined necessary.

D. Provide access to the Director or his designee, upon reasonable notice, full access to all records with respect to the Franchise Agreement.

Section 27. Transfer of Franchise Agreement.

No Franchise Agreement shall be transferred or assigned to another Person without first obtaining approval of the Board.

Section 28. Exclusive Right.

No Person may provide Residential or Commercial Collection Services in a Service Area except the Authorized Collector for that Service Area.

Section 29. Identification.

All Solid Waste collection vehicles operating in the County under a Franchise Agreement shall be clearly marked with the name of the Authorized Collector, his telephone number, and his Franchise Agreement number.

Section 30. Prohibition of Collection.

No Person shall collect Solid Waste, except as provided herein, in unincorporated Manatee County without having obtained a Franchise Agreement.

Section 31. License to Transport Certain Occupational Solid Waste

No Person may transport Solid Waste within unincorporated Manatee County without possessing a Franchise or first obtaining a license from the Director. This provision applies to all Persons except Authorized Collectors and those utilizing their personal passenger cars, station wagons, or pick-up trucks of three-quarter ton or less capacity to transport waste from a Residence owned by them to a Solid Waste Facility designated by the Director. All Persons operating other trucks, vehicles, and trailers shall be required to obtain a license.

Certain Persons who own businesses for which the transportation of certain Garden Trash and Industrial Waste is an integral part of the performance of that occupation may obtain a license to transport these wastes to the disposal area designated by the Director. Examples of such occupations are roofing, demolition and land clearing contractors, lawn care services, and tree surgeons.

No Person shall collect Solid Waste from any property used as a Residence, including any Person that in the course of business rents, leases, or sells individual Apartments, Condominium Apartments or Mobile Homes.

Each such Person shall make application for a license to the Director. The Board may establish, by resolution, a license fee, which shall accompany the application. The application shall be made on forms provided by the Director and shall provide, at a minimum, the following:

1. Name and address of Person
2. Description of occupation
3. Description of the Solid Waste the occupation produces
4. Description of equipment to be utilized
5. Agreement to comply with all conditions of license and provisions of this Ordinance.

Section 32. Term of License

The length of term for a license to transport solid waste shall not exceed one year. The Director, upon issuance of a license may restrict the license to a specific time period not exceeding one year.

Section 33. Revocation of License

The Director may revoke a license at any time if the Person holding such license is in violation of the provisions of this Ordinance or the conditions of the license.

Section 34. Mobile Home Parks, Apartments, and Condominium Apartments.

Mobile Home Parks, Apartments, and Condominium Apartments may be considered either Residential Improved Real Property or Commercial Improved Real Property for the purpose of this Ordinance.

All such Improved Real Property shall be considered Residential Improved Real Property and provided with Residential Collection Service and be billed for such service as provided herein unless an application is made to the Director to have the property treated as Commercial Improved Real Property. The Director shall make such a determination only if the following conditions are met:

1. The Mobile Home Park, Apartment, or Condominium Apartment must be under single ownership or have a single management entity or association which will act as the only entity for the purposes of making arrangements for Commercial Collection Service and for paying the Department for Collection Services. Such entity shall also make the application to the Director.
2. Such Commercial Collection Service is to be provided through the use of one or more Refuse Bins placed conveniently to serve the property. Residential Collection Service to individual Residences shall not be provided.
3. Once the Director has made a determination, it may not be changed for one year.

Section 35. Residential Collection Service.

The County shall provide Residential Collection Service to all Improved Residential Real Property in the unincorporated County except for property excluded under the provisions of this Ordinance.

Such Residential Collection Service shall include a pickup two days per week with at least two days in between each pickup. The specific collection days for each Service Area or portion of a Service Area shall be established by the Authorized Collector and approved by the Director and may be changed from time to time.

All Solid Waste materials placed out in conformance with the provisions herein shall be collected.

Section 36. Commercial Collection Service.

The frequency, type, and nature of the Commercial Collection Service shall be established individually between each Commercial Improved Real Property Owner and the Authorized Collector, within the provisions of this Ordinance.

Section 37. Container or Refuse Bins Required.

The Owner or occupant of every Residential or Commercial Improved Real Property parcel 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, compatible with the collection equipment used by the Authorized Collector, and shall place all such solid waste therein. The Owner or occupant shall maintain the Containers or Refuse Bins and the area of their location in a clean and sanitary condition. Spillage from overfilled Containers or Refuse Bins will not be picked up by the Authorized Collector.

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 the Authorized Collector. Any Container so marked must be immediately replaced by the Owner or occupant with acceptable containers as specified herein. Such condemned Containers Refuse Bins may be picked up and removed by the Authorized Collector's 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.

No service shall be provided to any Residential or Commercial Improved Real Property permitting Persons, objects, obstructions, or vehicles to hinder in any way whatsoever the servicing of the Container or Refuse Bin by the Authorized Collector's vehicles and personnel.

Section 38. Placement and Proper Containing and Bundling.

A. All residential Containers shall be set out for collection in a convenient and accessible curbside location in the front of the Residence adjacent to and within unobstructed arms reach of the street serviced by the Authorized Collector 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 public way or upon any sidewalk.

B. Residential Containers may be placed out for collection after sunset of the day prior to a scheduled collection and shall be removed from curbside not later than sunset of the day of collection.

C. All logs, tree limbs, brush, palm fronds, and other garden trash shall not exceed six (6) inches in diameter and shall be cut in four-foot lengths or less and placed in containers or tightly bundled for collection. Each Container or bundle shall not exceed fifty (50) pounds in weight. Any garden 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 as Extraordinary Services.

Section 39. Special Waste Collection by Appointment.

All Special Waste shall be collected by appointment only. The Owner of any Residential Improved Real Property desiring to place such Special Waste out for collection shall first call the Authorized Collector to make an appointment. The Authorized Collector shall give the Owner a date upon which the Special Waste shall be collected, such date not exceeding one (1) week from the date of the call for service from the Owner. On the scheduled date, the Owner shall place the Special Waste out for collection in the normal collection location.

Section 40. Extraordinary Services.

Extraordinary services such as back-door collection and the removal of large quantities of loose Garden Trash is not a part of the Residential Collection Service Charge. Such services must be arranged for with the Authorized Collector on an individual basis and the excess charge will be billed by the Department. Loose Garden Trash will be billed at the Commercial Bulk Collection Service rate; however, the Customer is entitled to an estimate prior to such service.

Section 41. Hazardous Waste.

It shall be unlawful to place out for collection any Hazardous Waste as defined herein.

Section 42. Scavenging.

It shall be unlawful for any unauthorized Person to remove materials from a Refuse Bin, a Container at a collection location, or at curbside.

Section 43. Ownership of Solid Waste; Recyclable Materials.

All Solid Waste and any Recyclable Materials mixed therein, except Hazardous Wastes, once placed at a collection location, in a Container at a collection location, or at curbside, becomes the exclusive property of the County. Recovery of Recyclable Materials from any Solid Waste generated or brought within the County must occur prior to the placing of such Solid Waste in a Refuse Bin at a collection location, 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.

Sections 44 through 50. Reserved.

ARTICLE III RATES AND CHARGES

Section 51. Prima Facie Evidence

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 County.

Section 52. Billing and Deposit for Residential and Commercial Collection Service.

Billing for Residential and Commercial Collection Service shall be accomplished by the inclusion of a line item for solid waste services on the monthly utility bills as prepared by the Manatee County Public Utilities Department, which is hereby established as the billing agency. A separate line item will be included for any Extraordinary Service rendered and on Customers receiving Commercial Collection Service a separate line item will be included for rental of Refuse Bins, as applicable.

A deposit shall be collected by the Department from all Customers to whom Solid Waste Collection shall be provided. Said deposit shall be applied to the payment of delinquent accounts when the Customer fails to pay the Residential or Commercial Collection Service Charge when due, provided that said deposit shall not constitute liquidated damages and the Customer shall remain liable to the County for any deficiency.

Section 53. Service Charge.

A. There is hereby imposed a monthly Residential Collection Service Charge for the collection of Solid Waste on all Residential Improved Real Property within the unincorporated County except those within an areawide variance or granted an exemption under the provisions of this Ordinance. The amount of such Residential Collection Service Charge for Residential Collection Service shall be at a uniform rate for such Residential Improved Real Property and shall be the rate established and from time to time amended as provided herein.

The Residential Collection Service Charge shall be imposed against the Owners of all Residential Improved Real Property in the unincorporated areas of the County except those within an areawide variance or granted an exemption as provided herein. Such service charge shall be imposed on new Residences beginning in the month following the issuance of a certificate of occupancy by the Manatee County Building Department.

The Owner and description of each parcel of Residential Improved Real Property shall be that designated on the real property tax roll maintained by the Property Appraiser.

B. There is hereby imposed a monthly Residential Collection Service Charge on Residential Improved Real Property within the area of the unincorporated County granted an areawide variance and for which the Owner requests Residential Collection Service. This Residential Collection Service Charge may vary by Service Area.

Such Residential Collection Service Charge shall be the responsibility of the Owner of the Residential Improved Real Property. The Owner and description of each parcel Residential Improved Real Property shall be that designated on the real property tax roll maintained by the Property Appraiser.

C. There is hereby imposed a rate for calculating the Commercial Collection Service Charge for the Commercial Collection Service provided by the Authorized Collector to all Commercial Improved Real Property within the unincorporated County except as provided herein. The amount of the Commercial Collection Service Charge shall be calculated using the rates established and from time to time amended as provided herein. Such rates may vary by Service Area.

The Commercial Collection Service Charge shall be the responsibility of the Owner of the Commercial Improved Real Property. However, when such property is rented or leased, the Director, Owner and leasee or rentor may agree to have the lease or rentor billed for the Collection Service. Such agreement, however, will not relieve the Owner of responsibility to pay the Commercial Collection Service Charge.

Section 54. Franchise Fee.

An Authorized Collector shall pay to the County a franchise fee. The amount of the franchise fee and the term and conditions of payment thereof shall be established as provided herein.

Section 55. Impact Fee.

There is hereby imposed a Solid Waste impact fee on the development of all real property in the unincorporated County. No building permit shall be issued without certification from the Department that such impact fee has been paid. The amount of the impact fee shall be in the rate schedule established and from time to time amended as provided herein.

Section 56. Rates, Fees and Charges Established.

A. If it is necessary to establish or change any of the rates, fees or charges, the Board shall hold a public hearing in accordance with the law to adopt a rate schedule. Such rate schedule shall include:

1. Monthly Residential Collection Service Charge to be imposed upon the Owners of Residential Improved Real Property, except those within the areawide variance or who have received an exemption.
2. Maximum monthly residential charge for Residential Units included within the areawide variance.
3. Maximum Commercial Collection Service Charge per compacted cubic yard of Refuse Bin.

4. Maximum Commercial Collection Service Charge per uncompacted cubic yard of refuse bin.
5. Maximum Commercial Bulk Service collection rate per cubic yard.
6. Franchise fee, including amount and conditions of payment.
7. Schedule of Solid Waste impact fees based upon the type and nature of the proposed improvements
8. Schedule of filing fees, as applicable.

B. The rates and fees established herein shall provide sufficient revenues to fund the collection of Solid Waste including all direct and indirect administrative costs as well as such other costs attributable to the provision of Solid Waste services within the County. Also, such rates and fees shall be established in accordance with any applicable provisions of the Franchise Agreements.

C. There shall be no free services rendered for the collection, transportation or disposal of Solid Waste.

D. For any premises owned, leased, or occupied by the United States of America or any agency thereof, the State of Florida or any political subdivision thereof, including any body politic and corporate created under the laws of the United States of America or of the State of Florida, the County may enter into contracts, negotiated by the Board, with any such body or agency for the collection, transportation and disposal of Solid Waste prescribing rates and charges to be paid by such body or agency in lieu of the rates hereinabove prescribed; provided, however, that the charges to be paid by such body or agency shall not be less than an amount which is fair and equitable taking into account the cost to the County of such collection, transportation and disposal.

E. For extraordinary services as described in Section 40, the Owner of Improved Real Property must, if the service is desired, make arrangements with the Authorized Collector to provide such services. The Department with prior notice and written approval of such service, shall be responsible for billing and collecting such charges.

Section 57. Billing Periods

The monthly period upon which the Residential and Commercial Collection Service Charges shall be computed and for which they shall be paid for each premise or parcel of land shall:

1. For premises or parcels of land served by the waterworks and/or sanitary sewer system of the County, coincide with the monthly period upon and for which charges for the furnishing of water and/or sanitary sewer service are computed; and
2. For premises or parcels of land not served by the waterworks or sanitary sewer system of the County, be the monthly period most convenient to the County.

Section 58. Delinquent Payments: Penalty.

A. Any Residential or Commercial Collection Service Charges not paid within thirty (30) days after the same shall be due and payable shall be delinquent; and there shall be added to such charges a penalty of fifty cents (0.50) or ten (10) percent of such charges, whichever shall be the greater, to cover the additional administrative costs incurred by the County by reason of the failure of the Customer to pay the charges within thirty (30) days after the same shall be due and payable; and the Director, at his discretion, may cease to service the premises or parcel of land for which such delinquent charges are due and payable until such charges and penalty shall be paid; and in the event such premises shall be served by the waterworks or sanitary sewer system of the County, the Director may discontinue water service to such premises until such delinquent charges and penalty shall be paid.

B. All Residential and Commercial Collection Service Charges imposed against the Owners of Improved Real Property within the County under the provisions of this Ordinance shall constitute, and are hereby imposed as, liens against such Improved Real Property. Until fully paid and discharged or barred by law, said Service Charges shall remain liens equal in rank and dignity with the lien of County ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles, and claims in, to, or against the real property involved.

Unpaid Residential or Commercial Collection Service Charge liens shall remain and constitute liens against such parcels of Improved Real Property within the County for a period of five (5) years.

If any Residential or Commercial Collection Service Charge lien becomes delinquent by not being fully paid, the Clerk, upon receipt of the list of outstanding and uncollected Residential or Commercial Collection Service Charges for such fiscal year from the Department under the provisions of this Ordinance, shall cause to be prepared a notice of lien containing the amount of the delinquent Residential or Commercial Collection Service Charge including the amount of any penalty, a legal description of the Improved Real Property against which the lien is imposed and the name of the Owner of such Improved Real Property as indicated on the real property assessment roll maintained by the property appraiser of Manatee County. Said notice of lien shall be recorded in the public records of Manatee County, Florida.

C. The records of the Authorized Collector shall be kept open for inspection by the Owner, tenant, or occupant and it shall be the responsibility of each of them to ascertain that the prescribed Services Charges are paid or are being paid.

Section 59. Entitlement to Service.

Upon request for service and payment of the deposit and in consideration thereof, the Owner, occupant or tenant of the premises shall be entitled to the Collection Services upon the terms, conditions, and regulations specified herein.

ARTICLE IV MISCELLANEOUS

Section 60. Violation: Penalty.

Any violation of this Ordinance and any rules and regulations promulgated hereunder except those establishing fees, rates, or charges shall be unlawful and an offense against the County punishable by a fine not to exceed \$500.00 or by imprisonment not to exceed sixty (60) days or both.

If such violation is of a continuing or recurring nature, each day for which the violation continues or reoccurs shall be a separate offense.

Section 61. Repeal of Chapter 1-13

Chapter 1-13 of the Manatee County Laws is hereby repealed in its entirety.

Section 62. Conditional Repeal.

Any provision of any County Ordinance or other provisions which are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of any such inconsistency or conflict.

Section 63. Severability

It is declared to be the Board's intent that if any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 64. Effective Date.

This Ordinance shall take effect upon receipt of official acknowledgment from the Secretary of State that that Office has received a certified copy of this Ordinance; and shall be operative on October 1, 1985.

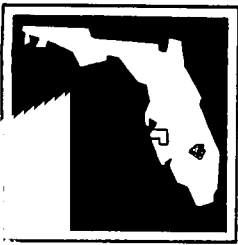
PASSED and DULY ADOPTED by the Board of County Commissioners
of Manatee County, Florida the 23rd day of April, 1985.

BOARD OF COUNTY COMMISSIONERS

By Edward W. Chance
Chairman

ATTEST: R. B. SHORE
Clerk of Circuit Court

BY: Richard H. Ashley
RICHARD H. ASHLEY, CHIEF DEPUTY CLERK



The Bradenton Herald

102 MANATEE AVE. WEST, P.O. BOX 921
BRADENTON, FLORIDA 33506
TELEPHONE (813) 748-0411

PUBLISHED DAILY
BRADENTON, MANATEE COUNTY, FLORIDA

STATE OF FLORIDA
COUNTY OF MANATEE:

Before the undersigned authority personally appeared Sandy Riley, who on oath says that she is the Legal Advertising Clerk and the official representative of the Publisher of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida, with the express, limited authority to execute this affidavit for the purpose of establishing proof of publication of the public or legal notice and advertisement in the form attached hereto; that the attached copy of advertisement, being a legal advertisement in the matter of
Consider Ordinance #85-11

_____ in the _____ Court,
was published in said newspaper in the issues of _____
3/28/85

Affiant further says that the said The Bradenton Herald is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Bradenton, Manatee County, Florida, each day and has been entered as second class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and the affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sandy Riley

Sworn to and subscribed before me this
28th day of March
A.D. 19 85

Lois Tucker

(SEAL) Notary Public
Notary Public, State of Florida at Large
My Commission Expires May 30, 1987

115

NOTICE OF INTENT TO CONSIDER ORDINANCE #85-11, AN ORDINANCE PROVIDING FOR THE MANDATORY COLLECTION AND DISPOSAL OF SOLID WASTE WITHIN THE UNINCORPORATED AREAS OF MANATEE COUNTY, FLORIDA.
NOTICE IS HEREBY GIVEN, pursuant to F.S. 125.66, that the Board of County Commissioners of Manatee County, Florida will conduct a public hearing at the Commission Chambers, Manatee County Courthouse, Bradenton, Florida, on the 23rd day of April, 1985 at 9:00 a.m. or soon thereafter, to consider, act upon, adopt or reject the following Ordinance:
"AN ORDINANCE PROVIDING FOR THE MANDATORY COLLECTION AND DISPOSAL OF SOLID WASTE WITHIN THE UNINCORPORATED AREAS OF MANATEE COUNTY, FLORIDA; PROVIDING DEFINITIONS; PROVIDING INTENT; ESTABLISHING THE MANDATORY COLLECTION OF SOLID WASTE FROM ALL IMPROVED REAL PROPERTY WITHIN THE UNINCORPORATED AREAS OF MANATEE COUNTY; PROVIDING FOR AREAWIDE VARIANCES; PROVIDING CRITERIA AND PROCEDURES FOR INDIVIDUAL EXEMPTIONS; PROVIDING FOR THE REVOCATION OF INDIVIDUAL EXEMPTIONS; PROVIDING FOR PERIODIC REVIEW OF AREAWIDE VARIANCES AND INDIVIDUAL EXEMPTIONS; SPECIFYING PROHIBITED ACTS; ESTABLISHING THE PUBLIC UTILITIES DEPARTMENT TO PROVIDE FOR SOLID WASTE COLLECTION EXCLUSIVELY; ESTABLISHING COUNTY RESPONSIBILITY; AUTHORIZING THE COUNTY TO ENTER INTO FRANCHISE AGREEMENTS WITH AUTHORIZED COLLECTORS; PROVIDING FOR THE AWARD OF FRANCHISE AGREEMENTS; PROVIDING FOR THE DESIGNATION OF SERVICE AREAS; ESTABLISHING THE DUTIES OF AUTHORIZED COLLECTORS; PROVIDING EXCLUSIVE RIGHTS OF COLLECTION TO AUTHORIZED COLLECTORS; PROVIDING FOR THE PROVISION OF TRANSPORT LICENSES; PROVIDING RESIDENTIAL AND COMMERCIAL COLLECTION SERVICE; ESTABLISHING CONTAINER AND LOCATION REQUIREMENTS; PROHIBITING THE COLLECTION AND DISPOSAL OF HAZARDOUS WASTES; PROVIDING FOR OWNERSHIP OF SOLID WASTE, RECYCLABLES; ESTABLISHING PRIMA FACIE EVIDENCE OF THE ACCUMULATION OF SOLID WASTE; ESTABLISHING BILLING AND DEPOSIT FOR COLLECTION SERVICE; PROVIDING FOR SERVICE CHARGES; PROVIDING FOR FRANCHISE FEES; PROVIDING FOR IMPACT FEES; PROVIDING FOR THE ESTABLISHMENT OF RATES; ESTABLISHING BILLING PROCEDURES; PROVIDING PENALTIES; PROVIDING REPEAL OF CHAPTER 1-13 OF MANATEE COUNTY LAWS; PROVIDING FOR CONFLICT OR INCONSISTENCY; AND PROVIDING AN EFFECTIVE DATE.

If any person decides to appeal any decision made by the Board with respect to any matter to be considered at the meeting or hearing, he will need a record of the proceedings and for such purpose he may need to insure that a verbatim record of the proceeding is made, which record would include any testimony or evidence upon which the appeal is to be based.
This notice is kept upon the books of the Clerk of the Board of County Commissioners and is open to public inspection during regular business hours of his office.
Anyone wishing to review the proposed Ordinance can do so at the Manatee County Public Utilities Department, during normal business hours.
R.B. SHORE, III
Clerk of Board of Commissioners of Manatee County
H. Hamilton Rice, Jr.
Public Utilities Attorney
3/28/85

STATE OF FLORIDA
COUNTY OF MANATEE

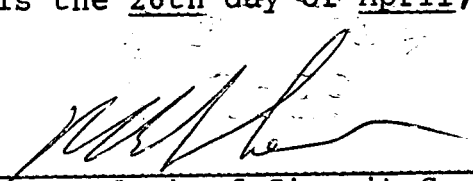
I, R. B. Shore, Clerk of Circuit Court, in and for the County of Manatee, State of Florida, do hereby certify that the foregoing is a true copy of an ORDINANCE adopted by the Board of County Commissioners of said county in session on the 23rd day of April, 1985.

SUBJECT:

ORDINANCE 85-11

AN ORDINANCE PROVIDING FOR THE MANDATORY COLLECTION AND DISPOSAL OF SOLID WASTE WITHIN THE UNINCORPORATED AREAS OF MANATEE COUNTY, FLORIDA; PROVIDING DEFINITIONS; PROVIDING INTENT; ESTABLISHING THE MANDATORY COLLECTION OF SOLID WASTE FROM ALL IMPROVED REAL PROPERTY WITHIN THE UNINCORPORATED AREAS OF MANATEE COUNTY; PROVIDING FOR AREAWIDE VARIANCES; PROVIDING CRITERIA AND PROCEDURES FOR INDIVIDUAL EXEMPTIONS; PROVIDING FOR THE REVOCATION OF INDIVIDUAL EXEMPTIONS; PROVIDING FOR PERIODIC REVIEW OF AREAWIDE VARIANCES AND INDIVIDUAL EXEMPTIONS; SPECIFYING PROHIBITED ACTS; ESTABLISHING THE PUBLIC UTILITIES DEPARTMENT TO PROVIDE FOR SOLID WASTE COLLECTION EXCLUSIVELY; ESTABLISHING COUNTY RESPONSIBILITY; AUTHORIZING THE COUNTY TO ENTER INTO FRANCHISE AGREEMENTS WITH AUTHORIZED COLLECTORS; PROVIDING FOR THE AWARD OF FRANCHISE AGREEMENTS; PROVIDING FOR THE DESIGNATION OF SERVICE AREAS; ESTABLISHING THE DUTIES OF AUTHORIZED COLLECTORS; PROVIDING EXCLUSIVE RIGHTS OF COLLECTION TO AUTHORIZED COLLECTORS; PROVIDING FOR THE PROVISION OF TRANSPORT LICENSES; PROVIDING RESIDENTIAL AND COMMERCIAL COLLECTION SERVICE; ESTABLISHING CONTAINER AND LOCATION REQUIREMENTS; PROHIBITING THE COLLECTION AND DISPOSAL OF HAZARDOUS WASTES; PROVIDING FOR OWNERSHIP OF SOLID WASTE, RECYCLABLES; ESTABLISHING PRIMA FACIE EVIDENCE OF THE ACCUMULATION OF SOLID WASTE; ESTABLISHING BILLING AND DEPOSIT FOR COLLECTION SERVICE; PROVIDING FOR SERVICE CHARGES; PROVIDING FOR FRANCHISE FEES; PROVIDING FOR IMPACT FEES; PROVIDING FOR THE ESTABLISHMENT OF RATES; ESTABLISHING BILLING PROCEDURES; PROVIDING PENALTIES; PROVIDING REPEAL OF CHAPTER 1-13 OF MANATEE COUNTY LAWS; PROVIDING FOR CONFLICT OR INCONSISTENCY; AND PROVIDING AN EFFECTIVE DATE.

WITNESS My Hand and Official Seal this the 26th day of April, 1985,
in Bradenton, Florida.



R. B. Shore, Clerk of Circuit Court
Manatee County, Florida



FLORIDA DEPARTMENT OF STATE
George Firestone
Secretary of State

FILED FOR RECORDS
95 MAY 9 10 0 36

CLERK OF DISTRICT COURT
MANATEE CO. FLORIDA

May 6, 1985

Mr. Richard H. Ashley
Chief Deputy Clerk
Post Office Box 1000
Manatee County Courthouse
Bradenton, Florida 33506

Dear Mr. Ashley:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge:

1. Receipt of your letter/s of April 26, 1985
and certified copy/ies of Manatee County
Ordinance No. 85-11
2. Receipt of _____ County Ordinance/s
relative to:
(a) _____
which we have numbered _____
(b) _____
which we have numbered _____
3. We have filed this/these Ordinance(s) in this office
on May 3, 1985.
4. The original/duplicate copy/ies showing the filing date
is/are being returned for your records.

Cordially,

Liz Cloud
(Mrs.) Liz Cloud, Chief
Bureau of Administrative Code

LC/

Enclosure

Garbage Disposal

11
85-11