

ORDINANCE 86-7

AN ORDINANCE OF MANATEE COUNTY, FLORIDA AMENDING ORDINANCE 85-11 AND AMENDING MANATEE COUNTY ORDINANCE 85-30; PROVIDING FOR DEFINITIONS OF "MONTH", "NON-PUTRESCIBLE MATTER", "NOT FOR PROFIT ORGANIZATION", "PUTRESCIBLE MATTER", AND "WEEK"; PROVIDING FOR AN AMENDMENT TO THE DEFINITION OF "RESIDENCE"; AMENDING PART OF SECTION 6 AS IT RELATES TO CRITERIA FOR INDIVIDUAL EXEMPTIONS OF RESIDENTIAL IMPROVED REAL PROPERTY; REPEALING PART OF SECTION 6 AS IT RELATES TO CRITERIA FOR INDIVIDUAL EXEMPTIONS OF COMMERCIAL IMPROVED REAL PROPERTY; AMENDING A PART OF SECTION 7 TO PROVIDE FOR AN APPEAL IN THE CASE WHERE AN APPLICANT IS DENIED AN INDIVIDUAL EXEMPTION; PROVIDING FOR CLARIFICATION OF SECTION 11 AS IT RELATES TO VEHICLE STANDARDS; PROVIDING FOR CLARIFICATION OF SECTION 12 AS IT RELATES TO PROHIBITED ACTS; PROVIDING FOR AMENDMENT TO SECTION 26 AS IT RELATES THE TO DUTIES OF THE AUTHORIZED COLLECTOR; PROVIDING FOR AN AMENDMENT TO SECTION 31 AS IT RELATES TO NOT FOR PROFIT ORGANIZATIONS WHICH GENERATE SOLID WASTE FOR RECYCLING OR RECONDITIONING DONATED GOODS; PROVIDING FOR AN AMENDMENT TO SECTION 31 TO PROVIDE AN APPEAL IN THE CASE WHERE AN APPLICANT IS DENIED A LICENSE TO TRANSFER CERTAIN OCCUPATIONAL SOLID WASTE; PROVIDING FOR CLARIFICATION OF SECTION 36 AS IT RELATES TO FREQUENCY OF COMMERCIAL COLLECTION SERVICE; AMENDING SECTION 37 AS IT RELATES TO OBSTRUCTIONS TO THE AUTHORIZED COLLECTOR'S VEHICLES AND PERSONNEL; AUTHORIZING FEES FOR REFUSE BINS MOVED DISTANCES; AMENDING SECTION 40 AS IT RELATES TO EXTRAORDINARY SERVICES; PROVIDING FOR AMENDMENT TO SECTION 53 AS IT RELATES TO THE RESIDENTIAL COLLECTION SERVICE CHARGE; AMENDING SECTION 56 AS IT RELATES TO THE PROHIBITION OF FREE SERVICE; AMENDING PART OF SECTION 58 AS IT RELATES TO THE CESSATION OF SERVICE; REPEALING PART OF SECTION 58 AS IT RELATES TO PLACING LIENS AGAINST IMPROVED REAL PROPERTY; PROVIDING AN EFFECTIVE DATE.

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P.B. WIRE,
CLERK CIRCUIT COURT
MANATEE CO. FLORIDA

WHEREAS, the Board of County Commissioners of Manatee County, Florida, adopted Ordinance 85-11 which provided for

"G" GARBAGE COLLECTION

86-7

mandatory collection and disposal of solid waste within the incorporated areas of Manatee County, Florida; and

WHEREAS, the Board of County Commissioners of Manatee County, Florida, adopted Ordinance 85-30, which amended Ordinance 85-11 in order to define the term "extraordinary services", and amended Section 40 as it related to "extraordinary services"; and

WHEREAS, certain technical inconsistencies remain in both Ordinances; and

WHEREAS, certain adjustments, amendments and clarifications are preferable in order to allow a more efficient and equitable operation of solid waste collection and disposal within the unincorporated areas of Manatee County.

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

Section 1. Ordinance 85-11, Section 2, is amended to reflect the following -- After the definition "Mobile Home Park", a new definition "Month" will be added and will read as follows:

Section 2. Definitions.

Month shall mean any thirty (30) day calendar period.

Section 2. Ordinance 85-11, Section 2 is amended to reflect the following -- After the definition of "Mobile Home Park" and the new definition "Month", another new definition "Non-Putrescible Matter" will be added and will read as follows:

Section 2. Definitions.

Non-Putrescible Matter shall mean solid waste which does not characteristically decay, become putrid, noxious or otherwise exude an odor.

Section 3. Ordinance 85-11, Section 2, is amended to reflect the following -- After the definition "Mobile Home Park" and the new definition "Non-Putrescible Matter" another new definition "Not For Profit Organization" will be added and will read as follows:

Section 2. Definitions.

Not For Profit Organization shall mean a private organization, group, or association whose work or activity is not conducted or maintained for the purpose of making a profit.

Section 4. Ordinance 85-11, Section 2, is amended to reflect the following -- After the definition "Person", a new definition "Putrescible Matter" will be added and read as follows:

Section 2. Definitions.

Putrescible Matter shall mean solid waste which decays, becomes putrid, noxious, and otherwise exudes an odor. Putrescible matter shall specifically include solid waste classified as garbage.

Section 5. Ordinance 85-11, Section 2, definition "Residence" is amended in part to read as follows:

Section 2. Definitions

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. A "residence" shall include a single-family dwelling, a duplex, triplex, mobile home or other living unit not defined in which a portion, but not a majority of the dwelling is used for an office or business. Further, said residence shall not generate a majority of its solid waste from the operation of the office or business.

Section 6. Ordinance 85-11, Section 2, is amended to reflect the following -- After the definition "Special Waste", a new definition "Week" will be added and will read as follows:

Section 2. Definitions.

Week shall mean any seven (7) day calendar period.

Section 7. Ordinance 85-11, Section 6(A), is amended in part to read as follows:

Section 6. Individual Exemptions: Criteria.

A. Residential Improved Real Property: Exemptions from Residential Collection Service Charge may be granted by the Director on individual parcels of Residential Improved Real Property meeting the following guidelines:

- 1.) That exceed five acres in area or the dwelling unit is set back 300 feet or more from the public roadway;
- 2.) That it is not within a platted subdivision of record;
- 3.) That it is a single-family residence;
- 4.) That it is not billed for water and/or sewer services by the County.

However, in addition to the previously mentioned guidelines of this subsection, each person applying for an exemption for a parcel of residential improved property must demonstrate to the satisfaction of the Director, that the owner has a proper, sanitary, effective method of removing, collecting, and, where applicable, disposing of the solid waste generated on the owner's property, and is being achieved 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.

Section 8. Ordinance 85-11, Section 7(B), is amended in part to read as follows:

Section 7. Individual Exemptions: Procedure; Appeal.

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.

If the Director denies the application for an individual exemption, then within ten (10) working days of the denial, the applicant may make a formal written appeal to the Board. Administrative guidelines shall be developed in order to timely address an applicant's appeal. However, at a minimum, such procedures should include allowing each affected Authorized Collector the opportunity to comment on the potential impact, if any, that granting an individual exemption for commercial improved real property would create.

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 9. Ordinance 85-11, Section 11(2) is amended in part to read as follows:

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 will:

* * * *

2.) Be fully enclosed or securely covered so as to prevent the escape of any Solid Waste.

Section 10. Ordinance 85-11, Section 12(c), is amended in part to read as follows:

Section 12. Prohibited Acts.

It shall be unlawful and an offense against the County for any Person to do any of the following:

c.) To place 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. However, where the Director determines that due to either the size or structure of the solid waste collection vehicle, or width or condition of the road in front of the residence or commercial improved real property, said residence or commercial improved real property cannot be served by such a solid waste vehicle, then any person shall place the solid waste in a container within the right-of-way to the nearest accessible road or in any other manner approved by the Director.

Section 11. Ordinance 85-11, Section 26 is amended in part to add a new subsection (E) which reads as follows:

Section 26. Duties of Authorized Collector.

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

E. Provide the Director, on or prior to October 1, of each year, a financial audit performed by a certified public accountant, performed in accordance with generally accepted accounting principles.

Section 12. Ordinance 85-11, Section 31 is amended in part to read as follows:

Section 31. License to Transport Certain Occupational Solid Waste; Procedure; Appeal

A. 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 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.

B. Certain persons who own businesses for which the transportation of certain Garden Trash is a part of the performance of that occupation may obtain a license to transport such solid waste to a disposal area designated by the Director. Examples of such occupations include the following: land clearing contractors, lawn care services, and tree surgeons.

C. Certain Persons who own businesses for which the transportation of Industrial Waste (associated with the construction, demolition, excavation, or alteration of buildings, structures, streets or the like) is a part of the performance of that occupation may obtain a license to transport such solid waste to a disposal area designated by the Director. Examples of such occupations include, but are not limited to the following: roofers, plumbers, electricians, demolition contractors, tiling or polypebble services, swimming pool or tennis court contractors.

D. Certain persons who own businesses which generate Industrial Waste (associated with industrial processing or manufacturing), and for which the transportation of that solid waste is an integral part of the performance of that business, and who use their own vehicles and personnel may obtain a license to transport said industrial solid waste to a disposal area designated by the Director. Examples of eligible businesses include, but are not limited to the following: boat manufacturers, food or juice processors, and slaughterhouses.

E. Not for Profit Organizations wishing to transport solid waste generated as a sidestream of recycling or reconditioning process which used donated goods as the exclusive

source of material may also obtain a license to transport that type of solid waste to a disposal area designated by the Director.

F. 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 Owner or Principal officers making up business or corporation applying for license.

2.) Description of occupation, business, or activity.

3.) Description of the solid waste and estimated volume that the occupation, business, or activity produces.

4.) Description of owned equipment to be utilized.

5.) Verification of driver being employed by business.

6.) Agreement to comply with all conditions of license and provisions of this Ordinance.

G. The Director shall review the application for a license. If the application, otherwise meets the criteria under this Ordinance, then the Director shall grant a license to transport certain occupational solid waste.

H. If the Director denies the application for a license to transport certain occupational solid waste, then within ten (10) working days of the denial, the applicant may make a formal written appeal to the Board.

Administrative guidelines shall be developed in order to timely address an applicant's appeal. However, at a minimum, such procedure should include allowing each affected Authorized Collector the opportunity to comment on the potential impact, if any, that granting a license to transport certain occupational solid waste would create.

I. 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.

Section 13. Ordinance 85-11, Section 36, is amended in part to read as follows:

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. Any Refuse Bin or container utilized for the purpose of storage and transportation of recyclable materials shall not be considered part of Commercial Collection Service and is not regulated by Ordinance 85-11, Resolution R-85-158 or the Franchise Agreements. Any arrangement for bins or the transportation of such shall be at the discretion of the Owner of the recyclable material.

Section 14. Ordinance 85-11, Section 37, last paragraph, is amended to read as follows:

Section 37. Container or Refuse Bin Required.

No service is required to be provided to any Residential or Commercial Improved Real Property which permits persons, objects, obstructions, or vehicles to hinder in any way whatsoever the servicing in a routine manner, of the container or refuse bin by the Authorized Collector's vehicles or personnel.

Section 15. Ordinance 85-11, Section 37, is amended to add a new paragraph after the present last paragraph which reads as follows:

Section 37. Container or Refuse Bin Required.

However, in situations where the container or refuse bin is located behind a locked gate, or where the container or

refuse bin is located in a building or other structure, and consequently needs to be rolled-out by the Authorized Collector's personnel to the Authorized Collector's vehicle, a roll-out fee is authorized to be charged. Among the factors to be considered in setting the fee, are the distance the container or refuse bin is moved, and the number of times the container or refuse bin is rolled-out in a week.

Section 16. Ordinance 85-11, Section 40, and Ordinance 85-30, Section 2, are amended in part to read as follows:

Section 40. Extraordinary Services.

Extraordinary services such as back-door collection and the removal of large quantities of loose garden trash are not part of the Residential Collection Service Charge. Such services must be arranged for with the County on an individual basis and the excess charge will be billed by the Department. Back-door collection service will be limited to the collection of garbage. All other solid waste must be placed curbside or in some other place allowed by the Director or authorized by the Ordinance. 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 17. Ordinance 85-11, Section 53(A) is amended in part to read as follows:

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 exception under the provisions of this Ordinance. The amount of such Residential Collection Service Charge for Residential Real Property 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. 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. However, when such property is rented or leased, the Director, Owner and lessee or renter, may agree to have the lessee or renter billed for the collection service if the property has metered water service. Such agreement, however, will not relieve the Owner of the responsibility to pay the Residential Collection Service Charge.

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, when a water meter has been installed or a sewer connection made.

Section 18. Ordinance 85-11, Section 56(c), is amended in part to read as follows:

Section 56. Rates, Fees and Charges Established.

c.) There shall be no free services rendered for the collection, transportation or disposal of solid waste except as provided by the Authorized Collectors in fulfillment of their Community Service requirements as expressed in each Authorized Collector's Franchise Agreement.

Section 19. Ordinance 85-11, Section 58(A), is amended in part to read as follows:

Section 58. Delinquent Payments: Penalty.

A. Any Residential or Commercial Collection Service Charges not paid within thirty (30) days after the billing date, shall be considered delinquent; and there shall be added to such

charges a sum equal to ten percent (10%) of such charges, to cover the additional administrative costs incurred by the County by reason of failure of the Customer to pay the charges within thirty (30) days after the same shall be due and payable. While there will be no discontinuance of solid waste collection service for a delinquent solid waste collection charge, non-payment of the solid waste collection portion of the utility bill will result in the termination of water service where applicable and authorized, until such delinquent charge and penalty shall be paid.

Section 20. Ordinance 85-11, Section 58(B) is repealed in its entirety.

Section 21. Ordinance 85-11, Section 58(C) is relettered accordingly in light of the repeal of Section 58(B).

Section 22. Effective Date. This Ordinance shall become effective immediately upon receipt of the official acknowledgment from the office of the Secretary of State in Tallahassee, Florida, that this Ordinance has been filed with that office.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Manatee County, Florida, with a quorum present and voting this 27th day of April, 1986.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: Westwood H. Hill
Chairman

ATTEST: R. B. SHORE
Clerk of the Circuit Court

[Signature]

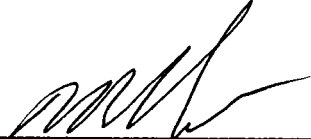
STATE OF FLORIDA

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 22nd day of April, 1986.

ORDINANCE 86-7 - AN ORDINANCE OF MANATEE COUNTY, FLORIDA AMENDING ORDINANCE 85-11 AND AMENDING MANATEE COUNTY ORDINANCE 85-30; PROVIDING FOR DEFINITIONS OF "MONTH", "NON-PUTRESCIBILE MATTER", "NOT FOR PROFIT ORGANIZATION", "PUTRESCIBLE MATTER", AND "WEEK"; PROVIDING FOR AN AMENDMENT TO THE DEFINITION OF "RESIDENCE"; AMENDING PART OF SECTION 6 AS IT RELATES TO CRITERIA FOR INDIVIDUAL EXEMPTIONS OF RESIDENTIAL IMPROVED REAL PROPERTY; REPEALING PART OF SECTION 6 AS IT RELATES TO CRITERIA FOR INDIVIDUAL EXEMPTIONS OF COMMERCIAL IMPROVED REAL PROPERTY; AMENDING A PART OF SECTION 7 TO PROVIDE FOR AN APPEAL IN THE CASE WHERE AN APPLICANT IS DENIED AN INDIVIDUAL EXEMPTION; PROVIDING FOR CLARIFICATION OF SECTION 11 AS IT RELATES TO VEHICLE STANDARDS; PROVIDING FOR CLARIFICATION OF SECTION 12 AS IT RELATES TO PROHIBITED ACTS; PROVIDING FOR AMENDMENT TO SECTION 26 AS IT RELATES TO THE DUTIES OF THE AUTHORIZED COLLECTOR; PROVIDING FOR AN AMENDMENT TO SECTION 31 AS IT RELATES TO NOT FOR PROFIT ORGANIZATIONS WHICH GENERATE SOLID WASTE FOR RECYCLING OR RECONDITIONING DONATED GOODS; PROVIDING FOR AN AMENDMENT TO SECTION 31 TO PROVIDE AN APPEAL IN THE CASE WHERE AN APPLICANT IS DENIED A LICENSE TO TRANSFER CERTAIN OCCUPATIONAL SOLID WASTE; PROVIDING FOR CLARIFICATION OF SECTION 36 AS IT RELATES TO FREQUENCY OF COMMERCIAL COLLECTION SERVICE; AMENDING SECTION 37 AS IT RELATES TO OBSTRUCTIONS TO THE AUTHORIZED COLLECTOR'S VEHICLES AND PERSONNEL; AUTHORIZING FEES FOR REFUSE BINS MOVED DISTANCES; AMENDING SECTION 40 AS IT RELATES TO EXTRAORDINARY SERVICES; PROVIDING FOR AMENDMENT TO SECTION 53 AS IT RELATES TO THE RESIDENTIAL COLLECTION SERVICE CHARGE; AMENDING SECTION 56 AS IT RELATES TO THE PROHIBITION OF FREE SERVICE; AMENDING PART OF SECTION 58 AS IT RELATES TO THE CESSATION OF SERVICE; REPEALING PART OF SECTION 58 AS IT RELATES TO PLACING LIENS AGAINST IMPROVED REAL PROPERTY; PROVIDING AN EFFECTIVE DATE.

WITNESS My Hand and Official Seal this the 29 day of April, 1986, in Bradenton, Florida.



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



FLORIDA DEPARTMENT OF STATE

George Firestone
Secretary of State

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P.A. I. ABE.
CLERK CIRCUIT COURT
MANATEE CO. FLORIDA

May 1, 1986

Honorable Richard B. "Chips" Moore
Clerk of Circuit Court
Manatee County Courthouse
Post Office Box 1000
Bradenton, Florida 33506

Attn: Honorable Westwood H. Fletcher, Chairman
&/or Deputy Clerks

Dear Mr. Moore:

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

1. Receipt of letter/s of April 29, 1986
and certified copy/ies of Manatee
County Ordinance(s) 86-7, 86-(Z)40, 86-(Z)46
and 86-(Z)48
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 1, _____ 1986.
4. The ~~original~~^{one each}/duplicate copy/ies showing the filing date
is/are being returned for your records.

Cordially,

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

LC/ mb

Enclosures (4)