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CITY OF MARGATE, FLORIDA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CODE OF THE CITY OF MARGATE, FLORIDA, AMENDING CHAPTER 19 - SOLID WASTE AND RECYCABLES COLLECTION, PROCESSING AND DISPOSAL,; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA:

**Section 1:** Chapter 19 - Solid Waste and Recyclables Collection, Processing and Disposal, Section 19-4(c), is amended to read as follows<sup>1</sup>:

Section 19-4 - Non-exclusive franchise agreement to provide collection service for owner-occupied multifamily communities and nonresidential non-municipal solid waste.

(c) *Payments for use of public ways.* Each person, company, firm, partnership, etc., wishing to collect garbage and trash in the eCity, as allowable via non-exclusive franchise described herein, shall agree to pay unto the eCity, in return for the use of the streets, alleys, bridges, easements and other public places thereof pursuant to the agreement, a sum of money equal to five ~~(5)~~ per cent of the monthly gross receipts from all accounts served within the limits of the eCity. The aforesaid payments shall be made on or before the tenth of each month, and provide the following information:

- (1) Gross billing for each ~~nonresidential~~ customer in the eCity;
- (2) Gross receipts for each ~~nonresidential~~ customer in the eCity; and
- (3) Franchise fee due the eCity for each ~~nonresidential~~ customer.

<sup>1</sup> CODING: Words in ~~struck through~~ text are deletions from existing text, words in underscored text are additions to existing text, and **shaded** text are changes between First and Second Readings.

1 The hauler shall provide to the cCity the monthly  
2 accounting as well as a yearly audit, certified by an officer  
3 of the company and notarized, and shall permit the eCity to  
4 inspect its records respecting the nonresidential accounts  
5 within the eCity at any reasonable time. Failure to provide  
6 the required monthly information and payments and yearly audit  
7 shall be grounds for cancellation of the franchise and  
8 forfeiture of the bond provided in subsection (e).

9  
10 **[Note to Municipal Code: The rest of this section shall**  
11 **remain as codified.]**

12  
13 **Section 2:** Chapter 19 - Solid Waste and  
14 Recyclables Collection, Processing and Disposal, Section 19-5,  
15 is amended to read as follows:

16  
17 Section 19-5 - Subscription to collection service required.

18  
19 The owners and/or occupants of all buildings,  
20 structures and lands located within the eCity shall subscribe  
21 to garbage and trash collection services with the contractor  
22 through the exclusive franchise described in section 19-3 or a  
23 hauler through a non-exclusive franchise described in section  
24 19-4, as appropriate. Residential dwelling units shall  
25 subscribe to bulky waste, yard waste and recyclable materials  
26 collection service with the contractor. Owner-occupied  
27 multifamily communities shall subscribe to recyclable  
28 materials collection service with a certified recovered  
29 materials dealer, which shall be registered with the City as  
30 described in section 19-12.

31  
32 **Section 3:** Chapter 19 - Solid Waste and  
33 Recyclables Collection, Processing and Disposal, Section 19-8,  
34 is amended to read as follows:

35  
36 Section 19-8 - Collection of bulky waste and yard waste for  
37 residential dwelling units.

- 38  
39 (a) For single-family dwelling units, all bulky waste that  
40 cannot be placed properly, whether due to size or  
41 weight, in garbage carts shall be placed curbside,  
42 where it will be easily accessible to the contractor's  
43 bulky waste collection vehicles. Single-family  
44 dwelling units shall place their bulky waste curbside  
45 by 7:00 a.m. on their scheduled collection day but not  
46 earlier than the day prior to their scheduled  
47 collection day. Bulky waste shall be collected once

1 per month on a scheduled collection day. The  
2 contractor may offer supplemental bulky waste  
3 collection at an additional cost, which can be  
4 arranged directly with the contractor. Single-family  
5 dwelling units shall not place garbage, trash,  
6 construction waste, tires, yard waste, or unacceptable  
7 waste with this waste stream.  
8

9 (b) For multifamily dwelling units receiving mechanical  
10 container service, all bulky waste shall be placed in  
11 an area as determined by the property manager that  
12 shall reach a mutual agreement with the contractor on  
13 a location where bulk waste shall be placed for  
14 collection. Bulky waste shall be collected once per  
15 month on a scheduled collection day but shall not be  
16 placed out earlier than the day prior to the scheduled  
17 collection day. The contractor may offer supplemental  
18 bulky waste collection at an additional cost, which  
19 can be arranged directly with the contractor. Holiday  
20 trees must be free from any lights, wiring, ornaments,  
21 etc. Residential dwelling units shall not place  
22 garbage, trash, construction waste, tires, yard waste,  
23 or unacceptable waste with this waste stream.  
24

25 (c) For single-family dwelling units, all yard waste shall  
26 be placed curbside, where it will be easily accessible  
27 to the contractor's yard waste collection vehicles.  
28 Single-family dwelling units shall place their yard  
29 waste curbside by 7:00 a.m. on their scheduled  
30 collection day but not earlier than 72 hours prior to  
31 their scheduled collection day. Yard waste shall be no  
32 larger than eight ~~(8)~~ inches in diameter and no longer  
33 than six ~~(6)~~ feet in length at its longest point.  
34 Bundling of large yard waste items is not required;  
35 however, small yard waste items shall be placed in a  
36 garbage can or clear plastic bag. Yard waste shall be  
37 collected once per week on a scheduled collection day.  
38 Residential dwelling units shall not place garbage,  
39 trash, construction waste, tires, bulky waste, or  
40 unacceptable waste with this waste stream.

1 [Note to Municipal Code: The rest of this section shall  
2 remain as codified.]  
3

4 **Section 4:** Chapter 19 - Solid Waste and  
5 Recyclables Collection, Processing and Disposal, Section 19-  
6 10, is amended to read as follows:  
7

8 Section 19-10 - Collection of source separated recyclable  
9 materials.

10  
11 (a) *Single-family dwelling units.*

12 (1) All single-family dwelling units shall receive  
13 collection service from the eCity's contractor  
14 for source separated recyclable materials once  
15 per week on one ~~(1)~~ of the scheduled garbage  
16 collection days. The manner in which the source  
17 separated recyclable materials are collected  
18 shall be as described in the eCity's exclusive  
19 franchise agreement, which requires the  
20 contractor to provide dwelling units with  
21 recycling carts. Single-family dwelling units  
22 shall store their source separated recyclable  
23 materials in the contractor-provided recycling  
24 carts. All recyclable materials shall be placed  
25 in the same cart.

26 (2) The placement time of recycling carts shall be  
27 not earlier than 5:00 p.m. the evening prior to  
28 the scheduled collection day of recyclable  
29 materials and not later than 7:00 a.m. on the  
30 scheduled collection day. Recycling carts shall  
31 be removed from curbside within ~~twelve~~ ~~(12)~~ hours  
32 after collection. The contractor-provided cart  
33 shall be placed immediately behind the curblineline.  
34 In the event there is no curb, contractor-  
35 provided cart shall be placed within the swale  
36 area, unless a different location is agreed upon  
37 between the property owner and the contractor.

38 (3) Recyclable materials shall be source separated by  
39 the resident and collected by the contractor.

40 (b) *Multifamily community collection.*

41 (1) All multifamily communities shall receive  
42 collection service from the eCity's contractor  
43 for source separated recyclable materials at  
44 least once per week. The manner in which the  
45 source separated recyclable materials are  
46 collected shall be as described in the eCity's

1 exclusive franchise agreement, which requires the  
2 contractor to provide ninety-five-gallon  
3 recycling carts such that there is a minimum of  
4 one ~~(1)~~ recycling cart for every eight ~~(8)~~ units  
5 in the community, or provide equivalent capacity  
6 using mechanical containers or more frequent  
7 collections of recycling carts. Residents of  
8 multifamily communities shall place their source  
9 separated recyclable materials in the appropriate  
10 contractor-provided containers. All recyclable  
11 materials may be placed in the same container.

12 (2) Recyclable materials shall be source separated by  
13 the residents and collected by the contractor.

14 (c) *Unauthorized collection.* It shall be a violation of  
15 this section for any person, firm or corporation not  
16 authorized by the eCity to collect or remove any  
17 recyclable material as provided for above which has  
18 been specifically placed for collection in any  
19 recycling container in any residential dwelling unit  
20 area of the eCity.

21 (d) ~~*[Availability of service.]* The contractor shall offer  
22 and make available its source separated recyclable  
23 materials collection service to all owner-occupied  
24 multifamily communities and commercial establishments.  
25 Owner-occupied multifamily communities and commercial  
26 establishments are not required to subscribe to  
27 recyclable materials collection with the contractor.  
28 Owner-occupied multifamily communities shall, and  
29 commercial establishments may, contract with a  
30 certified recovered materials dealer, which shall be  
31 registered with the city as described in section 19-  
32 12, for collection of recovered materials. Collection  
33 from owner-occupied multifamily communities and  
34 commercial establishments.~~

35 (1) The contractor shall offer and make available its  
36 source separated recyclable materials collection  
37 service to all owner-occupied multifamily  
38 communities and commercial establishments. Owner-  
39 occupied multifamily communities and commercial  
40 establishments are not required to subscribe to  
41 recyclable materials collection with the  
42 contractor.

43 (2) Owner-occupied multifamily communities shall, and  
44 commercial establishments may, contract with a  
45 certified recovered materials dealer, which shall

1                   be registered with the City as described in  
2                   section 19-12, for collection of recovered  
3                   materials.

4                   (3) Owner-occupied multifamily communities shall  
5                   receive collection service at least once per week  
6                   in a manner to be determined between the owner-  
7                   occupied community and their selected certified  
8                   recovered materials dealer such that there is a  
9                   minimum of one ninety-five gallon recycling cart  
10                   for every eight units in the community, or an  
11                   equivalent capacity using mechanical containers  
12                   or more frequent collections of recycling carts.  
13                   Recovered materials shall be source separated by  
14                   the residents.

15                   (4) Commercial establishments that elect to receive  
16                   collection of recovered materials shall determine  
17                   the method of collection and level of service  
18                   with their selected certified recovered materials  
19                   dealer. Recovered materials shall be source  
20                   separated by the commercial establishments.  
21                   Containers of recovered materials which contain  
22                   more than ten (10) per cent solid waste, by  
23                   weight or volume, shall not be deemed to be  
24                   source separated and is a violation of this  
25                   section. In addition to any applicable penalties,  
26                   any such containers shall be subject to special  
27                   collection by the contractor which has been  
28                   awarded the franchise for the collection of solid  
29                   waste from commercial establishments per section  
30                   19-3. Commercial establishments shall be  
31                   responsible for payment of any fees associated  
32                   with any such special collection.

33                   (e) *Violations of section.* Penalties for any unauthorized  
34                   collection of recycling material or the lack of  
35                   compliance in the recycling program shall be as  
36                   provided in section 1-8 of the City Code.

37  
38                   **Section 5:** Chapter 19 - Solid Waste and  
39                   Recyclables Collection, Processing and Disposal, Section 19-  
40                   11, is amended to read as follows:  
41

42                   Section 19-11 - Required subscription and compulsory service.  
43                   (a) Every owner, tenant, or resident of a residential  
44                   dwelling unit shall use the services of the  
45                   contractor, and it shall be the responsibility of the

1 owner to pay for such services. Such compulsory  
2 service shall include a minimum of two ~~(2)~~ pickups per  
3 week for garbage, one ~~(1)~~ pickup per week of source  
4 separated recyclable materials, regularly scheduled  
5 pickup of monthly bulky waste, and regularly scheduled  
6 pickup of weekly yard trash, as designated in the  
7 eCity's exclusive franchise agreement. It is not the  
8 intent of this section to prohibit any nonprofit  
9 organization from soliciting recyclable materials for  
10 the purpose of resource recovery and recycling.

11 (b) Every owner or tenant of a commercial establishment  
12 shall use the services of the contractor, and it shall  
13 be the responsibility of the owner to pay for such  
14 services. Such compulsory service shall include a  
15 minimum of two ~~(2)~~ pickups per week if waste includes  
16 garbage as defined herein. Collections of garbage from  
17 commercial establishments using an enclosed compactor  
18 container may occur less frequently, but shall occur  
19 as necessary. For commercial establishments generating  
20 only trash, collection shall occur a minimum of once  
21 per week.

22 (c) Every property owner, person, firm or corporation of a  
23 commercial establishment shall use the services of a  
24 hauler awarded a non-exclusive franchise by the eCity,  
25 or cause such services to be used, for the collection  
26 and removal of nonresidential non-municipal solid  
27 waste. It shall be the responsibility of the owner to  
28 arrange and pay for such services.

29 (d) Every property owner, person, firm or corporation of  
30 an owner-occupied multifamily community shall use the  
31 service of a certified recovered materials dealer,  
32 which shall be registered with the City as described  
33 in section 19-12, for collection of recovered  
34 materials.

35 ~~(d)~~ (e) All removal, transport or hauling of trash, garbage  
36 and residential dwelling unit source separated  
37 recyclable materials within the City ~~of Margate~~ not  
38 inconsistent with other provisions of this chapter  
39 shall be the responsibility of the contractor. Any  
40 such removals, transport or hauling not done by  
41 contractor shall be deemed a violation of this  
42 chapter.

43 ~~(e)~~ (f) The eCity may require an increase in the frequency of  
44 collections and/or the size of containers for  
45 residential dwelling units, owner-occupied multifamily

1 communities, and commercial establishments' garbage  
2 collection when the service being provided becomes  
3 insufficient in the eCity's judgment to handle the  
4 quantity of waste generated or becomes a detriment to  
5 the health, safety, or welfare of the community. This  
6 does not preclude the eCity from requiring a special  
7 collection where garbage and trash is placed at  
8 curbside earlier than 5:00 p.m. of the day preceding  
9 scheduled collection. The owner shall be responsible  
10 for payment for such services.

11  
12 **SECTION 6:** All ordinances or parts of ordinances  
13 in conflict are repealed to the extent of such conflict.

14 **SECTION 7:** If any section, sentence, clause, or  
15 phrase of this Ordinance is held to be invalid or  
16 unconstitutional by a court of competent jurisdiction, then  
17 said holding shall in no way affect the validity of the  
18 remaining portions of this Ordinance.

19 **SECTION 8:** This Ordinance shall become effective  
20 immediately upon adoption at its second reading.

21 PASSED ON FIRST READING THIS \_\_\_\_ day of \_\_\_\_\_, 2017.

22  
23 PASSED ON SECOND READING THIS \_\_\_\_ day of \_\_\_\_\_, 2017.

24  
25 ATTEST:

26  
27  
28 \_\_\_\_\_  
29 JOSEPH KAVANAGH  
30 CITY CLERK

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33 \_\_\_\_\_  
34 MAYOR TOMMY RUZZANO  
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*RECORD OF VOTE - 1ST READING      RECORD OF VOTE - 2ND READING*

Caggiano	_____	Caggiano	_____
Simone	_____	Simone	_____
Peerman	_____	Peerman	_____
Schwartz	_____	Schwartz	_____
Ruzzano	_____	Ruzzano	_____