

ORDINANCE NUMBER 2016-729

AN ORDINANCE OF THE TOWN OF LAKE PLACID AMENDING THE TOWN CODE AS FOLLOWS: AMENDING SECTIONS 80-1 AND 80-41 OF THE TOWN CODE REGARDING GARBAGE COLLECTION FEES; AMENDING SECTION 80-1 TO INCREASING THE RESIDENTIAL GARBAGE COLLECTION FEE FROM \$180 TO \$200 PER RESIDENTIAL UNIT PER YEAR; PROVIDING FOR COLLECTION OF THE RESIDENTIAL GARBAGE COLLECTION FEE BY NON-AD VALOREM ASSESSMENT; PROVIDING FOR ADDITIONAL FEES FOR THE COLLECTION OF EXCESS DEBRIS OVER AND ABOVE THE RESIDENTIAL GARBAGE; CHANGING THE DEFINITION OF RESIDENTIAL GARBAGE; DELETING THE PERMIT FOR CERTAIN GARBAGE COLLECTION; AMENDING THE DEFINITIONS OF RESIDENTIAL AND COMMERCIAL GARBAGE; CREATING A PENALTY FOR OBSTRUCTING ACCESS TO A DUMPSTER; PROVIDING REMEDIES FOR IMPROPERLY PLACED OR PACKAGED GARBAGE OR DEBRIS; AUTHORIZING THE MAYOR'S DESIGNEE TO ACT IN PLACE OF THE TOWN'S PUBLIC WORKS DIRECTOR; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Lake Placid, Florida desires to amend the Chapter 80 of the Town Code regarding the garbage collection fees; and

WHEREAS, at least ten (10) days prior to adoption, notice of the proposed enactment of this Ordinance was published once each week for two (2) consecutive weeks in a newspaper of general circulation in the Town of Lake Placid; and

WHEREAS, this Ordinance was read either in full or by title at two separate regular meetings on:

The 23rd day of August 2016; and
The 12th day of September 2016; and

WHEREAS, no valid objection has been made to the proposed Ordinance and it appears to be in the best interest of the Town of Lake Placid that the Ordinance be adopted;

WHEREAS, this nonemergency ordinance was adopted at a regular meeting of the Lake Placid Town Council;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE PLACID, FLORIDA:

GARBAGE COLLECTION ORDINANCE SECOND READING

SECTION 1. SECTIONS 80-1 AND 80-41 OF THE CODE OF THE TOWN OF LAKE PLACID, FLORIDA ARE AMENDED TO READ AS FOLLOWS:

§ 80-1. - Residential garbage, rubbish and refuse collection fees.

(a) *Imposition of residential garbage collection fee.* A garbage collection fee of ~~one hundred eighty dollars (\$180.00)~~ two hundred dollars (\$200.00) per year ~~divided into twelve (12) monthly payments of fifteen dollars (\$15.00) per month~~ is imposed on each ~~occupied~~ residential unit within the town. ~~Said collection fee shall be paid on a monthly basis upon the same terms and provisions as provided for the collection of water revenue. The resident and the owner of each respective residential unit are both liable for the garbage collection fee.~~

(b) *Residential garbage collection.* Residential garbage as hereinafter defined shall be collected from each ~~occupied~~ residential unit twice each week as scheduled by the mayor or the mayor's designee from time to time.

(c) *Additional residential and other garbage.* Additional residential garbage (more than five (5) bags, heavy debris, horticultural debris or construction/demolition debris) shall be collected by special appointment with the town. For each additional single garbage pick-up, the town shall collect (in advance) the estimated landfill charge plus seventy-five dollars (\$75.00) per town truckload (or part thereof). All residential garbage, debris, horticultural debris, and construction/demolition debris shall only be placed for pick up on the front of the residential property generating same (adjacent to the road); or on the edge of the town right of way in front of the residence generating same (but not blocking any travel, or turn lanes); or at an agreed location documented by signed written agreement between the residential property owners and the Mayor's designee; or by signed written agreement between the Mayor's designee and the residential owner using same, at the designated area for the temporary deposit of residential garbage, heavy debris, or horticultural debris in the neighborhood or subdivision.

GARBAGE COLLECTION ORDINANCE SECOND READING

(d) RESERVED. ~~Landfill fee.~~ For additional residential garbage collection, the town public works director shall estimate (on a case-by-case basis) and collect in advance sums to pay the landfill fee to be collected by Highlands County.

(e) Failure to comply. Failure to properly place, contain or package garbage or debris for collection will result in the garbage or debris being left on site.

§ 80-1.1. - Commercial garbage collection fees.

(a) *Imposition of commercial garbage collection fee.* A garbage collection fee is imposed upon all commercial units within the corporate limits of the town, at the rates set out in section 80-41 below. Said collection fee shall be paid on a monthly basis upon the same terms and provisions as provided for the collection of water revenue. ~~The tenants and the owner of the unit are both liable for the garbage collection fee.~~

(b) *Additional commercial garbage and debris.* Additional commercial garbage, debris ~~(above the regular pick-up)~~ or heavy debris (above the regular pick-up) shall be collected by special appointment with the town. For each additional single garbage pick-up, the town shall collect (in advance,) the landfill charge plus seventy-five dollars (\$75.00) per town truckload (or part thereof) all as estimated by the Mayor's designee. In the alternative, by agreement the same may be billed through an existing water account.

(c) *Landfill fee.* For additional commercial garbage collection, the Mayor's designee ~~town public works director~~ shall estimate (on a case by case basis) and collect in advance sums to pay the landfill fee to be collected by Highlands County.

§ 80-2. - Discontinuation of service for failure to pay.

If any person, persons, corporation, business or otherwise fails to pay said collection fee within thirty (30) days from the date of billing, then and in that event, the mayor may discontinue the garbage collection service and the water service to the said unit.

GARBAGE COLLECTION ORDINANCE SECOND READING

§ 80-3. - Definitions.

The following terms as used in this chapter are defined as follows:

~~Nonresidential or commercial~~ Commercial unit. Any water-using entity that is not a ~~residence or residential unit as defined hereinabove~~ shall be a ~~nonresidential or commercial~~ unit. Specialized housing accommodations such as nursing homes and convalescent homes, hotels and motels, bed and breakfasts, multi-family residential units are not residential units. Residential housing containing between six (6) and ten (10) unrelated persons shall be considered two (2) units; housing between eleven (11) and fifteen (15) unrelated persons shall be considered three (3) units; and housing between sixteen (16) and twenty (20) unrelated persons shall be considered four (4) units; each of which shall be considered for the purposes of this chapter commercial units.

~~Residence or residential~~ Residential unit. For the purpose of this chapter, a ~~residence or residential unit~~ shall mean improved property used as a residence including but not limited to, single-family dwelling ~~such as residences (housing one (1) or more legally-related persons or up to five (5) unrelated persons)~~, guest homes, mobile homes (whether registered as vehicles or assessed as real property), motorhomes, park model campers, ~~each unit of duplexes, triplexes, quadruplexes, condominiums, time shares and apartment buildings and each portion of a structure used as a single-family residence. A single-family residence housing between six (6) and ten (10) unrelated persons shall be considered two (2) residential units; between eleven (11) and fifteen (15) unrelated persons shall be considered three (3) residential units; and between sixteen (16) and twenty (20) unrelated persons shall be considered four (4) residential units. For example, a duplex contains two (2) residential units. Mobile home parks and recreational vehicle parks contain residential units.~~

Unit. For the purpose of this chapter, the term "unit", whether residential or nonresidential, shall be determined by the town's sanitation supervisor, based on the following factors, although these factors are not intended to be exclusive: occupational license(s); ownership; leases; family relationship(s); and separate utility and telephone services bills; separate and distinct businesses; or separate and distinct living quarters. A separate "unit" shall

be found to exist if these and similar factors considered together make it appear that different and distinct businesses are using separate facilities or separate and distinct families or groups are occupying separate residential living quarters.

§ 80-5. - Prohibited acts.

It shall be unlawful for any person to do any of the following:

- (1) To place or cause to be placed any garbage or trash upon the property of another.
- (2) To place or cause to be placed dumpsters (or similar commercial garbage collection containers) on the public rights-of-way, roads, sidewalks, or alleyways.
- (3) To place a dumpster without screening from public view.
- (4) To allow solid waste or recovered materials to spill, blow or drop from any vehicle on any road or to transport any solid waste or recovered material over any public road unless the solid waste or recovered material is securely tied or covered so as to prevent.
- (5) To place or store solid waste on any property for a period in excess of one (1) week.
- (6) To deposit or dispose of any garbage or trash on the paved or traveled portion of any public street, or any alleyway, sidewalk, bike path, stream, ditch, river, pond, bay, creek, park, other right-of-way or public place in the town except at areas as may be designated by the town.
- (7) To burn any garbage or trash within the town.
- (8) To produce or accumulate any construction and demolition debris, tree branches or similar debris while acting in the capacity of a contractor (such as a tree surgeon, landscaper or building contractor), without removal of the same to a designated disposal area.
- (9) To allow any scattered garbage or trash to remain at or near the curbside, or to fail to remove any windblown or animal scattered garbage or trash from a public area and right-of-way which have blown or otherwise scattered from the person's dwelling unit curbside collection point.

- (10) To place any solid waste or recyclable materials out for collection by any alley service drive, easement or right-of-way not serviced by collection trucks.
- (11) To place any solid waste or recyclable materials out for collection adjacent to the street if collection trucks service the area from other roads.
- (12) To place any solid waste or recyclable materials in an underground container for pickup.
- (13) To deposit any hazardous waste as defined in F.S. § 403.703, in any dumpster, cart or commercial service container served by the town.
- (14) To place or cause to be placed any garbage, trash, recyclable material or other solid waste in the dumpster belonging to another (without permission of the person served by said container).
- (15) To remove any materials from any garbage disposal container which were set out for disposal (town employees and law enforcement agencies are exempt).
- (16) To service or otherwise remove any material from a dumpster that is not screened from the view of public streets or neighbors. It is the duty of the landowner to properly screen dumpsters serving the respective property.
- (17) To stand or park a vehicle or trailer blocking (fully or partially) access to the dumpster on pickup days. It shall be the owner's responsibility to post the days that the access area may be blocked.
- (18) To block or allow to remain blocked the area providing direct access to any dumpster or regular garbage pickup area.
- ~~(18)~~ (19) Violation of any part of this section shall be penalized as a class III offense according to chapter 26 of the Town Code. Each day's violation is a separate offense. The landowner and the occupant are jointly and severally liable for all penalties.

§§ 80-6—80-20. - Reserved.

§ 80-21. - Mandatory.

(a) The Town of Lake Placid shall provide residential garbage collection service to all residential dwelling units within the town limits. Subscription to the garbage collection service shall be mandatory for all units. A ~~monthly~~ charge for the garbage collection service shall be imposed or assessed against the owner ~~or occupant~~ of each residential dwelling unit within the town limits. The Town may by resolution collect the garbage collection charges by a non-ad valorem assessment.

(b) For each garbage collection day, no more than five (5) containers (as hereinafter defined) of residential garbage shall be placed at street-side within six (6) feet of the edge of the pavement in heavy plastic bags, securely fastened to prevent spillage. The bags shall not be less than one (1) mil thick, not larger than thirty-two (32) gallons nor smaller than ten (10) gallons, and not heavier than thirty-five (35) pounds when filled. For added security and convenience, the bags may be placed in a galvanized can or similar plastic container.

(c) "Residential garbage" shall mean animal, fruit and vegetable waste, paper, bottles, cans, glass and rags and other refuse and trash normally generated by a residential household.

(d) Tree limbs not exceeding four (4) inches in diameter which have been cut into lengths not exceeding three (3) feet, which have been bundled or stacked at street-side within six (6) feet of the edge of the pavement will ~~also~~ be collected as additional residential and other garbage under Section 80-1(c), above, for an additional charge and not as part of this service the residential garbage service. Tree limbs need not be bagged. If, in the judgment of the collection crew, (1) there is room on the residential garbage collection truck; (2) the additional residential and other garbage is small in volume; and (3) the residential unit has not produced unreasonable volume in the past—then the Town may collect and remove the additional garbage without charge.

(e) The owner of commercial residential units may apply to the town to be allowed to use the residential garbage service and pay the residential garbage collection fee. ~~the town or other franchised dumpster service at the lawful rates and to be therefore exempt from the town's residential garbage collection fees and services.~~ Applications for a residential garbage

GARBAGE COLLECTION ORDINANCE SECOND READING

~~collection service and fee shall be filed with the Town Clerk. Exemptions shall be granted by permit. A permit shall be for no more than one (1) year. Application for a permit shall be submitted during May for the ensuing fiscal year. The application shall disclose the residential unit(s) requesting exemption and shall list all units to share specific dumpster. If the request is reasonable (based upon volumes and content of garbage to be collected as determined by the Mayor's designee) a written agreement shall be entered providing for residential garbage collection fees and service. The agreement may allow monthly billing on the water bill until the next non-ad valorem assessment roll is certified. A permit shall be granted or denied by resolution for only the ensuing fiscal year. A new reusable unit may apply during any month for a permit for the balance of the fiscal year. The town may exempt by permit the applicant for one (1) year from the town's garbage collection ordinance if the applicant shows:~~

- ~~(1) That it will acquire adequate dumpster service (in the town's discretion);~~
- ~~(2) That dumpster service better protects the health, safety and welfare of the town residents.~~

~~Cost savings will not be the controlling factor because everyone within the town is required to fairly contribute to the cost of garbage collection. The permit will be void if the dumpster service fee is not paid within thirty (30) days of its due date (the permit will be void from the date that the service is not paid).~~

The garbage collection charge shall be billed monthly by the town for any commercial unit not on the non-ad valorem assessment roll.

§ 80-22. - Placement and removal of containers.

No plastic bags or containers shall be placed at street-side for collection prior to 5:00 p.m. on the day prior to collection, and all containers shall be removed from street-side within twenty-four (24) hours of collection. The owner, tenant or occupant of each residential dwelling unit shall promptly clean up any spilled garbage, refuse or litter.

§ 80-23. - Garbage from outside town limits.

No person shall bring or transport garbage or refuse of any kind into the town limits from outside the town limits for purposes of collection by the town.

§ 80-24. - Hazardous wastes prohibited.

No person shall place at street-side for collection any hazardous wastes, biological or infectious wastes, radioactive, toxic, explosive, or highly flammable materials, or other dangerous substances, specifically including but not limited to gasoline and petroleum products, solvents, chemicals, acids, explosives, sewage sludge, and industrial wastes.

§ 80-25. - Grass clippings and leaves.

No grass clippings or leaves shall be collected by the town after January 1, 1992, as mandated by the state.

§ 80-26. - Heavy debris.

Heavy debris, appliances, furniture, engine blocks, car bodies, construction or demolition debris, tires, or other bulky or heavy items shall not be collected as part of the regular residential garbage collection service. At the discretion of the Mayor's designee ~~town's public works director~~, these items may be collected as part of a special collection program for an additional advance collection charge under Section 80-1(c). above. In the alternative, the additional charge may be billed on the customer's water account by agreement.

§ 80-27. - Hardship.

Upon showing by an owner of a hardship, good cause, or other special circumstance, the town council may temporarily suspend operation of, or grant relief, variance or adjustment to any provision of this article.

§ 80-28. - Penalty for violation.

GARBAGE COLLECTION ORDINANCE SECOND READING

Any person convicted of violating any provision of this article shall be subject to a civil penalty of fifty dollars (\$50.00) for each violation of each separate section or subsection of this chapter, with each day that a violation shall continue being counted as a separate and distinct violation.

§ 80-29. - Garbage, rubbish and refuse set-up fee.

The town clerk shall charge and collect a fee to establish garbage, rubbish and refuse service is twenty-five dollars (\$25.00)

§§ 80-30—80-40. - Reserved.

§ 80-41. - Mandatory.

(a) The town shall provide commercial garbage collection service to all commercial units within the town limits. Subscription to the service shall be mandatory for all commercial units. A monthly collection fee for the garbage collection service shall be imposed against the owner of each commercial unit within the town. Said collection fee shall be paid on a monthly basis upon the same terms and provisions as provided for the collection of water revenue.

(b) Roll on rolloff containers for the exclusive purpose of collecting construction and demolition debris may be obtained from any hauler; provided that the hauler's license is on file with the town clerk; that the dumpster does not contain anything giving off an odor; and that the dumpster is emptied promptly when full. Construction and demolition dumpsters shall only be allowed on a premises with an active constructive or demolition on the subject property.

(c) The required number of pickups per week shall be determined by the town based on the following volume:

- (1) Two (2) pickups per week for any commercial unit generating two (2) or less bags per pickup for a charge of ~~twenty-two dollars (\$22.00)~~ twenty-five dollars (\$25.00) per month.

(2) Two (2) pickups per week for any commercial unit generating three (3) to five (5) bags per pickup for a charge of ~~twenty-eight dollars (\$28.00)~~ thirty dollars (\$30.00) per month.

(3) Commercial garbage in excess of the foregoing volumes (in the opinion of the Mayor's designee ~~town's public works director~~) shall be collected by dumpster only at the fees set out in this chapter, below.

(d) "Commercial garbage" shall mean paper, cardboard, wood, bottles, cans, glass, rags, and other large or bulky refuse and trash normally generated by a commercial business, and shall include animal, fruit and vegetable waste generated by a restaurant or other processor.

SECTION 2. SECTIONS UNCHANGED. The following sections of the Town Code remain unchanged, to wit: 80-42, 80-43, 80-44, 80-45, 80-46, 80-47, 80-48, 80-49, 80-50. Accordingly, they are not recited herein.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective ten days after adoption.

ADOPTED AND ORDAINED during a regular meeting of the Lake Placid Town Council held this 12th day of September 2016.

TOWN OF LAKE PLACID, a Florida municipal corporation

By: _____


John M. Holbrook, Mayor

Attest: _____


Eva Cooper Hapeman, Town Clerk



THIS ORDINANCE WAS READ in full or by title on at least two (2) separate days in two (2) separate Town Council meetings (on the 23rd day of August 2016 and on the 12th day of September 2016). Notice of the proposed enactment containing the Ordinance title, stating that a copy may be obtained at Town Hall, and stating the date, time and place of the proposed

adoption and advising that interested parties may appear at the meeting and be heard with respect to the proposed ordinance was published at least once each week for two consecutive weeks in the Highlands Today on the 28 day of August 2016 and on the 4 day of September 2016 being at least ten (10) days prior to adoption.



Eva Cooper Hapeman, Town Clerk

NOTICE OF PROPOSED ENACTMENT OF ORDINANCE NO. 2016-729

Highlands Today

SCANNED

Published Daily

Sebring, Highlands County, Florida

The Town of Lake Placid gives notice that ordinance number 2016-729 will be read by title or in full, and that the Town Council will consider enacting the ordinance at its meeting on the 12th day of September 2016 commencing at 5:30 p.m. in the Town Hall, 311 West Interlake Boulevard, Lake Placid, Florida. The Ordinance is entitled:

AN ORDINANCE OF THE TOWN OF LAKE PLACID AMENDING THE TOWN CODE AS FOLLOWS: AMENDING SECTIONS 88-1 AND 88-41 OF THE TOWN CODE REGARDING GARBAGE COLLECTION FEES; AMENDING SECTION 88-1 TO INCREASING THE RESIDENTIAL GARBAGE COLLECTION FEE FROM \$160 TO \$200 PER RESIDENTIAL UNIT PER YEAR; PROVIDING FOR COLLECTION OF THE RESIDENTIAL GARBAGE COLLECTION FEE BY NON-AD VALOREM ASSESSMENT; PROVIDING FOR ADDITIONAL FEES FOR THE COLLECTION OF EXCESS DEBRIS OVER AND ABOVE THE RESIDENTIAL GARBAGE; CHANGING THE DEFINITION OF RESIDENTIAL GARBAGE; DELETING THE PERMIT FOR CERTAIN GARBAGE COLLECTION; AMENDING THE DEFINITIONS OF RESIDENTIAL AND COMMERCIAL GARBAGE; CREATING A PENALTY FOR OBSTRUCTING ACCESS TO A DUMPSTER; PROVIDING REMEDIES FOR IMPROPERLY PLACED OR PACKAGED GARBAGE OR DEBRIS; AUTHORIZING THE MAYOR'S DESIGNEE TO ACT IN PLACE OF THE TOWN'S PUBLIC WORKS DIRECTOR; AND PROVIDING FOR AN EFFECTIVE DATE.

State of Florida)
County of Highlands } SS.

Before the undersigned authority personally appeared C. Pugh, who on oath says that she is the Advertising Billing Analyst of Highlands Today daily newspapers published at Sebring in Highlands County, Florida, that the attached copy of advertisement being a

Legal Ads IN THE Highlands Today

In the matter of Legal Notices

was published in said newspaper in the issues of

08/28, 09/04/2016

A copy of the proposed ordinance may be obtained at the Town Hall, 311 West Interlake Boulevard, Lake Placid, Florida.

Interested parties may appear at the meeting and be heard with respect to the proposed ordinance. If an individual decides to appeal any decision made by the Lake Placid Town Council regarding a matter considered at the meeting, he will need a record of the proceedings. He may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the office of the Town Clerk, (863)699-3747, within two (2) working days of your receipt of this notice: if you are hearing or voice impaired, call TDD (863) 534-7777 or Florida Relay Service 1-800-955-8770. Notice is given this 24 day of August 2016.

Affiant further says that the said Highlands Today newspapers published at Sebring in said Highlands County, Florida, and that the said newspapers have heretofore been continuously published in said Highlands County, Florida, each day and have been entered as second class mail matter at the post office in Sebring, in said Highlands County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, this advertisement for publication in the said newspaper.

TOWN OF LAKE PLACID, a Florida municipal corporation
By: /s/ Eva Cooper Hapeman Town Clerk

Sworn to and subscribed by me, this 9 day of Sept. A.D. 2016

T/H 1215

08/28/2016 09/04/2016

Personally Known or Produced Identification
Type of Identification Produced

