**ORDINANCE NO. 2016-011**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 13, ENTITLED “HEALTH AND SANITATION”, ARTICLE IV, ENTITLED “GARBAGE AND TRASH”, SECTION 13-69, ENTITLED “SERVICE PROVIDED BY THE CITY”, OF THE CITY CODE OF ORDINANCES, BY INCLUDING PROVISIONS FOR THE PLACEMENT OF BULK TRASH NO MORE THAN TWENTY-FOUR (24) HOURS PRIOR TO SCHEDULED PICKUP DATE; REDUCING THE BULK TRASH PLACEMENT TIME FOR SPECIAL PICKUP FROM THREE DAYS TO FORTY-EIGHT (48) HOURS BEFORE PICKUP; CREATING A LIMITED EXCEPTION TO THE OTHERWISE APPLICABLE REQUIREMENT OF CITY GARBAGE COLLECTION SERVICES BEING LIMITED TO SERVICES PROVIDED TO FOUR (4) OR LESS RESIDENTIAL UNITS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA:**

**Section 1.** That Article IV, entitled “Garbage and Trash” of Chapter 13, entitled “Health and Sanitation”, Section 13-69, “Service Provided by the City”, of the City Code of Ordinances, is amended to read as follows:

**Sec. 13-69. – Service provided by the city.**

(a) *Solid waste:*

(1) For each residential unit(s) and multiresidential family building(s) containing no more than four (4) units, the city shall provide, twice a week, unlimited pickup of garbage and trash as described ~~hereinabove~~ in this chapter, which shall be placed in ninety-six (96) gallon roll out garbage containers. The garbage and trash shall and must be placed in ~~said~~ such containers and shall not at any time be placed in loose piles, plastic bags, or any other type of container.

(2) Multiresidential family building(s) containing five (5) units or more must use a private collection and hauling service provided by a private sanitation company holding a business tax receipt issued by the city.

(b) *Bulk trash pickup.*

(1) For all residential units and multiresidential family buildings containing no more than four (4) units, the city shall provide pickup, once a month, of bulk trash as defined ~~hereinabove~~ in this chapter.

(2) The maximum amount of bulk trash to be picked up shall be six (6) cubic yards (approximately five (5) feet by six (6) feet) per residential unit. Bulk ~~T~~trash exceeding the maximum cubic yards will require a special pickup as described in subsection (~~e~~d) below.

(3) Bulk trash must be placed and will be collected from the swale area of city residential customers for pickups as scheduled by the city. Bulk trash shall not be placed upon any swale area more than twenty-four (24) hours before a scheduled pickup date. Bulk trash placed upon a swale more than twenty-four (24) hours before a scheduled pickup date is a violation of this section. The notice of violation shall provide a compliance date and allow for the correction of the violation by such date for the bulk trash pile in question. If the violation still exists after the compliance date, the city will schedule the pile to be picked up. All costs associated with removal and disposal of the trash pile, including a charge for dispatching and travel costs, if applicable, even if the pile is removed by the owner after the compliance deadline date, will be the responsibility of the owner, tenant or account holder of the location in question.

(c) *Recyclables.* For each residential unit(s) and multiresidential family building(s) containing no more than four (4) units, the city shall provide once a week pickup of recyclables, which shall be placed in recycling bins provided by the city. The pickup of recyclables shall be on one of the days that solid waste is picked up and the residents or occupants shall not co-mingle solid waste with recyclables.

~~(d)~~ *~~Scheduled pickup.~~* ~~Bulk trash pickup as described hereinabove in this section, must not be put out for pickup prior to the Friday immediately preceding the week that pickups are scheduled in designated areas.~~

(~~e~~d) *Special pickup.*

(1) Special bulk trash pickups are available for resident owners or occupants ~~that~~ who do not wish to wait for a regular pickup in their area or have in excess of the cubic yards provided for in this article.

(2) Bulk ~~T~~trash for special pickup must be kept separate from garbage and trash for regular pickup. If this stipulation is violated, the city will notify owner or occupant of the necessity of a special pickup and the charge based on the combined volume of trash.

(3) Bulk ~~T~~trash must be legally disposed of within ~~three (3) working days~~ forty eight (48) hours after being discarded. If not disposed of within stated time, the city will have ~~the~~ such trash removed and assess a charge equal to one and one-half (1½) the amount of the special pickup. ~~This charge will be added to the utility bill.~~

(4) Charge for special pickup will be according to resolution adopted by the city commission which may be amended from time to time which charges shall apply to all collectors doing business within the ~~C~~city ~~of Dania Beach~~.

(5) Special trash pickup is not available to building contractors holding a business tax receipt except as provided for by private licensed haulers.

(6) The scheduling of special trash pickup will be determined by the city's contract hauler and the city's contract hauler should be contacted regarding scheduling of special trash pickups. The city's contract hauler shall be responsible for billing and collection of all amounts owed for special pickups. The city shall not be responsible or liable for the billing or collection of any amounts to be paid or owed for special pickups.

(~~f~~e) ~~[~~*Exceptional conditions.*~~]~~ Whenever there exist~~s~~ exceptional conditions of occupancy and use of premises, the city manager is ~~hereby~~ authorized to charge proper fees and prices for collection and disposal predicated upon the cost therefor. If the city receives a written request for garbage collection pickup and determines that a residential area, community or complex (the “community”) is eligible for such services (eligibility depends upon whether the community provides a driveway for each residential unit, that the street widths of the community meet city and the waste hauler criteria and the waste hauler consents to service the affected residents), then the city will grant an exception to the otherwise applicable limitation to servicing of four (4) residential units or less, as described in subsections (a), (b) and (c) above; provided, however, that such a request by a community, once granted, is irrevocable,

(~~g~~f) ~~[~~*Fees.*~~]~~ All fees for garbage, trash, bulk trash, and recyclables collection, as described ~~hereinabove~~ in this chapter shall be set by resolution adopted by the city commission ~~and~~ as ~~same may be~~ amended from time to time.

(~~h~~g) ~~[~~*Payment required.*~~]~~ Monthly fees for regular pickup of garbage, trash, bulk trash and recyclables are payable regardless of occupancy.

(~~i~~h) *Illegal disposal.* Illegal dumping of trash throughout the city shall result in a fine up to five hundred dollars ($500.00), six (6) months in jail or both.

(~~j~~i) *General.* The amount of the collection fee imposed in this article for the collection and disposal of garbage, trash, bulk trash and recyclables is ~~hereby~~ declared to be a debt due to the city, and any person required under the terms of this article to have any accumulation of garbage, trash and bulk trash removed and disposed of at any time shall be liable to the city for the amount of the collection fee due ~~there~~for it. The collection and disposal of solid waste is found to specifically benefit the property to which it is provided and the cost shall constitute a lien against the premises to the same extent and character as the lien for special assessments and with the same penalties and with the same rights of collection, foreclosure, sale, ~~or~~ and forfeiture as obtained by special assessment liens. Delinquencies in the payment of solid waste, recyclables and disposal collection fees may be collected or enforced by any lawful means. This will not apply to charges for special pickups charged directly by the city contractor.

**Section 2.** That if any section, clause, sentence or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

 **Section 3.** That all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with this Ordinance, are repealed to the extent of such conflict.

 **Section 4.** That this Ordinance shall take effect immediately upon its passage and adoption.

**PASSED** on first reading on May 24, 2016.

**PASSED AND ADOPTED** on second reading on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2016.

ATTEST:

LOUISE STILSON, CMC MARCO A. SALVINO, SR.

CITY CLERK MAYOR

APPROVED AS TO FORM

AND CORRECTNESS:

THOMAS J. ANSBRO

CITY ATTORNEY