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FACT SHEET

TO: Todd Storti, Executive Director
Solid Waste Disposal and Recyclable Materials Processing Authority of Broward County

FROM: The SCS Team

SUBJECT: Mandatory Commercial Recycling Ordinance Fact Sheet

1 BOTTOM LINE

Broward County has clear legal authority under Florida law to require businesses to recycle, but cannot force them to use specific recycling facilities. Several Florida jurisdictions have successfully implemented mandatory commercial recycling programs that provide useful models for different approaches that are applicable to the Solid Waste Authority of Broward County (Authority).

2 FLORIDA STATUTORY AUTHORITY AND LIMITATIONS

Florida Statutes authorize counties and municipalities to establish recycling programs while imposing certain constraints. Section 403.706, Florida Statutes, requires each county to implement a recycling program and achieve a 75% recycling goal, with commercial recycling identified as a critical component. Section 403.7046 specifically addresses commercial recycling and allows local governments to require commercial establishments to separate recyclable materials from solid waste.

However, local ordinances must comply with Florida's prohibition on "flow control" under Section 403.7046(1), which prevents local governments from mandating that recyclable materials be delivered to specific facilities or processors. Local governments retain authority to establish performance standards, reporting requirements, and enforcement mechanisms, but cannot dictate the ultimate destination of materials once properly separated. Additionally, any ordinance must provide reasonable exemptions for small generators and should not impose requirements that are economically or operationally impracticable.

3 WASTE COMPOSITION CONSIDERATIONS

Understanding the waste stream composition is essential to establishing effective recycling mandates. According to Broward County's municipal solid waste classification data for the commercial sector, recyclable materials constitute 32.7% of the commercial waste stream. This category includes office and kraft paper, mixed recyclable paper, and other ferrous scrap metals. Compostable materials represent 28.4% of commercial waste, consisting primarily of food waste, compostable paper, and yard waste. Potentially divertible materials account for 14.8% and include textiles, leather, rubber, and gypsum board. Non-divertible materials, such as treated wood,



insulation, and diapers, make up 24.0% of the waste stream. Additionally, plastics represent 5.2% and other materials constitute 9.7% of commercial waste.

These data reveal significant diversion opportunities within Broward County's commercial sector. The combined recyclable and compostable materials total over 61% of the commercial waste stream, demonstrating substantial potential for waste reduction through targeted recycling requirements. The ordinance should leverage this waste characterization data to establish requirements that address the most prevalent materials in the commercial waste stream. Requiring businesses to recycle at least one material that constitutes a significant portion of their waste stream, as Lee County has done, ensures the program targets high-volume, high-impact materials while providing flexibility for diverse business types. This approach aligns with the practical reality that businesses are more likely to comply when requirements address their actual waste generation patterns and allows office buildings to focus on paper products, restaurants on organic waste, and retail establishments on cardboard and packaging materials.

4 FLORIDA PROGRAMS IN PRACTICE

Several Florida counties and municipalities have established mandatory commercial recycling programs with varying levels of prescriptiveness and enforcement. Understanding these existing programs provides valuable insight into different regulatory approaches, common implementation challenges, and effective strategies for achieving high compliance rates. All ordinances referenced below are presented in **Appendix A**.

[Miami-Dade County](#) operates one of the most comprehensive mandatory commercial recycling programs in Florida. The county's ordinance requires all businesses to provide recycling programs for employees and tenants, with mandatory collection of at least three designated recyclable materials from the following categories: paper, cardboard, plastic, metals, and glass. The program includes robust enforcement provisions with escalating fines ranging from \$300 for first violations to \$950 for repeat offenses. Miami-Dade's ordinance establishes clear performance standards, requires businesses to maintain records demonstrating compliance, and provides educational resources to assist with implementation. The program's maturity and enforcement structure offer valuable lessons for Broward County's development process.

[Lee County](#) implemented a mandatory recycling ordinance for unincorporated areas that applies to commercial businesses and multi-family properties with five or more units. The ordinance requires covered entities to establish an on-site recycling program and recycle a minimum of one material that constitutes the largest portion of their waste stream. Importantly, Lee County provides an exemption for businesses using minimal garbage service (70 gallons or less per week), recognizing that very small generators may face disproportionate compliance burdens. This graduated approach balances environmental goals with economic practicality and has facilitated higher compliance rates among medium and large generators.

[City of Orlando](#) requires commercial properties to provide recycling services, with specific obligations placed on property managers and business owners. The ordinance emphasizes access and availability, requiring that recycling containers be placed in convenient locations and that tenants and employees receive information about recycling requirements. Orlando's approach focuses on ensuring infrastructure availability rather than prescribing specific materials or quantities, which has proven effective in mixed-use commercial districts where tenant turnover is frequent.

[City of Gainesville](#) has established comprehensive requirements for all commercial waste generators to recycle designated materials including paper, cardboard, metals, glass, and plastics. The ordinance includes enhanced requirements for food service establishments that generate significant quantities of food waste, reflecting the city's commitment to organic waste diversion. Gainesville's tiered approach, which establishes baseline requirements for all commercial entities while imposing additional obligations on high-volume generators in specific sectors, provides a model for targeting resources toward the greatest diversion opportunities. [Alachua County](#), which encompasses Gainesville, has also adopted commercial recycling requirements, creating a complementary regulatory framework where the city and county programs work in tandem to achieve broader waste diversion throughout the region.

[Collier County](#) requires commercial entities and multi-family properties to implement recycling programs with enforcement provisions similar to other Florida jurisdictions. The county has emphasized education and technical assistance during the initial implementation phase, resulting in improved compliance rates and reduced enforcement costs over time.

[City of Hollywood](#), operating within the service area of the Broward Solid Waste Authority through an interlocal agreement, requires commercial property managers to ensure that single-stream recycling services are available for all tenants. Businesses operating within these properties must participate in the recycling program.

5 RECOMMENDATIONS FOR THE AUTHORITY

Based on this comparative analysis and the statutory framework, it is recommended that the Authority consider developing a commercial recycling ordinance that:

- Aligns with Authority's Interlocal Agreement;
- Addresses legal framework for adoption and implementation;
- Mandates recycling for commercial establishments above a minimum waste generation threshold;
- Provides reasonable exemptions for small generators and situations where recycling is economically impracticable;
- Addresses potential conflict with other land use requirements (e.g., parking spaces, enclosure requirements);
- Requires collection of at least one (1) recyclable material that are readily recyclable and constitute significant portions of the waste stream for the specific business;
- Provides for a phased implementation approach that aligns with a targeted education and outreach approach;
- Establishes clear reporting and recordkeeping requirements; and
- Implements a phased enforcement approach beginning with education and technical assistance.

APPENDIX A

Mandatory Commercial Recycling Ordinances

DRAFT

Attachment 1: Miami-Dade County

DRAFT

//Miami - Dade County, Florida/CODE of MIAMI-DADE COUNTY, FLORIDA Codified through Ord. No. 07-180, enacted December 18, 2007. (Supplement No. 56)/Chapter 15 SOLID WASTE MANAGEMENT*

Chapter 15 SOLID WASTE MANAGEMENT*

***Editor's note:** Chapter 15 is derived from Ord. No. 59-12, adopted June 9, 1959. Ord. No. 60-1 declared Ord. No. 59-12 to be amendatory to this Code.

Cross references: Dumps and landfill sites, Ch. 11B; lot, junk, garbage and trash clearing, Ch. 19; environmental protection, Ch. 24; sanitary nuisance, Ch. 26A.

State law references: Solid waste, F.S. § 403.701 et seq.

Sec. 15-1. Definitions.

The following words and phrases when used in this chapter shall have the meanings ascribed to them in this section.

- (a) *Board:* The Miami-Dade County Board of County Commissioners.
- (b) *Bulky waste:* Less than one (1) cubic yard of construction and demolition debris, large discarded items or large accumulations of trash. Bulky waste shall include, without limitation, appliances, furniture, yard trash, crates, corrugated cardboard, and other similar items. Bulky waste shall not include tires or other solid waste requiring special handling.
- (c) *Bundled yard trash:* Clean yard trash which is gathered into bundles and tied securely so that each bundle does not exceed three (3) feet in length or weigh more than fifty (50) pounds.
- (d) *Clean yard trash:* Yard trash free of other forms of solid waste.
- (e) *Commercial establishment:* Any structure used or constructed for use for business operations. For purposes of this chapter, hotels and motels are commercial establishments. The term "commercial establishment" shall not include any residential unit or multi-family residential establishment.
- (f) *Commingled yard trash:* Yard trash mixed with other forms of solid waste.
- (g) *Composting:* Controlled biological decomposition of organic materials.
- (h) *Construction and demolition debris:* Discarded material generally considered not to be water-soluble or hazardous, including, without limitation, steel, concrete, glass, brick, asphalt roofing material, or lumber from a construction or demolition project. Commingling construction and demolition debris with any amount of other types of solid waste will cause it to be classified as other than construction and demolition debris.
- (i) *Containerized waste:* Solid waste (other than solid waste requiring special handling) which is placed in cans, plastic garbage bags or bulk containers, or in bundles, in the case of bundled yard trash.

- (j) *County Solid Waste Management System*: The aggregate of those solid waste management facilities owned by or operated under contract with Miami-Dade County.
- (k) *County-wide solid waste service area*: The entire geographical area of Miami-Dade County, to which the department provides solid waste management services.
- (l) *Curbside*: The area between the sidewalk and the street edge, or, in areas without sidewalks, the area between the edge of the traveled portion of any public or private street and the property line, which area shall not exceed ten (10) feet.
- (m) *Customer*: A person who uses the solid waste or recycling collection services of a permitted hauler or the appropriate governmental agency.
- (n) *Delivery*: The bringing of solid waste or recyclable material to a solid waste management facility for the purpose of resource recovery, disposal, recycling, processing, transfer, or storage.
- (o) *Department*: The Miami-Dade County Department of Solid Waste Management.
- (p) *Director*: The Director of the Department of Solid Waste Management or person(s) designated by the Director.
- (q) *Disposal Facility Fee*: A fee imposed on private haulers operating in the Disposal Facility Fee Area, that collect, transport, or deliver solid waste for disposal, to cover Solid Waste Management System Costs, which fee does not apply to construction and demolition roll-off service, recycling service or compactor leasing service.
- (r) *Disposal Facility Fee Area*: the unincorporated area of Miami-Dade County, as it was geographically configured on February 16, 1996, within which the Disposal Facility Fee is imposed.
- (s) *Dumping*: Throwing, discarding, placing, depositing or burying any solid waste in an area or manner not permitted by the Code of Miami-Dade County.
- (t) *Facility*: Anything that is built or purchased to make an action or operation easier or to serve a special purpose.
- (u) *Garbage*: Any 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 gases or odors, or which, during or after decay, may serve as breeding or feeding material for flies or other germ-carrying insects.
- (v) *Garbage can*: A container made of galvanized metal, durable plastic or other similar material capable of containing garbage, with a capacity of not less than twenty (20) gallons and not more than thirty-two (32) gallons and having the following characteristics: (1) at least two (2) handles upon the sides or a bail by which it may be lifted; (2) sufficient strength for workmen to empty conveniently; (3) a tight-fitting metal or plastic top with handle; (4) construction as to permit the free discharge of its contents; and (5) no inside structures such as inside bands and reinforcing angles or anything within the container to prevent the free discharge of the contents.
- (w) *Hazardous waste*: Solid waste which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may, when improperly transported, disposed of, stored, treated or otherwise managed, cause, or significantly contribute to, an increase in mortality, or an increase in serious irreversible or incapacitating reversible illness, or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed.
- (x) *Industrial waste*: Condemned food products, or solid waste resulting from the

following activities or operations of the following facilities: (1) canneries; (2) slaughterhouses or meat packing plants; (3) brick, concrete block, roofing shingle or tile plants; and (4) land clearing, excavating, building, rebuilding and altering of buildings, structures, roads, streets, sidewalks, or parkways. Industrial waste shall also include any solid waste materials which, because of their volume or nature, do not lend themselves to collection and incineration commingled with ordinary garbage and trash, or which, because of their nature or surrounding circumstances should be, for reasons of safety or health, disposed of more often than the County collection service schedule provided for in this chapter.

(y) *Landscaping business*: Any person operating a business in Miami-Dade County that is engaged in the business of creating or maintaining landscaped areas, including tree trimming and tree removal.

(z) *Litter*: Solid waste, in any amount, which is not containerized.

(aa) *Mixed paper*: Paper material free of any solid waste. Mixed paper shall include, without limitation, white ledger, colored ledger, discarded letters and envelopes, computer paper and office paper. For purposes of this chapter, the term "mixed paper" shall not include newspaper and cardboard. Commingling of mixed paper with newspaper, cardboard or solid waste shall cause it to be classified as other than mixed paper.

(bb) *Modified recycling program*: An operation, approved by the Department, which provides for the recycling of recyclable material by a method varying from the requirements of Section 15-2.2 or Section 15-2.3.

(cc) *Multi-family residential establishment*: Any structure other than a residential unit which is used, or constructed for use, as a multiple-dwelling facility. Multi-family residential establishments shall include without limitation, rooming house, tourist court, trailer park, bungalow court, apartment building with rental or cooperative apartments, or multiple story condominiums with common means of ingress and egress.

(dd) *Neighborhood trash and recycling center*: A neighborhood site, maintained by the Department, for use by residents of unincorporated Miami-Dade County, and municipalities served by Miami-Dade County for solid waste collection and landscaping businesses that have a current permit issued in accordance with Section 15-17.1 of this Code, to deposit household-generated bulky waste such as clean yard trash; white goods; construction and demolition debris; and other household items; and, where collection of such items is provided for, recyclable items. Bulky waste shall be presumed to be other than household-generated, and shall be rejected, if delivery to a neighborhood trash and recycling center is attempted by means other than the following: (1) hand; (2) automobile; (3) van; (4) pick-up truck.

(ee) *Noncombustible solid waste*: Solid waste that is not burnable at ordinary incinerator temperature which shall include, without limitation, metals, mineral matter, large quantities of glass or crockery, metal furniture, auto bodies or parts, and other similar material not usual to housekeeping or to operation of commercial establishments.

(ff) *Ordinary incinerator temperature*: Eight hundred (800) degrees to one thousand eight hundred (1,800) degrees Fahrenheit.

(gg) *Permittee*: Any person who obtains a permit from the Department.

(hh) *Person*: Any natural person, individual, public or private corporation, firm, partnership, association, joint venture, municipality, governmental agency, political subdivision, public officer, or any other entity whatsoever, or any combination of such, jointly or severally.

(ii) *Pick-up truck*: A light truck having a gross vehicle weight (GVW) of not more than fifteen thousands (15,000) pounds, manufactured with a fixed open cargo bed, which bed does not exceed the width nor the height of the cab and is no longer than eight (8) feet.

(jj) *Plastic garbage bag*: A polyethylene or other heavy-duty plastic bag which meets the National Sanitation Foundation standard for thickness of one and five-tenths (1.5) mils, has a capacity not to exceed thirty-two (32) gallons, and has a securing mechanism.

(kk) *Portable container*: A dumpster, rollaway or other similar container designed for mechanized collection.

(ll) *Private solid waste hauler (collector); Private hauler; Hauler*: Any person, entity, corporation, or partnership having a current permit issued in accordance with Section 15-17.1 of this Code that removes, collects or transports for hire any solid waste over the streets or public rights-of-way within any unincorporated area of the County.

(mm) *Recyclable material*: Any material which is capable of being recycled and which, if not recycled, would be processed and disposed of as solid waste. The term "recyclable material" shall include green glass, brown glass and clear glass; aluminum and steel cans and scrap metal; plastic containers, mixed paper, newspaper, corrugated cardboard, office paper, and phonebooks. Any recyclable material mixed with solid waste shall be considered to be solid waste.

(nn) *Recycling container*: Receptacle used for recyclable material.

(oo) *Recycling program*: An operation which provides for the separate gathering, storage, collection and marketing of recyclable material.

(pp) *Recycling services*: Business activities related to the buying, selling, trading, marketing, transferring, separating, collecting or processing of recyclable material. Such service shall include the proper handling and disposal of any portion of collected recyclable material deemed unusable or unmarketable.

(qq) *Residential unit*: Any structure which is used, or constructed for use, as a single-family dwelling, duplex, cluster house, or townhouse, and which is located on a single lot, parcel or tract of land. For the purposes of this chapter, any condominium structure composed of privately owned, single-family housing units with separate means of ingress and egress and containing no more than two (2) stories shall be considered a residential unit. The term residential unit shall not include any multi-family residential establishment.

(rr) *Resource recovery*: The process of recovering materials or energy from solid waste, excluding those materials or solid waste under control of the Nuclear Regulatory Commission.

(ss) *Resource recovery and management facility*: Any facility the purpose of which is disposal, recycling, incineration, processing, storage, transfer, or treatment of solid or liquid waste; but for the purpose of permitting does not include sewage treatment, industrial waste treatment, or facilities exclusively within state or federal jurisdiction.

(tt) *Service unit*: An area located in any commercial establishment which provides four (4) sleeping rooms or a fraction thereof, where no cooking facilities are provided.

(uu) *Solid waste*: Garbage, trash, litter, yard trash, hazardous waste, construction and demolition debris, industrial waste, or other discarded material, including solid or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

(vv) *Solid waste collection service area*: That portion or entirety of the county-wide solid waste service area to which the department provides curbside garbage and trash collection service.

(ww) *Solid waste disposal*: Disposition of solid waste by means of combustion, landfilling or other final method of discard.

(xx) *Solid waste management facility*: Any solid waste disposal area, volume reduction plant, transfer station or other facility, the purpose of which is resource recovery or the disposal, recycling, processing, transfer or storage of solid waste.

(yy) *Solid waste management master plan*: A document which shall set forth (a) goal (s), objectives and policies for solid waste management in Miami-Dade County, and shall include a comprehensive evaluation of solid waste management alternatives and recommended actions.

(zz) *Solid Waste Management System Costs*: Costs incurred to provide solid waste management services, including, without limitation, (a) costs for construction, reconstruction, or completion, of any facility, (b) the costs of acquisition or purchase of any facility, (c) the cost of labor, materials, machinery and equipment, (d) the cost of fuel, parts, supplies, maintenance, repairs and utilities, (e) the cost of computer services, data processing and communications, (f) the cost of all lands and interest therein, leases, property rights, easements and franchises of any nature whatsoever, (g) the cost of any indemnity or surety bonds and premiums for insurance, (h) the cost of salaries, workers compensation insurance or other employment benefits, (i) the cost of uniforms, training, travel and per diem, (j) amounts necessary to pay redemption premiums or other costs associated with the early retirement of obligations, (k) the creation of reserve or debt service funds, (l) costs and expenses related to the issuance of obligations, all financing charges and any expenses related to the issuance of obligations, all financing charges and any expenses related to any liquidity facility or credit facility, (m) the cost of construction plans and specifications, surveys and estimates of costs, (n) the cost of engineering, financial, legal and other professional services and, (o) all other costs and expenses properly attributable to providing solid waste management capacity by the County.

(aaa) *Solid waste requiring special handling*: Solid waste materials which, because of their quantity, concentration, composition or physical, chemical or infectious characteristics require transportation or disposal in a manner not typical of other solid waste.

(bbb) *Tire*: A continuous covering for the wheel of a motor vehicle usually made of rubber reinforced with cords of nylon, fiberglass or other material and filled with compressed air.

(ccc) *Trailer*: An accessory vehicle that is towed by the permitted vehicle. Trailer bed shall not be larger than 6 feet high, 6 feet wide by 10 feet long. Any trailer which does not exceed 6 cubic yards carrying capacity shall be charged for disposal at neighborhood trash and recycling centers at the same rate as pickup trucks and vans.

(ddd) *Trash*: Any accumulation of paper, packing material, rags or 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 commercial establishments.

(eee) *Unincorporated Miami-Dade County*: Any part of Miami-Dade County not lying within the boundaries of a duly incorporated village, town, or municipality.

(fff) *Used tire*: A tire that is suitable for vehicular use or is suitable for retreading and is intended by the holder thereof to be for vehicular use or retreading.

(ggg) *Van*: A fully enclosed vehicle which is manufactured and marketed by a major automobile manufacturer as a van and which has a gross vehicle weight of not more than 11,000 pounds.

(hhh) *Vegetative food waste*: Discarded edible fruit and vegetable matter which is capable of biological decomposition.

(iii) *Waste tire*: A tire from a motorized vehicle, that is no longer suitable for its originally intended purpose because of wear, damage or defect, or which is no longer intended by the holder thereof for vehicular use.

(jii) *Waste tire generator*: Any person that is either principally or partially engaged in the selling, trading or otherwise transferring of new, used or waste tires, whether such transactions are for cash, barter or without consideration.

(kkk) *Waste tire transporter*: Any person transporting five (5) or more waste tires for hire.

(III) *Yard trash*: Vegetative matter resulting from landscaping and land clearing operations.

(Ord. No. 59-12, §§ 1.01--1.12, 6-9-59; Ord. No. 72-6, § 1, 2-1-72; Ord. No. 77-56, § 1, 7-19-77; Ord. No. 77-72, § 1, 9-20-77; Ord. No. 79-115, § 1, 12-18-79; Ord. No. 80-143, § 2, 12-16-80; Ord. No. 81-108, § 1, 9-15-81; Ord. No. 82-105, § 1, 11-2-82; Ord. No. 83-109, § 3, 11-15-83; Ord. No. 85-8, § 3, 2-5-85; Ord. No. 89-5, § 1, 1-17-89; Ord. No. 90-11, § 1, 2-20-90; Ord. No. 91-95, § 1, 9-16-91; Ord. No. 91-123, § 2, 10-15-91; Ord. No. 92-20, § 2, 3-17-92; Ord. No. 92-28, § 1, 4-21-92; Ord. No. 92-43, § 1, 5-19-92; Ord. No. 92-155, § 1, 12-15-92; Ord. No. 94-198, § 1, 11-1-94; Ord. No. 95-174, § 9(Att. C, § 1), § 10(Att. D), 9-20-95; Ord. No. 99-91, § 1, 7-27-99; Ord. No. 02-166, § 24, 9-19-02; Ord. No. 03-180, § 1, 7-22-03; Ord. No. 06-172, § 1, 11-28-06)

Sec. 15-2. Solid waste collection services, container usage, condition and location.

Every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department. Each residential unit, multi-family residential establishment or commercial establishment located in any area where Miami-Dade County solid waste collection and disposal service is provided shall have a sufficient number of garbage cans, plastic garbage bags or portable containers to accommodate all garbage, bundled yard trash or other trash to be removed by Miami-Dade County or other approved contractors. All solid waste to be removed by Miami-Dade County shall be placed at curbside in front of property in such a manner as not to obstruct pedestrian passage, except that collections will be made from alleyways where there is clear and safe access for passage of heavy equipment. An exception to this rule is a handicapped person, per determination of the Director.

It shall be unlawful for any person to set out for collection any waste containers which do not conform to the provisions of this chapter or which contain other defects likely to hamper the collection of or injure the person collecting the contents hereof are illegal. Such containers shall be promptly replaced by the owner or user of the container upon the receipt of written notice of said defect. At no time will the Department service any such illegal containers. Portable containers declared a public nuisance or to be unserviceable with no identifying marks visible to enforcement officers shall be removed at the discretion of the Director.

It shall be unlawful for any person to place or cause, let, allow, permit or suffer the placement of any uncontainerized waste at curbside, right-of-way or street edge at any time except as otherwise provided in this chapter.

(Ord. No. 59-12, § 2.03, 6-9-59; Ord. No. 72-6, § 2, 2-1-72; Ord. No. 77-56, § 2, 7-19-77; Ord. No. 81-

108, § 1, 9-15-81; Ord. No. 82-105, § 1, 11-2-82; Ord. No. 91-95, § 2, 9-16-91; Ord. No. 92-43, § 2, 5-19-92; Ord. No. 99-91, § 2, 7-27-99)

Sec. 15-2.1. Scavenging of recyclable materials prohibited; theft of recycling containers.

(a) Intent. It is the intent of the Board of County Commissioners of Miami-Dade County, Florida to facilitate the establishment of recycling programs through protection of recyclable material stored for collection. To this end, this section is hereby created to encourage recycling activities throughout the County.

(b) Recyclable materials placed by any person in the prescribed manner in a designated collection area is the property of the generator's authorized collection agent, or, if a local government is administering or operating its own recycling program, of said local government. No person shall be permitted to collect or pick up, or cause to be collected or picked up, any recyclable material which has been placed in the prescribed manner in a designated collection area, without first obtaining the written consent of the generator's authorized collection agent, or, if a local government is administering its own recycling program, of said local government.

(c) No person shall be permitted to collect or pick up, or cause to be collected or picked up, any recycling container placed at any property, without first obtaining the written consent of the owner of said recycling container or the owner's agent.

(d) Any and each collection in violation of subsections (b) or (c) above with the use of a motorized vehicle shall constitute a separate and distinct offense punishable as hereinafter provided.

(e) This section shall apply to the incorporated and unincorporated areas, and in the unincorporated areas shall be enforced by Miami-Dade County, and in the incorporated areas shall be enforced by the municipalities, unless the County and municipality agree, in writing, that the County will enforce this section within the municipality. Any municipality may establish and enforce its own ordinance provided such ordinance is equivalent to or more stringent than the provisions of this section.

(Ord. No. 90-11, § 2, 2-20-90; Ord. No. 91-123, § 3, 10-15-91)

Sec. 15-2.2. Recycling programs required for multi-family residential establishments.

(a) No later than nine (9) months from the effective date of Ordinance Number 91-123, every multi-family residential establishment shall provide for a recycling program which shall be serviced by a permitted hauler or the appropriate governmental agency and shall include, at a minimum, the five (5) materials listed in Section 15-2.2 below.

Recyclable Materials: Multi-family

- (1) Newspaper
- (2) Glass (flint, emerald, amber)
- (3) Aluminum cans
- (4) Steel cans
- (5) Plastics (PETE, NDPE-natural, HDPE colored)

(b) The failure of a multi-family residential establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner(s) shall be liable, provided, however, that in the case of a

condominium or cooperative apartment having a condominium association or cooperative apartment association, said association, rather than individual unit owners, shall be liable for any such violation.

(Ord. No. 91-123, § 4, 10-15-91)

Sec. 15-2.3. Recycling programs required for commercial establishments; joint and several liability.

(a) No later than nine (9) months from the effective date of Ordinance Number 91-123, every commercial establishment shall provide for a recycling program which shall be serviced by a permitted hauler or the appropriate governmental agency and shall include a minimum of three (3) materials of its choice selected from the list provided in Section 15-2.3 below.

Recyclable Materials: Commercial Establishments

- (1) High grade office paper
- (2) Mixed paper
- (3) Corrugated cardboard
- (4) Glass (flint, emerald, amber)
- (5) Aluminum (cans, scrap)
- (6) Steel (cans, scrap)
- (7) Other metals/scrap production materials
- (8) Plastics (PETE, HDPE-natural, HDPE-colored)
- (9) Textiles
- (10) Wood

(b) The failure of a commercial establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner and the owner(s) and operator(s) of the commercial establishment shall be jointly and severally liable.

(Ord. No. 91-123, § 5, 10-15-91)

Sec. 15-2.4. Modified recycling programs allowed.

(a) Recycling programs which incorporate modifications, substitutions or reductions to the requirements of Sections 15-2.2 and 15-2.3 may be submitted to the Department for approval. Approval, rejection, or approval with conditions of the proposed modified recycling program shall be determined by the Department. The Department shall consider the following factors in evaluating the proposed modified recycling program:

- (1) Whether the establishment operates a recycling program, and is self-hauling the materials to a recyclable material vendor.
- (2) Whether the establishment generates a lesser number of recyclable materials than the required minimum.
- (3) Whether the establishment generates and recycles materials not listed in Section 15-2.2 or Section 15-2.3 hereof, as applicable.
- (4) Whether the establishment is contracting with a permitted private hauler for

collection services, which services provide for a post-collection separation of recyclable material, and which:

- (i) Generate recyclable materials which comply, in kind and quantity, with the recycling requirements provided for in Section 15-2.2 or Section 15-2.3 hereof, as applicable; and
- (ii) Utilize a materials separation facility which is permitted in accordance with all applicable federal, State and local laws.

(b) Any person seeking approval of a modified recycling program shall submit an application in such form as is prescribed by the Department. All modified recycling programs shall be reviewed on a semiannual basis and applicants shall be required to confirm or revise the information contained in their applications at that time.

An application for approval of a modified recycling program shall include, but not be limited to, the following documentation, as appropriate to the specific application:

- (1) Supporting documentation to evidence self-haul activities, which shall include proof of source-separation activities and copies of receipts from recyclable material purchasers.
- (2) A waste composition study of the waste generated by the applicant, which shall cover a representative time period of no shorter than one (1) week.
- (3) A copy of the applicable contract with a post-collection separation facility, specifying materials and volumes recycled which are attributable to the applicant.

(Ord. No. 91-123, § 6, 10-15-91)

Sec. 15-2.5. Applicability.

The provisions of Sections 15-2.2, 15-2.3 and 15-2.4 shall apply to the incorporated and unincorporated areas, and shall be enforced by Miami-Dade County unless the County and the city agree, in writing, that the city shall enforce this ordinance within the municipality or that the city is operating a recycling program that meets the minimum standards. Any municipality may establish and enforce its own ordinance provided such ordinance is equivalent to or more stringent than the provisions of this ordinance.

(Ord. No. 91-123, § 7, 10-15-91)

Sec. 15-2.6. Mandatory separation of recyclable materials from solid waste stream.

(a) All occupants of every multi-family residential establishment and every residential unit are required, in accord with the collection program provided at that location, to separate, from all other solid waste collected or received by Miami-Dade County or any other collector, the following materials:

- (1) Newspaper;
- (2) Glass;
- (3) Aluminum cans;
- (4) Steel cans;
- (5) Plastics.

(b) All occupants of every commercial establishment are required to separate, from all other solid waste collected or received by Miami-Dade County or any other collector, those three

selected materials from the following list that are included in the program established at that location in compliance with Section 15-2.3:

- (1) High grade office paper;
- (2) Mixed paper;
- (3) Corrugated cardboard;
- (4) Glass;
- (5) Aluminum;
- (6) Steel;
- (7) Other metals/scrap production materials;
- (8) Plastics;
- (9) Textiles;
- (10) Wood.

(c) Occupants of multi-family residential establishments and commercial establishments may, as an alternative to the requirements of this section, separate recyclable materials in accordance with the modified recycling program established at their place of business or residence in compliance with Section 15-2.4. Modified recycling programs shall include those providing for:

- (1) A lesser number of recyclable materials than the required minimum.
- (2) Substitution of recyclable materials not listed in Section 15-2.6.
- (3) Post-collection separation of recyclable material for commercial establishments, and for those multi-family residential establishments for which separation of recyclable material on the premises is wholly, physically impractical, provided, however, that those modified recycling programs providing for post-collection separation of recyclable material for either commercial or multi-family residential establishments shall be allowed which have been established in compliance with Section 15-2.4 pursuant to contracts in existence as of July 21, 1992.

The county manager shall, within six (6) months of the effective date of this Ordinance Number 92-78, adopt and implement regulations establishing procedures requiring commercial and multi-family residential establishments and residential units to place these materials in specialized receptacles, or to handle them in any other manner which the county manager determines shall facilitate the recycling of such materials.

(Ord. No. 92-78, § 1, 7-21-92)

Sec. 15-2.7. Enforcement.

The provisions of Ordinance Number 92-78 shall be enforced by the county manager pursuant to the final promulgated regulations of this ordinance. Such regulations shall provide that, during the initial twelve-month period of intense education efforts (which shall begin on August 10, 1992, regardless of whether final regulations have been promulgated at that time), Miami-Dade County shall not prosecute individuals who unknowingly fail to separate from all other solid waste the materials required to be separated by this ordinance. The regulations shall provide that during the subsequent six-month period warning tickets shall be issued to all persons who fail to separate the required materials regardless of knowledge or intent. Prior to February 10, 1994, the county manager shall propose for the approval of the board of county commissioners regulations for enforcement of this ordinance to be implemented beginning on February 10, 1994. If such regulations propose an

amendment to Chapter 8CC of the Code of Miami-Dade County, a public hearing before the board of county commissioners shall be required prior to implementation.

The provisions of Section 15-2.6 shall apply to the incorporated and unincorporated areas, and shall be enforced by Miami-Dade County unless the county and the city agree, in writing; that the city shall enforce this ordinance within the municipality or that the city is operating a recycling program that meets the minimum standards. Any municipality may establish and enforce its own ordinance provided such ordinance is equivalent to or more stringent than the provisions of this ordinance.

(Ord. No. 92-78, § 2, 7-21-92)

Sec. 15-2.8. Severability.

If any provision of this ordinance is determined by a court of competent jurisdiction to be invalid or unenforceable on its face or as applied, the remaining provisions shall remain in full force and effect.

(Ord. No. 92-78, § 3, 7-21-92)

Sec. 15-2.9. Relation to state and federal law.

All provisions of this ordinance are intended to be consistent with other federal, state and local requirements. To the extent that compliance with any of the requirements is a physical impossibility while concurrently complying with other federal or state requirements, the affected person may request a hearing before the board of county commissioners to demonstrate this. The county manager shall amend these requirements to the extent that such physical impossibility is shown. However, to the extent that requirements specified herein are more stringent than federal or state requirements, the person shall comply with both such requirements.

(Ord. No. 92-78, § 4, 7-21-92)

Sec. 15-2.9.1. Effective date.

This law shall take effect on August 10, 1992.

(Ord. No. 92-78, § 5, 7-21-92)

Sec. 15-3. Prima facie evidence of accumulation of solid waste.

The fact that any residential unit or any commercial or multi-family residential establishment located in any County solid waste collection service area is occupied shall be prima facie evidence that solid waste is being produced or accumulated upon such premises. However, temporary residential vacancy, regardless of duration, shall not authorize a refund or excuse the nonpayment of any solid waste fee. Solid waste fees shall be chargeable on new residential units immediately following the Department of Planning, Development and Regulation's final inspection thereof, or installation of permanent electric utility service, or whenever the first solid waste is picked up from such unit by the County, whichever shall occur first.

(Ord. No. 59-12, § 2.04, 6-9-59; Ord. No. 60-22, § 1, 7-26-60; Ord. No. 61-4, § 1, 1-31-61; Ord. No. 77-72, § 2, 9-20-77; Ord. No. 81-108, § 1, 9-15-81; Ord. No. 91-95, § 3, 9-16-91; Ord. No. 95-215, § 1, 12-5-95)

//Miami - Dade County, Florida/CODE of MIAMI-DADE COUNTY, FLORIDA Codified through Ord. No. 07-180, enacted December 18, 2007. (Supplement No. 56)/Chapter 15 SOLID WASTE MANAGEMENT*

Chapter 15 SOLID WASTE MANAGEMENT*

***Editor's note:** Chapter 15 is derived from Ord. No. 59-12, adopted June 9, 1959. Ord. No. 60-1 declared Ord. No. 59-12 to be amendatory to this Code.

Cross references: Dumps and landfill sites, Ch. 11B; lot, junk, garbage and trash clearing, Ch. 19; environmental protection, Ch. 24; sanitary nuisance, Ch. 26A.

State law references: Solid waste, F.S. § 403.701 et seq.

Sec. 15-1. Definitions.

The following words and phrases when used in this chapter shall have the meanings ascribed to them in this section.

- (a) *Board:* The Miami-Dade County Board of County Commissioners.
- (b) *Bulky waste:* Less than one (1) cubic yard of construction and demolition debris, large discarded items or large accumulations of trash. Bulky waste shall include, without limitation, appliances, furniture, yard trash, crates, corrugated cardboard, and other similar items. Bulky waste shall not include tires or other solid waste requiring special handling.
- (c) *Bundled yard trash:* Clean yard trash which is gathered into bundles and tied securely so that each bundle does not exceed three (3) feet in length or weigh more than fifty (50) pounds.
- (d) *Clean yard trash:* Yard trash free of other forms of solid waste.
- (e) *Commercial establishment:* Any structure used or constructed for use for business operations. For purposes of this chapter, hotels and motels are commercial establishments. The term "commercial establishment" shall not include any residential unit or multi-family residential establishment.
- (f) *Commingled yard trash:* Yard trash mixed with other forms of solid waste.
- (g) *Composting:* Controlled biological decomposition of organic materials.
- (h) *Construction and demolition debris:* Discarded material generally considered not to be water-soluble or hazardous, including, without limitation, steel, concrete, glass, brick, asphalt roofing material, or lumber from a construction or demolition project. Commingling construction and demolition debris with any amount of other types of solid waste will cause it to be classified as other than construction and demolition debris.
- (i) *Containerized waste:* Solid waste (other than solid waste requiring special handling) which is placed in cans, plastic garbage bags or bulk containers, or in bundles, in the case of bundled yard trash.

- (j) *County Solid Waste Management System*: The aggregate of those solid waste management facilities owned by or operated under contract with Miami-Dade County.
- (k) *County-wide solid waste service area*: The entire geographical area of Miami-Dade County, to which the department provides solid waste management services.
- (l) *Curbside*: The area between the sidewalk and the street edge, or, in areas without sidewalks, the area between the edge of the traveled portion of any public or private street and the property line, which area shall not exceed ten (10) feet.
- (m) *Customer*: A person who uses the solid waste or recycling collection services of a permitted hauler or the appropriate governmental agency.
- (n) *Delivery*: The bringing of solid waste or recyclable material to a solid waste management facility for the purpose of resource recovery, disposal, recycling, processing, transfer, or storage.
- (o) *Department*: The Miami-Dade County Department of Solid Waste Management.
- (p) *Director*: The Director of the Department of Solid Waste Management or person(s) designated by the Director.
- (q) *Disposal Facility Fee*: A fee imposed on private haulers operating in the Disposal Facility Fee Area, that collect, transport, or deliver solid waste for disposal, to cover Solid Waste Management System Costs, which fee does not apply to construction and demolition roll-off service, recycling service or compactor leasing service.
- (r) *Disposal Facility Fee Area*: the unincorporated area of Miami-Dade County, as it was geographically configured on February 16, 1996, within which the Disposal Facility Fee is imposed.
- (s) *Dumping*: Throwing, discarding, placing, depositing or burying any solid waste in an area or manner not permitted by the Code of Miami-Dade County.
- (t) *Facility*: Anything that is built or purchased to make an action or operation easier or to serve a special purpose.
- (u) *Garbage*: Any 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 gases or odors, or which, during or after decay, may serve as breeding or feeding material for flies or other germ-carrying insects.
- (v) *Garbage can*: A container made of galvanized metal, durable plastic or other similar material capable of containing garbage, with a capacity of not less than twenty (20) gallons and not more than thirty-two (32) gallons and having the following characteristics: (1) at least two (2) handles upon the sides or a bail by which it may be lifted; (2) sufficient strength for workmen to empty conveniently; (3) a tight-fitting metal or plastic top with handle; (4) construction as to permit the free discharge of its contents; and (5) no inside structures such as inside bands and reinforcing angles or anything within the container to prevent the free discharge of the contents.
- (w) *Hazardous waste*: Solid waste which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may, when improperly transported, disposed of, stored, treated or otherwise managed, cause, or significantly contribute to, an increase in mortality, or an increase in serious irreversible or incapacitating reversible illness, or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed.
- (x) *Industrial waste*: Condemned food products, or solid waste resulting from the

following activities or operations of the following facilities: (1) canneries; (2) slaughterhouses or meat packing plants; (3) brick, concrete block, roofing shingle or tile plants; and (4) land clearing, excavating, building, rebuilding and altering of buildings, structures, roads, streets, sidewalks, or parkways. Industrial waste shall also include any solid waste materials which, because of their volume or nature, do not lend themselves to collection and incineration commingled with ordinary garbage and trash, or which, because of their nature or surrounding circumstances should be, for reasons of safety or health, disposed of more often than the County collection service schedule provided for in this chapter.

(y) *Landscaping business*: Any person operating a business in Miami-Dade County that is engaged in the business of creating or maintaining landscaped areas, including tree trimming and tree removal.

(z) *Litter*: Solid waste, in any amount, which is not containerized.

(aa) *Mixed paper*: Paper material free of any solid waste. Mixed paper shall include, without limitation, white ledger, colored ledger, discarded letters and envelopes, computer paper and office paper. For purposes of this chapter, the term "mixed paper" shall not include newspaper and cardboard. Commingling of mixed paper with newspaper, cardboard or solid waste shall cause it to be classified as other than mixed paper.

(bb) *Modified recycling program*: An operation, approved by the Department, which provides for the recycling of recyclable material by a method varying from the requirements of Section 15-2.2 or Section 15-2.3.

(cc) *Multi-family residential establishment*: Any structure other than a residential unit which is used, or constructed for use, as a multiple-dwelling facility. Multi-family residential establishments shall include without limitation, rooming house, tourist court, trailer park, bungalow court, apartment building with rental or cooperative apartments, or multiple story condominiums with common means of ingress and egress.

(dd) *Neighborhood trash and recycling center*: A neighborhood site, maintained by the Department, for use by residents of unincorporated Miami-Dade County, and municipalities served by Miami-Dade County for solid waste collection and landscaping businesses that have a current permit issued in accordance with Section 15-17.1 of this Code, to deposit household-generated bulky waste such as clean yard trash; white goods; construction and demolition debris; and other household items; and, where collection of such items is provided for, recyclable items. Bulky waste shall be presumed to be other than household-generated, and shall be rejected, if delivery to a neighborhood trash and recycling center is attempted by means other than the following: (1) hand; (2) automobile; (3) van; (4) pick-up truck.

(ee) *Noncombustible solid waste*: Solid waste that is not burnable at ordinary incinerator temperature which shall include, without limitation, metals, mineral matter, large quantities of glass or crockery, metal furniture, auto bodies or parts, and other similar material not usual to housekeeping or to operation of commercial establishments.

(ff) *Ordinary incinerator temperature*: Eight hundred (800) degrees to one thousand eight hundred (1,800) degrees Fahrenheit.

(gg) *Permittee*: Any person who obtains a permit from the Department.

(hh) *Person*: Any natural person, individual, public or private corporation, firm, partnership, association, joint venture, municipality, governmental agency, political subdivision, public officer, or any other entity whatsoever, or any combination of such, jointly or severally.

(ii) *Pick-up truck*: A light truck having a gross vehicle weight (GVW) of not more than fifteen thousands (15,000) pounds, manufactured with a fixed open cargo bed, which bed does not exceed the width nor the height of the cab and is no longer than eight (8) feet.

(jj) *Plastic garbage bag*: A polyethylene or other heavy-duty plastic bag which meets the National Sanitation Foundation standard for thickness of one and five-tenths (1.5) mils, has a capacity not to exceed thirty-two (32) gallons, and has a securing mechanism.

(kk) *Portable container*: A dumpster, rollaway or other similar container designed for mechanized collection.

(ll) *Private solid waste hauler (collector); Private hauler; Hauler*: Any person, entity, corporation, or partnership having a current permit issued in accordance with Section 15-17.1 of this Code that removes, collects or transports for hire any solid waste over the streets or public rights-of-way within any unincorporated area of the County.

(mm) *Recyclable material*: Any material which is capable of being recycled and which, if not recycled, would be processed and disposed of as solid waste. The term "recyclable material" shall include green glass, brown glass and clear glass; aluminum and steel cans and scrap metal; plastic containers, mixed paper, newspaper, corrugated cardboard, office paper, and phonebooks. Any recyclable material mixed with solid waste shall be considered to be solid waste.

(nn) *Recycling container*: Receptacle used for recyclable material.

(oo) *Recycling program*: An operation which provides for the separate gathering, storage, collection and marketing of recyclable material.

(pp) *Recycling services*: Business activities related to the buying, selling, trading, marketing, transferring, separating, collecting or processing of recyclable material. Such service shall include the proper handling and disposal of any portion of collected recyclable material deemed unusable or unmarketable.

(qq) *Residential unit*: Any structure which is used, or constructed for use, as a single-family dwelling, duplex, cluster house, or townhouse, and which is located on a single lot, parcel or tract of land. For the purposes of this chapter, any condominium structure composed of privately owned, single-family housing units with separate means of ingress and egress and containing no more than two (2) stories shall be considered a residential unit. The term residential unit shall not include any multi-family residential establishment.

(rr) *Resource recovery*: The process of recovering materials or energy from solid waste, excluding those materials or solid waste under control of the Nuclear Regulatory Commission.

(ss) *Resource recovery and management facility*: Any facility the purpose of which is disposal, recycling, incineration, processing, storage, transfer, or treatment of solid or liquid waste; but for the purpose of permitting does not include sewage treatment, industrial waste treatment, or facilities exclusively within state or federal jurisdiction.

(tt) *Service unit*: An area located in any commercial establishment which provides four (4) sleeping rooms or a fraction thereof, where no cooking facilities are provided.

(uu) *Solid waste*: Garbage, trash, litter, yard trash, hazardous waste, construction and demolition debris, industrial waste, or other discarded material, including solid or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

(vv) *Solid waste collection service area*: That portion or entirety of the county-wide solid waste service area to which the department provides curbside garbage and trash collection service.

(ww) *Solid waste disposal*: Disposition of solid waste by means of combustion, landfilling or other final method of discard.

(xx) *Solid waste management facility*: Any solid waste disposal area, volume reduction plant, transfer station or other facility, the purpose of which is resource recovery or the disposal, recycling, processing, transfer or storage of solid waste.

(yy) *Solid waste management master plan*: A document which shall set forth (a) goal (s), objectives and policies for solid waste management in Miami-Dade County, and shall include a comprehensive evaluation of solid waste management alternatives and recommended actions.

(zz) *Solid Waste Management System Costs*: Costs incurred to provide solid waste management services, including, without limitation, (a) costs for construction, reconstruction, or completion, of any facility, (b) the costs of acquisition or purchase of any facility, (c) the cost of labor, materials, machinery and equipment, (d) the cost of fuel, parts, supplies, maintenance, repairs and utilities, (e) the cost of computer services, data processing and communications, (f) the cost of all lands and interest therein, leases, property rights, easements and franchises of any nature whatsoever, (g) the cost of any indemnity or surety bonds and premiums for insurance, (h) the cost of salaries, workers compensation insurance or other employment benefits, (i) the cost of uniforms, training, travel and per diem, (j) amounts necessary to pay redemption premiums or other costs associated with the early retirement of obligations, (k) the creation of reserve or debt service funds, (l) costs and expenses related to the issuance of obligations, all financing charges and any expenses related to the issuance of obligations, all financing charges and any expenses related to any liquidity facility or credit facility, (m) the cost of construction plans and specifications, surveys and estimates of costs, (n) the cost of engineering, financial, legal and other professional services and, (o) all other costs and expenses properly attributable to providing solid waste management capacity by the County.

(aaa) *Solid waste requiring special handling*: Solid waste materials which, because of their quantity, concentration, composition or physical, chemical or infectious characteristics require transportation or disposal in a manner not typical of other solid waste.

(bbb) *Tire*: A continuous covering for the wheel of a motor vehicle usually made of rubber reinforced with cords of nylon, fiberglass or other material and filled with compressed air.

(ccc) *Trailer*: An accessory vehicle that is towed by the permitted vehicle. Trailer bed shall not be larger than 6 feet high, 6 feet wide by 10 feet long. Any trailer which does not exceed 6 cubic yards carrying capacity shall be charged for disposal at neighborhood trash and recycling centers at the same rate as pickup trucks and vans.

(ddd) *Trash*: Any accumulation of paper, packing material, rags or 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 commercial establishments.

(eee) *Unincorporated Miami-Dade County*: Any part of Miami-Dade County not lying within the boundaries of a duly incorporated village, town, or municipality.

(fff) *Used tire*: A tire that is suitable for vehicular use or is suitable for retreading and is intended by the holder thereof to be for vehicular use or retreading.

(ggg) *Van*: A fully enclosed vehicle which is manufactured and marketed by a major automobile manufacturer as a van and which has a gross vehicle weight of not more than 11,000 pounds.

(hhh) *Vegetative food waste*: Discarded edible fruit and vegetable matter which is capable of biological decomposition.

(iii) *Waste tire*: A tire from a motorized vehicle, that is no longer suitable for its originally intended purpose because of wear, damage or defect, or which is no longer intended by the holder thereof for vehicular use.

(jii) *Waste tire generator*: Any person that is either principally or partially engaged in the selling, trading or otherwise transferring of new, used or waste tires, whether such transactions are for cash, barter or without consideration.

(kkk) *Waste tire transporter*: Any person transporting five (5) or more waste tires for hire.

(lll) *Yard trash*: Vegetative matter resulting from landscaping and land clearing operations.

(Ord. No. 59-12, §§ 1.01--1.12, 6-9-59; Ord. No. 72-6, § 1, 2-1-72; Ord. No. 77-56, § 1, 7-19-77; Ord. No. 77-72, § 1, 9-20-77; Ord. No. 79-115, § 1, 12-18-79; Ord. No. 80-143, § 2, 12-16-80; Ord. No. 81-108, § 1, 9-15-81; Ord. No. 82-105, § 1, 11-2-82; Ord. No. 83-109, § 3, 11-15-83; Ord. No. 85-8, § 3, 2-5-85; Ord. No. 89-5, § 1, 1-17-89; Ord. No. 90-11, § 1, 2-20-90; Ord. No. 91-95, § 1, 9-16-91; Ord. No. 91-123, § 2, 10-15-91; Ord. No. 92-20, § 2, 3-17-92; Ord. No. 92-28, § 1, 4-21-92; Ord. No. 92-43, § 1, 5-19-92; Ord. No. 92-155, § 1, 12-15-92; Ord. No. 94-198, § 1, 11-1-94; Ord. No. 95-174, § 9(Att. C, § 1), § 10(Att. D), 9-20-95; Ord. No. 99-91, § 1, 7-27-99; Ord. No. 02-166, § 24, 9-19-02; Ord. No. 03-180, § 1, 7-22-03; Ord. No. 06-172, § 1, 11-28-06)

Sec. 15-2. Solid waste collection services, container usage, condition and location.

Every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department. Each residential unit, multi-family residential establishment or commercial establishment located in any area where Miami-Dade County solid waste collection and disposal service is provided shall have a sufficient number of garbage cans, plastic garbage bags or portable containers to accommodate all garbage, bundled yard trash or other trash to be removed by Miami-Dade County or other approved contractors. All solid waste to be removed by Miami-Dade County shall be placed at curbside in front of property in such a manner as not to obstruct pedestrian passage, except that collections will be made from alleyways where there is clear and safe access for passage of heavy equipment. An exception to this rule is a handicapped person, per determination of the Director.

It shall be unlawful for any person to set out for collection any waste containers which do not conform to the provisions of this chapter or which contain other defects likely to hamper the collection of or injure the person collecting the contents hereof are illegal. Such containers shall be promptly replaced by the owner or user of the container upon the receipt of written notice of said defect. At no time will the Department service any such illegal containers. Portable containers declared a public nuisance or to be unserviceable with no identifying marks visible to enforcement officers shall be removed at the discretion of the Director.

It shall be unlawful for any person to place or cause, let, allow, permit or suffer the placement of any uncontainerized waste at curbside, right-of-way or street edge at any time except as otherwise provided in this chapter.

(Ord. No. 59-12, § 2.03, 6-9-59; Ord. No. 72-6, § 2, 2-1-72; Ord. No. 77-56, § 2, 7-19-77; Ord. No. 81-

108, § 1, 9-15-81; Ord. No. 82-105, § 1, 11-2-82; Ord. No. 91-95, § 2, 9-16-91; Ord. No. 92-43, § 2, 5-19-92; Ord. No. 99-91, § 2, 7-27-99)

Sec. 15-2.1. Scavenging of recyclable materials prohibited; theft of recycling containers.

(a) Intent. It is the intent of the Board of County Commissioners of Miami-Dade County, Florida to facilitate the establishment of recycling programs through protection of recyclable material stored for collection. To this end, this section is hereby created to encourage recycling activities throughout the County.

(b) Recyclable materials placed by any person in the prescribed manner in a designated collection area is the property of the generator's authorized collection agent, or, if a local government is administering or operating its own recycling program, of said local government. No person shall be permitted to collect or pick up, or cause to be collected or picked up, any recyclable material which has been placed in the prescribed manner in a designated collection area, without first obtaining the written consent of the generator's authorized collection agent, or, if a local government is administering its own recycling program, of said local government.

(c) No person shall be permitted to collect or pick up, or cause to be collected or picked up, any recycling container placed at any property, without first obtaining the written consent of the owner of said recycling container or the owner's agent.

(d) Any and each collection in violation of subsections (b) or (c) above with the use of a motorized vehicle shall constitute a separate and distinct offense punishable as hereinafter provided.

(e) This section shall apply to the incorporated and unincorporated areas, and in the unincorporated areas shall be enforced by Miami-Dade County, and in the incorporated areas shall be enforced by the municipalities, unless the County and municipality agree, in writing, that the County will enforce this section within the municipality. Any municipality may establish and enforce its own ordinance provided such ordinance is equivalent to or more stringent than the provisions of this section.

(Ord. No. 90-11, § 2, 2-20-90; Ord. No. 91-123, § 3, 10-15-91)

Sec. 15-2.2. Recycling programs required for multi-family residential establishments.

(a) No later than nine (9) months from the effective date of Ordinance Number 91-123, every multi-family residential establishment shall provide for a recycling program which shall be serviced by a permitted hauler or the appropriate governmental agency and shall include, at a minimum, the five (5) materials listed in Section 15-2.2 below.

Recyclable Materials: Multi-family

- (1) Newspaper
- (2) Glass (flint, emerald, amber)
- (3) Aluminum cans
- (4) Steel cans
- (5) Plastics (PETE, NDPE-natural, HDPE colored)

(b) The failure of a multi-family residential establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner(s) shall be liable, provided, however, that in the case of a

condominium or cooperative apartment having a condominium association or cooperative apartment association, said association, rather than individual unit owners, shall be liable for any such violation.

(Ord. No. 91-123, § 4, 10-15-91)

Sec. 15-2.3. Recycling programs required for commercial establishments; joint and several liability.

(a) No later than nine (9) months from the effective date of Ordinance Number 91-123, every commercial establishment shall provide for a recycling program which shall be serviced by a permitted hauler or the appropriate governmental agency and shall include a minimum of three (3) materials of its choice selected from the list provided in Section 15-2.3 below.

Recyclable Materials: Commercial Establishments

- (1) High grade office paper
- (2) Mixed paper
- (3) Corrugated cardboard
- (4) Glass (flint, emerald, amber)
- (5) Aluminum (cans, scrap)
- (6) Steel (cans, scrap)
- (7) Other metals/scrap production materials
- (8) Plastics (PETE, HDPE-natural, HDPE-colored)
- (9) Textiles
- (10) Wood

(b) The failure of a commercial establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner and the owner(s) and operator(s) of the commercial establishment shall be jointly and severally liable.

(Ord. No. 91-123, § 5, 10-15-91)

Sec. 15-2.4. Modified recycling programs allowed.

(a) Recycling programs which incorporate modifications, substitutions or reductions to the requirements of Sections 15-2.2 and 15-2.3 may be submitted to the Department for approval. Approval, rejection, or approval with conditions of the proposed modified recycling program shall be determined by the Department. The Department shall consider the following factors in evaluating the proposed modified recycling program:

- (1) Whether the establishment operates a recycling program, and is self-hauling the materials to a recyclable material vendor.
- (2) Whether the establishment generates a lesser number of recyclable materials than the required minimum.
- (3) Whether the establishment generates and recycles materials not listed in Section 15-2.2 or Section 15-2.3 hereof, as applicable.
- (4) Whether the establishment is contracting with a permitted private hauler for

collection services, which services provide for a post-collection separation of recyclable material, and which:

- (i) Generate recyclable materials which comply, in kind and quantity, with the recycling requirements provided for in Section 15-2.2 or Section 15-2.3 hereof, as applicable; and
- (ii) Utilize a materials separation facility which is permitted in accordance with all applicable federal, State and local laws.

(b) Any person seeking approval of a modified recycling program shall submit an application in such form as is prescribed by the Department. All modified recycling programs shall be reviewed on a semiannual basis and applicants shall be required to confirm or revise the information contained in their applications at that time.

An application for approval of a modified recycling program shall include, but not be limited to, the following documentation, as appropriate to the specific application:

- (1) Supporting documentation to evidence self-haul activities, which shall include proof of source-separation activities and copies of receipts from recyclable material purchasers.
- (2) A waste composition study of the waste generated by the applicant, which shall cover a representative time period of no shorter than one (1) week.
- (3) A copy of the applicable contract with a post-collection separation facility, specifying materials and volumes recycled which are attributable to the applicant.

(Ord. No. 91-123, § 6, 10-15-91)

Sec. 15-2.5. Applicability.

The provisions of Sections 15-2.2, 15-2.3 and 15-2.4 shall apply to the incorporated and unincorporated areas, and shall be enforced by Miami-Dade County unless the County and the city agree, in writing, that the city shall enforce this ordinance within the municipality or that the city is operating a recycling program that meets the minimum standards. Any municipality may establish and enforce its own ordinance provided such ordinance is equivalent to or more stringent than the provisions of this ordinance.

(Ord. No. 91-123, § 7, 10-15-91)

Sec. 15-2.6. Mandatory separation of recyclable materials from solid waste stream.

(a) All occupants of every multi-family residential establishment and every residential unit are required, in accord with the collection program provided at that location, to separate, from all other solid waste collected or received by Miami-Dade County or any other collector, the following materials:

- (1) Newspaper;
- (2) Glass;
- (3) Aluminum cans;
- (4) Steel cans;
- (5) Plastics.

(b) All occupants of every commercial establishment are required to separate, from all other solid waste collected or received by Miami-Dade County or any other collector, those three

selected materials from the following list that are included in the program established at that location in compliance with Section 15-2.3:

- (1) High grade office paper;
- (2) Mixed paper;
- (3) Corrugated cardboard;
- (4) Glass;
- (5) Aluminum;
- (6) Steel;
- (7) Other metals/scrap production materials;
- (8) Plastics;
- (9) Textiles;
- (10) Wood.

(c) Occupants of multi-family residential establishments and commercial establishments may, as an alternative to the requirements of this section, separate recyclable materials in accordance with the modified recycling program established at their place of business or residence in compliance with Section 15-2.4. Modified recycling programs shall include those providing for:

- (1) A lesser number of recyclable materials than the required minimum.
- (2) Substitution of recyclable materials not listed in Section 15-2.6.
- (3) Post-collection separation of recyclable material for commercial establishments, and for those multi-family residential establishments for which separation of recyclable material on the premises is wholly, physically impractical, provided, however, that those modified recycling programs providing for post-collection separation of recyclable material for either commercial or multi-family residential establishments shall be allowed which have been established in compliance with Section 15-2.4 pursuant to contracts in existence as of July 21, 1992.

The county manager shall, within six (6) months of the effective date of this Ordinance Number 92-78, adopt and implement regulations establishing procedures requiring commercial and multi-family residential establishments and residential units to place these materials in specialized receptacles, or to handle them in any other manner which the county manager determines shall facilitate the recycling of such materials.

(Ord. No. 92-78, § 1, 7-21-92)

Sec. 15-2.7. Enforcement.

The provisions of Ordinance Number 92-78 shall be enforced by the county manager pursuant to the final promulgated regulations of this ordinance. Such regulations shall provide that, during the initial twelve-month period of intense education efforts (which shall begin on August 10, 1992, regardless of whether final regulations have been promulgated at that time), Miami-Dade County shall not prosecute individuals who unknowingly fail to separate from all other solid waste the materials required to be separated by this ordinance. The regulations shall provide that during the subsequent six-month period warning tickets shall be issued to all persons who fail to separate the required materials regardless of knowledge or intent. Prior to February 10, 1994, the county manager shall propose for the approval of the board of county commissioners regulations for enforcement of this ordinance to be implemented beginning on February 10, 1994. If such regulations propose an

amendment to Chapter 8CC of the Code of Miami-Dade County, a public hearing before the board of county commissioners shall be required prior to implementation.

The provisions of Section 15-2.6 shall apply to the incorporated and unincorporated areas, and shall be enforced by Miami-Dade County unless the county and the city agree, in writing; that the city shall enforce this ordinance within the municipality or that the city is operating a recycling program that meets the minimum standards. Any municipality may establish and enforce its own ordinance provided such ordinance is equivalent to or more stringent than the provisions of this ordinance.

(Ord. No. 92-78, § 2, 7-21-92)

Sec. 15-2.8. Severability.

If any provision of this ordinance is determined by a court of competent jurisdiction to be invalid or unenforceable on its face or as applied, the remaining provisions shall remain in full force and effect.

(Ord. No. 92-78, § 3, 7-21-92)

Sec. 15-2.9. Relation to state and federal law.

All provisions of this ordinance are intended to be consistent with other federal, state and local requirements. To the extent that compliance with any of the requirements is a physical impossibility while concurrently complying with other federal or state requirements, the affected person may request a hearing before the board of county commissioners to demonstrate this. The county manager shall amend these requirements to the extent that such physical impossibility is shown. However, to the extent that requirements specified herein are more stringent than federal or state requirements, the person shall comply with both such requirements.

(Ord. No. 92-78, § 4, 7-21-92)

Sec. 15-2.9.1. Effective date.

This law shall take effect on August 10, 1992.

(Ord. No. 92-78, § 5, 7-21-92)

Sec. 15-3. Prima facie evidence of accumulation of solid waste.

The fact that any residential unit or any commercial or multi-family residential establishment located in any County solid waste collection service area is occupied shall be prima facie evidence that solid waste is being produced or accumulated upon such premises. However, temporary residential vacancy, regardless of duration, shall not authorize a refund or excuse the nonpayment of any solid waste fee. Solid waste fees shall be chargeable on new residential units immediately following the Department of Planning, Development and Regulation's final inspection thereof, or installation of permanent electric utility service, or whenever the first solid waste is picked up from such unit by the County, whichever shall occur first.

(Ord. No. 59-12, § 2.04, 6-9-59; Ord. No. 60-22, § 1, 7-26-60; Ord. No. 61-4, § 1, 1-31-61; Ord. No. 77-72, § 2, 9-20-77; Ord. No. 81-108, § 1, 9-15-81; Ord. No. 91-95, § 3, 9-16-91; Ord. No. 95-215, § 1, 12-5-95)

Attachment 2: Lee County

DRAFT

LEE COUNTY ORDINANCE NO. 07-25

AN ORDINANCE RELATING TO MANDATORY RECYCLING OF COMMERCIAL AND MULTI-FAMILY RESIDENTIAL SOLID WASTE, AND CONSTRUCTION AND DEMOLITION DEBRIS; PROVIDING FOR PURPOSE AND SCOPE OF ORDINANCE; PROVIDING FOR DEFINITIONS; PROVIDING FOR BUSINESS RECYCLING REQUIREMENTS; PROVIDING FOR MULTI-FAMILY RECYCLING REQUIREMENTS; PROVIDING FOR CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING REQUIREMENTS; PROVIDING FOR CHANGES TO FEES AND PENALTIES; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS, AND EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Lee County is the governing body in and for Lee County, Florida; and

WHEREAS, the Board of County Commissioners of Lee County, Florida is authorized pursuant to Chapter 125, Florida Statutes, to enact Ordinances necessary in the exercise of its powers; and

WHEREAS, Lee County is responsible pursuant to Chapter 403, Florida Statutes, for the proper disposal of all solid waste generated in the County; and

WHEREAS, collection of recyclables is beneficial to the environment through the reuse and/or recycling of recovered materials; and

WHEREAS, Lee County finds that mandatory recycling of commercial and multi-family residential solid waste, and construction and demolition debris will extend the life of County operated landfills and waste-to-energy facilities.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, that:

SECTION 1: PURPOSE AND SCOPE OF ORDINANCE

- A. The purpose of this Ordinance is to establish mandatory recycling to ensure that recyclable materials generated and accumulated by multi-family properties, commercial establishments, and construction and demolition activities be source separated and collected from the solid waste so that such recyclable materials are not deposited at a landfill, but are processed and reused.
- B. Lee County requires that all businesses and multi-family properties in unincorporated Lee County must provide sufficient on-site recycling services. Under this requirement, business properties must continue to use the designated franchise hauler for refuse collection for their service area and shall choose a service provider and negotiate prices for recycling services. Multi-family properties shall utilize the designated franchise hauler for collection of recycling materials required under this Ordinance. The Recycling guidelines contained within this document are intended to articulate the standards and expectations for commercial and multi-family recyclables collection. Commercial businesses on minimum refuse service as defined by the Solid Waste Division are exempt from the requirements of this Ordinance. Construction and demolition activities may select any service provider and negotiate prices for recycling services.

SECTION 2: DEFINITIONS

For the purposes of this Ordinance, the definitions contained in this Section shall apply unless otherwise specifically stated. When consistent with the context, words used in the present tense include the future, words in the plural include the singular and words in the singular include the plural. The words “shall” or “will” are mandatory and not discretionary. For further clarification of definitions, refer to Section 403.703, Florida Statutes, and Fla. Admin. Code R. 62-701.200 as either may be amended from time to time and is incorporated herein by reference.

In the event of any conflict between a definition as made in this Ordinance and one contained in either Section 403.703, Florida Statutes, or Fla. Admin. Code R. 62-701.200, as either may be amended from time to time, the statutory or administrative definition shall control.

- A. **Advanced Disposal Fee** shall mean a fee imposed upon commercial entities or properties for failure to comply with the requirements of this Ordinance.
- B. **Agreement** shall mean the franchise agreements executed by the County and awarded to certain collection contractors.
- C. **Board** shall mean the Board of County Commissioners of Lee County, Florida.
- D. **Business** or **Commercial Business** means any business, proprietorship, firm, partnership, person in representative or fiduciary capacity, association, venture, trust, governmental office, educational facility, corporation which is organized for financial gain or for profit, or non-profit

corporation or entity, including all commercial, governmental, industrial, and institutional entities.

- E. **Certified Recycling Facility** means a recycling, composting, materials recovery or re-use facility for which the Director has identified as compliant with the intent of this Ordinance
- F. **Collect** or **Collection** includes accept, accumulate, store, process, transport, market or dispose of as required by County Ordinance, state and federal law.
- G. **Collection System** (1) for business properties means a system which includes the following components: (a) receptacles for individual employees and/or centrally located receptacles expressly for the collection and storage of recyclable materials separated by employees; (b) a contract with a hauler for collection of the recyclable materials and transport to a recycling processor or end-user, or proof of self-haul to a permitted material recycling facility; and (c) educational materials to inform employees of how to properly use collection receptacles; and (2) for multi-family properties means a system that includes the following components: (a) at-the-unit or centrally located receptacles expressly for the collection and storage of recyclable materials separated by tenants; (b) a contract with a hauler for collection of the recyclable materials and transport to a recycling processor or end-user, or proof of self-haul to a permitted material recycling facility; and (c) educational materials to inform tenants of how to properly use collection receptacles.

- H. **Construction** means the building of any facility or structure or any portion thereof including any tenant improvements to a previously unoccupied existing facility or structure. "Construction" does not include a project limited to interior plumbing work, electrical work or mechanical work.
- I. **Construction and Demolition Debris** or C&D means used or commonly discarded materials removed from premises of a Covered Project during construction, remodeling, repair, demolition, deconstruction or renovation resulting from construction, renovation, remodeling, repair, deconstruction, or demolition operations on any pavement, house, commercial building, or other structure, or from landscaping. Such materials include, but are not limited to, dirt, sand, rock, gravel, bricks, plaster, gypsum wallboard, aluminum, glass, asphalt material, plastic pipe, roofing material, carpeting, concrete, wood, masonry, rocks, trees, remnants of new materials, including paper, plastic, carpet scraps, wood scraps, scrap metal, building materials, packaging and rubble resulting from construction, remodeling, renovation, repair and demolition operations on pavements, houses, commercial buildings and other structures
- J. **Construction and Demolition Diversion Fee** or **Diversion Fee** means any money order, cash, or certified check submitted to the County pursuant to this Ordinance.
- K. **Conversion Rate** means the rate set forth in the tables provided in the County's Construction and Demolition Materials Management Plan pursuant to this Ordinance for use in estimating the volume or weight of

materials identified pursuant to the requirements of the County's Construction and Demolition Materials Management Plan.

- L. **County** shall mean Lee County, Florida.
- M. **Covered Project** means a project for which a building, demolition, or other similar permit is required by County Ordinance.
- N. **Customer** means a Business or a Multi-Family Property that has arranged for recycling collection services to be provided by a service provider with or without compensation. Where several businesses share garbage containers and collection service, "Customer" refers only to the entity that arranges the collection service for all.
- O. **Deconstruction** means a process to dismantle or remove useable materials from structures, in a manner which maximizes the recovery of building materials for reuse and recycling and minimizes the amount of waste transported for disposal in landfills and transformation facilities
- P. **Demolition** means the destruction, razing, ruining, tearing down or wrecking of any facility, structure, pavement, or building, whether in whole or in part, whether interior or exterior
- Q. **Director** means the Director of the Solid Waste Division or his/her designated representative.
- R. **Diversion Requirement** means the diversion of at least fifty percent (50%) of the total Construction and Demolition Debris generated by a Covered Project by reuse or recycling, unless the Permittee has been granted an exemption pursuant to this Chapter. If the Permittee has been

granted an exemption, the Diversion Requirement shall be the maximum feasible diversion rate established by the Director for the Project.

- S. **Divert** or **Diversion** means activities which reduce or eliminate the amount of C&D Material from disposal in a landfill.
- T. **Exempt Project** shall have the meaning set forth in Section 5.G. of this Ordinance.
- U. **Franchise Contractor** means those firms specifically authorized by a solid waste franchise collection contract with Lee County to provide solid waste collection services within Lee County.
- V. **Governmental Property** for the purposes of this Ordinance, means property owned by the United States of America or the State of Florida or any of their agencies, a special district, and an independent statutory district.
- W. **Material Recovery Facility (MRF)** is any business, organization or facility that receives recyclable materials from residential or business sources and processes those materials by sorting, baling, crushing and/or granulating, for the purpose of marketing such materials.
- X. **Multi-Family Property** means any multi-family dwelling building or group of buildings that contain(s) five (5) dwelling units or more on a single parcel including apartments, condominiums, mobile home parks, recreational vehicle parks, etc.
- Y. **Owner** shall mean any persons, corporation, partnership or entity, or its agent (such as a condominium or homeowners association), jointly or

severally, having an ownership interest in a multi-family property or business and otherwise responsible for solid waste collection.

- Z. **Permittee** means any person, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever required to apply for an applicable permit to undertake any Construction, Demolition, or Renovation project within the County. A Permittee must comply with the requirements of this Ordinance.
- AA. **Project** means any activity for which a permit for a building, demolition, parking area construction or other permit is required. See also “Covered Project”.
- BB. **Recyclable Material(s)** means a material which otherwise would be abandoned or discarded but which can be utilized in a secondary material market. Such materials include, but are not limited to, corrugated cardboard, newspaper, wood, junk mail, paper (all colors), aluminum, steel and tin cans, glass bottles and jars, and #1 - #7 plastic containers.
- CC. **Recycling** means a series of activities, including collection, separation, and processing, by which products or materials are recovered from or otherwise diverted from the solid waste stream.
- DD. **Recycling Program** means a recyclable material separation plan and collection system which a business or multi-family property makes a commitment to comply with the County’s recycling requirement, specifying which materials it will recycle and designating a service provider.

- EE. **Renovation** means any change, addition, or modification to an existing structure that requires a building permit or demolition permit but does not include a project limited to interior plumbing work, electrical work or mechanical work.
- FF. **Reuse** means further or repeated use of materials.
- GG. **Salvage** means the controlled removal of Construction or Demolition Debris from a building or Demolition project for the purposes of Recycling, Reuse, or storage for later Recycling or Reuse.
- HH. **Self-Haul** when used in reference to recyclable materials generated by a business subject to this Ordinance, means the collection and transportation of such material where an owner or employee of the entity hauls the recyclable material to a MRF rather than hiring a service provider to perform this function.
- II. **Service Provider** means a person, firm or corporation engaged in the removal of Recyclable Material from any location within Lee County and includes Franchise Contractors.
- JJ. **Solid Waste** means the definition as stated at Section 403.703, Florida Statutes, and Fla. Admin. Code R. 62-701.200 as either may be amended from time to time. Solid waste generally means any garbage, rubbish, industrial waste, horticultural waste, extraordinary waste or other semi-solid material resulting from domestic, commercial, industrial, agricultural, or governmental operations including refuse and bulky waste, but excluding hazardous waste, sludge, septic tank pump age, asphalt, tar, oil

and grease, and also excluding any hazardous substances set forth in 40 CFR Part 261.

KK. **Source Separation** shall mean a process that separates the Recyclable Material from solid waste into homogeneous, marketable, and separate Recyclable Materials prior to collection for the purpose of Recycling.

SECTION 3: BUSINESS RECYCLING REQUIREMENTS

A. Program Requirements

All Businesses within unincorporated areas of Lee County shall establish an on-site recycling program and recycle a minimum of one (1) Recyclable Material that the business generates. This primary Recyclable Material shall be the Recyclable Material that makes up the largest portion of the Business' waste stream. The business can sell or exchange at fair market value its own Recyclable Materials for Recycling.

1. Each Business shall enter into a written service agreement, with a Service Provider. The service agreement must provide at a minimum one (1) collection every two (2) weeks of Recyclable Materials. The on-site Business recycling program shall be initiated within three (3) months of the effective date of this Ordinance.
2. A Service Provider or Business shall be responsible for the collection, intermediate storage or transfer, transportation, and/or sale of Recyclable Materials to a processor, broker, or market engaged in the reuse of materials.

3. All Service Providers who collect recyclable material from businesses in unincorporated Lee County must comply with applicable federal, state, and county laws, and regulations.
4. All Businesses must maintain a Recycling Program form on-site for review by the County effective January 1, 2008 or within fourteen (14) days of beginning operations after the effective date of this Ordinance. Where a Business covers multiple service locations, the Business shall maintain a Recycling Program form for each location. Recycling programs shall be maintained in effect regardless of any change of building ownership or service provider.
5. Recycling collection schedules and pickup locations shall be mutually agreed upon by the business and the Service Provider and shall be indicated in a written service agreement. The County is not responsible for any problems, unauthorized collections, liabilities, or any other difficulties that arise between the Service Provider and the Business except when the service provider is the County's Franchise Contractor performing in their service area.
6. Each Business shall recycle a minimum of one (1) material listed below or other non-listed materials that are approved by the Director. Materials should be prepared and/or separated in a manner mutually acceptable to the Service Provider and the Business. This paragraph does not limit the recycling of additional materials as desired by the business, nor does it prohibit a

business from Self-Hauling material to a Material Recovery Facility, processor, or material broker.

- Fiber Products – which include, at a minimum, mixed office paper (white and colored), newspaper, corrugated cardboard, and paperboard
- Co-mingled containers – which include at a minimum, aluminum cans, tin/steel cans, glass bottles and jars, and #1-#7 plastic containers
- Ferrous metal
- Non-ferrous metal
- Wood

7. The County reserves the authority to add or delete materials to the above list. Substitutions for items on the list will be considered by the Solid Waste Division Director on a case by case basis subject.

8 Containers

- a. Containers provided by the Service Provider or Business for Recyclable Materials, including compactors, shall be clearly and sufficiently labeled in English (and in other languages if appropriate) and shall indicate the Recyclable Material to be placed in the container, the word “recycling” or “recyclable” or the “chasing arrows” recycling symbol shall be indicated and indicate “No Trash” or other suitable language restricting the use of the container to Recyclables only..

- b. Containers used to collect Recyclable Material shall have adequate capacity and durability to function efficiently and meet the spatial constraints of the business. The type of containers used for collection of Recyclable Materials will be established between the Business and the Service Provider.
 - c. Any recycling containers required for a Recycling program will be provided by the Service Provider or Business.
 - d. Containers located outdoors shall be covered and otherwise secured to prevent container and material from blowing, leaking or falling out and to protect the materials from vector populations and the elements.
9. Indoor collection/storage areas shall be established in accordance with appropriate fire, building and/or safety codes.
10. Exterior Recyclable Materials storage areas shall be established in accordance with County requirements for solid waste enclosures.
11. The Business property owner shall maintain all Recyclable Material storage areas, including the containers, in a clean, sanitary and litter-free manner.

B. Promotion and Education

1. A Business subject to this ordinance is responsible for notifying and continually educating its employees on recycling practices at the Business through a formal and ongoing education program. Each Business shall distribute to new employees and to all existing

employees at least annually, general recycling information and current program recycling guidelines.

2. The Business shall provide recycling service options that enhance convenience for employees/tenants in order to gain and maintain maximum participation in the program, thus reducing the volume of solid waste generated.
3. The County will provide general promotional material such as posters and introductory letters. If requested the County will also assist with information for site-specific Recycling programs.

C. Recordkeeping

1. All businesses shall maintain records and reports as required herein and promptly respond to periodic requests from the Solid Waste Division for such records and reports that are directly pertinent to its Recycling Program.
2. The County reserves the right to obtain copies of the service agreement and/or scale receipts, and enter the premises to inspect the recycling program. Information requested by the County shall be provided or made available to the County within twenty (20) working days of a written request for any relevant, non-financial information from the Business as may be needed to satisfy the requirements of this Ordinance. If the County inspects a business pursuant to this Ordinance, Recycling Program information shall be made available during the inspection. Upon inspection of the

business premises, the County may inspect all relevant information related to the Recycling Program as necessary to verify sale or delivery of collected Recyclable Materials. If records are not kept on-site, the business owner will make them available within twenty (20) business days of the County's written request.

D. Temporary Exemptions for Recyclable Materials

1. Commercial businesses on minimum refuse service as defined by the Solid Waste Division are exempt from the requirements of this ordinance.
2. Limited exemptions, as set forth below, may be approved by the Director or his/her designee. Applications for an exemption from the requirements of this Ordinance shall be submitted in writing to the Director. An exemption may be allowed where compliance with the Ordinance would result in unnecessary hardship to the Business and the need for an exemption would not be shared generally by other Businesses. All exemptions are to be construed as temporary, for a period not to exceed one (1) year, and shall be considered withdrawn on the first to occur of (a) a change in the condition(s) which prompted the exemption, or (b) the expiration of the time period granted in the exemption. Should an exemption be withdrawn because the time period has expired, an applicant may apply for renewal of the exemption. Applications are evaluated against the following criteria:

- a. Incompatibility of compliance with the requirements of this Ordinance and compliance with other Lee County ordinances or other laws;
- b. Unavailability of collectors or acceptors (defined as licensed haulers of Recyclable Materials or intermediate or final processors of Recyclable Materials);
- c. Unavailability of on-site space for the separate and temporary storage of one (1) or more of the required recyclable materials;
- d. Extreme disparity between the applicant's costs of recycling one (1) or more of the required materials and the costs of disposal of the same material(s);
- e. Negligible generation rates of one (1) or more of the required recyclable materials.
- f. Other conditions, in the opinion of the Director, that are considered as adequate justification for adaptation consideration.
- g. The Director will consider these criteria in evaluating the application and will consider the compliance rate, implementation plans, and recycling programs of similar businesses in Lee County. The Director will direct solid waste division staff to make a site visit and prepare a report on the applicant's property.

2. After reviewing the information described in subsection (1) above, the Director may take one (1) of the following actions:

- a. Grant an adaptation that requires the applicant to recycle alternative materials identified by the Director;
- b. Grant an adaptation that reduces the number of types of materials required to be recycled; or
- c. Deny the request for an adaptation.

E. Compliance and Enforcement for Business Recycling Programs

1. An Advance Disposal Fee (ADF) will be assessed monthly on each commercial location refuse billing statement for non-compliance with this Ordinance. These fees are outlined below. Commencement of billing will occur after the effective date of this Ordinance. The solid waste generation rate category is the category that corresponds to the type of business (Florida DOR Classification) as set forth in Ordinance 96-09 and the applicable waste generation range for such businesses per unit. Upon presentation of the information and materials required, the ADF may be waived for a Business for a period of one year. Continued waiver of this fee is contingent on submittal of an exemption and approval by the Solid Waste Division of an updated Recycling Program and appropriate agreements and provisions.

Solid Waste Generation Rate Category	ADF Fee
A, B	\$100
C	\$250
D, E	\$500

2. In evaluating whether a violation of this Ordinance has occurred, County staff have the right to visit the Business and determine the presence and capacity of recycling containers, the presence and quantities of Recyclable Materials in recycling containers, the presence of signs, flyers, stickers and other information which promotes recycling, and engage in discussion with employees, tenants and owners, and Service Providers regarding the Business' Recycling Program. Any separation and storage of Recyclable Materials shall be undertaken in a location suitable and adequate for such activity. Separation and storage facilities shall comply with all applicable laws.
3. The owner, unless he or she has otherwise arranged for and received approval from the Solid Waste Division Director for more time, will be given twenty (20) business days from the date of the notification to provide the County with a written explanation of the pertinent events and circumstances relative to the alleged violation.

4. Lee County Solid Waste Division staff will be available for assistance in setting up a satisfactory Recycling System and achieving compliance with this Ordinance.
5. Should the owner, after the provided twenty (20) business days, be found to continue to be in violation of this Ordinance, the owner will be assessed the Advance Disposal Fee from the date of the initial violation until such time that the owner can demonstrate, to the satisfaction of the Director that the owner is again in compliance with the Ordinance.
6. Should the owner be found to be in violation of this Ordinance due to a suspension of service due to non-payment of invoices from the service provider, the owner will be assessed \$300 for each violation from the date of the initial violation until such time that the owner can demonstrate, to the satisfaction of the Solid Waste Division staff that the owner is again in compliance with the Ordinance.

F. Enforcement Actions for Business Properties

1. The Lee County Solid Waste Division, the Division of Codes and Building Services, and the Lee County Sheriff's Office have the concurrent authority and jurisdiction to enforce the provisions of this Ordinance. In addition to the procedures and penalties set forth below, the County also has recourse to any remedies available at law or in equity, including injunctive relief and damages.

2. Civil Action: The County may take civil action to enforce the provisions of this Ordinance in accordance with the following procedures:

a. Hearing Examiner Process:

The provisions of this Ordinance are enforceable through the Hearing Examiner process in accordance with the procedures as set forth in Chapter 162, Florida Statutes, the Lee County Land Development Code Ch. 2., Art. VII, and the Lee County Administrative Code Section 2-14, as amended from time to time.

b. Citation Process:

The provisions of this Ordinance are enforceable through the citation process in accordance with the requirements as set forth in Chapter 162, Florida Statutes, the Lee County Land Development Code Section 2-430 and Lee County Administrative Code 12-5 (each as amended).

3. Criminal Action: The County may take criminal action when appropriate to enforce the provisions of this Ordinance in accordance and in conjunction with Florida Statutes.

4. Penalties:

a. Civil: A violation of this Ordinance may subject the property owner to a fine of up to \$500.00 per violation. For purposes

of this Ordinance, each day a violation continues to exist constitutes a separate violation.

b. Criminal: A violation of this Ordinance may also constitute a second-degree misdemeanor punishable in accordance with Florida Statutes by:

- (1) A \$500.00 fine,
- (2) Up to ten (10) days imprisonment or community service, or
- (3) Both fine and imprisonment or community service.

SECTION 4: MULTI-FAMILY RECYCLING REQUIREMENTS

A. Program Requirements

1. All properties in the County identified as Multi-Family shall institute an on-site recycling program, and provide a collection system for collection of mixed paper, office paper, newspaper, paperboard, and corrugated cardboard, glass containers, #1 through #7 plastic containers, metal and aluminum cans, white goods, and electronic devices. Such recycling shall be done in compliance with this Ordinance and Lee County Ordinance 05-13, as may be revised or amended from time to time.
2. All Multi-Family properties must provide a Recycling Program effective January 1, 2008, or within fourteen (14) days of initial occupancy, after the effective date of this Ordinance. Where a

Multi-Family entity consists of multiple properties the Multi-Family entity shall maintain a Recycling Program for each property.

3. Recycling collection pickup locations shall be mutually agreed upon by the Multi-Family property owner and the Service Provider. The collection schedule shall be at a minimum weekly.
4. Containers:
 - a. Containers provided by the Service Provider or Multi-Family property for Recyclable Materials, including compactors, shall be clearly and sufficiently labeled in English (and in other languages if appropriate), shall indicate the Material to be placed in the container and the word “recycling” or “recyclable” or the “chasing arrows” recycling symbol shall be indicated and indicate “No Trash” or other suitable language restricting the use of the container to Recyclables only.
 - b. Containers used to collect Recyclable Material shall have adequate capacity and durability to function efficiently and meet the spatial constraints of the business. The type of containers used for collection of Recyclable Materials will be established between the Business and the Service Provider.
 - c. Any recycling containers required for a Recycling program will be provided by the Service Provider or Multi-Family property.

- d. Containers located outside the Multi-Family properties shall be covered and otherwise secured to prevent container and material from blowing, leaking or falling out and to protect the materials from vector populations and the elements.
- e. Indoor collection/storage areas shall be established in accordance with appropriate fire, building and/or safety codes.
- f. Exterior Recyclable Materials storage areas shall be established in accordance with County requirements for solid waste enclosures.
- g. The Multi-Family property shall maintain all Recyclable Material storage areas, including the containers, in a clean, sanitary and litter-free manner.

B. Promotion and Education

- 1. A Multi-Family property is responsible for notifying and continually educating its tenants on recycling practices at the Multi-Family property through a formal and ongoing education program. Each Multi-Family property shall distribute to new tenants and to all existing tenants at least annually, general recycling program information and current program recycling guidelines applicable to the Multi-Family property.

2. The County will provide general promotional material such as posters and introductory letters. If requested the County will also assist with information for site-specific recycling programs.

C. Temporary Exemptions for Materials

1. Limited exemptions, as set forth below, may be approved by the Director. Applications for an exemption from the requirements of this Ordinance shall be submitted to the Director. An exemption may be allowed where compliance with the Ordinance would result in unnecessary hardship to the Multi-Family property and the need for an exemption would not be shared generally by other Multi-Family properties. All exemptions are to be construed as temporary, for a period not to exceed one (1) year, and shall be considered withdrawn on the first to occur of (a) a change in the condition(s) which prompted the exemption, or (b) the expiration of the time period granted in the exemption. Should an exemption be withdrawn because the time period has expired, an applicant may apply for renewal of the exemption. Application forms are available from the County's Solid Waste Division. Applications are evaluated against the following criteria:
 - a. Incompatibility of compliance with the requirements of this Ordinance and compliance with other Lee County ordinances or other laws;

- b. Unavailability of on-site space for the separate and temporary storage of one (1) or more of the required recyclable materials; or
 2. The Director will consider the above-mentioned criteria in evaluating the application and will consider the compliance rate, implementation plans, and recycling programs of similar multi-family businesses in Lee County. The Director will direct Solid Waste Division staff to make a site visit and prepare a report on the Multi-Family property.
 3. After reviewing the information described in subsection (1) above, the Director may take one (1) of the following actions:
 - a. Grant an adaptation that requires the applicant to recycle alternative materials identified by the Director;
 - b. Grant an adaptation that reduces the number of types of materials required to be recycled; or
 - c. Deny the request for an adaptation.

D. Recordkeeping

1. All Multi-Family properties shall maintain records and reports as required herein and promptly respond to periodic requests for such records and reports that are directly pertinent to the recycling guidelines.
2. The County reserves the right to obtain copies of the service agreement and/or scale receipts, and enter the premises to inspect

the recycling program. Information requested by the County shall be provided or made available to the County within twenty (20) business days of a written request for any relevant, non-financial information from the Multi-Family property as may be needed to satisfy the requirements of the Ordinance. If the County inspects a Multi-Family property as provided in the Ordinance, Recycling program records shall be made available during the inspection. Upon inspection of the Multi-Family property, the County may request other relevant information related to the Recycling Program, including receipts or invoices necessary to verify sale or delivery of collected Recyclable Materials. If records are not kept on-site, the Multi-Family property will make them available within twenty (20) business days of the written request.

E. Compliance & Enforcement

1. In evaluating whether a violation of County Ordinance has occurred, County staff have the right to visit the premises and determine the presence and capacity of recycling containers, the presence and quantities of Recyclable Materials in recycling containers, the presence of signs, flyers, stickers and other information which promotes recycling, and engage in discussion with employees, tenants and owners, and Contractor regarding their recycling program. Any processing and storage of Recyclable Materials shall be undertaken in a location suitable and adequate

for such activity. Processing and storage facilities shall comply with all applicable zoning ordinances and any other applicable local and state statutes, ordinances and regulations.

2. The County may initiate an enforcement action based on its own observations or a complaint from others for violation of County Ordinance. The County will deliver notice of the violation to the property owner describing the nature of the violation and providing a point of contact with County staff to remedy the problem.
3. The owner, unless he has otherwise arranged for and received approval from the Solid Waste Services Director for more time, will be given twenty (20) business days from the date of the notification to provide the County with a written explanation of the pertinent events and circumstances relative to the alleged violation.
4. Solid Waste Division staff will be available for assistance in setting up a satisfactory recycling system and achieving compliance with this ordinance.
5. Should the owner, after the provided twenty (20) business days, be found to continue to be in violation of this Ordinance, the owner will be assessed \$300 for each violation from the date of the initial violation until such time that the owner can demonstrate, to the satisfaction of the Solid Waste Division staff that the owner is again in compliance with the Ordinance.

F. Enforcement Actions for Multi-Family Properties

1. The Lee County Solid Waste Division, the Division of Codes and Building Services, and the Lee County Sheriff's Office have the concurrent authority and jurisdiction to enforce the provisions of this Ordinance. In addition to the procedures and penalties set forth below, the County also has recourse to any remedies available at law or in equity, including injunctive relief and damages.
2. Civil Action: The County may take civil action to enforce the provisions of this Ordinance in accordance with the following procedures:
 - a. Hearing Examiner Process:

The provisions of this Ordinance are enforceable through the Hearing Examiner process in accordance with the procedures as set forth in Chapter 162, Florida Statutes, the Lee County Land Development Code Ch. 2., Art. VII, and the Lee County Administrative Code Section 2-14, as amended from time to time.
 - b. Citation Process:

The provisions of this Ordinance are enforceable through the citation process in accordance with the requirements as set forth in Chapter 162, Florida Statutes, the Lee County Land Development Code Section 2-430 and Lee County Administrative Code 12-5 (each as amended).

3. Criminal Action: The County may take criminal action when appropriate to enforce the provisions of this Ordinance in accordance and in conjunction with Florida Statutes.
4. Penalties:
 - a. Civil: A violation of this Ordinance may subject the property owner to a fine of up to \$500.00 per violation. For purposes of this Ordinance, each day a violation continues to exist constitutes a separate violation.
 - b. Criminal: A violation of this Ordinance may also constitute a second-degree misdemeanor punishable in accordance with Florida Statutes by:
 - (1) A \$500.00 fine,
 - (2) Up to ten (10) days imprisonment or community service, or
 - (3) Both fine and imprisonment or community service.

SECTION 5: CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING REQUIREMENTS

A. Covered Projects

1. Effective June 1, 2008 and except as otherwise provided in this Ordinance, each Permittee's Covered Project for which a permit application was submitted after January 1, 2008 shall be required to comply with the provisions of the County's Construction and

Demolition Materials Management Plan ("C&DMMP"), as described in this Ordinance, unless the project is exempted, as described below.

2. No Diversion Fee shall be required for any of the following:
 - a. Work for which a building permit is not required by this Ordinance;
 - b. Any new residential construction project less than \$90,000 dollars;
 - c. Any new commercial construction project less than \$90,000;
 - d. Residential alterations less than \$10,000;
 - e. Commercial alterations less than \$10,000;
 - f. Projects for which only a plumbing permit, electrical permit or mechanical permit is required;
 - g. Roofing projects that do not include removal of the existing roof;
 - h. Demolition or Construction required to protect public health or safety in an emergency, as may be amended from time to time.

B. Construction and Demolition Materials Management Plans

1. The County will prepare a standard Construction and Demolition Materials Management Plan ("C&DMMP") for the use of Permittees during the course of the permit period. The C&DMMP will require that the Permittee perform all of the following: (1) estimate the

volume or weight of Project C&D Materials, by materials type, to be generated; (2) estimate the maximum volume or weight of C&D Materials that it is feasible to divert, considering cost, energy consumption and delays, via reuse or recycling; (3) designate the vendors or facilities that the Permittee proposes to use to collect, divert, market, reuse and/or receive the C&D Materials; and (4) estimate the volume or weight of residual C&D Materials that would be transported for disposal.

2. In estimating the volume or weight of materials identified in the C&DMMP, the Applicant shall use the standardized Conversion Rates approved by the County for this purpose.
3. Permittees for building or demolition permits involving the removal of all or part of an existing structure shall consider Deconstruction, to the maximum extent feasible, and shall consider making the materials generated therefore available for Salvage prior to being transported for disposal in a landfill or transformation facility.

C. Diversion of waste

1. For the purposes of this Ordinance, diversion may be accomplished using any of the following methods:
 - a. Use of new construction methods, as approved by the Director, that reduce the amount of waste generated.
 - b. On-site reuse of the waste.

- c. Delivery of the waste from the site to a County Approved Recycling Facility as described in this Ordinance.
 - d. Other methods approved by the Director.
 - 2. All of the waste diversion methods which may qualify for a waiver of the Diversion Fee are subject to restrictions and documentation requirements as set forth by the Director.
- D. Approved Recycling Facilities
 - 1. The Director shall issue approval only if the owner or operator of the facility submits documentation satisfactory to the Director:
 - a. That the facility has obtained all applicable Federal, State, and local permits and is in full compliance with all applicable regulations; and
 - b. The percentage of incoming waste from construction, demolition, and alteration activities that is diverted from landfill disposal meets the required minimum percentage set forth in this Ordinance.
 - c. The Director will indicate whether a facility approval allows for commingled or source separated materials and which materials are included with the approval.
 - 2. The County shall make available a current list of Approved Recycling Facilities that may change from time to time.

E. Construction and Demolition Materials Management Plan Diversion Fee

1. Each Permittee for a Covered Project shall be subject to a Diversion Fee per the conditions of Section F below. The amount of the Diversion Fee shall be calculated as indicated below:

- a. Roofing - \$100
- b. Residential home - \$300
- c. Commercial less than 10,000 square feet (sf) - \$500
- d. Commercial between 10,000 sf and 100,000 sf - \$1,000
- e. Commercial greater than 100,000 sf - \$5,000
- f. Residential alterations - \$100
- g. Commercial alterations - \$300
- h. Demolition value less than or equal to \$10,000 - \$300
- i. Demolition value greater than \$10,000 - \$750

F. Assessment of Diversion Fee

1. Prior to issuance of a Certificate of Occupancy or a Certificate of Compliance for any Covered Project, as applicable, the Permittee may submit to the Director documentation that the Permittee has satisfied the Diversion Requirement for the project. This documentation shall include all of the following:

- a. Receipts and gate tickets from the vendor(s) or facility(s) that collected or received C&D Debris from the Covered Project showing the actual weight or volume of that material;

- b. Any additional information the Permittee believes is relevant in determining its efforts to comply with this Ordinance.
- c. A complete C&DMMP applicable to the covered project.
- d. A certified statement using the County approved form attesting to the validity and accuracy of the supporting information and that the Covered Project was performed in compliance with the requirements of this Ordinance.

If the Permittee fails to submit the required documentation and certification, the Permittee shall submit a Diversion Fee as defined along with all other applicable fees at the time of issuance of the Certificate of Occupancy or Certificate of Compliance.

2. Applicants shall make reasonable efforts to ensure that all C&D Materials diverted, or delivered to disposal facilities for disposal, are measured and recorded using the most accurate method of measurement reasonably available. To the extent practical, all C&D debris shall be weighed on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For C&D debris for which weighing is not practical due to size or other considerations, a volumetric measurement may be used. For conversion of volumetric measurements to weight, the Applicant shall use the standardized conversion rates approved by the Director for this purpose. Documentation of the foregoing shall

consist of photocopies of receipts, weight tickets, gate tickets, and other records from recycling facilities, deconstruction contractors, solid waste enterprises and disposal facilities.

3. The Director shall review the information submitted and determine whether the Permittee has complied with the requirements of this Ordinance for material diversion, as follows:

a. If the Director determines that the documentation and certification provided by the Permittee does not fully comply with the requirements of this Ordinance, the Permittee will be found to be in violation of this Ordinance and issued a citation or the County may take other actions as set forth in Section 5.H. of this Ordinance.

b. The Director may authorize the refund of any Diversion Fee which was erroneously paid or collected.

c. The Director may authorize the refund of a Diversion Fee if the building or demolition permit application is withdrawn or cancelled before any work has begun.

6. Should the owner be found to be in violation of this Ordinance, the Permittee will be assessed three times (3X) the Diversion Fee as defined for the Covered Project.

G. Exemptions from Diversion Requirements

1. If a Permittee for a Covered Project experiences or anticipates unique circumstances that the Permittee believes make it not

feasible to comply with the Diversion Requirement, the Permittee may apply in writing for an exemption with the Solid Waste Division prior to submission of the required documentation and certification. The Permittee shall indicate to the Solid Waste Division the maximum rate of diversion the Permittee believes is feasible for each material and the specific circumstances that the Permittee believes make it not feasible to comply with the diversion requirement.

2. The Director shall review the information supplied by the Permittee and may meet with the Permittee to discuss possible ways of meeting the diversion requirement. Based on the information supplied by the Permittee, the Director shall determine whether it is possible for the Permittee to meet the diversion requirement.
3. If the Director determines that it is not feasible for the Permittee to meet the diversion requirement, the Director shall determine the maximum feasible diversion rate for each material. This determination will be used for comparison purposes upon request for Certificate of Occupancy or for refund of the Diversion Fee, as applicable.
4. If the Director determines that it is possible for the Permittee to meet the Diversion Requirement, the Director shall so inform and give reason(s) to the Permittee.

H. Enforcement Actions for Covered Projects

1. The Lee County Solid Waste Division, the Division of Codes and Building Services, and the Lee County Sheriff's Office have the concurrent authority and jurisdiction to enforce the provisions of this Ordinance. In addition to the procedures and penalties set forth below, the County also has recourse to any remedies available at law or in equity, including injunctive relief and damages.
2. Civil Action: The County may take civil action to enforce the provisions of this Ordinance in accordance with the following procedures:
 - a. Hearing Examiner Process:

The provisions of this Ordinance are enforceable through the Hearing Examiner process in accordance with the procedures as set forth in Chapter 162, Florida Statutes, the Lee County Land Development Code Ch. 2., Art. VII, and the Lee County Administrative Code Section 2-14, as amended from time to time.
 - b. Citation Process:

The provisions of this Ordinance are enforceable through the citation process in accordance with the requirements as set forth in Chapter 162, Florida Statutes, the Lee County Land Development Code Section 2-430 and Lee County Administrative Code 12-5 (each as amended).

3. Criminal Action: The County may take criminal action when appropriate to enforce the provisions of this Ordinance in accordance and in conjunction with Florida Statutes.
4. Penalties:
 - a. Civil: A violation of this Ordinance may subject the Permittee to a fine of up to \$15,000 per violation. For purposes of this Ordinance, each day a violation continues to exist constitutes a separate violation.
 - b. Criminal: A violation of this Ordinance may also constitute a second-degree misdemeanor punishable in accordance with Florida Statutes by:
 - (1) A \$500.00 fine,
 - (2) Up to ten (10) days imprisonment or community service, or
 - (3) Both fine and imprisonment or community service.

SECTION 6: PROCEDURE FOR ADOPTING CHANGES TO FEES AND PENALTIES

Any future changes or adjustments to Advance Disposal Fees, Diversion Fees, penalties or other fees or charges related to this Ordinance will be made by County Resolution adopted by a majority of the Board of County Commissioners at a regular meeting.

SECTION 7: CONFLICTS OF LAWS

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted Lee County Ordinance or Florida Statute, the more restrictive shall apply.

SECTION 8: SEVERABILITY

The provisions of this Ordinance are severable and it is the intention to confer upon the whole or any part of the powers herein provided for. If any of the provisions of this Ordinance shall be held unconstitutional by any Court or competent jurisdiction, the decision of such Court shall not affect or impair any remaining provisions of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such unconstitutional provision not been included therein.

SECTION 9: CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lee County Code, and that sections of this Ordinance may be renumbered or relettered and that the word "Ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intention, and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or relettered and typographical errors which do not affect the intent may be authorized by the County Manager or the County Manager's designee, without need of public hearing, by filing a corrected or recodified copy of same with the Clerk of Circuit Court.

SECTION 10: EFFECTIVE DATE

This Ordinance, if adopted by the Board, shall take effect January 1, 2008 upon its filing with the Office of the Secretary of the Florida Department of State.

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DRAFT

Commissioner Hall made a motion to adopt the foregoing Ordinance, seconded by Commissioner Mann. The vote was as follows:

BOB JANES	<u>Aye</u>
BRIAN BIGELOW	<u>Aye</u>
RAY JUDAH	<u>Aye</u>
TAMMY HALL	<u>Aye</u>
FRANK MANN	<u>Aye</u>

DULY PASSED AND ADOPTED THIS 11th day of September 2007.

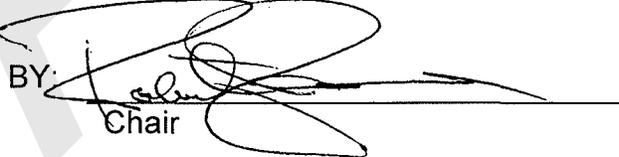
ATTEST: CHARLIE GREEN
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY:


Deputy Clerk

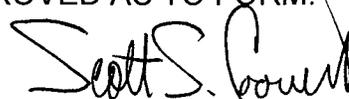
BY:


Chair



APPROVED AS TO FORM:

BY:



Scott S. Covert

Assistant County Attorney

Office of the County Attorney



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

September 17, 2007

Honorable Charlie Green
Clerk of Court
Lee County
Post Office Box 2469
Fort Myers, Florida 33902-2469

Attention: Patricia Weseman, Deputy Clerk

Dear Mr. Green:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated September 13, 2007 and certified copies of Lee County Ordinance Nos. 07-25 and 07-26, which were filed in this office on September 14, 2007.

Sincerely,

Liz Cloud
Program Administrator

LC/lbh

RECEIVED
MINUTES OFFICE
2007 SEP 20 AM 10:53

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dlis.dos.state.fl.us>

COMMUNITY DEVELOPMENT
850.245.6600 • FAX: 850.245.6643

STATE LIBRARY OF FLORIDA
850.245.6600 • FAX: 850.245.6744

STATE ARCHIVES OF FLORIDA
850.245.6700 • FAX: 850.488.4894

LEGISLATIVE LIBRARY SERVICE
850.488.2812 • FAX: 850.488.9879

RECORDS MANAGEMENT SERVICES
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY
850.245.6270 • FAX: 850.245.6282

Attachment 3: City of Orlando

DRAFT

ARTICLE III. - RECYCLING

Sec. 28.14. - Purpose and Declaration of Policy.

This Article III has been created in response to the significant public interest in reducing the amount of solid waste sent to landfills. Given the environmental and economic benefits of recycling, it shall be the policy of the City to encourage the source separation and recycling of recyclable materials to the greatest extent practicable, subject to the conditions and limitations herein.

(Ord. of 2-25-1985, Doc. #19234; Ord. of 10-12-1987, Doc. #21545; Ord. of 4-3-1989, Doc. #22899; Ord. of 12-9-1991, Doc. #25331; Ord. No. 2019-9, § 11, 3-11-2019, Doc. #1903111202)

Sec. 28.15. - Collection of Recovered Materials at Residential and Commercial Premises.

(1) *Recycling Program for Single Family, Duplex, and Triplex Residences.*

- (a) *Residential Recycling Program.* The City hereby establishes a recycling program for single family, duplex, and triplex residences in the City. The Division Manager shall designate the recyclable materials that will be collected pursuant to this recycling program. Residents who wish to participate in this recycling program shall separate the designated recyclable materials from their solid waste and then place the recovered materials in a recycling cart. The recycling cart and its contents shall be placed at curbside no earlier than 5:00 p.m. of the day before the scheduled collection and no later than 6:00 a.m. of the scheduled collection day.
- (b) *No Limits on Quantity.* There shall be no limit on the volume of recovered material that may be set out by a resident for collection at curbside by the City. However, the weight of the recovered material placed in a recycling cart shall not exceed the maximum weight limit shown on the cart.
- (c) *Ownership of Recovered Material.* When the generator (owner) of any recovered materials places such material at curbside for collection by the City, the title to and ownership of such material shall transfer to and vest automatically in the City. It shall be a violation of this Chapter 28 for any person (other than the City's authorized personnel) to collect, pick up, or remove any such material after the material has been placed at curbside.
- (d) *Exclusive Collection by City.* Recovered material that is placed at curbside pursuant to this Section 28.15(1) shall be collected, conveyed and managed exclusively by the City or its designated agents, licensees, franchisees, or representatives, who shall comply with the directions, rules, and regulations prescribed by the Division Manager pursuant to this Chapter 28.

(2) *Recycling Program for Multi-Family Residential Premises.*

- (a) *Multi-Family Recycling Program.* The City hereby establishes a recycling program for multi-family residential premises in the City that have four or more dwelling units (i.e., affected multi-family residential premises). In accordance with the schedule for implementation set forth in Section 28.15(2)(d) below, the owners of all such multi-family residential premises shall implement and at all times thereafter maintain a recycling program that complies with the requirements in this Section 28.15(2).
- (b) *Recyclable Materials; Collection.* The recycling program shall provide an on-site system for the separation and collection of the following recyclable materials:
- (i) Mixed paper and newspaper;
 - (ii) Corrugated cardboard and paperboard;
 - (iii) Glass containers;
 - (iv) Plastic containers #1 through #7; and
 - (v) Metal and aluminum cans.

The owner of each affected multi-family residential premises shall provide or arrange for the provision of one or more containers for the collection of recovered materials on their property. The recovered materials containers shall be sized and in sufficient numbers to satisfy the reasonable needs of the residents, tenants, and other occupants of the property. Recovered materials containers shall be placed only in locations on the property that comply with the requirements of the City Code governing the placement of such containers. The Solid Waste Division Manager may suspend the requirement for on-site separation and collection of one or more of the recyclable materials listed above in the event that market conditions or other good cause exists for such suspension.

- (c) *Recycling Verification Form.* On or before the applicable implementation date set forth in Section 28.15(2)(d), below, the owner of each affected multi-family residential premises shall submit a recycling program verification form to the Division Manager. The form is available from the City and may be found on the City's webpage. When completing this form, the owner shall provide sufficient information to demonstrate that the recycling program for the owner's property complies with the requirements in this Section 28.15(2). At a minimum, the owner shall provide the following information:
- (i) The address of the multi-family residential premises;
 - (ii) The contact information for the person responsible for the management of the multi-family residential premises;
 - (iii) The name and telephone number of the company providing collection service for recovered materials at the multi-family residential premises;

- (iv) The size, type, and number of containers being used to collect recovered materials;
- (v) The location(s) of the recovered materials container(s) on the property; and
- (vi) Such other information as the Division Manager may request.

An updated verification form shall be submitted by the owner within thirty (30) days if there are any changes to the recycling program. An updated verification form also shall be submitted within thirty (30) days if the owner receives a request from the Division Manager for updated information.

- (d) *Recycling Implementation Schedule.* Multi-family residential premises having four or more dwelling units shall establish and implement their recycling program in compliance with the following schedule:
 - (i) Within thirty (30) days after the issuance of a certificate of occupancy or certificate of completion for property that is newly developed or substantially improved, if the first application for a building permit for the new development or substantial improvement was filed with the City on or after October 1, 2019.
 - (ii) On or before April 1, 2020, for multi-family residential premises with 250 or more dwelling units, unless the recycling program must be implemented earlier pursuant to subsection (i) above.
 - (iii) On or before April 1, 2021, for multi-family residential premises having 75 or more dwelling units, but less than 250 dwelling units, unless the recycling program must be implemented earlier pursuant to subsection (i) above.
 - (iv) On or before April 1, 2023, for multi-family residential premises having four or more dwelling units, but less than 75 dwelling units, unless the recycling program must be implemented earlier pursuant to subsection (i) above.
- (e) *Exemptions.* Exemptions from the requirements of this Section 28.15(2) may be granted, in whole or in part, by the Division Manager upon such terms as the Division Manager deems appropriate. Applications for an exemption shall be submitted in writing to the Division Manager on forms provided by the Division. Applications shall contain the information requested by the Division Manager. Applications may be granted if:
 - (i) A requirement in this Section 28.15(2) is incompatible with a requirement in another City ordinance or applicable law, and no waiver of the other requirement has been granted;
 - (ii) There is not sufficient space available on the property for the storage of the recovered material container(s);
 - (iii) The requirements in Section 28.15(2) will cause the applicant to suffer financial or other hardships that are not shared generally by the multi-family residential premises complying with such requirements;

- (iv) The residents of the property only generate a negligible amount of the designated recyclable materials;
- (v) The owner has entered into a contract with a duly licensed person for the post-collection separation of recyclable materials, which will achieve a level of recycling that is comparable to the results achieved with source separation before collection; or
- (vi) Other good cause for relief is demonstrated, as determined by the Division Manager.

An exemption may be granted for as long as the exemption is needed, as determined by the Division Manager, but an exemption shall not exceed a period of one year. However, the owner may request and the Division Manager may approve the issuance of a new exemption on the same or a different basis.

- (f) *Recordkeeping.* The owner of multi-family residential premises subject to the requirements in Section 28.15(2) shall maintain records demonstrating compliance with all of its requirements, including but not limited to copies of collection contracts and invoices. The owner's records must demonstrate that recovered materials were collected and removed from the owner's property in compliance with the requirements herein. The records shall be maintained for a period of five (5) years after such collection occurred. Copies of the owner's records shall be provided to the City for inspection within thirty (30) days after they are requested in writing by the Division Manager.
- (g) *Inspections.* The City may inspect any multi-family residential premises to determine whether the premises is in compliance with the requirements of this Section 28.15(2).

(3) *Recycling Program for Commercial Establishments.*

- (a) *Commercial Recycling Program.* The City hereby establishes a recycling program for commercial establishments in the City. In accordance with the schedule for implementation set forth in Section 28.15(3)(d), below, the owners of all commercial establishments in the City shall implement and at all times thereafter maintain a program that complies with the requirements in this Section 28.15(3). If a leaseholder or occupant of the commercial establishment is responsible for providing or arranging for the provision of solid waste collection services to the commercial establishment, that person also shall be responsible for complying with all of the requirements imposed on the owner pursuant to this Section 28.15(3). The recycling program must provide a reasonable opportunity for recycling by the owner and each occupant of the commercial establishment, subject to the requirements and conditions herein. Buildings, commercial centers, office parks, and other properties with multiple tenants or other occupants may implement a single on-site recycling program that is shared by the owner and all of the participating occupants.
- (b) *Recyclable Materials; Collection.* The recycling program shall provide an on-site system for the separation and collection of the following recyclable materials:

- (i) Mixed paper and newspaper;
- (ii) Corrugated cardboard and paperboard;
- (iii) Glass containers;
- (iv) Plastic containers #1 through #7; and
- (v) Metal and aluminum cans.

Each owner of a commercial establishment in the City shall provide or arrange for the provision of one or more containers for the collection of recovered materials on their property. The recovered materials containers shall be sized and in sufficient numbers to satisfy the reasonable needs of the owner and all occupants on the property. Recovered materials containers shall be placed only in locations on the property that comply with the requirements of the City Code governing the placement of such containers. The Solid Waste Division Manager may suspend the requirement for on-site separation and collection of one or more of the recyclable materials listed above in the event that market conditions or other good cause exists for such suspension.

- (c) *Recycling Verification Form..* On or before the applicable implementation date set forth in Section 28.15(3)(d), below, the owner of each commercial establishment shall submit a recycling program verification form to the Division Manager. The form is available from the City and may be found on the City's webpage. When completing this form, the owner shall provide sufficient information to demonstrate that the recycling program for the owner's commercial establishment complies with the requirements in this Section 28.15(3). At a minimum, the owner shall provide the following information:
- (i) The address of the commercial establishment;
 - (ii) The contact information for the person responsible for the management of the commercial establishment;
 - (iii) The name and telephone number of the company providing collection service for recovered materials at the commercial establishment;
 - (iv) The size, type, and number of containers being used to collect recovered materials on the commercial establishment;
 - (v) The location(s) of the recovered materials container(s) on the property; and
 - (vi) Such other information as the Division Manager may request.

An updated verification form shall be submitted by the owner within thirty (30) days if there are changes to the recycling program. An updated verification form also shall be submitted within thirty (30) days if the owner receives a request from the Division Manager for updated information.

- (d)

Recycling Implementation Schedule. Commercial establishments shall create and implement their recycling program in compliance with the following schedule:

- (i) Within thirty (30) days after the issuance of a certificate of occupancy or certificate of completion for property that is newly developed or substantially improved, if the first application for a building permit for the new development or substantial improvement was filed with the City on or after October 1, 2019.
 - (ii) On or before April 1, 2020, for each commercial establishment where there is a building with 200,000 or more square feet of floor space, unless the recycling program must be implemented earlier pursuant to subsection (i) above.
 - (iii) On or before April 1, 2021, for each commercial establishment where there is a building with 100,000 or more square feet of floor space, but less than 200,000 square feet, unless the recycling program must be implemented earlier pursuant to subsection (i) above.
 - (iv) On or before April 1, 2023, for all remaining commercial establishments.
- (e) *Exemptions.* Exemptions from the requirements of this Section 28.15(3) may be granted, in whole or in part, by the Division Manager upon such terms as the Division Manager deems appropriate. Applications for an exemption shall be submitted in writing to the Division Manager on forms provided by the Division. Applications shall contain the information requested by the Division Manager. Applications may be granted if:
- (i) A requirement in this Section 28.15(3) is incompatible with a requirement in another City ordinance or applicable law, and no waiver of the other requirement has been granted;
 - (ii) There is not sufficient space available on the property for the storage of the recovered materials container(s);
 - (iii) The requirements in Section 28.15(3) will cause the applicant to suffer financial or other hardships that are not shared generally by the commercial establishments complying with such requirements;
 - (iv) The commercial premises only generate a negligible amount of the designated recyclable materials;
 - (v) The owner has entered into a contract with a duly licensed person for the post-collection separation of recyclable materials, which will achieve a level of recycling comparable to the results achieved with source separation before collection; or
 - (vi) Other good cause for relief is demonstrated, as determined by the Division Manager.

An exemption may be granted for as long as the exemption is needed, as determined by the Division Manager, but an exemption shall not exceed a period of one year. However, the applicant may request and the Division Manager may approve the issuance of a new exemption on the same or a different basis.

- (f) *Recordkeeping.* The owner of a commercial establishment subject to the requirements in Section 28.15(3) shall maintain records demonstrating compliance with all of its requirements, including but not limited to copies of collection contracts and invoices. The owner's records must demonstrate that recovered materials were collected and removed from the owner's property in compliance with the requirements herein. The records shall be retained for a period of five (5) years after such collection occurred. Copies of the owner's records shall be provided to the City for inspection within thirty (30) days after they are requested in writing by the Division Manager.
- (g) *Inspections.* The City may inspect commercial establishments to determine whether the establishment is in compliance with the requirements of this Section 28.15(3).
- (h) *Limitations on City Requirements.* Notwithstanding anything else herein, nothing contained in this Chapter 28 shall require a commercial establishment that generates source-separated recovered materials to sell or otherwise convey its recovered materials to the City or to a facility designated by the City, nor may the City restrict the commercial establishment's right to sell or otherwise convey such recovered materials to a properly certified recovered materials dealer who has satisfied the requirements of Section 403.7046, Florida Statutes. Nothing in this Chapter 28 shall prevent such a dealer from entering into a contract with a commercial establishment to purchase, collect, transport, process, or receive source-separated recovered materials. A commercial establishment that self hauls, or sells or conveys such recovered materials to a dealer, shall maintain adequate records evidencing such disposition, including scale or sale receipts from the dealer or properly licensed recovered materials facility, and shall make such records available to the Division Manager for inspection upon thirty (30) days written notice.
- (4) *Ownership of Recyclable Material.* When recyclable material or recovered materials are placed in a recovered materials container provided by the City, such material shall become the property of the City.
- (5) *Containers for Solid Waste.* Any commercial establishment or multi-family residential premises that is required to have a recovered materials container pursuant to this Section 28.15 also shall have a separate container for the collection of solid waste, unless the Division Manager concludes a separate container is not necessary because the establishment or premises does not generate solid waste or the establishment or premises is otherwise exempt from the requirement to have a solid waste container.
- (6) *Prohibited Acts.*
- (a)

It shall be unlawful to place putrescible materials, hazardous waste, or any other solid waste in a recovered materials container furnished by the City or any properly licensed person. Only recovered materials and other source separated recyclable materials shall be placed in a recovered materials container.

(b) It shall be unlawful for any unauthorized person to remove any recovered materials from a recovered materials container. Any person found guilty of violating this provision shall be punished by a fine of not more than one hundred dollars (\$100.00) per violation.

(7) *Exceptions.*

(a) *Non-Profit Organizations.* This Section 28.15 shall not prohibit a non-profit or charitable organization that is not engaged in the business of collecting recovered materials or solid waste on an ongoing basis from collecting, conveying, and recycling recovered materials on a temporary basis in order to fund their charitable activities or for other charitable purposes. However, a non-profit organization shall not collect from or otherwise use City-owned recovered materials containers to collect recovered materials.

(b) *Multi-Family and Commercial Recovered Materials Franchises and Contracts.* The City may provide collection services or enter into contracts or grant non-exclusive franchises to firms, corporations, or other persons for the collection, conveyance, or recycling of recyclable materials that are generated on or originate from multi-family residential premises and commercial establishments within the City, subject to terms and conditions the City deems appropriate.

(Ord. of 8-13-1984, Doc. #18719; Ord. of 12-9-1991, Doc. #25331; Ord. of 6-22-1992, Doc. #25820; Ord. of 11-15-1993, Doc. #27049; Ord. of 7-26-2010, § 1, Doc. #1007261102; Ord. No. 2019-9, § 12, 3-11-2019, Doc. #1903111202)

Sec. 28.16. - Registration of Persons Engaged in Commercial Recycling Within the City.

(1) *Authority.* The City may provide collection or enter into contracts or grant non-exclusive franchises, as permitted by Florida Statute, to persons, firms, or corporations for the collection, conveyance, or recycling of recovered materials from commercial establishments within the City limits.

(2) It shall be unlawful for any person to engage in the business of collection of recovered material generated at commercial establishments within the City of Orlando (service), without that person first making written application for and obtaining the appropriate occupational license and registering as a Commercial Recycler with the Division.

(a) An applicant seeking to engage in the business of collection of recovered material from commercial establishments shall register with the Division by submitting the following information:

(1) Name of business.

- (2) Name of owner of business.
- (3) Corporate officers and directors.
- (4) Permanent place of business.
- (5) Evidence of certification from Florida D.E.P. office.
- (6) Certification that all recycled materials collected will be recycled.
- (7) Evidence of vehicle insurance and vehicle registration for all vehicles to be used in recovered material collection.

Registration shall be in the form of an Application Letter containing the information included in Section 28.16(2)(a) herein. The Application Letter must be completed and submitted to the Solid Waste Division Manager for approval at least ten (10) calendar days prior to the proposed commencement of service. A Registration Identification Number will be issued to all approved applicants and is valid for one (1) calendar year from the initial registration date.

- (3) Recovered material shall be source separated as defined in Section 28.04(30) at the site of each commercial establishment and placed only in recovered material containers approved by the Solid Waste Division Manager and clearly labeled with the term "For Recovered Material Only."
- (4) Persons or business entities registered as Commercial Recyclers pursuant to Section 28.16(1) herein shall prepare and submit to the Solid Waste Division Manager a quarterly report on or before the twenty-fifth (25th) day following the end of such Commercial Recycler's fiscal month. Such report shall contain the following:
 - (a) The type and approximate amount by weight of recovered materials collected and recycled, and/or reused during the reporting period; and
 - (b) The approximate percentage and weight of recovered materials reused, stored, or delivered to a recovered materials processing facility or disposed of in a solid waste disposal facility; and
 - (c) The locations where any recovered materials were disposed of as solid waste.

Repeated failure by any Commercial Recycler to submit reports to the Division within the specified time periods as contained in Section 28.16(4) herein shall be a violation of this Chapter and shall allow the City to temporarily or permanently revoke the authority of a Commercial Recycler to engage in the business of collection of recovered materials within the City. In the event of such violation, the Division Manager shall notify the Commercial Recycler in writing of such violation, and the Commercial Recycler shall have thirty (30) days (Period) from the receipt of such notice to correct (Correction) the condition giving rise to such notice. If the Correction is not made to the Division Manager's satisfaction within the Period, the Division Manager shall make recommendation to the Chief Administrative Officer that the Commercial Recycler's privileges granted herein are 1) temporarily revoked; or 2) permanently revoked. Such decision shall be made by the Chief Administrative Officer.

(Ord. of 8-13-1984, Doc. #18719; Ord. of 12-9-1991, Doc. #25331; Ord. of 11-15-1993, Doc. #27049; Ord. of 3-20-1995, Doc. #28339; Ord. of 7-26-2010, § 1, Doc. #1007261102; Ord. No. 2019-9, § 13, 3-11-2019, Doc. #1903111202)

Sec. 28.17. - Solid Waste Division Manager Authorized to Adopt Regulations.

The Division Manager is hereby authorized to adopt and amend reasonable rules and regulations to implement the collection of recyclable materials as detailed in this Chapter. Any person aggrieved by such rules and regulations shall have the right to appeal as provided in Section 28.06(2) herein.

(Ord. of 8-13-1984, Doc. #18719; Ord. of 9-22-1986, Doc. #20622; Ord. of 12-4-1989, Doc. #23474; Ord. of 12-9-1991, Doc. #25331; Ord. No. 2019-9, § 14, 3-11-2019, Doc. #1903111202)

Sec. 28.18. - City Authorized to Amend, Terminate, etc., Recycling Program.

The City may modify, suspend, terminate or otherwise amend the residential and commercial recycling programs established by Article III of this Code as it may deem necessary in order to comply with all applicable laws, conditions, or ordinances.

(Ord. of 8-13-1984, Doc. #18719; Ord. of 9-22-1986, Doc. #20622; Ord. of 5-16-1988, Doc. #22055; Ord. of 12-4-1989, Doc. #23474; Ord. of 12-9-1991, Doc. #25331; Ord. of 11-15-1993, Doc. #27049)

Attachment 4: City of Gainesville

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City of Gainesville, Code of Ordinances

Chapter 27 - Utilities

ARTICLE III. - SOLID WASTE DISPOSAL

DIVISION 3. - COMMERCIAL RECYCLING

Sec. 27-85. - Mandatory commercial recycling established.

- (a) *Commercial generators.* Beginning January 1, 1997, or such later date as designated by the city manager or designee, all commercial generators and generators of construction and demolition debris shall separate designated recycling materials and make them available for recycling. The commercial generator or generator of construction and demolition debris may utilize a registrant, which includes a commercial franchisee who has obtained a registration, to collect the recycled materials. Failure to separate the designated recyclable materials, except for de minimus amounts as determined by the city manager or designee, from solid waste loads delivered to a city facility, a facility under contract with the city or a solid waste container at point of generation will subject the commercial generator to civil citation as provided in sections 2-336 through 2-339 of this Code and may, in addition, result in a surcharge as provided in subsection (c) below.
- (b) *[Notice of noncompliant status.]* Before a civil citation is issued, or a surcharge can be imposed, the commercial generator must be issued a notice advising of its noncompliant status. The notice shall provide a compliance date. If upon subsequent inspection the commercial generator is still not in compliance a civil citation will be issued.
- (c) *[Separation and collection or special pick-up by city.]* If the city undertakes the separation and collection of the recycled materials or otherwise performs a special pick-up of garbage or trash because a commercial generator fails to separate the designated recyclable materials, except for de minimus amounts as determined by the city manager or designee, from solid waste loads delivered to a city facility, a facility under contract with the city or a solid waste container at point of generation, the city may have it removed and any expenses incurred will be included as a surcharge in the utility bill of the commercial generator.
- (d) *Appeal.* A commercial establishment may appeal the imposition of a surcharge to the city manager or designee within 15 calendar days of such imposition. The notice of appeal shall include all information and grounds the commercial generator wants to be considered by the city manager or designee as to why the surcharge should not be imposed. The manager or designee shall have 15 calendar days to affirm or abate the surcharge. The determination of the manager or designee shall be final.
- (e) *Commercially-collected residential.* All commercially-collected residential units shall establish a recycling program that includes recycling of all designated recyclable materials and is convenient and accessible to the residents by January 1, 1997.
- (f) *Location of containers.* All recovered materials shall be placed in an appropriate industry standard container. Where garbage cans are used, they shall be placed at the roadside or at such other single collection point as may be agreed to between the registrant and the customer. All containers shall be kept in a safe, accessible location as designated or approved by the city and agreed to by the registrant and customer.

- (g) *Maintenance of containers.* If a registrant provides recovered material containers to its customers, the registrant will be responsible for the proper maintenance of the container. Customers that acquire their own containers from any other source are responsible for the proper maintenance of the container, except that damage done by the registrant shall be the responsibility of the registrant; and for ensuring that the container can be serviced by the registrant's equipment.
- (h) *Proof of participation in recycling program.* A commercial generator, generator of construction and demolition debris or owner of a commercially-collected residential property shall produce proof of a valid and current contract with a registrant or receipts for delivery of recovered materials to an approved site, upon request of the city manager or designee.

(Ord. No. 951263, § 2, 8-12-96; Ord. No. 080481, § 1, 6-16-11)

Sec. 27-86. - Registration of recovered materials collectors.

- (a) *Registration required.* On and after October 1, 1996, no person, including a commercial franchisee, shall collect, transport, convey or process recovered materials in the city without a registration certificate from the city. Each commercial franchise holder as of October 1, 1996, who desires to collect recovered materials as part of the commercial recycling program shall be granted a registration certificate upon filling out an application and providing the necessary documentation. No application fee will be required until such time as the commercial franchise would have terminated had it not been extended by subsection 27-79.1.
- (b) *Application for certificate.*
 - (1) Applications for registration shall be obtained from and returned to the department of solid waste.
 - (2) The applicant shall state whether it is a processor, a transporter, or both.
 - (3) Requested information on the application shall be limited to that information required by F.S. § 403.7046.
 - (4) The application must be accompanied by
 - a. a copy of state certification as required by F.S. § 403.7046;
 - b. disclosure of ownership as set forth below; and
 - c. proof of insurance as set forth below.
- (c) *Renewal of registration.* The certificate of registration may be valid for five years, and may be renewed up to two times upon
 - (1) disclosure of ownership as set forth below;
 - (2) proof of insurance as set forth below as of the time of renewal; and
 - (3) proof that the registrant is still providing service to customers.
- (d) *Operating requirements for registrants.* Persons collecting, transporting, conveying or processing recovered materials in the city shall comply with the following operating requirements:
 - (1) *Disclosure of ownership.* Each registrant shall annually provide two copies of a notarized statement disclosing the names of its owners, general and limited partners, or corporate or registered name under which it will conduct its business as authorized by this article.
 - (2) *Response to complaint.* Each registrant shall be responsible for responding to any and all complaints which involve registrant's actions that create a nuisance or have the potential to create a nuisance. Response shall be within

24 hours of the complaint, or by 5 p.m. Monday if the complaint was received during a weekend.

- (3) *Clean-up.* A registrant shall handle recovered materials containers with reasonable care and return them to the approximate location from which they were collected. A registrant shall clean up all materials spilled during its collection operation.
 - (4) *Emergencies.* A registrant shall not be required to provide collection services when all appropriate recycling sites are closed or a city emergency or imminent emergency exists, as determined by the city manager or designee. Collections shall resume on the instruction of the city manager or designee.
 - (5) *Non-agency.* A registrant shall not be deemed an agent of the city and shall be responsible for any losses or damages of any kind arising from its performance or nonperformance under its registration. The registrant shall defend at its own expense or reimburse the city for its defense, at the city's option, of any and all claims and suits brought against the city, its elected or appointed officers, employees, and agents resulting from the registrant's performance or nonperformance of service pursuant to the registration.
 - (6) *Trucks.* A registrant shall use trucks that are capable of preventing spillage or accidental release of recovered material during transport.
 - (7) *Insurance.* A registrant shall purchase and maintain the types and amounts of insurance set forth below from companies authorized to do business in the State of Florida. The city shall be named as an additional insured on the general liability insurance if the registrant utilizes city facilities. Failure to maintain insurance shall result in revocation of registration.
 - a. General liability insurance - \$500,000.00 per occurrence if the registrant utilizes city facilities
 - b. Commercial motor vehicle insurance as required by F.S. Ch. 627.
 - c. Workers compensation as required by F.S. Ch. 440.
 - (8) *Other laws, rules and regulations.* A registrant shall procure at its own expense all local, state and federal franchises, certificates, permits or other authorizations necessary for the conduct of its operations. A registrant and its employees, officers and agents shall comply with all relevant local, state, and federal laws, rules and regulations, orders and mandatory guidelines applying to the collection or processing services being rendered.
 - (9) *Effect of certificate.* Issuance of a registration certificate by the city shall not be deemed to be a waiver of any applicable local, state or federal law or regulation, including but not limited to zoning or planning regulations, with respect to a recycling operation of any kind, nor shall it create any vested right to own or operate any type of recycling operation.
 - (10) *Hours of operation.* A registrant shall make available daily (except Sunday) collection of designated recyclable materials. Collection shall begin no earlier than 6:00 a.m. and shall cease no later than 9:00 p.m. Monday through Saturday, except in areas of mixed residential and commercial occupancy where collections shall begin no earlier than 7:00 a.m. and shall cease no later than 9:00 p.m. Monday through Saturday. The city manager or designee may authorize collection on Sunday where special needs of the customer make it necessary.
- (e) *Separation of residential and commercial materials.* Curbside collection of designated recyclable materials from commercial generators shall be allowed only with prior approval of the city manager or designee, when considering a request to provide curbside collection, the city manager or designee shall consider the following factors:

- (1) Accessibility of collection vehicles to property.
 - (2) Available space for placement of containers.
 - (3) Predominant use of property.
 - (4) Safety.
- (f) *Delivery of materials.* All recovered materials shall be delivered to a recovered materials dealer that has been certified by the Florida Department of Environmental Protection or subsequent responsible agency, and the city.
- (g) *Reports.* The registrant shall submit to the city manager or designee reports as authorized by F.S. § 403.7046, and the regulations promulgated pursuant to the authority stated in statute.

(Ord. No. 951263, § 2, 8-12-96; Ord. No. 040220, § 3, 9-27-04)

Sec. 27-87. - Revocation of registration.

- (a) Upon a finding of just cause, the city manager or designee shall deny a registration in the case of application for new or renewed registration, and suspend or revoke a registration for a specified period of time in the case of previously issued registration. Just cause shall be consistent and repeated violation of state or local laws, ordinances, rules, and regulations relating to the applicant's or registrant's operation; or loss of state certification as a recovered materials dealer.
- (b) Prior to denial, suspension or revocation, the applicant or registrant shall be given reasonable notice of the proposed action to be taken and shall have an opportunity to present to the city manager or designee evidence as to why the registration should not be denied, revoked or suspended. The notice of intention shall be served upon the applicant or registrant by registered mail or personal service.
- (c) Any applicant or registrant whose registration is denied, suspended or revoked by the city manager or designee may appeal the decision to the city commission. The appeal shall be taken by filing written notice thereof, in duplicate, with the clerk of the commission within ten days after the decision of the city manager or designee. The clerk shall inform the city manager of the appeal, and the city manager or designee shall forthwith transmit to the clerk copies of all papers constituting the record upon which the action appealed is based. The clerk of the commission shall place the appeal on the agenda of the next regularly scheduled city commission meeting which is not less than ten days from the date of the filing of the appeal. The city commission shall review the record and decide whether the decision of the city manager was based on competent, substantial evidence. It [If] the commission finds competent, substantial evidence for the city manager's decision, it will uphold the manager's decision; otherwise, it will reverse the manager's decision. The decision of the city commission shall constitute final administrative action.

(Ord. No. 951263, § 2, 8-12-96)

Sec. 27-88. - Penalties for violation.

Except as otherwise provided, any person violating or failing to comply with any of the provisions of this division shall be punished as provided by section 1-9 of this Code of Ordinances.

(Ord. No. 951263, § 2, 8-12-96)

Attachment 5: Alachua County

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Sec. 75.302. - Collection service and recycling requirements for commercial property and commercially collected residential property.

For commercial property within the unincorporated area, the county shall make available commercial collection service, the cost of which shall be billed and collected by the contractor or permit holder.

- (1) An owner of commercial property shall provide for the disposal of solid waste and proper recycling of recyclable material generated on such property at a solid waste management facility either by entering into an agreement with a contractor or permit holder or by other lawful means. The owner and the tenant of commercial property shall provide for the "source-separation" of the designated recyclable materials from its solid waste. The owner and tenant of industrial property shall also provide for the source-separation of metals and packaging materials. The owner and the tenant of commercial property shall provide for the proper recycling of such recyclable material at a materials processing facility either by entering into an agreement with a permit holder or certified recycler, or by other lawful means. Every property owner shall ensure that all recovered materials shall be placed in a recycling container and to minimize contaminating the recovered materials with solid waste so that no more than 25 percent of the weight or volume in the recycling container is solid waste.
- (2) *Commercially collected residential property.* The owner of all commercially collected residential property shall establish a recycling program that is convenient and accessible to the residents for recycling of designated recyclable materials. The owner shall provide recycling containers of at least 90 gallon capacity and shall provide a sufficient number of containers for capacity to equal or be greater than 90 gallons for each 20 dwelling units on the property. Any disagreements concerning the adequacy of the recycling program shall be resolved by the department.
- (3) *Location of containers.* Every property owner shall keep all recycling containers in a safe, accessible location as agreed to by the permit holder and customer. Recycling containers on parcels consisting of multi-family dwelling units shall be placed adjacent to the commercial service container for the collection of solid waste, or at an alternate location approved by the county manager and shall be convenient to the residents' use thereof. In the event an appropriate location cannot be agreed upon, or is not convenient to residents' use, the county manager shall designate the location.
- (4) *Maintenance of containers.* If a contractor, permit holder, or certified recycler provides recycling containers to its customers, the contractor, permit holder, or certified recycler shall be responsible for the proper maintenance of the container. Customers who acquire their own containers from any other source are responsible for ensuring that the container can be serviced by the equipment used by the contractor, permit holder, or certified recycler and for the proper maintenance of the container, except that any damage done by the contractor,

permit holder, or certified recycler shall be the responsibility of the contractor, permit holder, or certified recycler. Each recycling container shall prominently display a county approved message concerning the items that are accepted for recycling in such container.

(Ord. No. 93-19, § 3.03, 6-8-93; Ord. No. 01-81, § 3, 7-24-01; Ord. No. 02-35, § 5, 12-10-02; Ord. No. 06-37, § 2, 12-12-06; Ord. No. 11-06, § 5, 8-23-11; Ord. No. 2023-04, § 8, 3-14-23)

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Attachment 6: Collier County

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TALLAHASSEE FLORIDA

ORDINANCE NO. 56

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2004-50, THE "COLLIER COUNTY NON-RESIDENTIAL RECYCLING ORDINANCE," BY AMENDING SECTION ONE "INTENT AND PURPOSE", SECTION TWO "TITLE AND CITATION" TO "THE COLLIER COUNTY RECYCLING ORDINANCE", SECTION THREE "APPLICABILITY", SECTION FIVE "DEFINITIONS", SECTION SEVEN "MINIMUM STANDARDS FOR RECYCLING ON NON-RESIDENTIAL PROPERTY"; CREATING SECTION EIGHT "MINIMUM STANDARDS FOR RECYCLING ON MULTI-FAMILY PROPERTY", SECTION NINE "MINIMUM STANDARDS FOR RECYCLING AT TEMPORARY EVENTS", SECTION TEN "MINIMUM STANDARDS FOR RECYCLING AT VENUE FACILITIES"; AMENDING SECTION ELEVEN "EXEMPTIONS FROM RECYCLING STANDARDS", SECTION TWELVE "EXTRAORDINARY AND INNOVATIVE RECYCLING", SECTION THIRTEEN "AWARDS PROGRAM FOR RECYCLING ON NON-RESIDENTIAL PROPERTY, MULTI-FAMILY PROPERTY, TEMPORARY EVENTS AND AT VENUE FACILITIES", SECTION FOURTEEN "RECYCLING EDUCATION AND PROMOTION PROGRAM", SECTION FIFTEEN "EVALUATION OF NON-RESIDENTIAL, MULTI-FAMILY, TEMPORARY, EVENT AND VENUE FACILITY RECYCLING PROGRAMS"; CREATING SECTION SEVENTEEN "TEMPORARY EVENT AND VENUE FACILITY COLLECTION SERVICE AGREEMENTS"; AMENDING SECTION EIGHTEEN "STANDARDS FOR RECYCLING CONTRACTORS", SECTION NINETEEN "SELF-HAULING", SECTION TWENTY "COUNTY RECYCLING CENTERS AND HAZARDOUS WASTE COLLECTIONS", SECTION TWENTY-ONE "VARIANCES", SECTION TWENTY-TWO "INSPECTIONS, ENFORCEMENT, AND PENALTIES", DELETING SECTION TWENTY-THREE "APPEALS"; PROVIDING FOR "CONFLICT AND SEVERABILITY"; PROVIDING FOR INCLUSION IN THE COUNTY'S CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 403.706(21), Florida Statutes, authorizes local governments to enact ordinances that require the separation and collection of Recyclable Materials; and

WHEREAS, the Board of County Commissioners (Board) enacted the Collier County Non-Residential Recycling Ordinance No. 2004-50, which provides for the collection of recyclable materials generated on non-residential property; and

WHEREAS, on December 5, 2006 the Board of County Commissioners adopted the Integrated Solid Waste

Management Strategy, which includes source reduction, material reuse and recycling options; and

WHEREAS, the Board of County Commissioners wishes to increase recycling in Collier County because recycling will save energy and natural resources, provide useful products, and prove economically beneficial; and

WHEREAS, the Board also wishes to continue to increase recycling in Collier County because recycling will help ensure that the valuable and limited disposal capacity of the Collier County Landfill is conserved; and

WHEREAS, the Board wishes to implement a more extensive recycling program; and

WHEREAS, the Ordinance 2004-50 does not specifically address recycling on multi-family property; at temporary events; or at venue facilities where temporary events may be held; and

WHEREAS, the Board wishes to further promote the conservation of valuable landfill disposal capacity by requiring the availability of recycling on multi-family property, at temporary events and at venue facilities; and

WHEREAS, the Board finds it necessary for the protection of public health, safety and welfare of Collier County residents to require the recycling of recyclable materials generated on non-residential property, at temporary events and venue facilities.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, as follows:

SECTION ONE: Intent and Purpose.

It is the intent and purpose of this Ordinance to promote ~~R~~ecycling by: (a) requiring businesses, temporary events, venue facilities, and institutions in unincorporated Collier County to segregate and recycle as many designated ~~R~~ecyclable ~~M~~aterials as possible-practicable; (b) requiring multi-family properties to provide collection containers and recycling services to residents; (c) ~~-~~establishing educational programs concerning ~~R~~ecycling; ~~(e)~~ (d) providing incentives and awards programs that will make ~~R~~ecycling more attractive to the businesses, multi-family properties, temporary events, venue facilities, and institutions in unincorporated Collier County; ~~(d)~~ ~~(e)~~ limiting the regulatory impact of this Ordinance on business; and ~~(e)~~ (f) eliminating potential conflicts between the requirements of this Ordinance and the requirements of the County's Land Development Code. By utilizing a balanced combination of incentives and regulations, the Board intends to accomplish its ~~R~~ecycling goals while minimizing the regulatory requirements in this Ordinance. The Board also intends to provide sufficient time ~~for the businesses, multi-family properties, temporary events, and venue facilities, and institutions in Collier County~~ to comply with the County's new programs.

SECTION TWO: Title and Citation.

This Ordinance shall be known and may be cited as the "Collier County ~~Non-Residential~~ Recycling Ordinance".

SECTION THREE: Applicability.

~~The provisions of this Ordinance shall apply to, and be enforced in, be applicable only within the unincorporated areas of Collier County, and in any municipalities within Collier County that agree to such application and enforcement, by inter-local agreement between the governing bodies of the municipality and the County.~~

SECTION FOUR: Construction and Interpretation.

This Ordinance shall be liberally construed in order to effectively carry out the intent and purpose of the Ordinance. Where any provision of this Ordinance refers to or incorporates another provision, statute, rule, regulation or other authority, this Ordinance refers to the most current version, including and incorporating any amendments thereto or renumbering thereof.

SECTION FIVE: Definitions.

For the purposes of this Ordinance, the definitions contained in this ~~S~~section 5 shall apply unless otherwise specifically stated. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular, and words in the singular number include the plural. The word "shall" is always mandatory and not merely discretionary.

Pursuant to Section 403.7031, Florida Statutes, all definitions in this ~~S~~section 5 shall be construed in a manner that is consistent with the definitions contained in Section 403.703, Florida Statutes. In the case of any apparent conflict or inconsistency with the definitions contained in Section 403.703, Florida Statutes, the statutory definition shall apply.

- A. Board means the Board of County Commissioners of Collier County, Florida.
- B. Certificate of Operation means the license that a ~~C~~contractor must obtain from the County before it can ~~C~~collect ~~R~~recyclable ~~M~~materials in the County.
- C. Code Enforcement Board means the Collier County Code Enforcement Board, which may act as the Collier County nuisance abatement board from time to time, and which is authorized to hear and decide cases involving violations of any County Code or Ordinance. ~~entity that is responsible for enforcing the County's ordinances pursuant to Chapter 2, Division 11, of the Code of Laws and Ordinances of Collier County, Florida.~~
- D. Code Enforcement Officer means any authorized agent or employee of the County whose duty it is to assure code and ordinance compliance.

DE. Collect means to gather or pick up Rrecyclable Mmaterials for transport and delivery to a Rrecycling Ffacility.

EF. Contractor means a Pperson who Ccollects or transports Rrecyclable Mmaterials, ~~from Non Residential Property for profit.~~

F.G. County means Collier County, Florida.

G.H. County Manager means the County Manager of Collier County or the County Manager's designee.

HI. Customer means an Oowner or Ggenerator that enters into a Sservice Agreement with a Ccontractor for Rrecycling services.

IJ. De Minimis Amount means the amount of sSolid wWaste which lawfully may be included in separated Rrecyclable Mmaterials. A De Minimis Amount of Solid Waste is 10 percent, by volume or weight, whichever is more restrictive, as determined by a measurement or a visual inspection by the County Manager.

JK. Dwelling means any building, or part thereof, intended, designed, used, or occupied in whole or in part as the residence or living quarters of one or more persons, permanently or transiently, with cooking and sanitary facilities. Such term shall not mean a room in a motel or hotel.

KL. Garbage means all kitchen and table food waste, and animal or vegetative waste that is attendant with or results from the storage, preparation, cooking, or handling of food materials.

LM. Generator means each business, multi-family property, temporary event organizer, venue facility, not-for-profit organization and institution (i.e., all Ppersons except individuals) that generates one or more Rrecyclable Mmaterials as a result of its activities, ~~on Non Residential Property.~~

N. Hazardous Waste means solid waste, or a combination of solid wastes, which, because of its quantity, concentration, chemical or physical characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or otherwise managed. Hazardous waste includes any material or substance identified as a hazardous waste or hazardous substance in the Florida Administrative Code, Florida Statutes, or other applicable laws.

MO Materials Recovery Facility means a Ssolid Wwaste management facility that provides for the extraction from sSolid wWaste of Rrecyclable Mmaterials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

NP. Multi-Family Property means a group of three or more dwelling units within a single conventional building, attached side by side, or one above another, and wherein each dwelling unit may be individually owned or leased initially on land which is under common or single ownership.

~~QQ.~~ Non-Residential Property means real property that is located in an unincorporated area of Collier County and used primarily for: (1) commerce, including but not limited to offices, stores, ~~R~~restaurants, motels, hotels, recreational vehicle parks, theaters, and service stations; (2) not-for-profit organizations; and (3) institutional uses, including but not limited to governmental facilities, churches, hospitals and schools. ~~The term Non-Residential Property shall not include any Residential Units or undeveloped land.~~

~~PR.~~ Ordinance means this County Ordinance No. 2004 -50, as amended.

~~QS.~~ Organic Waste means ~~G~~garbage ~~and~~ other similar putrescible ~~S~~solid ~~W~~waste, including source separated food waste and food-soiled paper. Organic ~~W~~waste does not include yard trash.

~~RT.~~ Owner means a ~~P~~person who owns ~~N~~non-~~R~~residential ~~P~~property, multi-family property, or a venue facility. An ~~O~~owner also may be a ~~G~~generator.

~~SU.~~ Person means any and all persons, natural or artificial, including any individual, firm, partnership, joint venture, public or private corporation, or other association, or any combination thereof, however organized; any county; and any local, state or federal governmental agency.

~~FV.~~ Primary Recyclable Material means a ~~R~~recyclable ~~M~~material that is ~~a Person generateds on Non-Residential Property in an~~ amounts greater than 96 gallons per month.

~~UW.~~ Recovered Materials means metal, paper, glass, plastic, textile, or rubber materials that have a known ~~R~~recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the ~~S~~solid ~~W~~waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. ~~R~~Recovered ~~M~~materials as described above are not ~~S~~solid ~~W~~waste.

~~VX.~~ Recovered Materials Processing Facility means a facility engaged solely in the storage, processing, resale, or reuse of ~~R~~recovered ~~M~~materials.

~~WY.~~ Recyclable Materials means those materials that are capable of being ~~R~~recycled, which would otherwise be processed as ~~S~~solid ~~W~~waste, and are designated by the Board pursuant to Section ~~Six 6~~ of this Ordinance.

~~XZ.~~ Recyclable Materials Container means any container for the collection of recyclables, including but not limited to, recycling bins, recycling carts, dumpsters, roll-offs, or compactors, box, tub, or other container that is made of metal, hard plastic or other similar material. Containers must be constructed in a manner that protects property and the environment from leakage, spillage, and overflow of any type of recyclable materials, and is suitable for the collection of Recyclable Materials.

~~YAA.~~ Recycling means any process by which ~~S~~solid ~~W~~waste, or materials which would otherwise become ~~S~~solid ~~W~~waste, are collected, separated, processed, and reused or returned to use in the form of raw materials or products.

ZBB. Recycling Facility means any facility that recycles ~~R~~recyclable ~~M~~materials, including but not limited to buy back centers, drop-off centers (both permanent and mobile), designated County ~~R~~recycling ~~c~~centers, ~~M~~materials ~~R~~recovery ~~F~~facilities and ~~R~~recovered ~~M~~materials ~~P~~rocessing ~~F~~facilities.

~~AACC. Residential Unit~~ means a single-family residence, or duplex residence, ~~and a Multi-Family Residence.~~

BBDD. Restaurant means any bar, tavern or other eating or drinking establishment where food or beverages are prepared, served, or sold for profit, either for immediate consumption on or in the vicinity of the premises, or called for or taken out by customers, or prepared prior to being delivered to another location for consumption.

CGEE. Self-Hauling Certificate means a written certification by an ~~O~~owner or ~~g~~generator that attests confirming that the ~~O~~owner or ~~G~~generator is collecting and transporting ~~R~~recyclable ~~M~~materials to a ~~R~~recycling ~~F~~facility.

DDFF. Service Agreement means a written agreement between a ~~C~~contractor and an ~~O~~owner or ~~G~~generator concerning the collection of ~~R~~recyclable ~~M~~materials.

EEGG. Solid Waste means sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or ~~G~~garbage, rubbish, refuse, special waste, or other discarded materials, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. Solid waste includes but is not limited to biological waste, biomedical waste, bulk waste, C&D debris, commercial waste, disaster debris, electronic equipment, garbage, hazardous waste, land clearing debris, organic waste, radioactive waste, recyclable materials (until they are recycled), rejects, residential waste, residue, rubbish, special waste, tires, white goods, and yard trash.

FFHH. Special Magistrate means a person authorized by the Board to hear and decide cases involving violations of any County codes and /or ordinances.

II Substantial Hardship means a demonstrated economic, technological, legal, or other type of hardship.

JJ Temporary Event means any event requiring (1) a permit or license pursuant to Chapter 10 of the Code of Laws and Ordinances of Collier County, Florida; or (2) a permit pursuant to Section 5.04.05 or 5.04.06 of the Collier County Land Development Code; or (3) any event requiring a permit or license from the Health or Fire Departments.

KK Venue Facility means any building or other permanent facility used for temporary events. A venue facility may be owned by the government, a person, or a non-profit organization.

SECTION SIX: Designation of Recyclable Materials.

For the purposes of this Ordinance, ~~R~~recyclable ~~M~~materials means paper, cardboard, glass, plastic (~~N~~numbers 1 through 7), aluminum, and ferrous metal. The Board may designate other materials (e.g., ~~O~~organic ~~W~~waste) as ~~R~~recyclable ~~M~~materials if the Board determines that a market exists for such materials and a cost-effective system is in

place for Recycling such materials. Materials shall be deleted from this list of Recyclable Materials if the Board determines that a market no longer exists or a cost-effective system is no longer in place for Recycling such materials.

SECTION SEVEN: Minimum Standards for Recycling on Non-Residential Property.

A. Each Owner shall: (1) provide Recyclable Materials Containers on the Owner's Non-Residential Property so the Generators located on the Owner's Non-Residential Property may recycle all of the Recyclable Materials that the Generators have designated pursuant to Subsection 7Seven -B-, below; and (2) arrange for collection services of recycling the materials placed in the Recyclable Materials Containers or self-haul and transport those materials to a Recycling Facility.

B. Each Generator shall ~~diligently attempt to~~ recycle all of the Primary Recyclable Materials that it produces. At least once each year, each Generator shall: (1) consider the list of Recyclable Materials designated by the County pursuant to Section 6Six of this Ordinance; ~~(2) consider the types of Recyclable Materials generated by its activities on Non-Residential Property;~~ (3) identify the Primary Recyclable Materials that the Generator produces; and (4) identify (i.e., designate) the Primary Recyclable Materials that the Generator will must recycle. Thereafter, each Generator shall separate the designated Primary Recyclable Materials from the Generator's Solid Waste, ~~and the Generator shall place the designated Primary Recyclable Materials in Recyclable Materials Containers provided for collection.~~

C. If a Generator's activities do not produce any Primary Recyclable Materials, the Generator shall designate and recycle one or more Recyclable Materials in the manner described in Subsection 7Seven -B-, above, unless the Generator is exempt pursuant to Subsection 8Eleven -A-, below.

D. Each Generator shall coordinate with the Owner of the Non-Residential Property where the Generator's activities occur, and each Owner shall coordinate with the Generator ~~s~~ on its Non-Residential Property, to ensure that the Generator's Recyclable Materials are taken to a Recycling Facility.

E. No Person shall dispose of Recyclable Materials that have been separated from Solid Waste pursuant to the provisions of Subsections 7Seven -B- or 7Seven -C-, above.

F. No Person shall place Solid Waste, or hazardous waste in a Recyclable Materials Container.

G. No Person shall cause litter or a nuisance. Each Person shall take all necessary steps to ensure that their own Recycling activities do not cause litter or a nuisance. Each Person shall immediately pick up any litter and eliminate any nuisance caused by their ~~own~~ activities.

H. Each Owner shall, upon request, provide the County Manager with a copy of a Service Agreement, or Self-Hauling Certificate with receipts from a recycling facility, or other document (e.g., receipt from a Recycling

Facility) demonstrating that the Primary Recyclable Materials generated on the Owner's Non-Residential Property are being taken to a Recycling Facility. The Service Agreement, or Self-Hauling Certificate, or other document shall be available for inspection by the County Manager at the Owner's Non-Residential Property during normal business hours. The Owner also shall mail or deliver these documents to any Generator located on the Owner's Non-Residential Property, within fourteen (14) days, if the Generator requests the documents.

I. Each Generator shall, upon request, provide the County Manager with a copy of a Service Agreement, or a Self-Hauling Certificate with receipts from a recycling facility, or other document (e.g., receipt from a Recycling Facility) demonstrating that the Generator's Primary Recyclable Materials are being taken to a Recycling Facility. The Service Agreement, or Self-Hauling Certificate, and or other documents shall be available for inspection by the County Manager at the Generator's Non-Residential Property during the Generator's normal business hours.

J. An Owner may satisfy its obligations under this Ordinance by performing the required activities itself or by using the services of a Contractor or other Person who complies with the requirements of this Ordinance. However, notwithstanding anything else contained herein, the Owner shall be responsible for ensuring and demonstrating its compliance with the requirements of this Ordinance.

K. A Generator may satisfy its obligations under this Ordinance by performing the required activities itself or by using the services of a Contractor or other Person who complies with the requirements of this Ordinance. However, notwithstanding anything else contained herein, each Generator shall be responsible for ensuring and demonstrating its compliance with the requirements of this Ordinance.

SECTION EIGHT: Minimum Standards for Recycling on Multi-Family Property.

A. Each owner shall: (1) provide recyclable materials collection containers on the owner's multi-family property; and (2) arrange for recycling collection services.

B. Each owner shall display prominent signage indicating the location of recycling collection container locations.

C. Each owner shall provide printed recycling education informational materials to residents at a minimum of two times per year.

D. No person shall dispose of recyclable materials that have been separated from solid waste.

E. No person shall place solid or hazardous waste in a recycling collection container.

F. Each owner shall take all necessary steps to ensure that recycling activities do not cause litter or a nuisance. Each owner shall immediately pick-up any litter and eliminate any nuisance caused by any recycling activity.

G. Each owner shall annually provide the Collier County Solid Waste Management Department current contact information for all multi-family property.

H. The County's exclusive franchised contractor for the collection of residential program recyclables includes the collection of program recyclables generated by those customers that occupy multi-family residences, even if the customers receive non-curb-side residential collection service.

SECTION NINE: Minimum Standards for Recycling at Temporary Events.

A. Any person seeking a permit for a temporary event within Collier County shall complete and submit with their permit application the Solid Waste Management Department's Temporary Special Event Recycling Plan. In addition, promotional literature, signage and temporary event announcements shall contain information about recycling at the temporary event.

B. The Solid Waste Management Department shall review the Temporary Special Event Recycling Plan and determine whether the plan includes reasonable measures to promote recycling, especially for paper, cardboard, and beverage containers made of plastic, glass and aluminum.

C. The County Manager shall be allowed to attend the temporary event at no charge, solely for the purpose of assisting with and verifying the recycling efforts.

A.D. If the temporary event will not generate more than one ninety-six (96) gallon container of non-separated solid waste for disposal, a administrative variance may be requested from the requirements to collect recyclable materials. The County Manager will establish a procedure for the consideration of an administrative variance from the requirements in this section if the County Manager concludes a good faith effort has been made to satisfy the requirements herein.

E. The permittee shall provide at least one recyclable materials collection container for each solid waste container provided at the temporary event. The recyclable materials collection containers shall be clearly labeled and placed in the same locations as each solid waste container. The permittee shall arrange for the contents of the recyclable

materials collection containers to be delivered to a recycling center or similar facility.

G. If the permittee self-hauls recyclables from temporary events to a recycling center or similar facility, the permittee shall deliver a copy of the recycling center/facility receipt to the Solid Waste Management Department by fax, email or mail within 30 days of the event.

H. All temporary event organizers are encouraged to hold a pre-event recycling workshop for vendors and volunteers.

SECTION TEN: Minimum Standards for Recycling at Venue Facilities.

A. The owner of each venue facility shall prepare and implement a Temporary Special Events Recycling Plan. The Temporary Special Events Recycling Plan shall require recycling during each temporary event and other lawful uses of the venue facility. The Temporary Special Events Recycling Plan must be submitted annually to the Solid Waste Management Department. The County Manager shall review the Temporary Special Event Recycling Plan to determine whether the plan includes reasonable measures to encourage recycling. At a minimum, the Temporary Special Event Recycling Plan shall be designed to promote recycling of paper, cardboard, and beverage containers made of plastic, glass, or aluminum. The owner of a venue facility shall be responsible for ensuring that the Temporary Special Event Recycling Plan is implemented when the venue facility is used.

B. Venue facility managers are encouraged to hold a pre-event recycling workshop for vendors and volunteers.

SECTION EIGHT ELEVEN: Exemptions from Recycling Standards.

A. Notwithstanding any other provision herein, a Generator shall be exempt from the requirements in Section 7 of this Ordinance if the Generator uses no more than one container for the disposal of its Solid Waste, the container's capacity is no greater than ninety-six (96) gallons, and the contents of the container are collected no more than two (2) times per week. An exemption may be allowed where compliance with the ordinance would result in unnecessary hardship to the business and the need for an exemption would not be shared generally by other businesses. All exemptions are to be construed as temporary, for a period of one (1) year, and shall be considered withdrawn on the first to occur of (a) a change in the condition(s) which prompted the exemption, or (b) the expiration of the time period granted in the exemption. Should an exemption be withdrawn because the time period has expired, an applicant may apply for renewal of the exemption.

B. Notwithstanding any other provision herein, an owner shall be exempt from the requirements of this Ordinance if: (1) all of the generators on the owner's non-residential property are exempt from or not required to comply

with the provisions of this ordinance or (2) primary recyclable materials are not being generated by any activities occurring on the owner's non-residential property.

BC. Notwithstanding any other provision herein, a Generator shall not be required to recycle a Recyclable Material if the Generator demonstrates to the County Manager that there is no collection service or other cost-effective system available for Recycling such material.

C. ~~Notwithstanding any other provision herein, an Owner shall be exempt from the requirements in Section 7 of this Ordinance if: (1) all of the Generators on the Owner's Non-Residential Property are exempt from or not required to comply with the provisions of Section 7; or (2) Primary Recyclable Materials are not being generated by any activities occurring on the Owner's Non-Residential Property.~~

SECTION NINETWELVE: Extraordinary and Innovative Recycling.

A. All Owners, and Generators, and any person organizing a temporary event, including those who are exempt from some or all of the requirements in this Ordinance, are encouraged to recycle all of their Recyclable Materials, especially aluminum cans, paper, and cardboard.

B. Owners, and Generators, and any person organizing a temporary event are encouraged to work with the County to develop new and innovative methods to recycle other Recyclable Materials, such as Organic Waste.

C. All municipalities in Collier County are encouraged to adopt and implement Recycling programs for the businesses and institutions non-residential properties, multi-family properties, temporary events, and venue facilities located within the incorporated areas of the County municipalities' corporate boundaries. If requested, the County Manager shall provide advice and technical assistance with the development of the Recycling programs for these municipalities.

SECTION TENTHIRTEEN: Awards Program for Recycling on Non-Residential Property, Multi-Family Property, Temporary Events and at Venue Facilities.

The County Manager is hereby authorized to establish and implement an awards program to recognize Owners, and Generators, and any person organizing a temporary event ~~in the County~~ that implements exceptional or innovative Recycling programs for Non-Residential Property, multi-family property, at temporary events and at venue facilities.

SECTION ELEVENFOURTEEN: Recycling Education and Promotion Program.

The County Manager is hereby authorized to establish and implement a Recycling education and promotion program for Owners, and Generators, and any person organizing a temporary event ~~in the County.~~ The education and

promotion program may include, but is not limited to, public workshops, public service announcements, multi-media advertising, and direct mailings concerning the methods and benefits of Recycling on Non-Residential Property, multi-family property, temporary events and venue facilities.

SECTION TWELVEFIFTEEN: Evaluation of Non-Residential, Multi-Family, Temporary Event, and Venue Facility Recycling Programs.

As needed, the County Manager shall provide a report to the Board concerning the County's Recycling program for Non-Residential Property, multi-family property, temporary events and venue facilities. -The report shall address the effectiveness of the County's Recycling programs for Non-Residential Property, multi-family property, temporary events and venue facilities, the general costs and benefits associated with these -programs, and any changes that should be implemented to improve the effectiveness of the programs.

SECTION THIRTEENSIXTEEN: Recycling Service Agreements.

A Contractor shall provide a written Service Agreement to a Customer before the Contractor begins to collect that Customer's Recyclable Materials. The Service Agreement shall describe the services to be provided by the Contractor, the fees to be paid by the Customer, and the other terms of the parties' agreement.

SECTION SEVENTEEN: Temporary Event, and Venue Facility Collection Service Agreements.

Any contractor engaged by the organizer of a temporary event to provide solid waste and/or recycling collection service is required to submit a copy of the invoice to the Solid Waste Management Department within thirty (30) days after submittal of the invoice to the contracting party. Each invoice will contain an estimate of the municipal solid waste and/or recyclables generated at the event.

SECTION FOURTEENEIGHTEEN: Standards for Recycling Contractors.

A. The County Manager shall approve a standard form that will be used as the County's Certificate of Operation. The Certificate of Operation shall contain the conditions and limitations that are deemed appropriate by the County Manager. The Certificate of Operation shall remain in effect for a period of one (1) year, and must be submitted annually from the date of submission unless the Board approves a longer duration by resolution.

AB. No Person may Collect or transport Recyclable Materials in the County for profit unless such Person has obtained a Certificate of Operation from the County's Solid Waste Management Deartment. However, a certified Recovered Materials dealer, as defined in Section 403.7046, Florida Statutes, is not required to obtain a Certificate of Operation before engaging in business in the County.

~~BC.~~ A not-for-profit Pperson is not required to obtain a Certificate of Operation before collecting or transporting Rrecyclable Mmaterials in the County.

~~CD.~~ Any Pperson may file an application with the Solid Waste Management Department County Manager for a Certificate of Operation. The application shall be submitted on athe form prepared by the County Manager. The applicant shall provide all of the information and documentation ~~that is~~ requested by the County Manager, including but not limited to the following:

1. The name, address and telephone number of the applicant;
2. A description of the vehicles that the applicant will use to ~~C~~ollect Rrecyclable Mmaterials, including the make, model, and serial number of each vehicle; and
- ~~3. Certificates of insurance demonstrating that the applicant has the following minimum insurance coverage: commercial general liability insurance of at least \$1,000,000; business automobile liability insurance of at least \$1,000,000; workers' compensation insurance of at least the statutory limits, unless otherwise provided by state law; and umbrella liability insurance of at least \$2,000,000. The certificates of insurance shall state that the County will receive at least 30 days' written notice before cancellation or reduction of coverage. The certificates of insurance shall indicate that the Board is a named insured in all of the insurance policies required by this Ordinance, with the exception of workers compensation.~~
43. A written statement certifying that the applicant has reviewed and will comply with all of the requirements in the Certificate of Operation and this Ordinance.

~~DE.~~ If the County Manager determines that the applicant complies with the terms of this Ordinance and all applicable laws, the County Manager shall grant a Certificate of Operation. The County Manager shall deny an application for a Certificate of Operation if the County Manager determines that the applicant does not comply with the terms of this Ordinance or other applicable law. The County Manager may revoke a Certificate of Operation if the County Manager determines, after providing notice and an opportunity for a hearing, that a ~~C~~ontractor has violated the provisions in a Certificate of Operation or any applicable law.

~~EF.~~ The County Manager shall approve a standard form that will be used as the County's Certificate of Operation. The Certificate of Operation shall contain the conditions and limitations that are deemed appropriate by the Board. The Certificate of Operation shall remain in effect for a period of one (1) year, unless the Board approves a longer duration by resolution.

F. A ~~C~~ontractor shall provide each of its ~~C~~ustomers with Rrecyclable Mmaterials ~~C~~ontainers that are sufficient to accommodate the quantity and types of Rrecyclable Mmaterials that will be recycled by the ~~C~~ustomer.

G. A ~~C~~ontractor shall conduct all of its activities in accordance with all applicable laws and best

management practices. A Contractor's vehicles, equipment, and collection containers shall be kept in a clean and well-maintained condition.

H. A Contractor shall not take a Customer's Recyclable Materials to a landfill or other site for disposal, unless the Contractor has received a variance pursuant to Section 1621 of this Ordinance.

I. Unless exempt from this requirement pursuant to Chapter 62-722, Florida Administrative Code, a Contractor shall provide quarterly reports to the County identifying, at a minimum, the types and amounts of Recyclable Material it collected, and each Recycling Facility to which the Recyclable Material was taken. The County Manager may require the Contractor to provide such other information as the County Manager reasonably determines is necessary, provided such request is consistent with the provisions of Chapter 62-722, Florida Administrative Code.

J. A contractor shall not provide collection services prior to 6:00a.m. or after 6:00 p.m. for a property located within two hundred (200) feet of a dwelling unless otherwise authorized by the County Manager. Contractors may provide services at other locations at any reasonable time, subject to approval by the County Manager. Contractors shall not provide collection services on Sundays unless otherwise authorized by the County Manager.

SECTION FIFTEENNINETEEN: Self-Hauling.

A. If an Owner collects the Recyclable Materials generated on its Non-Residential Property, at temporary events, or at venue facilities and transports those materials to a Recycling Facility, without using a Contractor, the Owner shall, upon request, prepare a Self-Hauling Certificate for the County Manager.

B. If a Generator collects and transports its Recyclable Materials to a Recycling Facility, without using a Contractor, the Generator shall, upon request, prepare a Self-Hauling Certificate for the County Manager.

C. The County Manager shall approve a standard form that shall be used as a Self-Hauling Certificate. At a minimum, the Owner or Generator shall provide the following information in the Self-Hauling Certificate:

1. The name, address, and telephone number and email address of the Owner or Generator that is signing the Self-Hauling Certificate;
2. The address of the Non-Residential Property, temporary event or venue facility where the Recyclable Materials are generated;
3. The names of the Generators that are transporting Recyclable Materials pursuant to the Self-Hauling Certificate;
4. A brief description of the activities or businesses that are generating the Recyclable Materials;
5. A list of the types of Recyclable Materials that are being transported and an estimated

tonnage or yardage value for each type of recyclable material being taken from the non-residential property, temporary event, or venue facility to a recycling center;

~~6. For each type of Recyclable Material, the amount that is being taken from the Non-Residential Property to a Recycling Facility each month;~~

~~7.6. The name and address of the Recycling Facility; and~~

~~8.7. The Occupational License number(s) for the Non-Residential Property or venue facility, and/or event permit number(s) for temporary events.~~

D. The Self-Hauling Certificate shall contain a written statement, signed by the Owner or Generator, certifying that the Owner or Generator is in compliance with the requirements of this Ordinance.

E. The County Manager may restrict or prohibit self-hauling by a Person if the County Manager determines, after providing notice and an opportunity for a hearing, that the Person's self-hauling activities violate the provisions of this Ordinance or any other applicable law.

SECTION SIXTEENTWENTY: County Recycling -Centers and Hazardous Waste Collections.

A. The County has established recycling centers for the benefit of the community. The County may impose conditions and limitations upon any Person that wishes to use the County's recycling centers, including limitations on the types and amounts of Recyclable Materials that will be accepted at the recycling centers. The County also may charge fees for the use of its recycling centers. The conditions, limitations, and fees applicable to the recycling centers shall be established by resolution of the Board.

~~B. The County may maintain Hazardous Waste Collection Centers and may, periodically, host special roundups to accept hazardous materials from residents, including pharmaceuticals for Operation Medicine Cabinet for proper disposal.~~

~~C. Conditionally exempt and small quantity generators may bring hazardous materials to the recycling centers upon appointment with the hazardous materials collection and/or disposal company. Acceptance of the hazardous materials and payment for this service will be the responsibility of the hazardous material collection and/or disposal company and the generator.~~

~~BD. A Contractor shall not deliver Recyclable Materials or Solid Waste to the County's recycling centers, unless the deliveries are approved in advance by the County Manager.~~

SECTION SEVENTEENTWENTY-ONE: Variances.

A. The County Manager shall grant an administrative variance from the requirements in this Ordinance

when an Owner, Generator or other Person demonstrates that the application of the Ordinance would create a Substantial Hardship.

B. Any Owner or Generator who demonstrates that, due to site specific conditions, the Owner or Generator cannot simultaneously comply with this Ordinance and the provision of any section of the Collier County Land Development Code or the provision of a duly adopted planned unit development, may seek a variance pursuant to Section 9.04.00 of the Land Development Code. In the alternative, the County Manager may grant an administrative variance from the requirements of this Ordinance.

C. An application for an administrative variance pursuant to ~~this Ordinance Subsections 17.A or 17.B,~~ above, shall be submitted to the County Manager on a form prescribed by the County Manager. An application for a variance from the County's Land Development Code pursuant to ~~Subsection 17.B~~ this Ordinance, above, shall be governed by Section 9.04.00 of the Collier County Land Development Code. The fee for a variance shall be established by resolution of the Board.

D. Pursuant to Section Five of the 2004 Land Development Code adopting Ordinance (Ordinance No. 2004 - 50), the requirements of Section 4.05.04 (minimum requirements for parking spaces) and Section 4.06.00 (minimum requirements for visual screening) of the Land Development Code do not apply to a Person that filed an application for a site plan approval before July 29, 2005 the effective enforcement date of this Ordinance, but only if and only to the extent that the Person's compliance with this Ordinance precludes the Person from complying with the requirements in Sections 4.05.04 and 4.06.00 of the Land Development Code.

SECTION EIGHTEENTWENTY-TWO: Inspections, Enforcement and Penalties.

A. The County Manager is authorized to conduct inspections on ~~Non-Residential Property, multi-family property,~~ at temporary events and at venue facilities for the purpose of determining ~~whether a Person is in~~ compliance with the requirements of this Ordinance. The County Manager also is authorized to inspect any vehicle, equipment or collection container used to ~~Collect or transport Recyclable Materials~~ in the County for the purpose of ensuring that the vehicle, equipment or container is not producing litter or leaking liquids or other residuals during transport.

B. It shall be prima facie evidence of a violation of this Ordinance if an Owner or Generator fails to have a ~~Recyclable Materials~~ collection ~~Container~~ in use on their ~~Non-Residential Property, multi-family property,~~ temporary event or venue facility.

C. To provide the public with a reasonable opportunity to comply with this Ordinance, the County shall not seek any penalties for violations of this Ordinance amendment that occur within ~~twelve~~ six months of the effective date

of this Ordinance amendment. The deadline for compliance with this Ordinance may be postponed by resolution of the Board.

D. The County Manager shall have the power to enforce the provisions of this Ordinance through the County's Code Enforcement Board or Special Magistrate using the enforcement process and penalties established by the Collier County Consolidated Code Enforcement Ordinance, as it may be amended or replaced. The County Manager also may enforce this Ordinance by using any other enforcement procedure that is approved by the Board in the future pursuant to a County Ordinance.

SECTION NINETEEN: Appeals.

~~A. The County Manager is hereby granted the authority to resolve any questions concerning the proper interpretation and application of this Ordinance.~~

~~B. Any decision of the County Manager under this Ordinance may be appealed to the Board. Any appeal shall be initiated by filing a written petition with the County Manager within ten (10) days after the County Manager issues a written decision concerning the matter in dispute. The petition shall describe the facts and issues in dispute and shall explain why the petitioner is entitled to relief. The petition shall be presented to the Board for its consideration as expeditiously as possible, but the petitioner shall be given at least ten (10) days advance notice of the Board's meeting concerning the petition. At the Board's meeting, the petitioner shall have the burden of proving that it is entitled to the relief requested.~~

SECTION TWENTY: Severability.

~~If any clause, section or provision of this Ordinance shall be declared to be unconstitutional or invalid for any cause or reason, the same shall be eliminated from this Ordinance and the remaining portion of this Ordinance shall be in full force and effect and be as valid as if such invalid portion thereof had not been incorporated therein.~~

SECTION TWENTY-ONETHREE: Conflict and Severability.

In the event this Ordinance conflicts with any other ordinance of Collier County, the more restrictive shall apply. If any phrase or portion of this Ordinance, or the particular application thereof, shall be held invalid or unconstitutional by any court, administration agency or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases and their application shall not be affected thereby. The provisions of any other Collier County Ordinance that are inconsistent or in conflict with the provisions of this Ordinance are superseded to the extent of such inconsistency or conflict, or waived when the subject of a variance granted pursuant to Section 16 of this Ordinance.

SECTION TWENTY-FOUR: Inclusion in the County's Code of Laws and Ordinances.

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinance may be renumbered or relettered to accomplish this goal, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

SECTION TWENTY-FIVE: Effective Date.

This Ordinance shall become effective upon receipt of notice of its filing from the office of the Secretary of State of the State of Florida.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this day of

ATTESTS
BOARD OF COUNTY COMMISSIONERS
DWIGHT E. BROCK, CLERK

By: *Michelle Clark*
DEPUTY CLERK
Attest as to Chairman's
signature on 11/10/09

Approval as to form and legal sufficiency:

JBW White
Jennifer D. White
Assistant County Attorney

BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA

By: *Donna Fiala*
DONNA FIALA, CHAIRMAN

This ordinance filed with the
Secretary of State's Office the
3rd day of November, 2009
and acknowledgement of that
filing received this 10th day
of November, 2009

By: *Michelle Clark*
Deputy Clerk

STATE OF FLORIDA)

COUNTY OF COLLIER)

I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true and correct copy of:

ORDINANCE 2009-56

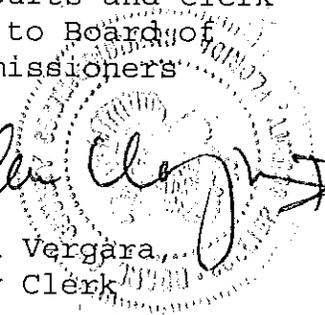
Which was adopted by the Board of County Commissioners on the 27th day of October, 2009, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 30th day of October, 2009.

DWIGHT E. BROCK
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners



By: Martha Vergara,
Deputy Clerk



Attachment 7: City of Hollywood

DRAFT

§ 50.04 COLLECTION OF BULK WASTE, YARD WASTE AND RECOVERED MATERIALS.

(A) *Bulk waste and yard waste.*

(1) *Acceptable material.*

(a) To qualify as bulk waste material for collection by the city, bulk waste shall, in its entirety, meet the definition as set forth in § 50.01 and shall not exceed six cubic yards per collection pick-up. Bulk waste in excess of six cubic yards will not be picked up unless prior arrangements have been made and a fee has been paid either by check, money order, or charge to the customer's city utility account or to a major credit card which is acceptable to the city. The customer may also contract with any franchised hauler approved by the city for the same removal service.

(b) To qualify as yard waste material for collection by the city, the yard waste shall, in its entirety, meet the definition set forth in § 50.01 and shall not exceed four cubic yards per collection pick-up. Yard waste in excess of four cubic yards will not be picked up unless prior arrangements have been made and a fee has been paid either by check, money order, or charge to the customers' city utility account or to a major credit card that is acceptable to the city. The customer may also contract with any franchised hauler approved by the city for the same removal service.

(c) Bulk waste will be picked up once per month as specified in the advertised collection schedule posted on the city's website. Yard waste will be picked up once per week as specified in the advertised collection schedule posted on the city's website. This schedule may be subject to change.

(2) *Unacceptable material.*

(a) Any bulk waste or yard waste not meeting the definition set forth in §50.01 is deemed unacceptable and will not be collected.

(b) Professional tree trimmers, lawn maintenance companies, arborists, landscapers, etc. are required to arrange for disposal of cuttings, branches, grass and leaves. They shall not leave these materials for pick up by the City Environmental Services Division unless arrangements have been made for payment of all fees required for these services. They are not considered City Environmental Services customers. These professionals are required to obtain all necessary local business tax receipts.

(3) *Proper placement.*

(a) *Alleys.* In areas having service alleys that provide safe access for collection vehicles, all bulk waste and yard waste shall be placed for collection at the rear of the private property affected, in a location easily accessible to the collection crews and must not impede the flow of traffic through the service alley. To allow for the safe operation of equipment, where possible, the bulk waste or yard waste is not to be placed near or under guy wires or adjacent to utility poles, trees, water meters, cable boxes, fences or other structures. In the event that construction work in alleys is necessary by outside entities or city projects, residents will be notified of temporary closures of the alley(s) prior to the work and will be required to place bulk waste and yard waste to the curbside for collection during the temporary closure period. Placement of bulk waste or yard waste is the responsibility of the property owner, and any damages to these items due to the improper placement of bulk waste or yard waste will be charged to the owner of the premises and if unpaid for a period in excess of 30 days after billing, shall constitute a nonpayment as described in § 50.09.

(b) *Swales.* Any residential property owner whose residence does not abut an alley shall place all bulk waste or yard waste for collection on the swale or unpaved portion of the right-of-way adjacent to his or her property. This placement shall not interfere in any way with pedestrian or vehicular traffic flow or line of sight. To allow for the safe operation of equipment, where possible, the bulk waste or yard waste shall not be placed near or under any guy wires, or adjacent to utility poles, trees, water meters, cable boxes, telephone boxes, fences, or other structures. Placement of bulk waste or yard waste is the responsibility of the property owner, and any damage to these items due to the improper placement of bulk waste or yard waste will be charged to the owner of the premises and if unpaid for a period in excess of 30 days after billing, shall constitute a nonpayment as described in § 50.09.

(c) *Prohibitions.*

1. It shall be unlawful for the owner, tenant, or any person living on or in charge of any improved or vacant property to place or allow bulk waste or yard waste, waste material, junk, or other debris to be placed upon or to remain upon the public right-of-way abutting such property except as provided in §§ 50.02(C), 50.04(A)(3) and 101.05(C) and (D).

2. It shall be unlawful for any person to deposit any commingled waste or any other waste or junk material on any vacant property for any purpose, whatsoever.

3. It shall be unlawful for any person to cause yard waste to be deposited onto the street or into storm drains.

4. It shall be unlawful for any person to place material on the swales and alleys for city pick up which did not originate from the abutting property. Any person placing bulk waste or yard waste onto the swale or adjacent to alleys for city pick up which did not originate from the abutting property shall be assessed a fee for removal and disposal of improperly placed material.

5. It shall be unlawful for any person to cause bulk waste or yard waste to be placed on streets, alleys, or city rights-of-way. Penalties for violation of this section shall be pursuant to § 10.99 or Chapter 36 of the Code of Ordinances.

6. It shall be unlawful for any person to place bulk waste or yard waste out on the swale(s) and/or alleys for city

collection no sooner than noon (12 p.m.) on the day prior to the customer's regularly scheduled collection day. Any person placing bulk waste or yard waste out earlier than this shall be assessed a fee for the city to remove the bulk waste or yard waste if the bulk waste or yard waste is not removed within 24 hours of first notification of violation.

(4) *Collection schedule.* Bulk waste shall be picked as specified in the advertised collection schedule posted on the city's website. Yard waste shall be picked up as specified in the advertised collection schedule posted on the city's website.

(5) *Special pick up procedure.*

(a) Any person owning, living on or being in charge of any real property in the city, who is an Environmental Services Division customer, may arrange with the Environmental Services Division of the Public Works Department for an individual bulk waste or yard waste special pick up. A fee shall be charged for an individual bulk waste or yard waste special pick up, provided that the bulk waste or yard waste shall have been properly piled on the swale or in the alley adjacent to the property to facilitate pick up. Such fee shall be established by resolution of the City Commission and shall be added to the next regular utility bill mailed by the Utility Accounting Division to the location at which the special pick up was requested, or paid by the person maintaining a utility account requesting the special pick up. Except where an individual bulk waste or yard waste special pick up shall have been arranged as provided above, where bulk waste or yard waste has been placed or stored on such property, the city shall post a notice in a conspicuous place on the property giving the owner, tenant or other person living on or being in charge thereof 24 hours to remove such bulk waste or yard waste or to arrange for its removal by the city. Unless the bulk waste or yard waste shall have been removed within such 24-hour period or an arrangement for its removal by the city shall have been made within such time, the city shall pick up such bulk waste or yard waste in accordance with division (c) below.

(b) Where bulk waste or yard waste is placed or stored on vacant real property or on improved real property in the city where utility service is not provided, the city shall post a notice in a conspicuous place on the property giving the owner or other person in charge thereof 24 hours to remove such bulk waste or yard waste. Unless removed within such 24-hour period, the city may remove the bulk waste or yard waste in accordance with division (c) below.

(c) In the event any person required by the terms of this section fails to properly pile the bulk waste or yard waste on the swale or in the alley as provided in division (a) above, or fails to remove the bulk waste or yard waste as provided in divisions (a) and (b) above, the city may cause such removal of the bulk waste or yard waste to be done and shall charge the cost of such services to that person. Such actions by the city shall be deemed as abating a nuisance in accordance with division (d) below, and falls within § 38.04. There shall also be an administrative charge established by resolution of the City Commission for each service that the city is required to perform. Charges for such removal, along with any administrative or interest charge, shall be a lien upon such real property, and whenever a bill for such charges remains unpaid for 20 days after it has been rendered, the Finance Director shall file and record a claim of lien in the public records of Broward County and with the Clerk of the Circuit Court for Broward County. This claim of lien statement shall contain a legal description of the premises, the expenses and costs incurred, the date of such expenses, and a notice that the city claims a lien for this amount. For purposes of this section, incurred costs shall encompass, in addition to the abatement cost of the nuisance, all administrative, legal, postal and publication expenses, as well as all other direct or indirect costs associated therewith. All such unpaid charges shall bear interest after 20 days at the rate provided in F.S. § 55.03(1) for interest on judgments. The claim of lien statement shall further provide notice that interest on the unpaid charge shall accrue at the rate provided for in F.S. § 55.03(1) for interest on judgments. A copy of the claim of lien shall be mailed to the owner of the property, if his or her address is available. The city may pursue all legal means available to collect those liens, including but not limited to imposing a special assessment and collecting such in accordance with § 38.04. The costs incurred for collection, including legal fees, shall be recovered along with all amounts due the city under the lien. The remedies provided above shall be cumulative with all other remedies provided by this section and the election of any one shall not preclude the use of any other. Written notice of the assessment shall be given to the property owner, and if applicable, the agent, custodian, lessee or occupant. Such notice shall be by certified mail, return receipt requested and shall set forth the following:

1. A description of the violation, a description of the action taken by the city to abate the nuisance, and the fact that the property has been assessed for the costs incurred by the city in abating the nuisance;
2. The aggregate amount of such costs and an itemized list of such costs;
3. The intent of the city to place the assessment on the tax roll as a non-ad valorem assessment if not paid by the following August 1;
4. The potential for the property to be subject to the sale of a tax certificate, bearing interest by law at the rate as high as 18% per annum, if the non-ad valorem assessment is not paid as part of the tax bill on the property; and
5. The potential for the property to be sold and conveyed by tax deed if the tax certificate is not redeemed by payment of the non-ad valorem assessment, in full, plus interest, as required by Florida law.

(d) In the event that any property shall require the city to provide the services described above more than once in any 30-day period, an additional fee as established by resolution of the City Commission will be added to the second and each subsequent bill.

(e) All liens created pursuant to this section shall remain liens, coequal with the lien of all state, county, district and municipal taxes, superior in dignity to all other liens, titles, and claims, until paid. The amount of such fees shall constitute a lien against the premises to the same extent, character and priority as a lien for special assessments and with the same penalties and the same rights of collection, foreclosure, sale or forfeiture as obtained by special assessment liens and may be handled in the same manner by the city.

(f) In addition to the remedies prescribed above, if it shall be brought to the attention of the City Commission and it shall be determined that the accumulation of bulky waste or yard waste on private property within the city is a nuisance and is likely to have an immediate adverse effect upon the public health or safety, the City Commission may, by appropriate resolution or motion, order such nuisance summarily abated by the city in an orderly manner.

(6) *Access through alleys and rights-of-way.* All alleys and rights-of-way used for sanitation, maintenance and utilities services shall be clear of any obstruction. All vegetation, shrubs, trees and over-hanging branches shall be removed from an alley right-of-way to facilitate access for service vehicles. It is the responsibility of the immediately adjacent property owner or occupant to remove obstructions from the alley and/or the adjacent right-of-way. Failure to remove overgrowth or obstructions shall constitute a violation. If any obstruction has not been removed within seven working days after notification, the obstacle shall be removed and the owner assessed the total removal costs plus an administrative fee established by resolution of the City Commission to be billed according to § 50.08. If said fee shall remain unpaid for a period in excess of 30 days after billing, the amount due shall constitute a nonpayment as described in § 50.09.

(B) *Recycling.*

(1) *Single-family, duplex and triplex owners, renters, and occupants of these units.*

(a) *Recovered materials.* The city shall provide a curbside recycling bin for the purpose of recycling the following materials:

1. Glass (brown, green, and clear) food and beverage containers;
2. Plastic beverage bottles and jugs such as soda bottles, milk, water, detergent and shampoo bottles without lids or caps;
3. Metal cans (steel, tin, and aluminum);
4. Aseptics, including milk cartons and juice boxes;
5. Newspapers, including inserts, should be placed in a brown paper bag or bound with twine to prevent littering;
6. Flattened corrugated card-board, maximum dimensions of two feet by three feet;
7. Magazines, books, junk mail, catalogs, and office paper;
8. Paperboard boxes, such as cereal and cookie boxes; and
9. Any other items deemed an acceptable recyclable item by the Director of Public Works or his or her designee.

(b) *Requirements.* Food and beverage containers must be rinsed clean of residue. Caps, pumps, and lids must be discarded. Plastics should be flattened.

(c) *Unacceptable materials.* Unacceptable materials for recycling curbside are:

1. Window glass, mirrors, and ceramics;
2. Plastic bags, films, and wrap;
3. Plastics, including bags, styrofoam, flower pots, and microwave containers; or
4. Metal and plastic hangers;
5. Wire, tin foil, and other pieces of metal;
6. Empty containers that held motor oil, bleach, household cleaners, pesticides, automobile fluids, fertilizers, and the like;
7. Aerosol and paint cans; or
8. Garbage.

(d) *Scavenging.* Once material is placed in the bin and set in the alley or at the curb, it becomes property of the City of Hollywood. Persons other than city crews or city-authorized haulers removing any materials shall be fined a penalty of \$100 for the first occurrence and \$500 for all other occurrences.

(2) *Dwellings of more than two units.*

(a) All new and existing multi-family unit owners, landlords, agents, and associations shall be responsible for implementing an on-site recycling program which must be source separated for each of their multi-family units no later than October 1, 2015, unless otherwise noted and excepted.

(b) The on-site recycling program shall provide for recycling a minimum of the following materials:

1. Glass (brown, green, and clear) food and beverage containers;
2. Plastic beverage bottles and jugs such as soda bottles, milk, water, detergent and shampoo bottles without lids or caps;

3. Metal cans (steel, tin, and aluminum);
4. Aseptics, including milk cartons and juice boxes;
5. Newspapers, including inserts;
6. Corrugated card-board; and
7. Paper, magazines, catalogs, and junk mail.

(c) All multi-family unit owners, landlords, agents and associations shall be responsible for notifying and continually educating unit owners and tenants on recycling practices through formal and ongoing education programs. The multi-family unit owners, landlords, agents and associations shall submit evidence on a yearly basis that an on-site recycling program is in place and that ongoing education programs have occurred. General recycling information and current program recycling guidelines shall be distributed to new unit owners or tenants and to all existing unit owners and tenants on an annual basis.

(d) Exceptions or alternatives to the on-site recycling program requirement may be requested by the multi-family units owners, landlords, agents or associations in writing to the Director of Public Works or his or her designee. Said request will set forth the reasons why such on-site recycling program cannot be implemented and providing possible alternatives that the multi-family property may utilize. Upon receipt of the written request, the Director or his or her designee will evaluate the written request and determine if compliance with the on-site recycling programs requirements would result in an undue hardship to the property owner(s) and such need for an exception would not be shared generally by other multi-family properties. If such determination is made, the Director of Public Works may approve the exception and require an alternative recycling method be put in place unless all reasonable alternatives are not feasible.

(3) *Commercial establishments.*

(a) All new and existing commercial establishments shall implement an on-site recycling program which must be source separated no later than October 1, 2015, unless otherwise noted and excepted. However, commercial establishments that are on minimal waste service of one or fewer waste pickups per month, are exempt from providing an on-site recycling program. Buildings, commercial centers, or office parks with multiple commercial establishments may implement a single on-site recycling program shared by the commercial establishments.

(b) The program shall provide for recycling a minimum of the following materials:

1. Glass (brown, green, and clear) food and beverage containers;
2. Plastic food and beverage bottles and jugs;
3. Metal cans (steel, tin, and aluminum);
4. Aseptics, including milk cartons and juice boxes;
5. Newspapers, including inserts;
6. Corrugated cardboard;
7. Office paper, magazines, catalogs, and junk mail;
8. Used motor oil; and
9. Wood.

(c) Commercial establishments shall be responsible for notifying and continually educating employees on recycling practices through formal and ongoing education programs. The commercial unit owners, landlords, agents and associations shall submit evidence on a yearly basis that an on-site recycling program is in place and that ongoing education programs have occurred. General recycling information and current program recycling guidelines shall be distributed to new unit owners or tenants and to all existing unit owners and tenants on an annual basis.

(d) Exceptions or alternatives to the on-site recycling program requirement may be requested by the commercial establishments in writing to the Director of Public Works or his or her designee. Said request will set forth the reasons why such on-site recycling program cannot be implemented and providing possible alternatives that the commercial establishment may utilize. Upon receipt of the written request the Director or his/her designee will evaluate the written request and determine if compliance with the on-site recycling programs requirements would result in an undue hardship to the commercial establishment and such need for an exception would not be shared generally by other commercial establishments. If such determination is made, the Director of Public Works may approve the exception and require an alternative recycling method be put in place unless all reasonable alternatives are not feasible.

('72 Code, § 13-6) (Ord. O-70-59; passed 7-1-70; Am. Ord. O-73-8, passed 1-17-73; Am. Ord. O-86-10, passed 2-5-86; Am. Ord. O-87-07, passed 2-18-87; Am. Ord. O-94-19, passed 6-1-94; Am. Ord. O-95-08, passed 2-15-95; Am. Ord. O-97-01, passed 2-5-97; Am. Ord. O-2004-15, passed 6-2-04; Am. Ord. O-2006-14, passed 5-3-06; Am. Ord. O-2007-07, passed 4-18-07; Am. Ord. O-2008-02, passed 1-16-08; Am. Ord. O-2010-35, passed 10-6-10; Am. Ord. O-2012-18, passed 9-5-12; Am. Ord. O-2012-21, passed 11-7-12; Am. Ord. O-2020-10, passed 9-2-20) Penalty, see § 10.99