



City of North Port

ORDINANCE NO. 2020-26

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, RELATED TO THE COLLECTION OF SOLID WASTE FROM COMMERCIAL PROPERTIES AND ESTABLISHING A LATE PAYMENT FEE, BY AMENDING CHAPTER 62 – SOLID WASTE AND APPENDIX A – CITY FEE STRUCTURE; REPEALING SECTION 62-57 – DELINQUENT COMMERCIAL ACCOUNTS AND SECTION 62-66 – APPEALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

1 **WHEREAS**, Section 62-45 of the Code of the City of North Port, Florida requires that the City collect,
2 convey, and dispose of all solid waste in the City; and

3
4 **WHEREAS**, establishing a deposit and service schedule system for commercial solid waste customers will
5 simplify the process for commercial customers to set up solid waste service; and

6
7 **WHEREAS**, establishing commercial solid waste collection service in the same manner as residential
8 customers will simplify and streamline the City’s administrative process; and

9
10 **WHEREAS**, the City Commission finds that these amendments serve the public health, safety, and welfare
11 of the citizens of the City of North Port, Florida.

12
13 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:**

14
15 **SECTION 1 – FINDINGS**

16
17 1.01 The recitals outlined above are incorporated by reference as findings of fact.

18
19 **SECTION 2 – ADOPTION**

20
21 2.01 Chapter 62 of the Code of the City of North Port, Florida is hereby amended to read as follows:

22
23 **“Chapter 62 – SOLID WASTE**

24 . . .
25 **ARTICLE III. – COLLECTION AND DISPOSAL**

26 . . .
27 **Sec. 62-45. – Collection and conveyance of solid waste.**

28 (a) Except as otherwise provided in sections 62-53, ~~section 62-54, section 62-60, and or section~~
29 62-61, all solid waste accumulated within the corporate limits of the city shall be collected,
30 conveyed, and disposed of by the city.

31
32 ~~(b) Solid waste shall be collected from commercial customers only upon a duly executed~~
33 ~~agreement for service between the city and the commercial customer.~~

34
35 ...

36
37 **Sec. 62-55. – Fees.**

38
39 (a) ~~Schedule of fees. Fee structure.~~ Solid waste district rates and fees related to the Fees for
40 collection of residential and commercial solid waste by the Solid Waste District are set forth
41 in the City Fee Structure. Solid waste district non-ad valorem assessment rates are established
42 as set forth in chapter 66, article IV of this Code. shall be established each fiscal year by a
43 resolution adopted by the City commission. This resolution shall include the Solid Waste
44 District non-ad valorem assessment rate. Fees for the collection of commercial solid waste
45 and special pick up items shall be established by an ordinance adopted by the City
46 commission. Copies of the resolution and ordinance can be obtained from the City Clerk's
47 office.

48
49 (1) ~~Return trip charges.~~ Return trip charges are in addition to collection charges. Where
50 collection does not occur for any reason not the fault or error of the department, the
51 regular collection charges accrue to the premises. This does not include the tonnage or
52 weight charge added to roll-offs.

53
54 (b) Commercial customers. Commercial solid waste customers will be invoiced monthly and must
55 remit payment by the date indicated on the invoice. Special collection fees must be paid in
56 advance of collection.

57
58 (1) Invoicing. Invoices will be mailed to a commercial customer's last known address on file
59 with the city or, upon the completion of an electronic billing authorization form,
60 transmitted electronically by email. A customer's failure to receive an invoice does not
61 release the customer from the obligation to pay for services rendered. A returned check
62 or payment fee will be charged for any payment returned due to a customer's insufficient
63 or non-collectable funds.

64
65 a. If mailed, customer's receipt of an invoice is presumed to occur no later than three
66 business days after the date of the invoice.

67
68 b. If emailed, customer's receipt of an invoice is presumed to occur no later than one
69 business day after transmittal.

70
71 (2) Late payment fee. Payment is due by the date indicated on the invoice. If payment is not
72 received by the due date indicated, the customer will be assessed a late payment fee on
73 the next business day. A commercial customer's account will be delinquent if payment is
74 not received within 14 days of the due date indicated on the invoice.

75 (3) Delayed invoice. Where the city is the cause for delay in a customer’s receipt of an invoice,
76 the customer will not be assessed a late payment fee on the delayed invoice. However,
77 payment must be made by the date indicated on any reissued invoice in order to avoid
78 accumulating late payment fees.

80 (4) Waiver of late payment fee. Upon the written request of a commercial customer, the
81 Director or designee may waive one late payment fee during a 12-month period, provided
82 the customer’s account has been in good standing for the 12-month period prior to the
83 late payment fee being assessed.

84 (5) Delinquent commercial accounts.

85 a. Delinquent commercial accounts will be suspended and assessed a delinquency
86 processing fee. Customer deposits will be used to offset any delinquent amounts due.

87 b. Suspended delinquent commercial accounts are subject to stoppage of service
88 without further notice. If a delinquent account is not paid within 14 days, all solid
89 waste collection for that account will be suspended until the delinquent amount and
90 all applicable fees are paid in full and the deposit balance is returned to an amount
91 equal to three months of service for the commercial customer’s set service schedule.

92 ~~(b) Commercial rates and billing procedure. Exhibit A—City of North Port Solid Waste District~~
93 ~~Commercial Rates and Billing Procedures attached hereto and incorporated herein~~
94 ~~establishes commercial rates for the Solid Waste District.~~

95 ~~(1) Additional charges for commercial customers.~~

96 a. ~~Debris extending above the top of the container will be charged an additional rate~~
97 ~~per cubic yard. Minimum fee is for one cubic yard.~~

98 b. ~~On-site labor (where collection crew is delayed by site conditions and/or must supply~~
99 ~~additional site cleanup labor or other services, e.g., where container contents are~~
100 ~~spilled due to overfill, where materials on an overloaded container require~~
101 ~~adjustment, or where access is blocked by debris) will be charged an additional rate~~
102 ~~per fifteen minute increment, with a minimum charge of 15 minutes.~~

103 c. ~~If the collection vehicle is required to move/pull out a front-load (one to six cubic~~
104 ~~yard) container for the dump, pullout fee is charged in addition to the disposal/dump~~
105 ~~charge.~~

106 d. ~~If the driver must exit the truck to open an enclosure gate, or unlock or prep~~
107 ~~containers, a fee may be assessed.~~

108 ~~(2) Once a container is placed, billing continues until the container is removed from the~~
109 ~~property by the department.~~

120 ~~(c) *Schedule of special collection fees.* Exhibit B—City of North Port Solid Waste District Schedule~~
121 ~~of Special Collection Fees attached hereto and incorporated herein establishes special~~
122 ~~collection fees for the Solid Waste District.~~

123
124 ~~(d) *[Replacement of containers.]* The customer is responsible to replace lost, damaged or missing~~
125 ~~containers at the fee reflected in Exhibit B.~~

126
127 ~~(e) *Payment of fees.* Fees for the city solid waste district non ad valorem assessments for~~
128 ~~collection of residential solid waste shall be paid at the Sarasota County Tax Collector's Office.~~
129 ~~An invoice for commercial fees will be mailed to each customer on a monthly basis. Payment~~
130 ~~of the commercial fees can be made via online, mail or in person at the North Port Cashier's~~
131 ~~Office. Charges for special collection fees shall be prepaid prior to scheduled pick-up and paid~~
132 ~~in person at the North Port Cashier's Office.~~

133
134 ~~(f) *Commercial bills.* Commercial bills shall be mailed to the customer's last known address on~~
135 ~~file with the city or if requested by a customer in writing, transmitted electronically to the~~
136 ~~customer's provided email address in accordance with the e-bill authorization/waiver.~~

137
138 ~~(1) *Waiving of administrative late fees.* Late payment fees may be waived once per 12-month~~
139 ~~period as requested by a customer. Additional requests for late payment fee waivers must~~
140 ~~be in writing and approved by the utilities or cashiering department management.~~

141
142 ~~(2) *Transmittal of bills.* The city shall adopt procedures for the transmittal of customer bills~~
143 ~~and notices that will allow determination of the date that any such bill or notice was~~
144 ~~transmitted by regular mail or if, requested by the customer, transmitted to the customer~~
145 ~~by electronic mail. The date the bill was prepared shall be printed on the bill, and~~
146 ~~transmittal shall be presumed to have occurred within one business day of the printed~~
147 ~~date. If transmitted by regular mail, receipt by the customer shall be presumed to have~~
148 ~~occurred three business days after transmittal; if transmitted by e-mail at the customer's~~
149 ~~written request, receipt by the customer shall be presumed to have occurred one~~
150 ~~business day after transmittal. Nonreceipt of bills by the customer shall not release or~~
151 ~~diminish the obligation of the customer with respect to payment for the services received~~
152 ~~provided, however, if such nonreceipt is attributable to an error by the city, no late fee~~
153 ~~shall be assessed against the customer if payment is timely received by the city after the~~
154 ~~error has been corrected and the bill received by the customer.~~

155
156 ~~(3) *There shall be a charge for each payment returned to the city as a result of insufficient or*~~
157 ~~*noncollectable funds. The city shall establish and adopt by a separate ordinance, a*~~
158 ~~*citywide fee schedule incorporating fees for returned payments.*~~

159
160 ~~(4) *The city shall establish and adopt by separate ordinance, a citywide fee schedule*~~
161 ~~*incorporating fees to be charged to those customers delinquent in the payment of the*~~
162 ~~*monthly bills.*~~

163
164 ~~*[Exhibits A and B to Sec. 62-55 are deleted in their entirety]*~~
165

166 **Sec. 62-56. – Commercial service—Change in service.**
 167

- 168 (a) Establishment of service. To have solid waste service at a commercial property, the
 169 commercial business owner or designee must set a service schedule with the public works
 170 department and pay a deposit equal to three months of service for the commercial customer's
 171 set service schedule. Deposits will be used to offset any delinquent amounts due the city.
 172
- 173 (b) ~~{Lease, purchase of equipment.}~~ All commercial customers within the City that require an
 174 automated garbage container, dumpster, or roll-off, must shall lease that equipment from
 175 the city. ~~City-owned automated garbage containers, dumpster, or roll-offs except compactor~~
 176 ~~units which the customer purchases. All containers shall be of such size and type and at such~~
 177 Automated garbage container, dumpster, and roll-off locations shall be determined by as the
 178 Director or designee ~~his authorized agent may reasonably require~~ in order to promote the
 179 sanitary, aesthetic, and economic collection and disposal of solid waste and recyclables. All
 180 commercial containers shall must be kept clean and free from ~~putrescible~~ putrid, rotting, or
 181 ~~decomposing refuse or residue. The City will maintain and repair City-owned dumpsters.~~
 182
- 183 (c) Authority to determine service. The Director or designee is authorized, at any time, shall have
 184 the sole authority to determine or require a change to a commercial customer's the type of
 185 service, number of receptacles, or ~~and~~ frequency of collection. Where the Director or
 186 designee determines that a change is required, the public works department will provide the
 187 commercial customer with seven days advance written notice of the required change. Where
 188 an additional deposit is required, the commercial customer must include the balance of the
 189 additional deposit with their next scheduled payment for service. The size of container and
 190 frequency of service shall be determined based on the volume of solid waste to be deposited
 191 each week. The minimum frequency of collection shall be once per week.
 192
- 193 (b) ~~{Deposits.}~~ The Solid Waste District may collect a deposit prior to initiating service to a
 194 commercial customer. Said deposit shall not exceed the expected charge for three months'
 195 service to the customer. In the event a deposit is collected it may be used to offset any
 196 delinquent amounts due the Solid Waste District after termination of service. Any remainder
 197 of a collected deposit shall be returned to the customer. The Solid Waste District shall utilize
 198 the rates set through regulation for all commercial and industrial collection services.
 199
- 200 (c) (d) Charge for cChange in service. A commercial customer may change the type or frequency
 201 of its service by creating a new service schedule with the public works department or
 202 entering into a new equipment lease with the city. Each new service schedule will be
 203 subject to a service charge. Each customer shall pay a service charge of \$25.00 for each
 204 and every subsequent application for a change in the type of service.
 205
- 206 (d) (e) Charge for reinstatement of service. Where service is terminated, discontinued for cause
 207 or at the request of the customer the customer shall must pay a charge of \$25.00 for a
 208 reinstatement of service fee, establish a deposit of three months of service, and pay
 209 together with all unpaid balances for previous service including fees, penalties, and any
 210 costs of collection.
 211

212 ~~(e) Conversion from container to dumpster service. No conversions from container to dumpster~~
213 ~~service will be allowed without the consent of the Director. Where the size or number of~~
214 ~~service conversions will cause an adverse impact on City equipment, operations, or finances,~~
215 ~~the Director may withhold permission to convert until the City can adjust its equipment,~~
216 ~~operations or finances so as to minimize any such adverse impact.~~

217
218 ~~(f) [Resumption of service.] Service shall be resumed thereafter only upon payment of the~~
219 ~~accumulated fees for the period of collection and the period of noncollection so as to bring~~
220 ~~the client up to schedule. In the event that a client becomes delinquent for the third time~~
221 ~~within the agreement period a penalty of \$25.00 shall be assessed to cover administrative~~
222 ~~and service processing caused by the delinquency. In the event a deposit is collected, it may~~
223 ~~be used to offset any delinquent amounts due the Solid Waste District after termination of~~
224 ~~service.~~

225
226 ...

227
228 **Sec. 62-60. – Commercial service providers.**

229
230 (a) Persons and companies providing commercial services, such as, but not limited to,
231 landscaping, carpet or tile installation, ~~or~~ home repairs or remodeling ~~requiring a building~~
232 ~~permit, shall be~~ are responsible for the proper disposal of any and all debris resulting directly
233 or indirectly from such services.

234
235 (b) Except as otherwise provided in section 62-61 of this Code, debris ~~Debris~~ from commercial
236 services ~~shall~~ must not be deposited at pickup sites for collection by the ~~City,~~ except in
237 containers provided by the Solid Waste District as provided in section 62-61 but shall ~~but shall~~ but must
238 be transported to a certified disposal location permitted by the Florida Department of
239 Environmental Protection for the collection of such debris, and at the cost and expense of the
240 commercial service provider."

241
242 2.03 Appendix A of the Code of the City of North Port, Florida is hereby amended to read as follows:

243 **"APPENDIX A – CITY FEE STRUCTURE**

244 ...
245 **I. SOLID WASTE DISTRICT FEES**

Special Waste Fees	
...	
<u>Additional change in tote size per material type after yearly selection. Fee applies per residence</u>	<u>\$30.00</u>
<u>Solid Waste new residential structure fee</u>	<u>\$200.00</u>
Commercial Rates	
Recycling	

Two 18 14-gallon containers:		
Collected once per week	\$7.28/mo.	
Collected every other week	\$3.64/mo.	
Collected once per month	\$1.82/mo.	
On-call	\$2.25/coll.	
35 32-gallon container:	First Container	Additional Containers (each)
One 35 32-gallon container for commingle, collected once per week	\$14.01	\$9.35
One 35 32-gallon container for paper and cardboard, collected once per week	\$14.01	\$9.35
One 35 32-gallon container for commingle, collected every other week	\$7.00	\$4.67
One 35 32-gallon container for paper and cardboard, collected every other week	\$7.00	\$4.67
One 35 32-gallon container, one for commingle or one for paper collected once per month	\$4.00	\$2.67
...		
Garbage Monthly Fee		
35 32-gallon container collected once per week	\$24.00	
65 68-gallon container collected once per week	\$36.00	
95-gallon container collected once per week	\$48.00	
-First container	\$48.00	
Additional containers (each):	\$24.00	
...		
Temporary Dumpster Rental		
...		
<u>Long Term Rental (6 months or longer)</u>	<u>\$15.00 per month</u>	
...		
Event Garbage and Recycling Service		
...		
35 32-gallon recycling containers	\$2.00 each/recycling material included	
35 32-gallon garbage totes	\$3.00 each/garbage material included	
Additional Charges		

...	
Pull-out (<u>per month</u>)	\$25.00
Open gate/unlock/prep container (<u>per month</u>)	\$10.00
<u>Commercial</u> Bulk (minimum fee is 1 cubic yard)	\$25.00/cu. yard
<u>Delinquency processing fee (charged when customer fails to make payment in full 14 days after bill due date) (per month)</u>	<u>\$20.00</u>
<u>Late payment fee</u>	<u>1% of an account's unpaid balance plus \$5.00.</u>
<u>Reinstatement of service fee</u>	<u>\$25.00</u>
...	

248

249 **SECTION 3 – REPEAL**

250

251 3.01 Section 62-57 of the Code of the City of North Port, Florida is hereby repealed in its entirety.

252

253 3.02 Section 62-66 of the Code of the City of North Port, Florida is hereby repealed in its entirety.

254

255 **SECTION 4 – CONFLICTS**

256

257 4.01 In the event of any conflict between the provisions of this ordinance and any other ordinance or
258 portions thereof, the provisions of this ordinance shall prevail to the extent of such conflict.

259

260 **SECTION 5 – SEVERABILITY**

261

262 5.01 If any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason
263 held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be
264 deemed a separate, distinct, and independent provision and such holding shall not affect the
265 validity of the remaining portions hereof.

266

267 **SECTION 6 – CODIFICATION**

268

269 6.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. Any
270 additional codification information and notations appear in *italics*. These editorial notations shall
271 not appear in the codified text.

272

273 **SECTION 7 – EFFECTIVE DATE**

274

275 7.01 This ordinance shall take effect immediately upon adoption by the City Commission of the City of
276 North Port, Florida.

277

278

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida in public session on the ___ day of _____ 2020.

PASSED and DULY ADOPTED by the City Commission of the City of North Port, on the second and final reading in public session this ___ day of _____ 2020.

CITY OF NORTH PORT, FLORIDA

DEBBIE MCDOWELL
MAYOR

ATTEST

HEATHER TAYLOR, CMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON
CITY ATTORNEY