

## ARTICLE III. COLLECTION AND DISPOSAL\*

**\*State law references:** General powers of municipalities, F.S. § 166.021; litter control, F.S. § 403.413 et seq.; resource recovery and management, F.S. § 403.702 et seq.; local government solid waste management responsibilities, F.S. § 403.706.

### Sec. 62-44. Definitions and word usage.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

*Biohazardous waste.* Solid waste or liquid waste which may present a threat of infection to humans. The term includes, but is not limited to, nonliquid human tissue and body parts; laboratory and veterinary waste which contains human disease-causing agents; discarded sharps; blood, blood products and body fluids from humans. The following are also included:

- (1) Used, absorbent materials saturated with blood, body fluids or excretions/secretions contaminated with blood. Absorbent materials include items such as bandages, gauzes and sponges.
- (2) Disposable devices which have been contaminated with blood, body fluids or blood contaminated secretions/excretions and have not been thoroughly rinsed.
- (3) Other contaminated solid waste materials which represent a significant risk of infection because they are generated in medical facilities which care for persons suffering from diseases requiring strict isolation criteria and listed by the United States department of health and human services, Centers for Disease Control, CDC Guideline for Isolation Precautions in Hospitals, July/August, 1983.

*Biological waste.* Solid waste that causes or has the capability of causing disease or infection and includes, but is not limited to, biohazardous waste, diseased or dead animals and other wastes capable of transmitting pathogens to humans or animals. The term does not include human remains that are disposed of by persons licensed under F.S. ch. 470.

*Bulk waste.* Refuse that does not fit in the automated garbage container with the lid in a closed position or exceeds the maximum weight limit of the automated garbage container. Bulk waste does not include commercial waste, construction and demolition debris, hazardous waste, and waste resulting from work performed by a private contractor.

*Commercial customers.* May include, but is not limited to, manufacturers, wholesale and retail establishments, home businesses, restaurants, shopping centers, campgrounds, nontaxable churches and related establishments and hospitals, hotels and motels, multiple-family residences, bunkhouses, ranger stations, crew quarters, recreational vehicle parks and day-use recreation areas, retirement, nursing homes, assisted-living facilities, licensed child-care facilities, and all other places not classified as residential which produce or accumulate solid waste and maintain centralized locations for garbage bins or containers.

*Commercial - multipurpose buildings.* When a building is zoned commercial and is devoted to mixed commercial and residential space, the solid waste collection rates are based on commercial rates for any or all units. The owner shall supply service to the commercial lessee or residential lessee in accordance with district ordinances.

*Composting.* The controlled biological decomposition of organic solid waste carried out under controlled conditions which stabilizes the organic fraction of waste into a material which can easily and safely be stored, handled and used in an environmentally acceptable manner for soil, a growing medium or other similar uses. Simple exposure of solid waste under uncontrolled conditions resulting in natural decay, public nuisances or conditions adversely affecting the environment or public are not composting. Composting activities shall not violate the provisions of other state or local laws, ordinances, rules, regulations or orders.

*Construction and demolition debris.* Discarded materials generally considered to be not water soluble and nonhazardous in nature including, but not limited to, steel, glass, brick, concrete, asphalt, roofing, material, pipe, gypsum, wallboard, and lumber from the construction or destruction of a structure as part of a demolition renovation or construction project, and also including rocks, soils, tree remains, trees and other vegetative matter that normally results from land clearing or land development operations for a construction project. This definition includes debris placed at a site remote from the construction or demolition project site. Mixing of construction and demolition debris with other types of solid waste will cause it to be classified as other than construction and demolition debris. The term includes:

- (1) Cardboard, paper plastic wood and metal scraps from a construction project;
- (2) Except as provided in F.S. § 403-707(9)(j), yard trash and unpainted nontreated wood scraps and wood pallets from sources other than construction or demolition projects; and
- (3) De minimis amounts of other nonhazardous wastes that are generated at construction or destruction projects provided such amounts are consistent with the best management practices of the industry.

*Director.* The Director of the City Public Works Department.

*Dumpster.* A detachable container designed and intended to be mechanically dumped into a packer-type garbage truck and varying in size from one cubic yard to eight cubic yards having first been approved by the Director.

*E-waste.* Electronic waste which consists of CPUs, cell phones, monitors, printers, keyboards, all peripherals (speakers, mouse, etc.), table top and large console TV's and other electronics (radios, stereos, etc.).

*Garbage.* Putrescible animal and vegetable wastes resulting from handling, preparation, cooking and consumption of food.

*Hazardous waste.* Solid waste or a combination of solid wastes which, because of its quantity, concentration, or physical, chemical, or infectious 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 treated stored transported or disposed of or otherwise managed. The term does not include human remains that are disposed of by persons licensed under F.S. ch. 497.

*Home business.* Any business based at a residence which generates more solid waste than can be contained in the 95-gallon container provided for residential use exclusive of definitions in zoning regulations section 53 of the North Port Land Development Code.

*Household hazardous waste.* Solid waste that may be toxic, corrosive, flammable, or reactive and is generated by occupants of residential dwellings.

*Household waste.* Solid waste which is not considered to be hazardous wastes pursuant to 40 CFR 261.4 and which includes any material (including garbage and trash) derived from households, including single and multiple residences.

*Letter of availability.* A document provided by solid waste to an applicant indicating that a specific solid waste service is or is not available.

*Nonrecyclable materials.* All solid waste which has not been identified by resolution of the North Port city commission, sitting as the governing body of the North Port solid waste district, as recyclable materials which will be accepted as part of the district's recycling program.

*Person.* Any person, firm, partnership, association, corporation, company or organization of any kind.

*Recyclable materials.* Those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste and includes the following list of materials as defined which may be amended by the city commission at any time.

- (1) *Aluminum cans.* Any food or beverage container constructed entirely of aluminum.
- (2) *Aluminum foil.* Aluminum sheets or wrap commonly used in food preparation whether in sheets or formed into flexible containers.
- (3) *Corrugated cardboard.* Cardboard with folds, ridges, grooves or wrinkles placed between flat paper surfaces and commonly used for cartons or boxes.
- (4) *Glass.* Any food or beverage container constructed of glass of any color with the exception of opaque glass (nontransparent).
- (5) *High-grade and other mixed paper.* Magazines, catalogs composed of glossy paper, white or colored bond paper, book paper, telephone books, computer paper, cotton fiber, content paper, duplicator paper, manifold business forms, mimeo paper, office paper, printing paper, stationery, writing paper, photocopy or copy machine paper, laser paper, paper envelopes with or without plastic windows, carbonless (NCR) paper, brown Kraft paper, paper grocery bags, tabulating cards, facsimile paper, and manila folders but excludes paper coated or contaminated with metallics, plastic, wax, carbon, ammonia or nonsoluble glue.
- (6) *Newspapers.* Dry newsprint including advertising.
- (7) *Paperboard/chipboard.* Flat, pressed, stiff paper including cereal boxes, shoe boxes, paper cartons and protective paper packaging for dry foods.
- (8) *Recyclable plastics.* The following plastic bottles or rigid containers as coded and labeled on the item by a number placed inside a triangle and letters placed below the triangle pursuant to F.S. § 403-708(7), as amended.
  - a. Polyethylene terephthalate bottles (coded and labeled PET, 1).
  - b. High-density polyethylene bottles (coded and labeled HDPE, 2).
  - c. Vinyl (coded and labeled V, 3).
  - d. Low-density polyethylene (coded and labeled LDPE, 4).
  - e. Polypropylene (coded and labeled PP, 5).
  - f. Other resin (coded and labeled OTHER, 7).
- (9) *Steel and tin cans.* Food or beverage containers which consist primarily of ferrous metals, commonly called tin cans and steel jar lids, and empty aerosol containers.
- (10) *Used motor oil.* Petroleum-based or synthetic used motor oil not combined with any other automotive fluids.
- (11) *Batteries.*
  - a. Automotive, marine and farm grade batteries.
  - b. Rechargeable batteries--Nickel cadmium (NiCd), nickel metal hydride (NiMH), lithium ion (Li ion) and small sealed lead (less than 2 lbs).
- (12) *Cell phones.* Hand-held mobile electronic telecommunications devices used in cellular systems.

(13) *Recycling*. Any process by which solid waste or materials which would otherwise become solid waste are collected separated or processed and reused or returned to use in the form of raw materials or products.

*Refuse*. All putrescible and nonputrescible solid waste, except body wastes, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned vehicles and solid market and industrial wastes.

*Residential living unit*. Any place of abode or shelter suitable for and used as the residence for a single family, including dwelling units within single-family dwellings, manufactured home dwellings, two-family dwellings and multiple-family dwellings, but not including hotels, motels, businesses and other institutions.

*Residential yard waste*. Landscaping debris, including tree and hedge trimmings, palm fronds, grass clippings, etc., generated by a residential customer upon his or her property upon which a residential living unit exists. Yard waste generated by a commercial lawn-care service is not considered to be residential yard waste.

*Roll-off container*. A detachable container ranging in size from ten cubic yards to 40 cubic yards used for construction and demolition materials, yard waste or trash.

*Rubbish*. Nonputrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

*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 garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. Recovered materials as defined in F.S. § 403.703 are not solid waste.

*Solid waste container*. An AGC, or automated garbage container, which means a wheeled, watertight receptacle of impervious material with a tight-fitting closure suitable to protect the contents from insects, rodents and other animals, of a capacity not to exceed 96 gallons, one of which is provided by the Solid Waste District to each residential dwelling unit.

*Unintentional damage*. Damage caused to containers by an act unlikely, in normal circumstances, to have resulted in said damage, including, but not limited to, breakage or detachment of the wheels of a container when the container is handled in the same manner as other containers of that type.

*Yard waste* or *yard trash*. Vegetative matter resulting from landscaping maintenance, including but not limited to grass clippings, shrub trimmings, leaves, palm fronds and tree limbs.

(Code 1990, § 132-2; Ord. No. 07-40, § 1(1.02), 10-9-2007; Ord. No. 08-24, § 1.02, 5-27-2008; Ord. No. 08-30, § 1.02, 6-9-2008)

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

(a) Except as provided in section 62-53, section 62-54, section 62-60 or section 62-61, all solid waste accumulated in the City shall be collected conveyed and disposed of by the City.

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

(Code 1990, § 132-4; Ord. No. 08-30, § 1.03, 6-9-2008)

Sec. 62-46. Supervision and authority; authority of Director of Public Works.

(a) All solid waste accumulated in the City shall be collected, conveyed and disposed of under the supervision of the Director of Public Works. The Director of Public Works shall have authority to make administrative regulation concerning the days of collection type and location of waste containers and such matters pertaining to the collection conveyance and disposal not otherwise set by the City Commission or the City Manager as he shall find necessary and to change and modify the same after notice as required by law providing that such regulations are not contrary to the provisions thereof. The Director of Public Works shall:

(1) Exercise his reasonable discretion to determine what types of solid waste and recyclables cannot be collected due to risk of damage to City equipment risk of injury to employees or lack of adequate City facilities for the collection and disposal of such types of solid waste and recyclables.

(2) Determine an appropriate fee or the applicable schedule of fees for services. Where a property is devoted to mixed commercial and residential uses and/or where multifamily residences do not have sufficient room for dumpsters or where there are other service problems the Director shall have the authority and discretion to determine the appropriate type and rate of service and the appropriate scheduled fee thereof.

(b) The Director shall have the authority to make regulations concerning the days of collection type weight and location of waste containers and such other matters pertaining to the collection conveyance and disposal as he finds necessary and to change and modify the same after notice as required by law provided that such regulations are not contrary to the provisions hereof.

(Code 1990, § 132-5; Ord. No. 08-30, § 1.04, 6-9-2008)

#### Sec. 62-47. Precollection procedure.

Precollection procedures are hereby established for refuse, recyclables and yard waste as follows:

(1) *Garbage.* Prior to being deposited in garbage collection cans, all garbage shall be drained of liquid and bagged in either plastic or paper.

(2) *Rubbish.* All rubbish shall be drained of liquid before being deposited for collection.

(3) *Animal fecal matter.* All animal fecal matter shall be either wrapped in paper or placed in a paper or plastic bag before being deposited in the garbage collection cans for collection.

(4) *Cans and bottles.* All cans and bottles shall be drained of liquid and free of food residue before being deposited for collection.

(5) *Cardboard.* Cardboard shall be flattened and cut down into two-foot by two-foot sections or smaller.

(6) *Tree trimmings and foliage.* For removal on any scheduled pickup day, tree trimmings, hedge clippings and other foliage which originated at the residence shall be cut in lengths not to exceed four feet, securely tied in bundles not more than two feet thick and not exceeding 35 pounds.

(7) *Bulk waste.*

a. Persons wishing to dispose of bulk waste shall schedule the collection of said item(s) through the Solid Waste Division. Each residential unit shall receive two free bulk collections each fiscal year starting October 1. Bulk collections are limited to five cubic yards each.

b. Bulk collections in excess of two per fiscal year shall be charged at rates as adopted by the City.

c. Bulk items shall not be placed curbside for collection prior to receiving a collection date from the Division.

(Code 1990, § 132-6; Ord. No. 07-40, § 1(1.03), 10-9-2007; Ord. No. 08-30, § 1.05, 6-9-2008)

Sec. 62-48. Collection containers.

(a) *Generally.* All owners tenants or occupants of any residential living unit within the City shall use containers of such size and type and at such locations as the Director may reasonably require in order to promote the sanitary aesthetic and economic collection and disposal of solid waste. Containers for yard waste shall be provided by the owner, tenant, lessee, or occupant of the premises.

(b) *District to provide garbage container at each property.* The Solid Waste District will provide a garbage collection container to each property address. Such containers shall be used exclusively for solid waste pickup by automated or semiautomated collection vehicles. All bags, boxes, containers, or other items to be picked up must be placed inside the automated garbage container. All containers must be maintained in a clean, neat and sanitary condition at all times.

(1) City-provided automated garbage containers are, and shall remain, the sole property of the City. It shall be unlawful and a violation of this chapter for any person to use such containers for any other purpose than storing solid waste for collection, to intentionally damage or destroy such containers, or to fail to return such containers to the City when no longer used for such purpose.

(c) *Option of residents to purchase yard waste containers.* Residents may choose to use or purchase containers for yard waste so long as they meet the following criteria. Yard waste containers shall be:

- (1) Watertight;
- (2) Constructed of metal or plastic;
- (3) Equipped with suitable handles and tight-fitting covers without hinges;
- (4) Free of cords or ties which bind the cover to the container;
- (5) Have a capacity of not more than 34 gallons with the total weight of container and contents not to exceed 35 pounds;
- (6) Maintained in good condition. Any container that does not conform to the provisions of this chapter, has ragged or sharp edges, or is in any way defective so as to hamper or pose risk of injury to the person collecting the contents thereof shall be promptly replaced by the resident upon written notice.

(d) *Resident preparation of yard waste.* Residents must prepare yard waste for pickup in any of the following ways:

- (1) Bundled and placed at curbside;
- (2) Bundled and placed inside an appropriate yard waste container as described in subsection (c);
- (3) Contained in a paper bag of sufficient strength to support the weight of the yard waste when lifted. Plastic bags are prohibited.

(e) *Recycling containers.*

(1) Residential users shall place recyclable materials at the curb in a location authorized by the City for collection. Only containers provided by the City shall be used for recycling collection.

(2) Manufactured home parks shall use centralized containers or curbside collection as authorized by the District.

(3) Recycling bins and cardboard boxes shall not be used as containers for solid waste or yard waste.

(4) Containers for recycling which may be provided to users are and shall remain the sole property of the City. It shall be unlawful and a violation of this chapter for any person to use

such containers for any other purpose than storing recyclable materials for collection, to intentionally damage or destroy such containers or to fail to return such containers to the City when no longer used for such purpose.

(f) *Commercial customers.* All commercial customers within the City shall lease City-owned dumpsters, roll-offs or automated garbage containers except compactor units which the customer purchases. All containers shall be of such size and type and at such locations as the Director or his authorized agent may reasonably require in order to promote the sanitary, aesthetic, and economic collection and disposal of solid waste and recyclables. All compactor units must be approved by the Director as compatible for use with division equipment, including compatibility with equipment, safety limitations and road weight limits. The City will repair City-owned dumpsters.

(g) *Location design and maintenance of dumpsters and corrals.*

(1) All dumpsters shall be easily accessible to the collection vehicles from the street shall be located in a containment area (corral), the design of which must be approved by the development review committee, shall include a concrete pad with firm level ground to or from the storage point to an accessible collection point, shall have proper washing and drainage facilities at the location, and shall be designed or equipped to prevent spillage or leakage during on site storage or service.

(2) Remodeling of existing structures that affects the ability of the Solid Waste District to provide solid waste/recycling collection must also be reviewed by the development review committee to ensure that appropriate accommodation is made for solid waste collection.

(3) Customers are responsible to keep the pickup area and containers or carts in a sanitary condition with the outside thereof clean and free from accumulating grease, decomposing materials and litter. Loose solid waste must be deposited in containers for collection. Solid waste equipment operators are not normally premises cleanup crews. Cleanup effort by the department will be at an additional service charge against the solid waste account of the premises served for special handling.

(4) Customers are responsible to keep containers clean. Where determined necessary to protect the public health, safety, or aesthetics, the Director may order or a customer may request a container cleaned (cleaning fee assessed).

(h) *Service initiation fee for automated garbage container.* Effective September 1, 2004, all newly constructed single and multifamily residential structures utilizing an automated garbage container shall be required to pay a service initiation fee. Such fee shall be collected by the building department at such time that a certificate of occupancy is issued. All containers shall remain the property of the City and shall remain at the location assigned by the solid waste division.

(i) *Privately owned containers.* The Solid Waste District will not be responsible for damage through normal wear and tear, unintentional damage to or loss of privately owned containers. (Code 1990, § 132-7; Ord. No. 07-40, § 1(1.04), 10-9-2007; Ord. No. 08-30, § 1.06, 6-9-2008)

Sec. 62-49. Unauthorized accumulations and deposits.

(a) No person shall place any solid waste in any street, alley or other public place or upon any private property, whether owned by such person or not, within the City limits except in proper containers for collection or under express approval granted by the Director.

(b) No person shall throw or deposit any solid waste in any stream or other body of water.

(c) Any unauthorized accumulation of solid waste on any premises is hereby declared to be a nuisance and is prohibited. Failure to move any existing accumulation of solid waste within seven days after due notice of the same from the Director shall be deemed a violation of this chapter.

(d) No person shall cast, place, sweep or deposit anywhere within the City any solid waste in such a manner that it may be carried or deposited by the elements and/or wildlife upon any street, sidewalk, alley sewer parkway or other public place or into any occupied premises within this City. In the event that such should occur whether it is on public or private property it shall be the responsibility of the owner whose solid waste is so dispersed to immediately clean all solid waste depositing the same in the proper container for pickup.

(Code 1990, § 132-8; Ord. No. 08-30, § 1.07, 6-9-2008)

**State law references:** Litter control, F.S. § 403.413 et seq.

Sec. 62-50. Placement of containers.

(a) Customers shall have solid waste, recycling and/or yard waste containers ready, easily accessible and available for collection at the designated container pickup location prior to the beginning of the collection day.

(b) The Director shall determine all container pickup locations, and may adjust or change such locations in the interests of operational efficiency.

(1) Any location change requires department approval in advance.

(2) For any service using commercial capacity containers, to avoid container damage, original container placement or any location changes must be performed by the department.

(3) Customers are responsible for any damage to containers that have been moved improperly by the customer or the customer's employees or agents.

(c) In addition to placement at the approved container pickup location, available for collection includes:

(1) Opening gates;

(2) Removing locks and chains;

(3) Clearing the area of vehicles or other blockages; and

(4) Removal of waste, debris and anything else required to make the container accessible for dumping.

(d) Automated garbage containers, recycling bins and yard waste shall be placed for collection at ground level on the shoulder area of the swale or on the paved area of the resident's driveway in front of each residence and not on the paved portion of any street, alley and/or sidewalk.

Automated garbage containers must be placed more than five feet from any object such as a second automatic garbage container, a mailbox, telephone pole, automobile, other containers intended for yard waste recycling or bulk collection items etc. which might impede or prevent safe and efficient collection.

(e) Automated garbage, recycling and yard waste containers shall be placed at the curb no earlier than 6:00 p.m. on the day prior to the designated collection day and no later than 6:00 a.m. for commercial customers and 7:00 a.m. for residential customers, on the day pickup is scheduled. All emptied containers shall be returned to proper storage on the premises no later than 10:00 p.m. on the designated collection day. Automated garbage, recycling and yard trash containers shall be stored between collection days in side or rear yards and not in the front yard.

Public easements and rights-of-way are not to be used as a storage location for containers.

Containers shall be stored within the perimeter of privately owned property.

- (f) Bulk items shall not be placed curbside more than 48 hours before the scheduled pickup.
- (g) Solid waste for all commercial customers shall be placed in containers at locations designated by the Director.
- (h) A return trip charge accrues where a collection vehicle (solid waste, yard waste or recycling) passes a premises and must return to collect materials for any reason except department fault or error. Reasons include, but are not limited to, failure to have container properly prepared for pickup, at the required container pickup location, at the required time, or failure to remove obstacles to department vehicle access. A return trip or service call charge is also assessed on commercial accounts for customer-requested container deliveries, container retrievals or trips resulting from a customers special handling needs, as determined by the Department.
- (i) Notwithstanding the provisions of subsection (a), residents who are unable to place their solid waste containers at the required location due to physical disabilities may apply for an exemption from the requirements of subsection (a) and obtain special solid waste collection services from the North Port Solid Waste District.
- (j) Persons with physical disabilities who seek an exemption from the requirements of subsection (a) shall present to the City Public Works Department a certification by a physician licensed to practice medicine within the State that the applicant has one of the physical disabilities identified in F.S. § 320-0848(1)(a) or such other physical disability that would necessitate the provision of special solid waste collection service.
- (k) The City Public Works Department shall prepare an application form to be used by residents seeking an exemption from the requirements of subsection (a). The application form shall require the applicant to identify the alternate location for the solid waste containers. As part of the application the applicant shall expressly authorize the City to enter the applicant's property for the purpose of solid waste collection. The applicant shall also be required to sign an indemnification and hold-harmless agreement, the form of which shall be approved by the City Attorney agreeing to indemnify and hold the City harmless for any damages or injuries that result from the provision of special solid waste collection services.
- (l) As a condition of service, customers, including the property owner, must accept all risk of property loss or liability for damages accruing from service operations of City vehicles or equipment from normal operations, including container delivery, placement, use, pickup, or other weight-related impacts from container service. Any special instructions regarding placement or use of containers or service damage hazards, e.g., foundation or driveway weakness, curbs, lawn, sprinkler systems, shrubbery, storm drains, etc., must be disclosed to the Department at the time of container order. This includes all conditions known to be created by the premises owner or occupant as well as any condition that, in the exercise of reasonable care, ought to have been known by the owner or occupant.
- (m) Except as disclosed by customer, customer agrees as a condition of accepting service to indemnify and hold harmless the City against all loss or liability from risks or claims arising from container location or placement. As a condition of service, commercial-container service requires department approval and may require a signed damage release form be on file at the public works department. Signing a damage release form acknowledges receipt and understanding of these instructions and a willingness to comply with them.
- (n) The department picks up properly placed and stored solid waste from the public. The customer shall at all times remain responsible to maintain tidy premises. The customer must

accept all risk and responsibility for litter, unsanitary or unsafe conditions of premises, or dumping or spillage of solid waste, including illegal dumping.  
(Code 1990, § 132-9; Ord. No. 07-40, § 1(1.05), 10-9-2007; Ord. No. 08-30, § 1.08, 6-9-2008)

Sec. 62-51. Collection schedules.

(a) Solid waste accumulated by residents shall be collected pursuant to the following schedule:

- (1) Regular solid waste once a week;
- (2) Yard waste once a week;
- (3) Recyclable materials once a week;
- (4) Bulk waste as scheduled by the Solid Waste Division.

(b) Commercial collection services shall begin no earlier than 6:00 a.m. and residential collection services shall begin no earlier than 7:00 a.m., all Monday through Friday. In the event that daily collection routines are disrupted for any reason, the District shall endeavor to complete all scheduled pickups on the scheduled pickup day. Should safety concerns require the cessation of operations before pickup is completed pickup will resume and be completed on the following day.

(c) When collection services are curtailed due to a national, state, or local holiday, the District shall publish an adjusted schedule for the provision of services in a newspaper of general circulation at least one day prior to the holiday.

(d) Frequency of collection.

(1) *Generally.* Solid waste, recyclables and yard waste accumulated within the City will be collected once each week. On legal holidays which are observed by the Solid Waste District and days on which the sanitation landfill is closed, collection of solid waste will not be made; however, the collection of solid waste for those persons affected by the observed holiday will be made one day later starting the day after the holiday. Holiday scheduling is adjustable by the Director.

(2) *Dumpster service or rolloff.* The frequency of collection for commercial customers and multifamily condominiums using dumpster or rolloff service ranges from one to five days each week.

(3) *Authority of Director to require more frequent collections.* Where necessary to protect the public health, the Director shall have the authority to require that more frequent collections be made for an additional charge. Such additional collections shall be charged to the customer as provided in the currently effective fee schedule.

(Code 1990, § 132-10; Ord. No. 07-40, § 1(1.07), 10-9-2007; Ord. No. 08-30, § 1.09, 6-9-2008)

Sec. 62-52. Limitation on quantity collected.

(a) *Residential customers.* On each collection day the City shall collect from each residential living unit all the solid waste that can be contained in the automated garbage container(s) or AGC(s) assigned to that specific address.

(1) *Container weight limits.* Maximum permissible residential container weight, meaning total gross weight of loaded container, including the container and contents, in pounds is:

- a. *Yard waste container.* Thirty-five pounds.
- b. *Ninety-five-gallon automated cart.* Two hundred pounds.
- c. *Recycling bin.* Thirty-five pounds.

(b) *Overloaded containers.* The collector, at his discretion, may choose not to attempt to pick up an automated container (AGC) overloaded and overflowing to the extent that the lid is

prevented from closing. However if the collector attempts collection from an overloaded container and solid waste falls to the ground as a result, the Solid Waste District will not be responsible for picking up the spillage.

(c) *Commercial customers.* The City shall collect a reasonable accumulation of solid waste from hotels, motels, restaurants, churches, and other businesses and institutions during the collection period according to the rate schedule. The Director may impose an additional charge for collecting amounts in excess of the rate schedule

(1) *Container weight limits.* Maximum permissible container weight, meaning total gross weight of loaded container, including the container and contents, in pounds is:

- a. *Two-cubic-yard dumpster.* Five thousand pounds;
- b. *Four-cubic-yard dumpster.* Five thousand pounds;
- c. *Six-cubic-yard dumpster.* Five thousand pounds;
- d. *Eight-cubic-yard dumpster.* Five thousand pounds;
- e. *Ten-cubic-yard rolloff.* Ten thousand pounds;
- f. *Fifteen-cubic-yard rolloff.* Ten thousand pounds;
- g. *Twenty-cubic-yard rolloff.* Ten thousand pounds.

(d) *Overweight and/or overloaded commercial containers forbidden.* Loading containers beyond volume or weight capacities is prohibited. Loading containers in a manner which is unstable or likely to cause damage to the collection vehicle, container, create a litter condition or impede collection is prohibited. Overloading containers occurs when the container weight capacity is exceeded or when objects project outside the container. In addition, loading shall be weight-centered in the base of the container. Also, customers shall drain containers so that they are essentially liquid free. Not by way of limitation, an overload, cleanup or extra work fee may also be assessed for overloaded or improperly loaded containers.

(e) *Determination of weight.* Customers are advised that the City has no on-site, immediate means of determining weights of filled containers at the pickup site and customers are responsible to familiarize themselves with the container weight limits set forth in this chapter, and to avoid overloading containers.

(f) *Overweight commercial container surcharge.* For commercial containers, a rate surcharge of \$100.00 is added to the regular bill to cover costs of equipment wear and tear from a customer overload. In the event this occurs for a given account more than once in a 12-month period, the surcharge is \$500.00 per instance thereafter in the same 12-month period. If City equipment is actually damaged or the department incurs other costs or losses, they may be billed to the customer, with credit given for any amounts paid. These costs are in addition to a charge for the cost of solid waste collection service to the container involved at the maximum applicable rate for said style of container. The customer shall further be charged the cost of any tickets or any other fines or penalties which departmental vehicles receive as a consequence of being overloaded on the public right of way.

(Code 1990, § 132-10.1; Ord. No. 08-30, § 1.10, 6-9-2008)

**Sec. 62-53. Special refuse problems; collection and disposal; unauthorized accumulation declared nuisance.**

(a) *Biological waste.* Biological waste shall not be placed in containers for regular collection. Occupants of residential homes confronted with special refuse disposal problems shall immediately notify the director of such a problem. The director shall take the necessary action to dispose of the same as instructed by the county health officer.

(b) *Hazardous waste.* Hazardous waste, including household hazardous waste, shall not be placed in containers for regular collection. Occupants of residential homes confronted with special refuse disposal problems shall immediately notify the director of such a problem. The director shall take the necessary action to dispose of the same under the supervision of the police and/or fire chief.

(c) *Collection and disposal.* The collection and disposal of the following solid wastes are not included among the services provided to residential customers, and the solid waste district will neither collect nor dispose of them. The generator may engage a private organization, contractor or another licensed business to properly and safely dispose of such materials.

(1) Land-clearing debris on undeveloped lots without living premises.

(2) Construction and demolition debris, except that contained in dumpsters or roll-offs, including any debris resulting from remodeling that requires a building permit.

(3) Trash and debris associated with farming operations.

(4) Hazardous, biomedical, and radiological waste.

(5) Wrecked, scrapped, ruined or dismantled motor vehicles, or motor vehicle parts.

(6) Solid waste generated in the unincorporated areas of Sarasota County lying outside the boundaries of the city solid waste service districts.

(7) Sludge.

(d) *Unauthorized accumulation.* Any unauthorized accumulation of the above-listed items of solid waste on any premises is hereby declared to be a nuisance and is prohibited. The generator of prohibited wastes listed shall be subject to additional charges for the removal of the solid waste as stated in section 62-54(f), Recovery of damages caused by violations.

(e) *Assessments.* Annual assessments levied by the city commission for the collection of residential solid waste do not cover the cost of removal and disposal of items listed in section

(c).

(Code 1990, § 132-11; Ord. No. 07-40, § 1(1.07), 10-9-2007)

#### Sec. 62-54. Hazardous and special waste.

(a) *Materials not collected by city.*

(1) No person or commercial user shall place the following materials or items out for collection and disposal by the municipal solid waste program:

a. Biohazardous or biological waste;

b. Hazardous waste;

c. E-waste from a commercial source;

d. Incinerator ash, excluding ash from human and animal cremation.

(2) These hazardous and special wastes shall be recycled, or placed in special management areas for storage, collection or disposal in accordance with applicable federal, state and local permits and requirements.

(b) *Household wastes with hazardous components.* Residential users may dispose of household wastes with hazardous components at times and locations designated by the city pursuant to Sarasota County's Household Hazardous Waste Collection Day Program ("Amnesty Days") or pursuant to disposal methods authorized or recommended by the solid waste district in rules, regulations or educational programs for the safe disposal of household wastes with hazardous components. Household wastes with hazardous components shall be stored out of reach of small children until disposed of safely.

(c) *Combining hazardous waste with other waste.* Notwithstanding any other provision of law to the contrary, it shall be unlawful and a violation of this chapter for any residential or commercial user to combine hazardous waste with any recyclable materials, yard waste or other solid waste for collection or disposal.

(d) *Commercial users.* Owners and operators of commercial establishment, known as "commercial users," must contract with the Amnesty Days contractor or another licensed and permitted hazardous or biohazardous waste transportation and treatment, storage or disposal facility for disposal or recycling of hazardous waste and E-waste.

(e) *Requirement for commercial users to provide documentation of proper waste handling.* Owners and operators of such commercial establishments that generate hazardous and special waste, including E-waste, shall provide documentation of the proper recycling, disposal or removal of such hazardous or biohazardous waste upon request.

(f) *Recovery of damages caused by violations.* The city shall be entitled to recover damages from any person violating this section. The recoverable damages shall include but not be limited to the cost of disposal of the biohazardous waste or hazardous waste, together with a reasonable administrative charge for such service, as well as its attorney fees and costs incurred in collection efforts, trial or appellate proceedings. This remedy shall be in addition to all other remedies available to the city for such violations.

(g) *Specific types of special waste.*

(1) *Construction waste; industrial waste, oil and grease.* Waste material from building construction, industrial plants, filling stations, etc., can be disposed of by leasing roll-off containers from the city or other licensed contractors with the permission of the City of North Port. Waste products of industrial plants and spent oils or greases accumulated at garages, filling stations or similar establishments shall be properly removed and disposed of by the owner or occupant of the premises, who shall provide documentation, upon request, of the proper recycling, disposal or removal of such construction waste; industrial waste, oil and grease.

(2) *Cut trees.* No person cutting down trees within the city limits shall place such materials for recyclable collection unless prepared for collection as set forth in section 62-47(5). Large trees can be disposed of by leasing roll-off containers from the city or other licensed contractors with the permission of the City of North Port.

(3) *Dead animals.* Dead animals will not be collected by the solid waste district.

(Code 1990, § 132-11.1)

#### Sec. 62-55. Fees.

(a) *Schedule of fees.* Fees for collection of residential solid waste by the Solid Waste District shall be established each fiscal year by a resolution adopted by the City commission. This resolution shall include the Solid Waste District non-ad valorem assessment rate. Fees for the collection of commercial solid waste and special pick up items shall be established by an ordinance adopted by the City commission. Copies of the resolution and ordinance can be obtained from the City Clerk's office.

(1) *Return trip charges.* Return trip charges are in addition to collection charges. Where collection does not occur for any reason not the fault or error of the department, the regular collection charges accrue to the premises. This does not include the tonnage or weight charge added to rolloffs.

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

(1) *Additional charges for commercial customers.*

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

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

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

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

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

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

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

(e) *Payment of fees.* Fees for the City Solid Waste District non-ad valorem assessments for collection of residential solid waste shall be paid at the Sarasota County Tax Collector's Office. An invoice for commercial fees will be mailed to each customer on a monthly basis. Payment of the commercial fees can be made via mail or in person at the North Port Cashier's Office. Charges for special collection fees shall be prepaid prior to scheduled pick up and paid in person at the North Port Cashier's Office.

Exhibit A

City of North Port

Solid Waste District Commercial Rates and Billing Procedure

*Recycling and yard waste--Commercial customers.*

Each commercial business within the City shall utilize the City's Solid Waste District service for recycling and yard waste collection. Such service will be provided for the following fees.

TABLE INSET:

		Charge per Month	
a)	Two 14-gallon containers		
	Collected once per week	\$ 7.28	
	Collected every other week	3.64	
	Collected once per month	1.82	
	On Call	2.25/collection	
b)	95-gallon containers	First Container	Additional Containers

			(each)
	Collected once per week	28.02	18.69
	Collected every other week	14.01	9.35
	Collected once per month	7.00	4.67
	On Call	8.06/collection	5.37/collection
c)	Two 30-gallon cans, bags, or bundles of yard waste		
	Collected once per week	7.28	
	Collected every other week	3.64	
	Collected once per month	1.82	
	On Call	2.25/collection	

*Cardboard--Commercial customers.*

Each commercial business within the City shall utilize the City's Solid Waste District service for cardboard collection. Such service will be provided for the following fees.

TABLE INSET:

Frequency	Dumpster Size (cubic yards)			
	2 yard	4 yard	6 yard	8 yard
One collection per week	\$ 55.00	\$ 78.38	\$ 100.37	\$ 122.38
Two collections per week	106.57	150.56	193.19	244.75
Three collections per week	157.44	222.75	286.69	367.13
Four collections per week	209.00	294.94	379.50	489.50
Five collections per week	259.88	367.13	473.00	611.88
Collected every other week	27.50	39.19	50.19	61.19
Collected once per month	13.75	19.60	25.10	30.60
On call/Extra pickup	15.81	22.53	28.86	35.18

*Solid Waste and construction and demolition debris--Commercial customers.*

Each commercial business within the City shall utilize the City's Solid Waste District service for solid waste and construction and demolition debris collection. Such service will be provided for the following fees.

*Automated garbage containers.*

For multifamily dwellings, hotels, motels, restaurants, schools, churches, and other businesses and institutions using automated garbage containers, the monthly fee shall be based upon the number of containers as follows.

TABLE INSET:

a)	95 gallon containers collected once per Week	
	First container	\$ 48.00
	All additional containers (each)	24.00

*Dumpsters.*

For multifamily dwellings hotels motels restaurants schools churches and other businesses and institutions using dumpsters the fee shall be based upon the size of the dumpster and the frequency of collection as follows.

Noncompacted Materials Dumpsters Leased From City

TABLE INSET:

Dumpster Size (cubic yards)	Monthly Fee for One Collection per Week	Monthly Fee for Two Collections per Week	Monthly Fee for Three Collections per Week	Monthly Fee for Four Collections per Week	Monthly Fee for Five Collections per Week	Monthly Fee for Six Collections per Week	Extra Pickup
2 yard	\$ 110.00	\$ 213.10	\$ 314.90	\$ 418.00	\$ 519.80	\$ 629.80	\$ 27.50
4 yard	156.80	301.10	445.50	589.90	734.30	890.10	39.20
6 yard	200.80	386.40	573.40	759.00	946.00	1,146.80	50.20
8 yard	244.80	489.50	734.30	979.00	1,223.80	1,468.60	61.20

For temporary rental of dumpsters, the fee shall be based upon the delivery, number of rental days, and disposal related to the size of the dumpster. Fees shall be paid before services are rendered.

Delivery charge . . . \$ 25.00

Daily rental . . . \$2.05

TABLE INSET:

	2 yard	4 yard	6 yard	8 yard
Disposal--Solid Waste	\$ 27.50	\$ 39.20	\$ 50.20	\$ 61.20
Disposal--Yard Waste	14.00	28.00	42.00	Not available

Compacted Materials, Dumpsters Privately Owned

TABLE INSET:

Dumpster Size	Monthly Fee for One	Monthly Fee for Two	Monthly Fee for Three	Monthly Fee for Four	Monthly Fee for Five	Monthly Fee for Six	Extra Pickup
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(cubic yards)	Collection per Week	Collection s per Week					
2 yard	\$ 220.00	\$ 426.20	\$ 629.80	\$ 836.00	\$ 1,039.60	\$ 1,259.60	\$ 55.00
4 yard	313.60	602.20	891.00	1,179.80	1,468.60	1,780.20	78.40
6 yard	401.60	772.80	1,146.8	1,518.00	1,892.00	2,293.60	100.40

*Commercial roll-off service.*

For multifamily dwellings, hotels, motels, restaurants, schools, churches, and other businesses and institutions using rolloffs the fee shall be based upon the size of the rolloff, the frequency of collection and the disposal charge for the materials as follows.

TABLE INSET:

Container Size (cubic yards)	Daily Rent	Pull Charge	Tipping Fee (Applies to all sizes)
10, 15, 20, 30 & 40 yards	\$4.10	\$137.50 per pull	Actual scale fee for tonnage (landfill or recycled)
Compacted		150.00 per pull	Actual scale fee for tonnage (landfill or recycled)

*Residential rolloff service.*

For residential customers, the fee shall be based upon the size of the rolloff and the frequency of collection. Fees shall be paid before services are rendered.

TABLE INSET:

Container Size (cubic yards)	Daily Rent	Charge per dump
10 yd	\$4.10	\$210.00
15 yd	\$4.10	\$246.50
20 yd	\$4.10	\$282.50
30 yd	\$4.10	\$354.50
40 yd	\$4.10	\$426.50

*Additional Charges.*

Change in service . . . \$ 25.00

Return Trip . . . 25.00

Overloaded dumpster . . . 25.00 per cubic yard, minimum fee one cubic yard

Dumpster lockbar . . . 80.00 installation fee

On-site labor . . . 25.00 per 15 minute increment, minimum charge of \$25.00

Overweight dumpster/rolloff . . . 100.00

Pressure washing . . . 50.00

Pull out . . . 25.00

Open Gate/unlock/prep container . . . 10.00

EXHIBIT B

City of North Port Solid Waste District Schedule of Special Collection Fees

TABLE INSET:

<i>White Goods.</i> All collections must be <i>PRE-PAID</i> and are then scheduled for collection on regular pickup day. The following fees are per item:			
Refrigerator	\$15.00	Freezer	\$15.00
Window A/C Unit	15.00	Water Cooler/Fountain	15.00
Heat Pump	15.00	Heater/Furnace Unit	15.00
Dryer	10.00	Washer	10.00
Dishwasher	10.00	Stove (w/built in oven)	10.00
Water Heater	10.00	Stove Top (drop in type)	10.00
Microwaves All sizes	10.00	Range Hood	10.00
Water Conditioner Tank	10.00	Trash Compactor	10.00
<i>E Waste.</i> All collections must be <i>PRE-PAID</i> and are then scheduled for collection on regular pickup day. The following fees are per item:			
Computers (1 tower 1 monitor 1 keyboard)	\$15.00	Monitor (any size)	\$10.00
Computer (towers only)	10.00	Printers	10.00
Televisions Console	15.00	Fax Machines	10.00
Televisions Tabletop under 32"	10.00	All-in-One Machines	10.00
Television Tabletop over 32"	15.00	Scanners	10.00
Television-Projection	15.00	COPIERS UNABLE TO ACCEPT	
<i>Bulk Items.</i> All collections must be <i>PRE-PAID</i> and are then scheduled for collection on regular pickup day. The following fees are per item:			
Piano or Small Organ			\$15.00
Treadmill			10.00
Sink			5.00

Toilet				5.00
Bathtub				10.00
Mowers (all fluids removed)				10.00
Trampoline (broken down)				10.00
Solar Panels				10.00
Television Antenna and Satellite Dish				15.00
<i>Estimate Items.</i> All collections must be <i>ESTIMATED PRE-PAID</i> and are then scheduled for collection on regular pickup day. The following fees apply:				
Construction and Remodeling Debris--Tile, vinyl, wood flooring, wood/lumber, and dry wall/cu yd				\$12.00
Carpet (larger than 8 × 10 room)/cu yd				12.00
Move-Out Debris--Excess household items from garage carport or attic/cu yd				12.00
Excess Yard Debris/cu yd				12.00
Fencing (No longer than 4 long)/cu yd				12.00
Excess Garbage Bags each				2.50
Additional Automated Garbage Container (AGC) each				100.00
Additional Automated Garbage Container (AGC) annual collection				60.00

(Code 1990, § 132-12; Ord. No. 0-7-23, § 1(1.01, Exhs. A, B), 7-23-2007; Ord. No. 08-14, § 1.02, 4-28-2008; Ord. No. 08-30, § 1.11, 6-9-2008)

Sec. 62-56. Commercial service--Change in service.

(a) *Lease, purchase of equipment.* All commercial customers within the City shall lease City-owned automated garbage containers, dumpster or rolloffs except compactor units which the customer purchases. All containers shall be of such size and type and at such locations as the Director or his authorized agent may reasonably require in order to promote the sanitary aesthetic and economic collection and disposal of solid waste and recyclables. All commercial containers shall be kept clean and free from putrescible residue. The City will maintain and repair City-owned dumpsters. The Director or designee shall have the sole authority to determine the type of service number of receptacles and frequency of collection. The size of container and frequency of service shall be determined based on the volume of solid waste to be deposited each week. The minimum frequency of collection shall be once per week.

(b) *Deposits.* The Solid Waste District may collect a deposit prior to initiating service to a commercial customer. Said deposit shall not exceed the expected charge for three months' service to the customer. In the event a deposit is collected it may be used to offset any delinquent amounts due the Solid Waste District after termination of service. Any remainder of a collected

deposit shall be returned to the customer. The Solid Waste District shall utilize the rates set through regulation for all commercial and industrial collection services.

(c) *Charge for change in service.* Each customer shall pay a service charge of \$25.00 for each and every subsequent application for a change in the type of service.

(d) *Charge for reinstatement of service.* Where service is discontinued for cause or at the request of the customer the customer shall pay a charge of \$25.00 for a reinstatement of service together with all unpaid balances for previous service including fees penalties and any costs of collection.

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

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

(Code 1990, § 132-13; Ord. No. 07-40, § 1(1.08), 10-9-2007; Ord. No. 08-30, § 1.12, 6-9-2008)

#### Sec. 62-57. Delinquent commercial accounts.

(a) All commercial accounts for collection of solid waste shall be considered delinquent if not paid by the last day of the month in which the bill is rendered. If the account owner fails to make payment in full within ten days of notification, service will be suspended and a late fee of \$25.00 will be levied. In the event a deposit is collected it may be used to offset any delinquent amounts due the Solid Waste District after termination of service.

(b) All delinquent accounts are subject to stoppage of service without notice. If a delinquent account is not paid within ten days, the Director shall cease all solid waste collection for that account unless the Director deems otherwise.

(c) Service shall be resumed thereafter only on payment of the accumulated fees for the period of collection and the period of noncollection so as to bring the client up to schedule. In the event that a client becomes delinquent for the third time within the contractual period a penalty of \$25.00 shall be assessed to cover administrative and service processing caused by the delinquency.

(Code 1990, § 132-13.1; Ord. No. 08-30, § 1.13, 6-9-2008)

#### Sec. 62-58. Legal remedy.

The stoppage of services hereinbefore authorized for nonpayment of collection charges shall be in addition to the right of the city to proceed for the collection of such unpaid charges in a manner provided by law for the collection of a municipal claim.

(Code 1990, § 132-14)

#### Sec. 62-59. Ownership of solid waste material.

Ownership of solid waste material set out for collection shall be vested in the City.

(Code 1990, § 132-15; Ord. No. 08-30, § 1.14, 6-9-2008)

**Sec. 62-60. Commercial service providers.**

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

(b) Debris from commercial services shall not be deposited at pickup sites for collection by the City except in containers provided by the Solid Waste District as provided in section 62-61 but shall be transported to a certified disposal location at the cost and expense of the commercial service provider.

(Code 1990, § 132-16; Ord. No. 08-30, § 1.15, 6-9-2008)

**Sec. 62-61. Special commercial services.**

(a) Commercial customers requiring services which the district does not provide, including, but not limited to, specialized compactors, hazardous waste and biohazardous waste collection services, may contract for this service from approved private sources, provided that the director is notified in writing at least 14 calendar days prior to commencement of such service.

(b) Roll-off container and related services may be provided by the city as required by construction industry businesses and industrial complexes.

(c) Nothing in this section shall be construed as abrogating the district's right to initiate any solid waste service, whether enumerated specifically or generically herein.

(Code 1990, § 132-17)

**Sec. 62-62. Reserved.**

**Editor's note:** Ord. No. 08-24, § 1.03, adopted May 27, 2008, repealed § 62-62, which pertained to voluntary recycling and derived from Code 1990, § 132-18.

**Sec. 62-63. Mandatory separation of recyclable materials and yard waste.**

(a) All generators of recyclable materials and yard waste within the City shall separate their recyclable materials and yard waste from all other solid waste prior to disposal. Solid waste containing recyclable materials or yard waste will not be collected by the city for disposal.

(b) Solid waste shall be segregated along the following categories:

(1) Yard waste;

(2) Recyclable materials, exclusive of yard waste;

(3) Solid waste, exclusive of recyclable materials and yard waste.

(c) It shall be a violation of this section to knowingly combine recyclable materials or yard waste with other solid waste for disposal purposes.

(Code 1990, § 132-19; Ord. No. 08-24, § 1.04, 5-27-2008)

**Sec. 62-64. Scavenging prohibited.**

(a) Prior to the time of placement of residential recyclable materials at the curb or location specified for collection of recyclable materials, these materials are the property of the solid waste customer. Consequently, this article shall not prohibit any person from donating, selling or otherwise lawfully recycling recyclable materials. From the time of placement of residential recyclable materials at the curb or other authorized, centralized location specified for collection, such recyclable materials shall become and be the sole property of the city or its authorized agent.

(b) It shall be unlawful and a violation of this section for any person not authorized by the North Port solid waste district to remove, pick up or transfer any recyclable materials placed at curbside or any other pickup point designated by the district for collection. Each unauthorized removal, pickup or transfer of recyclable materials shall constitute a separate offense.  
(Code 1990, § 132-20)

Sec. 62-65. Ownership of recyclable materials.

Prior to the time of placement at curbside recycling, this article shall not limit the right of or prohibit any person from donating, selling or otherwise lawfully disposing of recyclable materials. Upon placement at the curb, such recyclable materials shall become the sole property of the North Port solid waste district.

(Code 1990, § 132-21)

Sec. 62-66. Appeals.

Any person aggrieved by a regulation of or a fee charge by the director shall have the right of appeal to the city commission, who shall have the authority to confirm, modify or revoke any such regulation or fee.

Sec. 62-67. Underbilling--Overbilling.

*Policy.* It is the policy of the City to collect all amounts identifiable as due and owing for solid waste collection and disposal service from the account served, recognizing losses from not collecting such amounts must be made up by moneys collected from all ratepayers. It is presumed that owners and occupants of premises are aware of the obligation to accept and pay for division services and the cost of such services for the premises concerned. Subject to this policy the Director of Public Works has discretion to adjust billings considering individual account circumstances as follows:

(1) *Underbill--Underpayment.* Underbilling or underpayment because of customer errors or other reasons not the result of City errors will be collected in full. Underbilling or underpayment because of City error may be adjusted, considering the following criteria:

a. Where it appears a customer or other person responsible for payment did not know and had no reason to know of the error, accrued charges may be waived which are over one year in arrears.

b. In general, customers are presumed to know that solid waste collection and disposal service is not rendered for free, and there is a prima facie customer reason to know of an error where no charges are being assessed for premises receiving service, or failure to act or make reasonable inquiry promptly upon the presentation of a bill for services for premises inconsistent with services rendered thereto.

c. In considering individual cases where a customer knew or had reason to know of an underbilling error, the Director may consider a customer's status as a low-volume user compared to a larger-volume user, with a presumption that larger-volume users should have a better awareness of the status of their service consumption and obligation to make proper payment therefor. Underbillings because of customer error or where it appears a customer knew or should have known of the error should be paid in full.

(2) *Overbill.* Where an account is overbilled or overpaid because of City error, not the result of customer fault, the refund period is up to one year from the time the error is reported to the City. Approved refunds are generally administered by an account credit for the premises served.

(Ord. No. 08-30, § 1.16, 6-9-2008)