



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.

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

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

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

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

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

SECTION 1 – FINDINGS

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

SECTION 2 – ADOPTION

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

“Chapter 62 – SOLID WASTE

...

ARTICLE III. – COLLECTION AND DISPOSAL

...

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

(a) Except as otherwise provided in sections 62-53, section 62-54, section 62-60, and or section 62-61, all solid waste accumulated within the corporate limits of 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.

...

Sec. 62-55. – Fees.

(a) ~~Schedule of fees. Fee structure.~~ Solid waste district rates and fees related to the Fees for collection of residential and commercial solid waste by the Solid Waste District are set forth in the City Fee Structure. Solid waste district non-ad valorem assessment rates are established as set forth in chapter 66, article IV of this Code. ~~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 roll-offs.

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

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

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

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

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

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

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

(5) Delinquent commercial accounts.

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

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

~~(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 online, 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.~~

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

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

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

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

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

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

Sec. 62-56. – Commercial service—~~Change in service.~~

- (a) Establishment of service. To have solid waste service at a commercial property, the commercial business owner or designee must set a service schedule with the public works department and pay a deposit equal to three months of service for the commercial customer's set service schedule. Deposits will be used to offset any delinquent amounts due the city.
- (b) ~~{Lease, purchase of equipment.}~~ All commercial customers ~~within the City that require an automated garbage container, dumpster, or roll-off, must shall~~ lease that equipment from the city. ~~City-owned automated garbage containers, dumpster, or roll-offs except compactor units which the customer purchases. All containers shall be of such size and type and at such Automated garbage container, dumpster, and roll-off locations shall be determined by as the Director or designee 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 must be kept clean and free from putrescible putrid, rotting, or decomposing refuse or residue. The City will maintain and repair City-owned dumpsters.~~
- (c) Authority to determine service. The Director or designee is authorized, at any time, ~~shall have the sole authority to determine or require a change to a commercial customer's the type of service, number of receptacles, or and frequency of collection. Where the Director or designee determines that a change is required, the public works department will provide the commercial customer with seven days advance written notice of the required change. Where an additional deposit is required, the commercial customer must include the balance of the additional deposit with their next scheduled payment for service. 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.
- (~~e~~) (d) Charge for ~~e~~Change in service. A commercial customer may change the type or frequency of its service by creating a new service schedule with the public works department or entering into a new equipment lease with the city. Each new service schedule will be subject to a service charge. 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~~) (e) Charge for reinstatement of service. Where service is terminated, ~~discontinued for cause or at the request of the customer~~ the customer shall must pay a charge of \$25.00 for a reinstatement of service fee, establish a deposit of three months of service, and pay 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.

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Sec. 62-60. – Commercial service providers.

(a) Persons and companies 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~~ are responsible for the proper disposal of any and all debris resulting directly or indirectly from such services.

(b) Except as otherwise provided in section 62-61 of this Code, debris ~~Debris~~ from commercial services ~~shall must~~ 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 but must be transported to a ~~certified~~ disposal location permitted by the Florida Department of Environmental Protection for the collection of such debris, and at the cost and expense of the commercial service provider."

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

"APPENDIX A – CITY FEE STRUCTURE

...

I. SOLID WASTE DISTRICT FEES

Special Waste Fees	
...	
<u>Additional tote swap after initial selection (one per residence)</u>	<u>\$30.00</u>
<u>Solid Waste initiation 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.	
<u>35</u> 32-gallon container:	First Container	Additional Containers (each)
One <u>35</u> 32 -gallon container for commingle, collected once per week	\$14.01	\$9.35
One <u>35</u> 32 -gallon container for paper and cardboard, collected once per week	\$14.01	\$9.35
One <u>35</u> 32 -gallon container for commingle, collected every other week	\$7.00	\$4.67
One <u>35</u> 32 -gallon container for paper and cardboard, collected every other week	\$7.00	\$4.67
One <u>35</u> 32 -gallon container, one for commingle or one for paper collected once per month	\$4.00	\$2.67
...		
Garbage Monthly Fee		
<u>35</u> 32 -gallon container collected once per week	\$24.00	
<u>65</u> 68 -gallon container collected once per week	\$36.00	
<u>95</u> -gallon container collected once per week	<u>\$48.00</u>	
—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		
...		
<u>35</u> 32 -gallon recycling containers	\$2.00 each/recycling material included	
<u>35</u> 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>
...	

SECTION 3 – REPEAL

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

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

SECTION 4 – CONFLICTS

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

SECTION 5 – SEVERABILITY

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

SECTION 6 – CODIFICATION

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

SECTION 7 – EFFECTIVE DATE

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

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