



## City of North Port

### ORDINANCE NO. 2017-02

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING CHAPTER 62, SOLID WASTE, SECTIONS 62-44, 62-47, 62-48, 62-50, 62-51, AND 62-52 TO PROVIDE FOR REFERENCES TO AUTOMATED RECYCLING CONTAINERS, TO CLARIFY AND PROVIDE DEFINITIONS OF CERTAIN RECYCLABLE MATERIALS, TO PROVIDE FOR CUSTOMER RESPONSIBILITY IN FILLING AUTOMATED RECYCLING CONTAINERS, AND TO PROVIDE A ROTATING SCHEDULE FOR COLLECTING PAPER AND COMMINGLED RECYCLABLES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODING OF AMENDMENTS; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 2008 the City Commission adopted Ordinance 08-30, amending Chapter 62, Solid Waste, Section 62-47, 62-48, 62-50, 62-51, and 62-52; and

WHEREAS, in 2009 the City Commission adopted Ordinance 2009-24, amending Chapter 62, Solid Waste, Section 62-44; and

WHEREAS, staff of the City of North Port Solid Waste District has identified changes to the City Code that would clarify procedures related to the City's new automated recycling containers; and

WHEREAS, the City of North Port desires to continue to improve Solid Waste operations for the residents of North Port.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA TO WIT:

#### SECTION 1 – FINDINGS

- 1.01 The recitals outlined above are incorporated by reference as findings of fact as if expressly set forth herein.

#### SECTION 2 – AMENDING CHAPTER 62, SOLID WASTE, SECTIONS 62-44, 62-47, 62-48, 62-50, 62-51 AND 62-52

- 2.01 The City of North Port Commission hereby approves and adopts the following revisions and additions to the Code of the City of North Port, Chapter 62, Solid Waste (~~Strikethrough~~ words are removed, and underlined words are additions.)

**“Sec. 62-44. Definitions and word usage.**

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*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.

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(4) *Glass.* Any food or beverage container constructed of glass of any color ~~with the exception of opaque glass (nontransparent).~~

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(7) *Paperboard/chipboard.* Flat, pressed, stiff paper including cereal boxes, pizza boxes, shoe boxes, paper cartons and protective paper packaging for dry foods.

(8) *Polycoated Paper Cartons.* Aseptic boxes and gable top containers such as juice boxes, brick packs, milk and juice cartons.

(89) *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).

(910) *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.

(1011) *Used motor oil.* Petroleum-based or synthetic used motor oil not combined with any other automotive fluids.

(1112) *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).

(1213) *Cell phones.* Hand-held mobile electronic telecommunications devices used in cellular systems.

(1314) *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.

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*Solid waste container.* An ~~AGC~~, or automated garbage container (AGC) or automated recycling container (ARC), 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 are provided by the Solid Waste District to each residential dwelling unit.

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**Sec. 62-47. - Precollection procedure.**

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

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- (4) *Cans, ~~and bottles,~~ and food containers.* All cans, ~~and bottles~~ and food containers shall be drained of liquid and free of food residue before being deposited for recycling collection.
- (5) *Cardboard.* Cardboard shall be flattened and cut down ~~into two foot by two foot sections or smaller~~ to fit in the automated recycling container.
- (6) *Pizza Boxes and paperboard food boxes.* Pizza boxes and paperboard food boxes shall be flattened and have any liner and food removed before placing for recycling collection.
- (~~6~~7) *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~~8) *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.

**Sec. 62-48. - Collection containers.**

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- (b) *District to provide one garbage and two automated recycling containers at each property.* The Solid Waste District will provide one garbage and two automated recycling containers to each property address. Such containers shall be used exclusively for solid waste and recycling pickup by automated or semi-automated collection vehicles. All bags, boxes, containers, or other items to be picked up must be placed inside the automated garbage or

recycling container. All containers must be maintained in a clean, neat and sanitary condition at all times.

- (1) City-provided or leased automated garbage, automated recycling and automated yard waste 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 lease or purchase yard waste containers.* Residents may choose to lease City automated yard waste containers or ~~use or~~ purchase containers for yard waste so long as they meet the following criteria. Purchased ~~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.

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(e) Automated 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) Automated recycling containers ~~bins~~ and cardboard boxes shall not be used as containers for solid waste or yard waste.
- (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).

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**Sec. 62-50. - Placement of containers.**

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- (d) On designated collection days, automated ~~Automated~~ garbage, recycling containers ~~recycling bins~~ and yard waste containers shall be placed out for collection in the following locations as specified by a written notice from the Solid Waste Division of the Department of Public Works:

- (1) Automated garbage and recycling containers shall be placed at the front of the driveway or curb at each residence or across from each resident's home at ground level on the shoulder area of the swale not impeding a sidewalk. ~~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.~~
- (2) Yard waste containers shall be placed in front of the resident's home.
- (3) Automated garbage, recycling and yard waste containers ~~must~~ shall be placed more than five feet from any object such as a second ~~automatic garbage~~ automated 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.

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- (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~~ customer's special handling needs, as determined by the Department.

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**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 with the material type rotating each week: paper products collected one week, commingled material collected the following 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 ~~though~~ 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.

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**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 City automated ~~garbage~~

container(s) ~~or AGC(s)~~ assigned to that specific address and the privately-owned yard waste containers.

(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. Privately-owned ~~Y~~ard waste container. Thirty-five pounds.
- b. Ninety-five-gallon automated cart. ~~Two~~ Three hundred pounds.
- c. ~~Recycling bin. Thirty-five pounds.~~ Sixty-five-gallon automated cart. Two hundred pounds.
- d. Thirty-two-gallon automated cart. One hundred 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.

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### SECTION 3 – SEVERABILITY

3.01 If any provision of this Ordinance is for any reason finally 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 provisions.

### SECTION 4 – CONFLICTS

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

### SECTION 5 – CODING OF AMENDMENTS

5.01 In this Ordinance, additions are shown as underlined and deletions as strikethrough. These editorial notations shall not appear in the codified text.

### SECTION 6 – SAVINGS CLAUSE

6.01 The Code of the City of North Port, as amended, shall remain in full force and effect, save and except as amended by this Ordinance.

### SECTION 7 – EFFECTIVE DATE

7.01 This Ordinance and the provisions thereof shall take effect immediately upon adoption by the City Commission.

READ BY TITLE ONLY at first reading by the City Commission of the city of North Port, Florida in public session this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

PASSED AND DULY ADOPTED on the second and final reading in public session by the City Commission of City of North Port, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

CITY OF NORTH PORT, FLORIDA

\_\_\_\_\_  
LINDA M. YATES,  
MAYOR

ATTEST:

\_\_\_\_\_  
PATSY ADKINS  
CITY CLERK, MMC

APPROVED AS TO FORM AND CORRECTNESS:

\_\_\_\_\_  
MARK MORIARTY  
CITY ATTORNEY