ORDINANCE NO 2012- 693

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF INVERNESS, FLORIDA, AMENDING CHAPTER 10, GARBAGE AND TRASH, ARTICLE II, COLLECTION AND DISPOSAL, SECTION 10-16, SOLID WASTE COLLECTION MANDTORY, BY ADDING REQUIREMENTS FOR COMMERICAL UNITS AND ADDING SHARED HISTORIC BUSINESS DISTRICT SOLID WASTE SERVICE; SECTION 10-18, COMMERCIAL/DUMPSTER SOLID WASTE COLLECTION, BY ADDING REQUIREMENTS FOR CURBSIDE SERVICE; AMENDING SECTION 10-19, COMMERCIAL/ DUMPSTER COLLECTION FEES, BY ADDING REQUIREMENTS FOR SOLID WASTE MONTHLY BILLING SERVICE; AND ADDING SECTION 10-21 TO PROVIDE FOR PENALTIES; PROVIDING FOR REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR SEVERABILITY AND INTERPRETATION OF THIS ORDINANCE; PROVIDING FOR INCLUSION INTO THE CODE OF ORDINANCES, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Inverness, Florida desires to amend Chapter 10, Garbage and Trash, Article II, Collection and Disposal.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Inverness this 2nd day of October, 2012, as follows:

Section 1. The Code of Ordinances of the City of Inverness, more particularly Chapter 10, Garbage and Trash, Article II Collection and Disposal is hereby amended so as to read as follows: (additions underlined, deletions strikethrough)

Section 10-16. Solid Waste Collection Mandatory.

(b) Any owner or tenant ~~or~~ of any commercial unit, within city limits, shall be subject to this article for solid waste collection and shall subscribe to solid waste collection services from the City's franchise contractor. The fact that any place of business is occupied shall be prima facie evidence that refuse is being produced and accumulated upon such premises and that fees for the collection and disposal of refuse are due. Shared solid waste collection services are permitted when approved by the City Manager or his/her designee using the criteria set forth below. Commercial units that subscribe to the solid

waste collection system and are located within the "Historic Business District" defined area for shared mechanical service, or when joined by a common wall may be serviced by a shared dumpster. "Historic Business District" owners or tenants that can accommodate mechanical dumpster service on their property may continue to be served by the City's franchise contractor. The ability to serve the identified collection point by mechanical means and to service shared solid waste output from commercial units shall not exceed the capacity of the dumpster. Approval will be based on the ability to efficiently serve the location by mechanical means; consideration must include equity in the rate charged in proportion to the type of business and generated solid waste; the fee calculation must be fairly administered in comparison to the district served, and the arrangement must maintain aesthetic appeal to block the dumpster or receptacle container from the general public view and control odor from the general public. Each commercial unit owner or tenant shall establish and maintain a solid waste account with the City's franchise contractor to serve their business location, or establish and maintain an account with the City of Inverness for "Historic Business District" shared solid waste services in the historic downtown core area.

(d) Historic Business District - All owners and tenants of those certain premises located within the area generally bounded by Tompkins Street extension on the north, Courthouse Square/N. Apopka Avenue on the east, SR 44/U.S. Hwy 41 on the south, and Pine Avenue on the west (See attached map, Exhibit "A") shall have refuse collected from their premises by way of shared dumpster service or mechanical dumpster service where their property is sufficient in size to accommodate and access the dumpster. . A temporary exception allowing automated cart collection service in place of shared dumpster service may be granted by the City Manager or his/her designee. All exception cases will be reviewed and waived in compliance with criteria established in Section 10-18 (b). Owners and tenants participating in shared dumpster service shall be responsible for delivering their own refuse to the designated location. No owner or tenant covered hereunder shall dispose of refuse by other than assigned centralized dumpster service, mechanical dumpster service where property is sufficient in size to accommodate and access a dumpster or approved automated cart service, nor shall any such owner or tenant

allow refuse to accumulate upon or adjacent to the premises covered hereunder. The City Manager or his/her designee shall designate the central dumpster or collection location to be used by each premise and shall determine each user's pro-rata share of the central collection service following the criterion to calculate fees which is part of this ordinance..

Section 10-18. Commercial dumpster/container solid waste collection.

(b) A commercial unit owner or tenant may provide for solid waste disposal in commercial dumpsters provided by the City's contractor. Automated cart service may be utilized in place of a mechanical dumpster by a commercial unit owner or operator when conditions warrant and approved by the City Manager or his/her designee. In all cases where a commercial unit is required to use a commercial dumpster service, but because of special conditions the standard dumpsters cannot properly or efficiently service a commercial unit, the City Manager or his/her designee may waive the requirement for a mechanical dumpster service and authorize automated cart service collection of solid waste. The following factors shall be considered for such a wavier: 1) lack of quantity of refuse; 2) lack of accessibility to the mechanical dumpster or container by a garbage truck; 3) lack of space for placement of a mechanical dumpster or container; or 4) to improve aesthetic conditions or some other similar reason. A commercial unit owner or tenant shall place solid waste in a garbage cart container provided by the City solid waste contractor.. Solid waste shall not be collected unless contained in a dumpster or cart.

Section 10-19. Commercial/dumpster collection fees.

(a) Commercial units will be charged for the solid waste collection, disposal and account services performed by the City selected solid waste contractor. Charges will be calculated in accordance with the franchise agreement. Invoiced amounts are to be paid in full and must not become delinquent. If the bill remains outstanding for a period of two months, City may discontinue solid waste disposal and/or water utility service at that commercial unit and option penalties prescribed in Section 10-21 until all outstanding billed amounts are paid in full.

(b) Each commercial unit owner or tenant shall be billed monthly for solid waste services and where applicable, a maintenance fee. The bill must be paid each month and must not become delinquent. Bills for monthly garbage services and fees will be mailed by the City to the customer on the last regular business day of the month. Said bills shall be due and payable immediately upon receipt. If the bill remains unpaid at the close of the City's business day on the twentieth day of the month following billing, the City shall charge a late penalty fee of fifteen dollars ($15.00) on the twenty-first (21st) day of the month. However, should the twentieth day of the month fall on a Saturday, Sunday, or legal holiday as defined in the Florida Statutes, Section 683.01, or any local holiday declared by the City, then in that event the customer shall have until the close of the City's next regular day to pay said bill without a late penalty fee. Solid waste customers who fail to pay current charges and late fees by the end of the month, and have accrued past due charges greater than fifty dollars ($50.00) and have not paid by the seventh (7th) day of the following month, shall be subject to discontinuation of water service on the shut off day specified on the bill. However, should the seventh day of the month fall on a Saturday, Sunday or legal holiday, as defined in the Florida Statutes, Section 683.01, or any legal holiday declared by the City, the customer shall have until the close of the City's next regular business day to

pay said bill. All customers who have their water discontinued for non-payment of solid waste (garbage) charges will be charged a forty-dollar ($40.00) service fee. Once turned off for nonpayment, a customer's water service shall only be reinstated after full payment of all water, sewer, and solid waste (garbage) charges currently owed along with the late penalty fee, the service fee and any additional deposit required pursuant to the procedures set forth in this section.

(c) Solid Waste customers shall provide a deposit estimated as the equivalent of two (2) months' garbage service.. Account Deposit amounts shall not be less than $50.00.

Add: **Section 10-21 Penalties**

(a) Any person found to be violating any provision of this article shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit, not to exceed seven calendar days, for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(b) Any person who continues any violation beyond the time limit provided for in subsection (a) shall be subject to punishment as provided in section 1-8 of this Code.

(c) Any person violating any of the provisions of this article shall become liable to the City for any expense, loss, or damage occasioned by the City by reason of such violation.

Section 2. REPEAL OF INCOSISTENT ORDINANCES

Any ordinance in conflict with this Ordinance is hereby repealed by implication.

Section 3. SEVERABILITY AND INTERPRETING THIS ORDINANCE

If any section or portion of this Ordinance is found to be invalid, unlawful or unconstitutional, all other sections of this Ordinance shall remain valid and enforceable.

Section 4. INCLUSION INTO THE CODE OF ORDINANCES

The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the City of Inverness as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code of Ordinances.

Section 5. EFFECTIVE DATE

The effective date of the Ordinance shall be January 1, 2013.

Upon motion duly made and carried on first reading, the foregoing Ordinance was approved on the 18th day of September, 2012.

Upon motion duly made and carried on second reading, the foregoing Ordinance was approved on the 2nd day of October, 2012.

CITY OF INVERNESS, FLORIDA

BY _____

CABOT MCBRIDE
President, City Council

ATTEST:

DEBORAH DAVIS, City Clerk

The foregoing was approved by me as Mayor of the City of Inverness on the 2nd day of October, 2012.

Bob Plaisted, Mayor

Approved as to form and correctness:

LARRY HAAG, City Attorney

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N PINE AVE
N AP
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COURTHOUSE SQ
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