



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date:	February 2, 2016
Subject:	Discussion Item – Changes to Section 6.3 of the Code of Ordinances relating to Solid Waste
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Staff is continuously reviewing the Code of Ordinances for areas that can be amended in order to improve the Village.

A review of Sections 6.3.3, 6.3.4 and 6.3.5 revealed that there was an inconsistency in when garbage, trash and recycling may be placed at the curb.

- Section 6.3.3 Owner/occupant responsibility
 - Domestic trash (frequently referred to as “garbage” in Biscayne Park shall be placed *“at the property line in front of the property the evening not more than twenty-four (24) hours before the scheduled collection time. Each owner/occupant shall remove their trash container from the front of the property within twenty-four (24) hours after collection.”*

- Section 6.3.4 Garden/bulky Waste
 - Tree and Garden refuse (frequently referred to as “trash” in Biscayne Park) shall be placed *“at the property line no earlier than 6:00 a.m. of the day preceding scheduled collection time and containers must be removed and placed out of sight by 6:00 a.m. the day following the scheduled day of collection”*. Additionally it states that tree trimmers and tree surgeons must remove their debris resulting from their operation from the property. (Section 6.3.4).

- Section 6.3.5 Recycling program
 - Does not specify the hours when recycling can be placed at the property line or when the container shall be removed.

There are many advantages to standardizing the times for which garbage, trash and recycling may be placed at the property line and when it must be removed by. Currently, trash and garbage are collected Village-wide on Tuesdays and recycling and garbage are collected Village-wide on Fridays.

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Streamlining the timeframes, and perhaps shortening the timeframes will help to eliminate piles and receptacles throughout the Village and will allow for more consistent code compliance administration.

Staff is seeking direction from the Village Commission regarding desired timeframes and direction regarding amendments to Section 6.3 of the Code of Ordinances. Additionally, staff recommends that Section 6.3.4 be amended to include "landscapers" in addition to the currently listed "tree trimmers and tree surgeons".

Attachments

- Section 6.3 Solid Waste of the Biscayne Park Code of Ordinances

6.3. - Solid waste.

6.3.1 Local government solid waste responsibilities. The municipality of Biscayne Park is responsible for collecting and transporting solid waste from its jurisdiction to a solid waste disposal facility operated by the county or operated under a contract with the county. The county may charge reasonable fees for the handling and disposal of solid waste at their facilities.

6.3.2 Containers.

- (a) Each residential unit shall have a sufficient number of garbage cans or approved containers, not to exceed forty (40) gallons in capacity, to accommodate all garbage, leaves and grass cuttings. Garbage cans shall be kept tightly-closed at all times and easily accessible to collectors. Collection service may be discontinued where the garbage cans or containers are determined to be unfit for receptacles by the public works department. Failure of the property owner to provide proper garbage cans or containers which results in discontinuance of service shall subject the property owner to the penalty provisions of this Code.
- (b) Garbage cans and trash receptacles must be placed behind the face of the building and screened from view except when properly placed out for pickup.
- (c) Dumpsters.
 - (1) Intent. It is the intent of this section to regulate the location and construction of bulk container enclosures in a manner that promotes the public health and safety, and lessens or otherwise mitigates the visual impact of such bulk containers upon the community. A bulk container is a receptacle with a capacity of greater than one (1) cubic yard which purpose is for the disposal and storage of garbage, trash and any form of waste materials, not including hazardous or infectious waste
 - (2) Domestic trash. Every refuse accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking and dealing in the storage of edibles, and any other matter of any nature whatsoever which is subject to decay, purification and degeneration of noxious or offensive gases or odors.
 - (3) Garden/bulky waste. Items of household refuse, tree cutbacks and shrubbery cuttings, and other refuse attending the care of lawns, boxes and like articles.
 - (4) Enclosure. Wheeled bulk containers for the disposal of solid waste shall be enclosed in a fence or wall fully screening it from view. Chain link fencing is not permitted for enclosure or gate. Containers are to be positioned upon a hard surface pad and a hard surface roll-away from the pad to the servicing area is provided to facilitate servicing. Wheeled bulk containers shall only be placed curbside for collection and shall remain curbside for a reasonable amount of time in order to facilitate collection. In no case shall wheeled bulk containers remain overnight at curbside or street side.
 - (5) Size requirement. Each enclosure shall provide a minimum of eighteen (18) inches of clear space between each side of each bulk container (including lifting flanges) and the adjacent wall surface of that enclosure, or other containers within the same enclosure. The height of each enclosure shall be six (6) inches greater than the highest part of the bulk container therein.
 - (6) Placement. The placement of containers and enclosures shall be planned and constructed in a manner that allows unobstructed access to each container and the unobstructed opening of the gates during the emptying process. Containers shall not be located in such a manner that the service vehicle will block any intersection during the emptying process. Containers shall be located to the rear of the property, no closer than ten (10) feet to a property line.
 - (7) Gates. All enclosures shall have gates and their construction shall be of sturdy metal frame and hinges with an opaque facing material. Servicing gates shall incorporate gate stops and latches that are functional in the full open and closed positions. Hinge assemblies shall be strong and durable so that access and servicing gates function properly and do not sag.

Enclosure gates shall be closed at all times except for the time necessary to service the bulk container(s).

- (8) Pad/hard surface. All enclosures shall be placed on poured concrete, solid or perforated interlocking concrete block paving (ICB), or any existing hardened paving system. A service access drive for the purpose of emptying the bulk container shall also be provided unless a hard surface that provides access to the bulk container already exists.
- (9) Maintenance. Approved enclosures shall be maintained in good condition and appearance at all times. Gates and latches shall be kept fully operable and shall be cleaned periodically to prevent noxious odors and unsanitary conditions from occurring. Enclosure pads and access drives shall be repaired or rebuilt whenever the pavement structure deteriorates.

6.3.3 Owner/occupant responsibility.

- (a) It shall be the duty of each owner/occupant to prevent the continued, excessive and unsightly accumulation of garbage, trash and other types of waste and rubbish.
- (b) Each owner/occupant shall place domestic trash at the property line in front of the property the evening not more than twenty-four (24) hours before the scheduled collection time. Each owner/occupant shall remove their trash container from the front of the property within twenty-four (24) hours after collection.
- (c) Failure to comply with the provisions of this section shall constitute a violation of this Code.

6.3.4 Garden/bulky waste. All tree trimmers and tree surgeons who are employed by a resident or occupant of any residence or who may be employed by the village, or who may otherwise pursue their occupation in the village shall be required to remove immediately to a dump or other place designated for refuse, all refuse, cutting or debris resulting from their operation. In no event shall any refuse, cuttings or debris remain overnight on any premises where tree trimmers or tree surgeons have been engaged in their occupation. Each property owner shall place tree and garden refuse at the property line no earlier than 6:00 a.m. of the day preceding scheduled collection time and containers must be removed and placed out of sight by 6:00 a.m. the day following the scheduled day of collection.

6.3.5 Recycling program. The village may form cooperative arrangements with the county for implementing recycling programs. The following requirements shall apply:

- (a) Construction and demolition debris must be separated from the solid waste stream and segregated in separate locations at a solid waste disposal facility or other permitted site.
- (b) The local government is encouraged to separate all plastic, metal, and all other grades of paper for recycling prior to final disposal and is further encouraged to recycle yard trash and other mechanically treated solid waste into compost available for agricultural and other acceptable uses.
- (c) In developing and implementing recycling programs, the village is encouraged to use for-profit organizations for the collection, marketing, and disposition of recyclable materials.

6.3.6 Solid waste franchise. The village may enter into a written agreement with other persons to undertake to fulfill some or all of the village's solid waste responsibilities.

6.3.7 Determination and announcement of full cost for solid waste management.

- (a) The village shall determine the full cost for solid waste management within the service area of the village for the one-year period beginning on October 1, 1988, and shall update the full cost every year thereafter. The method to be used in calculating full cost shall be according to the rule established by the Florida Department of Environmental Regulations.
- (b) The village shall establish a system to inform, no less than once a year, residential and nonresidential users of solid waste management services within the village service area of the user's share, on an average or individual basis, of the full cost for solid waste management as determined pursuant to subsection 6.3.7(a) above.

(c) Additional/unscheduled trash removal. The village shall provide additional/unscheduled trash removal for its residents. The cost for these services shall be determined annually by resolution of the village commission.

6.3.8 Litter. Unless otherwise authorized by law or permit, it shall be unlawful for any person to dump litter in any manner or amount as stipulated in the Florida Litter Law.

6.3.9 Violations of this section; enforcement procedures available to village; schedule of fines and penalties. Any violation or repeat violation of this section may be pursued by the village by appropriate remedy either in court, through code enforcement by the imposition of a fine as set forth below, or by any other means available at law or in equity, at the option of the village. If it is the first violation, a warning may be given. Any person violating this section shall be punished by a fine of not more than thirty dollars (\$30.00) per violation. Each day, or portion thereof, that a violation occurs is considered a separate and additional violation.

(Ord. No. 2013-05, § 2, 7-9-13)