



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: March 1, 2016

Subject: Ordinance 2016-03 - Section 6.3
Relating to Solid Waste

Prepared By: Maria C. Camara

Sponsored By: Staff

Background

At the February 2, 2016, commission meeting, the Commission discussed Section 6.3 of the Code of Ordinances relating to Solid Waste, specifically the inconsistencies in when garbage, trash and recycling may be placed at the curb.

Following discussion, there was consensus from the Commission to have the Village Attorney draft the ordinance for first reading to amend the language of the Code to specify the following:

- Garbage, trash or recycling may be placed out for collection on the curb no earlier than 5:00pm the day before scheduled collection, and must be retrieved by no later than 5:00am the day after.
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Recommendation:

Approval at first reading.

Attachments:

- Ordinance 2016-03

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ORDINANCE NO. 2016-03

**AN ORDINANCE OF THE VILLAGE
COMMISSION OF THE VILLAGE OF BISCAYNE
PARK, FLORIDA AMENDING SECTION 6.3
ENTITLED “SOLID WASTE”; PROVIDING FOR
CONFLICTS; PROVIDING FOR SEVERABILITY;
PROVIDING FOR INCLUSION; PROVIDING
FOR AN EFFECTIVE DATE**

WHEREAS, staff periodically reviews the Village Code and makes recommendations concerning amendments to the Code; and

WHEREAS, a review of Section 6.3 has revealed that there is an inconsistency in the times for which garbage, trash and recycling may be placed at the property line and removed by the resident; and

WHEREAS, staff has found that streamlining and perhaps shortening the timeframes will help to eliminate piles and receptacles throughout the Village and will allow for more consistent Code compliance administration; and

WHEREAS, the Village Commission finds it in the best interests of the Village to approve this ordinance, authorizing the standardization of garbage, trash and recycling pickup and removal times to be consistent with staff’s recommendations;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA:

Section 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Section 6.3 of the Village of Biscayne Park Land Development Code, entitled, “Solid waste”, is hereby amended to read as follows:

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

1 easily accessible to collectors. Collection service may be discontinued where the
2 garbage cans or containers are determined to be unfit for receptacles by the public
3 works department. Failure of the property owner to provide proper garbage cans or
4 containers which results in discontinuance of service shall subject the property owner to
5 the penalty provisions of this Code.

6 (b) Garbage cans and trash receptacles must be placed behind the face of the building and
7 screened from view except when properly placed out for pickup.

8 (c) Dumpsters.

9 (1) Intent. It is the intent of this section to regulate the location and construction of
10 bulk container enclosures in a manner that promotes the public health and safety,
11 and lessens or otherwise mitigates the visual impact of such bulk containers upon
12 the community. A bulk container is a receptacle with a capacity of greater than one
13 (1) cubic yard which purpose is for the disposal and storage of garbage, trash and
14 any form of waste materials, not including hazardous or infectious waste

15 (2) Domestic trash. Every refuse accumulation of animal, fruit or vegetable matter that
16 attends the preparation, use, cooking and dealing in the storage of edibles, and any
17 other matter of any nature whatsoever which is subject to decay, purification and
18 degeneration of noxious or offensive gases or odors.

19 (3) Garden/bulky waste. Items of household refuse, tree cutbacks and shrubbery
20 cuttings, and other refuse attending the care of lawns, boxes and like articles.

21 (4) Enclosure. Wheeled bulk containers for the disposal of solid waste shall be
22 enclosed in a fence or wall fully screening it from view. Chain link fencing is not
23 permitted for enclosure or gate. Containers are to be positioned upon a hard surface
24 pad and a hard surface roll-away from the pad to the servicing area is provided to
25 facilitate servicing. Wheeled bulk containers shall only be placed curbside for
26 collection and shall remain curbside for a reasonable amount of time in order to
27 facilitate collection. In no case shall wheeled bulk containers remain overnight at
28 curbside or street side.

29 (5) Size requirement. Each enclosure shall provide a minimum of eighteen (18) inches
30 of clear space between each side of each bulk container (including lifting flanges)
31 and the adjacent wall surface of that enclosure, or other containers within the same
32 enclosure. The height of each enclosure shall be six (6) inches greater than the
33 highest part of the bulk container therein.

34 (6) Placement. The placement of containers and enclosures shall be planned and
35 constructed in a manner that allows unobstructed access to each container and the
36 unobstructed opening of the gates during the emptying process. Containers shall
37 not be located in such a manner that the service vehicle will block any intersection
38 during the emptying process. Containers shall be located to the rear of the property,
39 no closer than ten (10) feet to a property line.

40 (7) Gates. All enclosures shall have gates and their construction shall be of sturdy
41 metal frame and hinges with an opaque facing material. Servicing gates shall
42 incorporate gate stops and latches that are functional in the full open and closed
43 positions. Hinge assemblies shall be strong and durable so that access and servicing

1 gates function properly and do not sag. Enclosure gates shall be closed at all times
2 except for the time necessary to service the bulk container(s).

3 (8) Pad/hard surface. All enclosures shall be placed on poured concrete, solid or
4 perforated interlocking concrete block paving (ICB), or any existing hardened
5 paving system. A service access drive for the purpose of emptying the bulk
6 container shall also be provided unless a hard surface that provides access to the
7 bulk container already exists.

8 (9) Maintenance. Approved enclosures shall be maintained in good condition and
9 appearance at all times. Gates and latches shall be kept fully operable and shall be
10 cleaned periodically to prevent noxious odors and unsanitary conditions from
11 occurring. Enclosure pads and access drives shall be repaired or rebuilt whenever
12 the pavement structure deteriorates.

13 6.3.3 Owner/occupant responsibility.

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15 (a) The Village Commission finds that aesthetics are paramount to maintaining an attractive
16 and marketable community. The violations enumerated below severely damage the
17 aesthetics and livability of the community immediately upon their commission. Such
18 damage cannot be repaired or reversed. Therefore, the Village Commission hereby
19 deems a violation of this Section an irreparable and irreversible violation.

20 (ab) It shall be the duty of each owner/occupant to prevent the continued, excessive and
21 unsightly accumulation of garbage, trash and other types of waste and rubbish.

22 (bc) Each owner/occupant shall place domestic trash and recyclable materials at the property
23 line in front of the property no earlier than 5:00 p.m. of the day the evening not more
24 than twenty four (24) hours before preceding the scheduled collection time and
25 containers must be removed and placed out of sight by 5:00 a.m. the day following the
26 scheduled day of collection. Each owner/occupant shall remove their trash container
27 from the front of the property within twenty four (24) hours after collection.

28 (ed) Failure to comply with the provisions of this section shall constitute a violation of this
29 Code.

30 6.3.4 Garden/bulky waste. All tree trimmers and tree surgeons who are employed by a resident
31 or occupant of any residence or who may be employed by the village, or who may otherwise
32 pursue their occupation in the village shall be required to remove immediately to a dump or
33 other place designated for refuse, all refuse, cutting or debris resulting from their operation.
34 In no event shall any refuse, cuttings or debris remain overnight on any premises where tree
35 trimmers or tree surgeons have been engaged in their occupation. Each property owner shall
36 place tree and garden refuse at the property line in front of the property no earlier than 5:00
37 p.m. 6:00 a.m. of the day preceding the scheduled collection time and containers must be
38 removed and placed out of sight by 6:00 a.m. 5:00 a.m. the day following the scheduled day
39 of collection.

40 6.3.5 Recycling program. The village may form cooperative arrangements with the county for
41 implementing recycling programs. The following requirements shall apply:

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

10 6.3.6 Solid waste franchise. The village may enter into a written agreement with other persons
11 to undertake to fulfill some or all of the village's solid waste responsibilities.

12 6.3.7 Determination and announcement of full cost for solid waste management.

- 13 (a) The village shall determine the full cost for solid waste management within the service
14 area of the village for the one-year period beginning on October 1, 1988, and shall
15 update the full cost every year thereafter. The method to be used in calculating full cost
16 shall be according to the rule established by the Florida Department of Environmental
17 Regulations.
- 18 (b) The village shall establish a system to inform, no less than once a year, residential and
19 nonresidential users of solid waste management services within the village service area
20 of the user's share, on an average or individual basis, of the full cost for solid waste
21 management as determined pursuant to subsection 6.3.7(a) above.
- 22 (c) Additional/unscheduled trash removal. The village shall provide additional/unscheduled
23 trash removal for its residents. The cost for these services shall be determined annually
24 by resolution of the village commission.

25 6.3.8 Litter. Unless otherwise authorized by law or permit, it shall be unlawful for any person
26 to dump litter in any manner or amount as stipulated in the Florida Litter Law.

27 6.3.9 Violations of this section; enforcement procedures available to village; schedule of fines
28 and penalties. Any violation or repeat violation of this section may be pursued by the village
29 by appropriate remedy either in court, through code enforcement by the imposition of a fine
30 as set forth below, or by any other means available at law or in equity, at the option of the
31 village. If it is the first violation, a warning may be given. Any person violating this section
32 shall be punished by a fine of not more than thirty dollars (\$30.00) per violation. Each day,
33 or portion thereof, that a violation occurs is considered a separate and additional violation.

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35 **Section 3.** Conflicts. That all Ordinances or parts of Ordinances, Resolutions or parts
36 thereof in conflict herewith, are and the same are hereby repealed to the extent of such conflict.

37 **Section 4.** Severability. The provisions of this Ordinance are declared to be
38 severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be

1 held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining
2 sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it
3 being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any
4 part.

5 **Section 5.** Codification. It is the intention of the Village Commission of the Village of
6 Biscayne Park, that the provisions of this Ordinance shall become and made a part of the Code of
7 Ordinances of the Village of Biscayne Park, Florida, and that the Sections of this Ordinance may be
8 renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or other
9 word or phrase in order to accomplish such intention.

10 **Section 6.** Effective Date. This Ordinance shall be effective upon adoption on
11 second reading.

12
13 The foregoing Ordinance was offered by Commissioner _____, who moved its
14 adoption. The motion was seconded by _____ and upon being put to a vote,
15 the vote was as follows:

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17 PASSED AND ADOPTED upon first reading this ____ day of _____, 2016.

18 PASSED AND ADOPTED upon second reading this ____ day of _____, 2016.
19

**The foregoing ordinance upon being put
to a vote, the vote was as follows:**

20
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24 _____
25 David Coviello, Mayor

Mayor Coviello: ____
Vice Mayor Watts: ____
Commissioner Anderson: ____
Commissioner Jonas: ____
Commissioner Ross: ____

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Attest:

Maria C. Camara, Village Clerk

Approved as to form:

John J. Hearn, Village Attorney