

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 74 – SOLID WASTE, SECTIONS 74-3, 74-4, 74-31, 74-33, 74-34, 74-35, 74-36, 74-38, AND 74-121 TO REVISE AND CLARIFY VARIOUS PROVISIONS REGARDING COLLECTION SERVICES AND FEES; CREATING ARTICLE VI, GREASE HAULERS, SECTIONS 74-135 THROUGH 74-139 TO REQUIRE GREASE HAULERS OPERATING ON CITY RIGHTS OF WAY TO BE PERMITTED BY THE CITY; AND AMENDING CHAPTER 22, BUSINESS AND BUSINESS REGULATIONS, ARTICLE II, CERTIFICATE OF USE, SECTION 22-33, APPLICATION FOR CERTIFICATE OF USE NEW BUSINESS TO REQUIRE A BUSINESS TO HAVE AN ACTIVE SANITATION ACCOUNT FOR ISSUANCE OF A CERTIFICATE OF USE; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

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WHEREAS, the provision of solid waste collection services by the City of West Palm Beach to the residents and businesses within its jurisdictional boundary benefits the health and welfare of such residents and businesses and serves a public purpose; and

WHEREAS, the Public Works Department conducted a quality inspection program that converted all customer accounts and process from 100% manual (card stock records and voluminous paper) to a fully automated database and routing software to manage records, customer account information, billing activity and work order processing (work flow management) and the routing of drivers; and

WHEREAS, during the process, the team found instances of non-activated accounts, missing or incorrect billing activities. Significantly, the team identified that for several types of service offered by the City, there is no established billing rate structure. An analysis suggests that the City is currently absorbing an estimated loss of \$250,000/year from underpaid + non-paid commercial accounts; and

WHEREAS, As a result of the quality inspection, the Public Works Department is recommending revisions to Chapter 74 of the City Code regarding solid waste collection.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, that:**

**SECTION 1:** The City Commission hereby finds and determines that the provision of solid waste collection services by the City of West Palm Beach to the residents and businesses within its jurisdictional boundary benefits the health and welfare of such residents and businesses and serves a public purpose.

**SECTION 2:** Chapter 74 – Solid Waste, of the Code of Ordinances of the City of West Palm Beach is hereby amended at Article I – In General, Section 74-3, Definitions, which shall now read as follows:

**Chapter 74 - SOLID WASTE**

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**Sec. 74-3. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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Shared dumpster/compactor means a city-provided dumpster or compactor that is utilized by more than one commercial enterprise, owner, resident or other entity.

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**SECTION 3:** Chapter 74 – Solid Waste, of the Code of Ordinances of the City of West Palm Beach is hereby amended at Article I – In General, Section 74-4, Responsibilities and standards in general, to add subsection (l) regarding containers, which shall now read as follows:

**Sec. 74-4. - Responsibilities and standards in general.**

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**(l) Containers.**

(1) All containers shall be maintained in good condition.

(2) Residential:

- a. Owners of residential property who use residential containers shall provide their own containers. Residential containers shall be of sufficient capacity and/or quantity to hold four days' accumulation of residential garbage and refuse. Additional containers shall be provided by the owner as necessary to hold all garbage and refuse generated by each dwelling unit.
- b. Any residential container having ragged or sharp edges or holes, or being unable to support the weight of its contents, or having any other defect likely to cause bodily injury or in any manner to hamper collection of its contents, shall not be emptied by city employees. Upon notification by the city, the owner shall correct the defects or replace the container. If the owner of a defective commercial container does not comply with the above notification, and after the passage of three consecutive collection days, the container shall be deemed abandoned by its owner and shall be removed by the city.

Language underlined added, and language stricken deleted.

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### (3) Commercial:

- a. The city shall provide appropriate commercial containers to serve the volume of garbage and refuse emanating from commercial establishments, except those commercial establishments requiring containers and compactors over eight cubic yards.
- b. When the volume of garbage and refuse does not exceed 96 gallons on average, a commercial customer may use an automated service container. No more than one automated service container shall be issued to a commercial establishment under this provision. Additional automated service containers, as allowed by the city, may be purchased by commercial establishments.
- (4) Theft of a city-issued automated service container or city-issued commercial container shall be reported to the police and a police report obtained and provided to the public works department before a replacement will be issued. There shall be no fee for the first replacement. Subsequent replacements shall be charged in accordance with the fee established by resolution of the city commission.
- (5) The owner and/or occupant shall be responsible for charges associated with replacement of any city-owned receptacle, including automated service containers, damaged due to negligence or abuse by owner and/or occupant.

**SECTION 4:** Chapter 74 – Solid Waste, of the Code of Ordinances of the City of West Palm Beach is hereby amended at Article II - Solid Waste Collection and Disposal, Section 74-31, City services, which shall now read as follows:

### **Sec. 74-31. - City services.**

- (a) Every owner or occupant of improved residential property within the city shall subscribe for regular residential solid waste collection and disposal services from the city.
- (b) Every commercial establishment operating within the city shall have an active sanitation commercial account, or shall provide evidence that its landlord has an active sanitation account, prior to issuance or renewal of a certificate of use. If a commercial establishment requires a compactor or container larger than eight cubic yards, such commercial establishment shall contract for collection services with a provider approved to operate within the city pursuant to a franchise agreement and shall not be charged by the city for city solid waste collection services. ~~subscribe for regular commercial solid waste collection and disposal services from the city except those commercial establishments for which the city is unable to provide the needed services, e.g., containers and compactors over eight cubic yards. For these services, the commercial establishment must use the services of a provider approved to operate within the city pursuant to a franchise agreement.~~
- (c) Any person may request the city to perform a special solid waste collection and disposal. The city may perform a special solid waste collection and disposal when the volume exceeds regular limits as specified in this article. No more than three additional collections may be requested per month at the additional pick-up rate. Requests greater than three requests shall be billed at the next highest frequency classification pursuant to the fee schedule.

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- (d) No person shall attempt to use city solid waste collection services without having first subscribed for such services or without having requested the city to perform a special solid waste collection and disposal.

**SECTION 5:** Chapter 74 – Solid Waste, of the Code of Ordinances of the City of West Palm Beach is hereby amended at Article II - Solid Waste Collection and Disposal, Section 74-33, Collection scheduling, subsection (b), commercial collection, which shall now read as follows:

**Sec. 74-33. - Collection scheduling.**

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- (b) The city shall establish commercial solid waste collection schedules.
- (1) Commercial garbage and refuse shall be collected at least once a week; however, additional collections may be made if the city determines, based on the type and amount of waste regularly produced, such additional collections are necessary and warranted, or if requested by the commercial establishment. Commercial garbage and refuse shall be collected at least three times per week for restaurants, with a minimum of one day between collections. Commercial garbage and refuse shall be collected at least twice per a week for ~~restaurants~~, multifamily residences, or establishments with food facilities. For those commercial establishments permitted to use residential containers, garbage and refuse shall be collected twice a week.
  - (2) Commercial yard and garden wastes are not scheduled for any collection and disposal, but may be collected by special collection and disposal for a fee at the request of the commercial establishment.
  - (3) Commercial bulk goods and white goods are not scheduled for collection and disposal, but may be collected by special collection and disposal for a fee at the request of the commercial establishment.
  - (4) Commercial recyclable materials shall not be collected by the city unless prior arrangements have been made with the city.

**SECTION 6:** Chapter 74 – Solid Waste, of the Code of Ordinances of the City of West Palm Beach is hereby amended at Article II - Solid Waste Collection and Disposal, Section 74-34, Preparation and storage of solid waste for collection, which shall now read as follows:

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**Sec. 74-34. - Preparation and storage of solid waste for collection.**

**(a) Garbage and refuse.**

**(1) Residential.**

- a. Residential garbage and refuse shall be placed for collection in residential containers or automated service containers, where required, as defined in section 74-1.
- b. ~~All owners of residential property who use residential containers shall use residential containers of sufficient capacity and/or quantity to hold four days' accumulation of residential garbage and refuse, with additional containers to be provided by the owner as necessary to hold all garbage and refuse generated by each dwelling unit.~~
- c. Residential garbage and refuse shall be drained of all liquid before being placed for collection.
- d. Yard and garden waste shall not be mixed with garbage and refuse for disposal.
- e. In the case of non-automated pick up, plastic bags used as containers must be properly closed either by a twine, rope, twist-tie, or other tying or closing device, or by a tight-fitting lid in case of metal or plastic containers. Lids may not be tied, wired or in anyway fixed in a way which hinders quick removal.
- f. A residential container and its contents may not weigh more than 50 pounds when placed for collection, unless the residence is serviced by an automated solid waste collection vehicle, and the automated service container has either been issued by the city or meets the city's approval.
- g. An automated service container may not weigh more than 100 pounds when placed for collection.
- h. ~~All residential and automated service containers shall be maintained in good condition. Any residential container having ragged or sharp edges or holes, or being unable to support the weight of its contents, or having any other defect likely to cause bodily injury or in any manner to hamper collection of its contents, shall not be emptied by city employees. Upon notification by the city, the owner shall correct the defects or replace the container. If the owner of a defective residential container does not comply with the above notification, and after the passage of three consecutive collection days, the container shall be deemed abandoned by its owner and shall be removed by the city. If the owner of a residential container wants a container removed by the city as solid waste, the owner shall so note on the container; otherwise, the city shall assume the container to be in use.~~
- i. ~~The owner and/or occupant shall be responsible for charges associated with replacement of any city-owned receptacle, including automated service containers, damaged due to negligence or abuse by owner and/or occupant, or theft.~~
- j. No residential or automated service container shall be placed or maintained upon or adjacent to any street, sidewalk, parkway, front yard or other place within the reasonable view of persons using the public streets or sidewalks, except as allowed by this article for the purposes of collection. It shall also be the duty of each person who receives an automated service container to store the equipment in a secure place where it will not be visible to a person standing in the right-of-way of any public street adjacent to the property where the equipment is used, except while placed for

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collection in accordance with this chapter. It is a defense to prosecution under this subsection that the person's property is so configured that no location exists for storage of the equipment in a place where it is not visible to a person standing in the right-of-way of a public street adjacent to the property.

### (2) *Commercial.*

- a. The city shall provide appropriate commercial containers to serve the volume of garbage and refuse emanating from commercial establishments, except those commercial establishments where the city is unable to provide the needed services, e.g., containers and compactors over eight cubic yards.
- b. When the volume of garbage and refuse does not justify the use of a commercial container, a residential container, or automated service container, where available, may be used by a commercial establishment. No more than one automated service container shall be issued to a commercial establishment under this provision. Additional automated service containers, as allowed by the city superintendent, may be purchased by commercial establishments. When the use of a residential container is approved, the commercial establishment shall provide the container.
- c. An automated service container may not weigh more than 100 pounds when placed for collection.
- ~~d.e.~~ Where visible to the public, commercial containers shall be stored in a city approved enclosure obstructing the containers view from persons using the sidewalk, street, or the commercial establishment's facilities, except when enclosures are prohibited, such as in downtown alleys, or otherwise approved by the city.
- ~~e.d.~~ Commercial garbage and refuse shall be drained of all liquid before being placed for collection.
- ~~f.e.~~ Commercial container lids shall remain closed at all times. Overfilled containers may be cited in accordance with article IV of this chapter. ~~Commercial containers shall be filled to permit proper closure at all times.~~
- f. ~~All commercial containers shall be maintained in good condition. Any residential container having ragged or sharp edges or holes, or being unable to support the weight of its contents, or having any other defect likely to cause bodily injury or in any manner to hamper collection of its contents, shall not be emptied by city employees. Upon notification by the city, the owner shall correct the defects or replace the container. If the owner of a defective commercial container does not comply with the above notification, and after the passage of three consecutive collection days, the container shall be deemed abandoned by its owner and shall be removed by the city.~~

**SECTION 7:** Chapter 74 – Solid Waste, of the Code of Ordinances of the City of West Palm Beach is hereby amended at Article II - Solid Waste Collection and Disposal, Section 74-35, Placement of solid waste for collection, which shall now read as follows:

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**Sec. 74-35. - Placement of solid waste for collection.**

*(a) Garbage and refuse.*

- (1) Residential containers and automated service containers shall be placed for collection no earlier than 6:00 p.m. of the day preceding the scheduled day of collection and must be removed on the day of collection after having been collected.
- (2) Residential containers not serviced by an automated solid waste collection vehicle must be placed for collection no more than six feet from the street and must be placed on the premises served in an unobstructed location.
- (3) Residents serviced by an automated solid waste collection vehicle shall place the automated service container at the curb line of a public street in front of the property upon which the garbage was generated, or if no curb line exists, alongside or adjacent to a street, alley curb or other public right-of-way in front of the property that is accessible to the automated solid waste collection vehicle's lift equipment. Such containers shall not be placed upon a sidewalk. Such placement shall be at least five feet from any other object to include recycle bins, bulk or white goods, yard trash, fire hydrants, parked vehicles, utility-lines or mailboxes, or other objects that prevent the automated function of the city's equipment.
- (4) The city shall determine where containers shall be placed for collection from a corner lot or a property with multiple points entry to the property. If a narrow street or dead end street prevents navigation constraints or the collection vehicles, the city will provide a notice to the affected customers describing where customers are to place containers for pick-up on service days. Failure to place a container in the designated location may result in no collection of the garbage and refuse. If a dead end street has insufficient width for the automated solid waste collection vehicle to turn around, the superintendent may request residents on that street to set their automated service containers on a specified side of the street to be determined by the supervisor who will inform the residents of said streets with a flyer which will designate which side to place the cans on. Failure to set the container of the designated side of the street shall result in no collection of the garbage and refuse. One way streets will follow the same guideline. Failure to set the container on the designated side of the street shall result in no collection of the garbage and refuse.
- (5) Commercial containers shall be placed on a pad in such locations as approved by the city so that the containers can be easily serviced by manpower or equipment used in making the collection. Commercial containers shall be located on private property, unless otherwise approved by the city.

*(b) Yard and garden waste.*

- (1) Yard and garden waste may be placed for collection no earlier than the day preceding the scheduled day of collection.
- (2) Residential yard and garden waste shall be placed in one pile for collection in the swale or parkway immediately in front of the premises producing such waste. This waste may also be placed on the paved street, but not more than four feet from the curb, and it shall not prohibit the flow of traffic. The city shall have the authority to determine the streets where yard and garden waste placement on paved areas are

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prohibited. Yard and garden waste shall not be placed on any sidewalk except in areas that may be approved by the city.

- (3) Yard and garden waste shall not be mixed with garbage and refuse or deposited in residential or automated service containers for disposal.
- (4) No rocks, dirt or soil shall be mixed or commingled with yard or garden waste.
- (5) All yard and garden materials, such as tree limbs and trunks and shrubbery cuttings, shall be cut to maximum four-foot lengths and no more than 12 inches in diameter.
- (6) Small yard and garden waste, such as leaves and grass clippings, shall be placed in bags as defined in this article and shall not be placed in residential containers.
- (7) The amount of residential yard and garden waste placed for collection shall not exceed an amount contained within an area four feet wide by four feet high by 18 feet long, the equivalent of approximately ten cubic yards. Piles of yard and garden waste exceeding these limits will be removed by special pickup.
- (8) No yard or garden waste shall be placed for collection against or within ten feet of any wall, fence, guy wire, vehicle or any other obstruction so as to impede collection. Collection will not be made under these circumstances.
- (9) Yard and garden waste for requested special collection and disposal for commercial establishments or others shall be placed for pickup consistent with instructions given by the city at the time of request.

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**SECTION 8:** Chapter 74 – Solid Waste, of the Code of Ordinances of the City of West Palm Beach is hereby amended at Article II - Solid Waste Collection and Disposal, Section 74-36, Fees, billing statements and payments, which shall now read as follows:

### **Sec. 74-36. - Fees, billing statements and payments.**

#### **(a) Fees.**

- (1) The city commission shall by resolution establish fees for regular collection and disposal of residential and commercial solid wastes, special collection pick-ups, shared use of city compactors/containers, administrative and enforcement costs.
- (2) The city commission shall by resolution establish fees for special collection pickups.
- (3) Any commercial establishment that is required to arrange for transporting and disposing of its commercial refuse shall be exempt from payment of the fees authorized in this article.
- (4) Failure to cancel requested special pick-up services at least 24 hours prior to the scheduled pick up date will result in a trip charge in accordance with the fee schedule.

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**(b) Billing statements and payments.**

- (1) Fees for routine solid waste collection and disposal shall be billed on a monthly basis, along with water, sewer, and stormwater services. Where no water, sewer or stormwater service exists, activation of an account, for sanitation services only, is required. Special collection pickups shall be billed separately.
- (2) The total amount of each monthly bill for all solid waste collection and disposal services shall be promptly paid in full. If less than the full amount is received by the city, the amount received shall be applied consistent with the policy of the public utility department. Instructions submitted by the owner or occupant to apply a partial payment in a certain manner shall be disregarded.
- (3) The city may assess a late fee as approved by resolution of the city commission.

**SECTION 9:** Chapter 74 – Solid Waste, of the Code of Ordinances of the City of West Palm Beach is hereby amended at Article II - Solid Waste Collection and Disposal, Section 74-38, Assessment and lien on property for unpaid fees, which shall now read as follows:

**Sec. 74-38. - Assessment and lien on property for unpaid fees.**

- (a) Unpaid solid waste collection and disposal fees shall be assessed and shall become a lien against the property served as provided in subsection (b) of this section.
- (b) The public works ~~public utilities~~ director shall use the procedures established in section 90-5 to assess and lien properties for unpaid solid waste collection and disposal fees.

**SECTION 10:** Chapter 74 – Solid Waste, of the Code of Ordinances of the City of West Palm Beach is hereby amended at Article V – Commercial Collection Franchise, Section 74-121, Engaging in business of commercial collection services, subsection (f), which shall now read as follows:

**Sec. 74-121. - Engaging in business of commercial collection services.**

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- (f) All equipment utilized for commercial collection services in the city must be conspicuously marked on both sides of the automotive unit with the name of the contracted franchised hauler, vehicle number, tare weight and cubic yard capacity. Identification information must also be marked on all trailer and container units. All markings must be in letters and numerals at least two inches in height. In addition, all vehicles utilized in the provision of services within the city must comply with federal and state department of transportation regulations pertaining to the operation of commercial vehicles. All drivers must be appropriately licensed.

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**SECTION 11:** Chapter 74 – Solid Waste, of the Code of Ordinances of the City of West Palm Beach is hereby amended to create Article VI – Preferred Grease Haulers, Section 74-135 through 74-139, which shall now read as follows:

**ARTICLE VI – GREASE HAULERS**

**Sec. 74-135 - Permitted Grease Haulers Permit.**

(a) Permit required. No person, firm or corporation shall engage in the business of grease collection services or grease waste hauling over the streets or public rights-of-way of the city, for hire or salvage, without first applying for and receiving a nonexclusive permit from the city to carry on such a business. A preferred grease hauler permit shall be granted for a period of three years. It shall be the obligation of the grease hauler to apply to renew its permit prior to each expiration date.

(b) Permitted grease hauler required. Owners and/or occupants of property that require grease hauling services shall be required to contract only with those persons, firms or corporations that remain listed on the city's preferred grease hauler list.

(c) Permitted grease hauler list. The city shall maintain a list of permitted grease haulers. Grease waste haulers that meet each of the following criteria, as determined by the city, are entitled to a permit, shall be permitted to use the city's alleys and rights-of-way to conduct its grease hauling services, and shall remain on the permitted grease hauler list:

- (1) Is a properly licensed grease waste hauler;
- (2) Provides services within the service hours specified by the city.
- (3) Performs a full pump-out and pressure wash of tank or container to remove all wastewater and solids (no decanting, back-flushing or pump and return);
- (4) Pressure washes area surrounding area;
- (5) Utilizes best efforts to prevent any spillage to occur upon the premises or the rights-of-way wherein the collection occurs. In the event of any spillage caused by the grease hauler, the grease hauler promptly cleans up all spillage;
- (6) Does not utilize prohibited additives;
- (7) Performs a complete inspection of the grease control device after complete pump-out;
- (8) Notifies the city's industrial pretreatment division of the public utilities department within 24 hours if the food service establishment refuses to perform their scheduled pump-out,
- (9) Notifies the food service establishment and the city's industrial pretreatment division of the public utilities department within 24 hours of major deficiencies with the grease control device, including missing outlet tee(s), missing or

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damaged cleanout covers, missing or damaged manhole covers for grease interceptors.

- (10) Ensures tanks or containers remain enclosed and not in public view;
- (11) Obtains satisfactory results from city's inspections of customer's grease traps;
- (12) Responds to any city violation notice and takes reasonable steps to resolve violation within 24 hours of receipt of a violation notice.

### **Sec. 74-136. - Application.**

(a) *Application required.* Grease haulers desiring a grease hauling permit and listing on the permitted grease haulers list shall make application to the public works department, on city approved forms, and provide such other documentation as may reasonably be required to establish that the applicant meets all of the requirements delineated in this article. The applicant shall be a corporation or company duly authorized to conduct such business within the state. The city may request that the applicant submit additional information as part of the application process.

(b) *Appeals.* The denial of a permit by the public works department may be appealed to the city administrator. The notice of appeal shall be filed in writing with the city administrator no later than 14 days after the receipt of the letter advising applicant of the denial. An appeal hearing before a panel consisting of the city administrator and two deputy or assistant city administrators shall be held not more than 60 days after receipt of the notice of appeal. The panel shall either affirm the permit denial or direct the public works director to issue or reinstate the permit.

### **Sec. 74-137. - Revocation of nonexclusive permit.**

- (a) The city reserves the power to revoke all nonexclusive permits issued pursuant to this article of the code.
- (b) The violation of any of the terms and conditions of this article which endanger the public health, safety and welfare, the violation of any of the requirements for a permitted grease hauler, or the violation of any other applicable federal, state or local law or rule, shall be cause for revocation of a permit.
- (c) The submission of false or inaccurate information in the application, or any renewal thereof, shall be cause for revocation of a permit.
- (d) Failure to timely respond to a notice of violation from the city shall be cause for revocation of a permit.
- (e) The issuance of four or more notices of violation from the city within any twelve month period shall be cause for revocation of a permit.
- (f) The city may revoke a permit for a violation of this article. The city shall provide the permitted grease hauler with notice of such revocation and the reasons therefor, by personal service or certified mail, addressed to the grease hauler or its registered agent at the address last provided by the grease hauler. Upon receipt of such notice, the grease

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hauler may appeal such revocation to the special magistrate and the appeal and hearing thereon shall be conducted in accordance with the procedures set forth in chapter 26 of this code.

**Sec. 74-138. – Grease containers or tanks.**

Owners and/or occupants of property that require grease hauling services shall ensure that their grease tanks or containers remain clean, and are enclosed and not in public view.

**Sec. 74-139. - Violations; enforcement; revocation of permits.**

- (a) Owners and/or occupants of property contractors that contract the services of a grease hauler that is not on the permitted grease hauler list shall be deemed to have violated the provisions of this article.
- (b) Violations of this article shall be enforceable pursuant to article IV of this chapter, sec. 1-13 and chapter 26 of this code and F.S. ch. 162.

**SECTION 12:** Chapter 22 – Business and Business Regulation of the Code of Ordinances of the City of West Palm Beach is hereby amended at Article II, Certificate of Use, Section 22-33, Application for certificate of use new business, subsection (b), which shall now read as follows:

**Sec. 22-33. - Application for certificate of use new business.**

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- (b) An application shall be filed on a standard application form supplied by the city and shall not be considered complete until the application satisfies the requirements of subsection (a) of this section.
  - (1) *Contents.* In addition to other information as may be required, the application shall contain the following information and shall be accompanied by the following documents:
    - a. *Identity.* An owner/applicant shall provide its legal name, any aliases, and date of birth or formation, if the owner/applicant is a partnership or corporation. A partnership shall provide the full and complete name of the partnership and the name and addresses of all partners. A corporation shall provide the exact and complete corporate name, the date of its incorporation, the name and address of the registered corporate agent for service of process, and the names and addresses of all corporate officers.

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- b. *Address.* The application shall list the current local and legal domiciliary, a residential address of the owner/applicant and the name and address of an agent authorized to receive notice for purposes of this article.
  - c. *Business name.* If the owner/applicant intends to conduct the business under a name other than that of the applicant, the applicant shall state the establishment's fictitious name and the county of registration under F.S. § 865.09.
  - d. *License/receipt history.* Whether the owner/applicant has had a previous license/receipt suspended or revoked, as well as the date of the suspension or revocation, and the location of the establishment for which the license/receipt was suspended or revoked, as well as the date of the suspension or revocation.
  - e. *Operational information.*
    - 1. Location of the proposed business, including the legal street address, and the owner/applicant's mailing address.  
  
The name and phone number of the individual for department inspectors to contact to schedule the new business inspection.
    - 3. The telephone number of the business.
    - 4. A copy of any license, registration, or certification required for the profession or occupation; or a copy of all applications for such license, registration, or certification. A certificate of use shall not be issued until copies of the final license, registration, or certification are provided to the city.
  - f. *Sanitation billing account.* The account number, name and address of the active sanitation billing account for the applicant.
  - g.f. *Affidavit.* A notarized, signed and sworn statement by the owner/applicant or their authorized agent verifying that the information within the application is truthful, independently verifiable, and complete.
- (2) *Fees.* Each application shall be accompanied by the fee required by this chapter. If the application is denied, the city shall retain the fee to cover the administrative costs of processing the application.

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**SECTION 13:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 14:** Should any section or provision of this Ordinance or any portion, paragraph, sentence or word be declared by a court of competent jurisdiction to be

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invalid, such decision shall not affect the validity of the remainder of this Ordinance.

**SECTION 15:** Authority is hereby granted to codify the text amendments set forth in Sections 2 through 12 of this Ordinance.

**SECTION 16:** This Ordinance shall take effect in accordance with law.

[SIGNATURES ON FOLLOWING PAGE]

Language underlined added, and language ~~stricken~~ deleted.

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FIRST READING THIS 30TH DAY OF JULY, 2018.

SECOND READING AND PASSAGE THIS 13TH DAY OF AUGUST, 2018.



**ATTEST:**

X *Hazeline F. Carson*

CITY CLERK  
Signed by: Hazeline F Carson

**CITY OF WEST PALM BEACH BY  
ITS CITY COMMISSION:**

X *Geraldine Muoio*

PRESIDING OFFICER  
Signed by: Geraldine Muoio

**APPROVED AS TO FORM AND  
LEGALITY:**

8/10/2018

X *Nancy Urcheck*

CITY ATTORNEY  
Signed by: Nancy DeSimone Urcheck

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