

**AN ORDINANCE OF THE CITY OF ATLANTIC BEACH,  
FLORIDA, AMENDING CHAPTER 16, SOLID WASTE AND  
RECYCLING, ARTICLE II. FRANCHISE AGREEMENT  
AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ENACTED BY THE CITY COMMISSION ON BEHALF OF THE  
PEOPLE OF THE CITY OF ATLANTIC BEACH, FLORIDA:**

**SECTION 1.** The following sections of the Code of Ordinances of the City of Atlantic Beach, Florida, Chapter 16. Solid Waste and Recycling, Article II. Franchise Agreement, are hereby amended to read as follows:

**Sec. 16-18. Private Refuse Collectors: Collection of Commercial Recycling and  
Construction and Demolition Debris**

All persons and organizations desiring to engage in the business or activity of collecting Construction and Demolition (C&D) materials or commercial recycling within the City shall, as a prerequisite to doing so, obtain a Construction and Demolition and/or Recycling Collection Franchise Permit from the City Manager or his designee. No person or organization shall engage in such business or activity within the City without first having obtained such a permit. This service will be performed under a separate contract between the Contractor and the user. The Contractor will bill the user directly for delivery, rental, collection and disposal. The rates for this service shall be agreed upon in advance including per pull and delivery costs, and costs for disposal. Contractors will pay a 20% Franchise Fee to the City and will submit the Fee to the City quarterly. Contractors shall provide the City records identifying the address, volume of collection, and such other information as requested by the City on the first (1st) of each month.

**Sec. 16-19. City's collection exempt from Sections 16.10 through 16.18.**

The provisions of these sections shall not apply to refuse, C&D materials or recycling collection services performed by the City whether directly or indirectly or by contract. The City's franchise service provider is exempt from this article.

**Sec. 16.20. Application: fee action by City Commission**

Persons other than the City's franchise Contractor desiring Construction and Demolition or Recycling Collection Permits shall complete and submit to the City Manager or his designee a Franchise Application form, together with an application fee in the amount of Two Thousand Five Hundred and 00/100s Dollars (\$2,500.00). The form of application shall be prescribed by the City Manager and furnished to applicants by the City Manager or his designee. Sufficient information shall be provided to give the City reasonable assurance that proposed hauling activities will not create noise, dust, odor, litter or other noxious conditions, that materials collected will be properly disposed of at authorized facilities and that the applicant has sufficient resources to carry out the proposed hauling activities. Any permit granted by the City Manager pursuant to this section shall not exceed one year in term.

#### **Sec. 16.21. Issuance of permit.**

The City Manager or his designee shall issue Franchise Permits for Construction and Demolition or Recycling Collection subject to the following requirements.

#### **Sec. 16-22. Permit requirements and rules.**

All Franchise Permit holders shall comply with the following requirements and rules:

- (a) *Liability insurance.* Each permit holder shall secure and maintain a public liability insurance policy in the amount of not less than \$1,000,000.00 for one (1) person injured, and \$2,000,000.00 for more than one (1) person injured, and property damage liability insurance of not less than \$1,000,000.00. In addition each permit holder must secure a total umbrella insurance policy of not less than \$1,000,000.00. All policies must have the City listed as additional insured. Evidence of such insurance shall be deposited with the City Manager or his designee prior to issuance of the permit. Upon request by the City, the permittee shall produce evidence of such continued coverage during the term of the permit.
- (b) *Equipment.* Permit holders within the City limits shall use only packer-type equipment or appropriate trucks for safely hauling roll-off type containers.
- (c) *Sanitary conditions.* Each permit holder shall clean the trucks and all containers from which they collect refuse as needed, but in no event less than once each month.
- (d) *Customers.* Permit holders shall serve only those customers who have signed an agreement for services provided. Such agreement shall specify the fee to be charged and any extra charges that may occur as a result of services being provided.
- (e) *Identification of equipment.* Each permit holder shall place and maintain the name, telephone number and permit number in a conspicuous place and display the same in a conspicuous manner on each vehicle operated by the company and each container serviced by them within the City.
- (f) *Inspection.* The City shall have the right to inspect all equipment used and all containers serviced by permit holders within the City. In the event any such equipment or containers are determined to be unsafe or unsanitary, the permit holder shall have twenty-four (24) hours after notice of the deficiency within which to correct the deficiency. The permit holder shall have the right to appeal the decision of the City's inspector to the City Commission. The safety requirements referred to are not meant to suspend any other requirement of the City code or state law.
- (g) *Personnel.* Each permit holder shall devote sufficient personnel, time and attention to his refuse operation to assure a sanitary and safe operation within the City. To this end, the permit holder shall employ competent and sober personnel within the City. The permit holder shall employ no person convicted of a felony crime within two (2) years. Each permittee will prepare a written policy as part of its application, addressing hiring and retention of its employees with regard to driving violations and random testing for use of illegal substances.

- (h) *Compliance with laws.* Each permit holder shall comply with all applicable state and federal laws and regulations and especially those relating to wages and hours, and all other applicable laws pertaining to employment and protection of employees, now or hereafter in effect.
- (i) *Disposal of construction and demolition materials and recyclables.* Each permit holder shall dispose of all construction and demolition materials or recyclables collected within the City at an approved and licensed disposal site. An alternate site may be used if approved the City Manager or his designee.
- (j) *Permit Renewal.* Fee for renewing an active permit shall be one thousand five hundred dollars (\$1,500.00) for one year. Documentation of continued insurance coverage is required for permit renewal. If the Franchise permit expires, the full application, including fee, will be required.

#### **Sec. 16-29. Enforcement**

The Police Department, the Public Works Department, the Commission, the City Manager or his designee, the Building Official and the Code Enforcement Officer, shall enforce this chapter. All parties herein referred to are hereby authorized to sign complaints for a violation of this chapter.

#### **Sec. 16-30. Violations and penalties.**

The violation of any provision of this chapter shall be punished by a fine of two hundred fifty dollars (\$250.00) per day. Each calendar day may be considered a separate violation. Said fine may be imposed on both the Contractor or Property Owner hiring the non-Franchised hauler and against the hauler for placing an unauthorized container within the City Limits of Atlantic Beach.

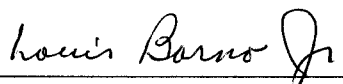
**SECTION 2.** This Ordinance shall take effect immediately upon its final passage and adoption.

**PASSED** by the City Commission on first reading this 13th day of August 2012.

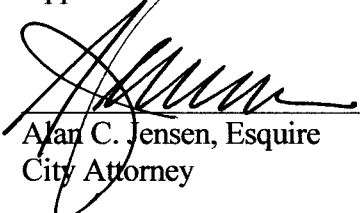
**PASSED** by the City Commission on second and final reading this 27<sup>th</sup> day of August 2012.

ATTEST:

  
\_\_\_\_\_  
Donna L. Bartle, CMC  
City Clerk

  
\_\_\_\_\_  
Louis Borno, Jr.  
Mayor, Presiding Officer

Approved as to form and correctness:

  
\_\_\_\_\_  
Alan C. Jensen, Esquire  
City Attorney