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ORDINANCE NO. 2018-024

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA, AMENDING CHAPTER 13 ENTITLED "SOLID WASTE"; BY SPECIFICALLY AMENDING SECTION 13-10 ENTITLED "MANDATORY RESIDENTIAL SOLID WASTE COLLECTION SERVICE, FEES AND DEPOSITS THEREFOR" AND SECTION 13-11 ENTITLED "MANDATORY COMMERCIAL SOLID WASTE COLLECTION SERVICE, FEES AND DEPOSITS THEREFOR" TO PROVIDE FOR AN INCREASE IN SOLID WASTE SERVICE RATES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Oakland Park has determined that it is in the best interests of the City's residents and business owners located in the City to increase certain solid waste service rates.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA THAT:

SECTION 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. That Chapter 13 entitled "Solid Waste" of the Code of Ordinances of the City of Oakland Park is hereby amended as follows:

Sec. 13-10. - Mandatory residential solid waste collection service, fees and deposits therefor.

- (a) Collection of garbage shall be made by the public works department not less than two (2) times per week at residential dwelling units.
- (b) Basic residential service will be one (1) cart per residential dwelling unit with a pick-up by the city not exceeding the contents of the cart. However, a customer may also request one (1) additional cart per unit for an additional monthly fee. All carts remain the property of the city.
- (c) There is no administrative fee in conjunction with residential solid waste collection service.
- (d) Mandatory residential service fees and deposits are established per residential dwelling unit, including single family residences, duplexes, triplexes and quadplexes as follows:

- 1 (1) Basic cart service fee per unit is by annual assessment in accordance with
2 Chapter 20, Article IV, Solid Waste Services Assessments.
- 3 (2) Additional second cart service fee per unit per month shall be nine dollars and
4 five cents (\$9.05) effective October 1, 2017.
- 5 (3) Deposit per cart—(second cart service only):
- 6 a. Property owner account \$17.00
- 7 b. Tenant account 34.00
- 8 (e) In the event the city experiences increased solid waste disposal costs, it shall
9 increase cart fees in the following manner:
- 10 (1) When tipping fee rates increase, cart fees will be adjusted by the financial
11 services department, when necessary, to cover the increase by applying a pass-
12 through adjustment cost that covers the additional cost to the solid waste
13 system.
- 14 (f) Notwithstanding the provisions set forth herein, where applicable, the city shall
15 impose a solid waste service assessment in accordance with Article IV, section 20-
16 151 through section 20-203 of the Code of Ordinances as may be amended from
17 time to time.

18 **Sec. 13-11. - Mandatory commercial solid waste collection service, fees and**
19 **deposits therefor.**

- 20 (a) Each owner of a commercial establishment located in the city shall subscribe to a
21 regularly scheduled solid waste collection service provided or permitted by the city.
- 22 (b) For purposes of this chapter, each multi-family residential structure having more
23 than four (4) dwelling units and each warehouse, storefront, bay, or office, shall be
24 considered a commercial establishment. It will be permissible to share dumpster
25 service under one of the following conditions subject to the written approval of the
26 director:
- 27 (1) The owner of a building may allow commercial establishments within the
28 building to share a dumpster.
- 29 (2) The owner of multiple buildings lying within a single property may allow the
30 sharing of a dumpster among the occupants of those buildings.
- 31 (3) The owner of a commercial establishment may allow other businesses in the
32 same building to share a dumpster.
- 33 (c) Basic commercial cart service provided by the city shall be a pickup of one (1) cart
34 per dwelling unit, warehouse, storefront, bay or office twice per week.
- 35 (1) All carts shall be supplied by the public works department and shall remain
36 the property of the city.
- 37 (2) A customer may request one (1) additional cart per unit.

- 1 (3) It shall be unlawful for any person other than the customer, or the customer's
2 agents, to deposit solid waste in the customer's cart unless designated for public
3 use.
- 4 (d) Dumpster service provided by the city will be one (1) or more dumpsters per
5 account picked up on a regular schedule of one (1) to five (5) times per week.
- 6 (1) All dumpsters shall be supplied by the public works department and shall
7 remain the property of the city.
- 8 (2) Garbage (putrescible waste) generated by commercial establishments shall be
9 picked up at a minimum of twice per week.
- 10 (3) It shall be unlawful for any person other than the customer, or the customer's
11 agents, to deposit solid waste in the customer's dumpster unless designated for
12 public use.
- 13 (e) An administrative fee of twenty dollars (\$20.00) shall be charged to open a
14 commercial cart service account if water service is not also provided. If the account
15 is opened in conjunction with a water service account, an administrative fee of fifty
16 dollars (\$50.00), covering both services, shall be charged. An administrative fee of
17 fifty dollars (\$50.00) per dumpster shall be charged to open up a new dumpster
18 service account if water service is not also provided. If the account is opened in
19 conjunction with water service, an administrative fee of twenty dollars (\$20.00) plus
20 fifty dollars (\$50.00) per dumpster, covering both services, shall be charged.
- 21 (f) *Commercial cart service fees and deposits.* Each commercial establishment and
22 each dwelling unit within multi-family buildings with more than four dwelling units
23 shall be charged as a unit.
- 24 (1) Basic cart service fee per unit, per month shall be ~~twenty-five dollars and~~
25 ~~eighty-five cents (\$25.85)~~ twenty-six dollars and seventy-five cents (\$26.75)
26 effective October 1, 20187.
- 27 (2) Additional second cart service and recycling fee per unit, per month shall be
28 ~~sixteen dollars and eighty-eight cents (\$16.88)~~ seventeen dollars and forty-
29 seven cents (\$17.47) effective October 1, 20183.
- 30 (3) Deposit per cart:
- 31 a. Property owner account \$60.00
- 32 b. Tenant account \$200.00
- 33 (g) *Commercial dumpster service fees and deposits.*
- 34 (1) The service fee for dumpster accounts is based on a volume and frequency
35 system using a per-cubic-yard rate to determine the monthly dumpster service
36 fee by utilizing the following formula:
- 37 a. (Size of dumpster × frequency of collection) × 4.33 weeks = Total cubic
38 yards per month × per-cubic-yard rate = Monthly dumpster service fee.

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1. The per-cubic-yard rate of ~~six dollars and fifty one (\$6.51)~~ six dollars and seventy—five cents (6.74) shall be effective October 1, 20187.

(2) If by customer request, or if needed to effect collection, dumpsters are required to have casters installed; the customer shall be charged a one-time fee of eighty dollars (\$80.00) per dumpster.

(3) If a dumpster must be manually moved by public works personnel to allow for collection from the dumpster, there shall be a recurring roll-out fee of ~~thirteen dollars and nineteen cents (\$13.19)~~ thirteen dollars and sixty-five cents (\$13.65) effective October 1, 20187 per dumpster, per service event.

(4) Deposits per dumpster:

a. Deposit requirement:

Service Events Per Week	Dumpster Size - Cubic Yards	Owner	Tenant
1—2	2—4	\$270.00	\$540.00
3—5	2—4	540.00	1,080.00
1—2	6—8	450.00	900.00
3—5	6—8	900.00	1,800.00

(h) For commercial cart service, in the event the city experiences increased solid waste disposal costs, it will seek to offset those increases in those circumstances, and using those procedures, as described in subsection 13-10(e) for residential cart fees. For dumpsters, the per-cubic-yard service fee will be increased to reflect the new increased solid waste tipping fee.

SECTION 3. Conflicting Ordinances. All prior ordinances or resolutions or parts thereof in conflict herewith are to the extent of said conflict, hereby determined to be of no force and effect during the time period of the moratorium.

SECTION 4. If any clause, section or other part of this Ordinance shall be held by any Court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

SECTION 5. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflicts.

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SECTION 6. It is the intention of the City Commission of the City of Oakland Park, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Oakland Park, Florida, and the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article," or such other word or phrase in order to accomplish such intention.

SECTION 7. This Ordinance shall be effective upon its passage and adoption by the City Commission of the City of Oakland Park.

PASSED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA, ON FIRST READING, THIS 12TH AY OF SEPTEMBER, 2018.

S. GUEVREKIAN	YES
M. SPARKS	ABSENT
M. CARN	YES
J. ADORNATO	YES
T. LONERGAN	YES

1 **PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF**
2 **OAKLAND PARK, FLORIDA, ON SECOND READING, THIS 20TH DAY OF**
3 **SEPTEMBER 2018.**

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CITY OF OAKLAND PARK, FLORIDA

MAYOR TIM LONERGAN

S. GUEVREKIAN _____
M. SPARKS _____
M. CARN _____
J. ADORNATO _____
T. LONERGAN _____

ATTEST:

RENEE M. SHROUT, CMC, CITY CLERK

LEGAL NOTE:

I hereby certify that I have approved the form of this Ordinance. (O-2018-024)

DONALD J.DOODY, CITY ATTORNEY