

ORDINANCE NO.: 1696-16

AN ORDINANCE OF THE CITY OF ALTAMONTE SPRINGS, AMENDING CHAPTER 17, "GARBAGE, TRASH AND WEEDS," OF THE ALTAMONTE SPRINGS CODE OF ORDINANCES, BY AMENDING ARTICLE I, "GENERAL PROVISIONS," BY AMENDING SECTION 17-3, "PRECOLLECTION PRACTICES," TO PROVIDE ADDITIONAL STANDARDS RELATING TO BEAR RESISTANT CONTAINERS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Seminole County, Florida, in an effort to reduce human-bear conflicts within urban areas, has recently enacted an ordinance setting forth certain requirements regarding refuse collection and practices in certain urban areas adjacent or in close proximity to undeveloped natural black bear habitat; and

WHEREAS, the City Commission of the City of Altamonte Springs, Florida wishes to amend the City's residential refuse collection regulations to comport with the recently enacted county regulations; and

WHEREAS, the City Commission of the City of Altamonte Springs, Florida finds that this ordinance protects the public health, safety and welfare of citizens and visitors to the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF ALTAMONTE SPRINGS, FLORIDA:

SECTION 1. Section 17-3, "Precollection practices", of Article I, "In General", of Chapter 17, "Garbage, Trash and Weeds", of the Altamonte Springs Code of Ordinances is hereby amended to read as follows:

Sec. 17-3. - Precollection practices.

(a) *Refuse containers.* Containers shall conform to the following criteria and be limited to the uses prescribed:

- (1) *i. General use refuse can.* This type container may be used for disposal of any authorized material. It must be used for disposal of garbage. They shall be constructed of metal or plastic and of a type commonly sold for the purpose. Capacity shall not exceed thirty-two (32) gallons. They shall have a tightly fitting lid and handles for lifting. Refuse cans which do not have properly fitting lids, or are otherwise defective shall be replaced by the owner.

ii. *Bear resistant containers.* Bear resistant containers shall be a fully enclosed residential refuse container of sturdy construction, with a reinforced lid. The lid must have a latch mechanism that prevents access to the contents by bears, and shall be containers from the Seminole County approved list of bear resistant residential refuse containers. Bear resistant containers shall be of 32, 64 or 95 gallon capacity.

Refuse containers shall be provided by the owner, tenant, lessee, or occupant of the premises. Refuse containers shall be maintained in good condition. Any container that does not conform to the provisions of this section, or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof, shall be promptly replaced upon notice. The director shall have the authority to refuse collection services for failure to comply herewith.

(2) *Refuse bag.* A plastic or paper bag commonly manufactured [for use] in the disposal of refuse. The bag shall not exceed thirty-two (32) gallons capacity. When refuse bags are utilized, the open end shall be securely fastened by means of the standard wire "twist," or some other suitable method, to prevent the bag from opening when handled. This type container shall be used only for light bulky materials, and garden trash.

(3) *Nonreusable, nonstandard containers.* This classification includes a variety of containers intended for disposal along with their contents. Typical examples are small cardboard cartons. Use is strictly limited to rubbish of types posing no threat of health hazard or injury if spilled. Loaded weight shall not exceed twenty (20) pounds.

(4) *General.* Loaded weight of containers (other than bear resistant containers as set forth in subsection (1) ii., above, and other than as set forth in subsection (3) above) shall not exceed fifty (50) pounds. The city assumes no responsibility for spillage due to failure of the containers utilized or overloading of containers.

(5) *Yard waste containers.* All yard waste must be separated from other solid waste and must be contained in standard thirty-two-gallon containers, bagged, or bundled in such a manner as to facilitate reasonably easy handling by collectors of the waste. If the yard waste is contained in standard thirty-two-gallon containers, bagged, or bundled, it should not exceed forty (40) pounds in weight. If the yard waste is bundled, no one (1) piece should exceed three (3) feet in length or four (4) inches in diameter.

(b) *Storing of refuse.*

(1) *Public places.* No person shall place any refuse in any street, alley, or other public place, or upon any private property, whether owned by such person or not, within the city except it be in proper containers for collection or under express approval granted by the director. Nor shall any person throw or deposit any refuse in any stream or other body of water.

(2) *Unauthorized accumulation.* Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within thirty (30) days after the effective date of this section shall be deemed a violation of this section.

(3) *Scattering of refuse.* No person shall cast, place, sweep or deposit anywhere within the city any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises within the city.

(4) *Urban Bear Management Areas.* Within Urban Bear Management Areas, which Areas are set by Seminole County, Florida, in Chapter 258 of the Seminole County Code of Ordinances, all refuse from residential properties must be secured with a functioning bear resistant container or secured within a house, garage, shed, or other secured structure at all times, with the exception of the placement of the containers at the designated collection location as set forth in subsection (c), below, during the times set forth in subsection (d) below.

(c) *Points of collection.* Containers shall be placed at the edge of the customer's property adjacent to the street or alley; provided, however, that the director of public service may make exception to the above regulation in the case of handicapped or infirmed persons upon receipt of properly executed medical statement and/or other authentication as he may deem to be adequate. Any person aggrieved by a decision of the director of public service may appeal to the mayor and thereafter to the city commission.

(d) *Time containers may be placed for collection.* All domestic containers shall be placed on the edge of streets or alleys in the manner provided above no earlier than 5:00 p.m. of the day preceding the day of collection, and shall be removed from the edge of such street or alley not later than 7:00 p.m. on such designated days; however, within Urban Bear Management Areas, containers shall not be placed at the designated collection location prior to 5:00 a.m. on the scheduled collection day and must be removed from the collection location and secured as soon as practicable after collection service has been provided, but not later than 7:00 p.m. on such designated days. The aforementioned time restrictions do not apply to bear resistant containers.

SECTION 2. Conflicts. Any and all Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.


SECTION 3. Severability. If any provisions of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

SECTION 4. Effective Date. This ordinance shall become effective immediately after passage.

PASSED AND ADOPTED THIS 16th DAY OF FEBRUARY, 2016.

FIRST READING: FEBRUARY 2, 2016

ADVERTISED: JANUARY 31, 2016



PAT BATES, MAYOR

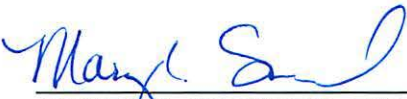
City of Altamonte Springs, Florida

ATTEST:



ERIN O'DONNELL, CITY CLERK

Approved as to form and legality
for use and reliance by the City
of Altamonte Springs, Florida



JAMES A. FOWLER, ESQ.
CITY ATTORNEY

