

ORDINANCE NO.: 08-24

AN ORDINANCE AMENDING CHAPTER 28 OF THE ORANGE PARK TOWN CODE; AMENDING THE DEFINITION SECTION, SERVICE PROCEDURES AND INCLUDING RATES AND CHARGES FOR MANDATORY SOLID WASTE COLLECTION; PROVIDING FOR CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

WHEREAS, on September 5, 2023, the contract for mandatory solid waste collection between the Town of Orange Park ("town") and Waste Management, Inc. of Florida ("franchisee") was amended ("Contract"); and

WHEREAS, the revised terms of the Contract adjusts the delivery and cost of solid waste collection and disposal services provided by the franchisee to the town; and

WHEREAS, modifications to the town ordinance code is necessary to reflect the current Contract terms, including, but not limited to, adding and amending certain definitions, service procedures, and including the revised rates and charges by ordinance rather than resolution; now therefore,

BE IT ORDAINED by the Town Council of Orange Park:

Section 1. Code Amended. Chapter 28 of the Orange Park Town Code is hereby amended, as follows:

Chapter 28 SOLID WASTE

* * *

ARTICLE II. ACCUMULATION AND COLLECTION

* * *

Sec. 28-20. Definitions.

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

* * *

Can or Receptacle means any steel, plastic, aluminum, or galvanized receptable or refuse bin of not more than 30 gallons or fifty (50) pounds full and shall be of the design that allows for easy lifting with two (2) handles. These receptacles are to have tight fitting lids. Heavy duty plastic or paper bags are also considered receptacles for yard waste only. Receptacles pertain to residential or commercial use.

Cart means a sixty-five gallon or ninety-five-gallon cart on wheels with attached lids serviced by collection vehicles with a side-arm (or tipper) that mechanically collects and empties the container for residential garbage and recycling collection. All carts must have imprinted on each of the main body a town logo town name as approved by the town and a serial number imprinted on another side of the main body.

* * *

~~Garbage can or refuse receptacle or bag means any steel, plastic, aluminum, or galvanized receptacle or refuse bin of not more than 30 gallons or 50 pounds full and shall be of the design that allows for easy lifting with two handles. These receptacles are to have tight fitting lids. Plastic bags of heavy mil construction are also considered garbage receptacles. Receptacles pertain to residential or commercial use.~~

* * *

Sec. 28-21. Mandatory solid waste collection.

- (a) The owner, ~~tenant or occupant~~ of every single-family dwelling, multi-family dwelling and commercial establishment within the boundaries of the town shall subscribe for solid waste collection service under the conditions and at the rates for solid waste collection set forth herein or authorized by this article.

* * *

Sec. 28-22. Residential dwelling receptacles collection.

- (a) The owner, ~~tenant or occupant~~ of each residential dwelling in the town/franchisee is hereby required to will provide carts refuse can or garbage receptacles of sufficient capacity to hold accumulation of refuse from each residential dwelling.
- (b) The franchisee shall collect residential refuse under the following conditions:
- (1) Refuse will be collected two times per week at curbside or street line in the town/franchisee distributed carts. Receptacles, as needed, Carts must be within three feet of curbside or street line. Maximum total weight per full receptacle shall not exceed 50 pounds. All carts-receptacles shall be located at a minimum of five feet from any obstruction that may interfere with routine collection. The content of the cart will only be collected. Items placed outside of the cart will not be collected. Franchisee shall provide back/side door residential collection services to disabled persons who are physically unable to place the cart at curbside at no additional cost to disabled resident as provided for in the franchise agreement.
- (2) Yard waste will be collected one time per week at curbside or street line. Yard waste is required to be containerized. Leaves and grass clippings shall be placed for collection in resident provided cans and receptacles. Yard waste refuse consisting of tree branches, palm fronds, brush, trimmings, and the like shall be cut in lengths

not exceeding five feet and not more than ~~four~~ six inches in diameter (length limitation does not apply to palm fronds). Accumulations shall be placed in compact piles at curbside or street line within the confines of side property lines. ~~Leaves and grass clippings should be placed in a separate pile from branches and limbs.~~ Piles of yard waste refuse shall be limited to ~~approximately~~ five cubic yards one time per week, which will be picked up during the weekly yard waste service. Deposits of yard waste shall not obstruct pedestrian or vehicular traffic. No yard waste shall be placed on property owned or occupied by others without permission.

- (3) Recyclable waste shall be collected one time every ~~other~~ ~~per~~ week at curbside or street line. All recyclable waste shall be placed in provided recycling ~~bins~~ bins ~~and~~ and sorted according to franchise hauler instructions.
- (4) All refuse receptacles shall be subject to inspection by the town or the franchisee. A receptacle not approved which is set out for collection will have a notice placed upon the receptacle or left at the residence and the owner, ~~tenant or occupant~~ shall no longer use the receptacle for collection. No person shall place refuse in an unapproved receptacle.
- (5) Waterproof disposable refuse bags or any other approved receptacles may not be used for recycling. Waterproof disposable refuse bags are allowed for garbage placed inside of carts, but no other receptacles are allowed. Waterproof disposable refuse bags and other approved receptacles are allowed for disposal of yard waste. When ~~the~~ bags or any other receptacles are used for yard waste, the responsibility for protection of either the bag or the receptacle and the contents shall rest with the property owner and/or occupant until collected. Rupture of or damage to the bag or receptacle from any cause resulting in the scattering of refuse prior to the arrival of collection personnel will obligate the owner and/or resident to reassemble all of the refuse and place said refuse in an undamaged bag or receptacle prior to pick-up.
- (6) All refuse must be placed for pick-up prior to 7:00 a.m. on any day scheduled for pick-up. Yard waste refuse may be placed at curbside up to four days prior to any scheduled day for pickup. Refuse shall

not be placed for pick up on Thanksgiving Day ~~or~~, Christmas Day or New Year's Day, or any other day when the franchisee advertises in a newspaper of general circulation or on the town's website that refuse will not be accepted.

- (7) All wet garbage matter shall either be wrapped in paper before being placed in refuse carts/receptacles or bundled so that leakage from cart/receptacle is prevented. Cans, bottles and other containers shall first be drained of all liquid. All refuse carts/receptacles shall be kept tightly covered at all times, except when it becomes necessary to lift the cover for the purpose of depositing refuse in the cart/receptacle or for the purpose of emptying such cart/receptacle into a disposal vehicle.
- (8) Storage of all refuse carts/receptacles when not set out for collection shall meet one or more of the following requirements:
 - a. Stored in the rear yard behind the primary residential structure.
 - b. Stored in a carport or garage.
 - c. Stored in a side yard of the primary residential structure adjacent to an exterior wall. In order to be deemed adjacent to an exterior wall, the refuse cart/receptacle shall be located not more than three feet from the exterior wall when measured from the nearest point of the cart/receptacle to the nearest point of the exterior wall. In no event shall the refuse cart/receptacle protrude forward from the edge of the exterior wall to which it is adjacent.
- (9) No refuse cart/receptacle shall be placed out for collection earlier than 5:00 p.m. on the day preceding that upon which refuse collections are customarily made from the premises. The carts/receptacles shall then be placed within the required distance of the street for the purpose of permitting the collection of refuse therefrom, and the carts/receptacles shall be permitted to remain in such places only for and during the period of the day upon which the collection is made. Protection of the carts/receptacles placed for collection is the responsibility of the owner and/or resident.
- (10) Special pick-up shall be coordinated with the owner and/or resident and the franchisee as to time, place, date and items to be picked up.

Sec. 28-25. Rates and charges for mandatory solid waste collection service.

All rates for mandatory solid waste collection shall be established by ~~resolution~~ordinance. The rates and charges for mandatory solid waste collection service are as follows:

- (a) Residential Waste, Recycling, White Goods and Yard Waste: \$32.00 per account per month.
- (b) Commercial Cart Service: \$50.00 per account per month.
- (c) Commercial Front End Loader Services: \$10.10 per cubic yard per account per pull/lift.
- (d) Commercial Recycling: As determined by agreement between the franchisee and the commercial entity.
- (e) Commercial Yard Waste: As determined by agreement between the franchisee and the commercial entity.
- (f) Commercial Bulky Waste: As determined by agreement between the franchisee and the commercial entity.
- (g) Commercial White Goods and Electronics: As determined by agreement with the franchisee and the commercial entity.
- (h) Commercial Back Door Service: As determined by agreement with the franchisee and the commercial entity.
- (i) Additional Collection Services: As determined by agreement with the franchisee and the customer.

Sec. 28-26. Solid waste collection services to be provided by franchisee.

- (a) All of the solid waste collection mandated by this article, with the exception of commercial recycling and construction site cleanup as authorized herein, shall be provided by the franchisee pursuant to the terms and conditions of an agreement between the town and the franchisee.
- (b) No person other than the franchisee or a town licensed construction cleanup contractor shall engage in or carry on within the limits of the municipality a private garbage and trash collection

service or enter into a business for the collection and disposal of solid waste.

- (c) The franchise hauler shall not allow residential collection trucks to begin collection of solid waste until on or after 7:00 a.m.

Sec. 28-27. Unauthorized collection of recyclable waste prohibited.

All recyclable waste matter is hereby declared to be the property of the town from and after the time of placement of the recyclable waste matter in a town provided ~~container~~ cart at the curbside or street line for collection by the town's authorized franchisee. It shall be unlawful for any entity, person, firm, corporation, association, government or government agency other than the town to collect, pick up or cause to be collected or picked up any recyclable waste matter placed at the curbside or street line for collection by the town's franchisee. Each separate act of collecting or picking up an item of recyclable waste matter in a town provided container shall constitute a separate violation of this section.

Sec. 28-28. Payment required.

No person shall fail or refuse to pay the solid waste collection fee provided for in ~~the resolution referenced in~~ section 28-25.

* * *

Sec. 28-30. Delinquent payments, penalties and administrative charges.

Every residential user of the solid waste collection service who is 20 days or more delinquent in paying solid waste collection fees shall pay or cause to be paid penalties and administrative charges in the following amounts: ~~set forth and pursuant to terms set forth in a resolution.~~

- (a) Delinquent Payment Penalty: One and one half percent (1 1/2%) of the delinquent payment amount per month.
- (b) Administrative Charge: \$25.00 per account.

Sec. 28-31. Responsibility for payment.

The owner, ~~tenant or occupant~~ of any premises in the town shall be responsible for the payment of solid waste collection fees.

* * *

Sec. 28-33. Deposits for collection services.

(a) *Deposit amount.* Every residential user of the solid waste collection service shall pay or cause to be paid a deposit in the amount of one hundred dollars (\$100.00) ~~set forth and pursuant to the terms set forth in a resolution.~~ except for the following:

Current residential property owners shall not be subject to a deposit requirement so long as during the preceding twenty-four (24) consecutive months the property owner's account:

- (i) Has not had a check returned for non-payment; and
- (ii) Has had no more than three (3) instances of a delinquent payment of a bill.

* * *

Section 2. Conflict. If any portion of this ordinance is in conflict with any portion of any other ordinance, then the provisions of this ordinance shall govern.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date. This ordinance shall become effective June 1, 2024.

Passed on first reading this 16th day of
April, 2024.

Passed on second reading this 21st day of
May, 2024.



MAYOR

ATTEST:



TOWN CLERK

FORM APPROVED:



TOWN ATTORNEY