

**ORDINANCE NO. 30-2021**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPE CANAVERAL, FLORIDA; AMENDING SECTION 2-300 OF THE CITY CODE RELATED TO THE CITY'S TRAVEL REIMBURSEMENT POLICY; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City is granted the authority, under Section 2(b), Article VIII, of the State Constitution, to exercise any power for municipal purposes; and

**WHEREAS**, the City also has the express authority to establish reasonable per diem and travel allowances pursuant to Section 166.021(4), Florida Statutes; and

**WHEREAS**, the City Council is aware that the U.S. General Services Administration (“GSA”) annually updates per diem and travel reimbursement allowances by destination for official government travel and that said allowances may be used to guide municipal per diem and travel allowances; and

**WHEREAS**, upon recent review of the current per diem and travel allowances permitted by GSA, the City Manager has determined several of the City's per diem and travel allowances are outdated and therefore, the City Manager is recommending that the City Council increase several of the City's per diem and travel allowance amounts to equal the maximum amounts allowed by GSA; and

**WHEREAS**, the City Council also desires to incorporate Google Maps into the City's travel policy for purposes of establishing a uniform and widely accepted standard for calculating mileage when mileage is necessary for reimbursement; and

**WHEREAS**, the City Council of the City of Cape Canaveral, Florida, hereby finds this Ordinance to be in the best interests of the public health, safety and welfare of the citizens of Cape Canaveral.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CAPE CANAVERAL HEREBY ORDAINS, AS FOLLOWS:**

**Section 1.**      **Recitals.** The foregoing recitals are hereby fully incorporated herein by this reference as legislative findings and the intent and purpose of the City Council of the City of Cape Canaveral.

**Section 2.** **Amending Section 2-300 of the City Code.** The City of Cape Canaveral Code of Ordinances, Section 2-300, is hereby amended as set forth below (underlined type

1 indicates additions and ~~strikeout~~ type indicates deletions, while \*\*\* indicate deletions from this  
2 Ordinance of said applicable Division that shall remain unchanged in the City Code):  
3

## 4 **CHAPTER 2 - ADMINISTRATION**

6 \*\*\*

### 7 **ARTICLE VII. TRAVEL REIMBURSEMENT POLICIES AND PROCEDURES**

#### 9 **Sec. 2-300. Reimbursement policy and procedures for official travel.**

- 10 (a) *Purpose.* It is the intent of this section to regulate official travel expenses of city officers,  
11 employees, and other authorized persons, as defined in F.S. § 166.021. It is also the intent of  
12 this section that the provisions of F.S. § 112.061, pertaining to municipalities, and any  
13 amendments, additions, or modifications to such provisions, shall be incorporated herein by  
14 reference, to the extent this section does not address a subject matter that is addressed in  
15 F.S. § 112.061, and that the provisions contained in this section shall be supplemental and in  
16 addition to the provisions of F.S. § 112.061. In the event of any conflict between this section  
17 and F.S. § 112.061, this section, in accordance with F.S. § 166.021, shall prevail.
- 18 (b) *Definitions.* For purposes of this article, the following terms shall have the meanings  
19 indicated:
- 20 (1) *Officer or public officer.* An individual who, in performance of his/her official duties is  
21 vested by law with sovereign powers of government, who is elected by the people  
22 (mayor and city council).
- 23 (2) *Employee or public employee.* The city manager or an individual, whether commissioned  
24 or not, other than an officer or authorized person as defined herein, who is filling a  
25 regular or full-time authorized position and is responsible to the city manager.
- 26 (3) *Authorized person.*
- 27 (A) A person, other than a public officer or employee, as defined herein, whether  
28 elected or commissioned or not, who is authorized by the city manager or city  
29 council to incur travel expenses in the performance of his official duties; or
- 30 (B) A person who is called upon the city to contribute time and services as consultant  
31 or adviser.
- 32 (4) *Traveler.* A public officer, public employee, or authorized person, when performing  
33 authorized travel.
- 34 (5) *Travel expense.* The usual, ordinary and incidental expenditures necessarily incurred by  
35 a traveler.
- 36 (6) *Common carrier.* Train, bus, commercial airline operating scheduled flights, or rental cars  
37 of an established rental car firm.

(7) GSA (General Services Administration). The Federal government agency tasked with managing government buildings and real estate, providing product and service procurement, and developing policies and regulations.

(8) GSA Rate or Amount shall mean the most current rate adopted by the GSA and in effect at the time the travel expense is incurred.

(c) *Authority to incur travel expenses.*

(1) All travel of public employees must be authorized and approved by the department head and city manager. Multiday travel of the city manager or a public officer must be approved by the city council.

(2) Day trips may be authorized by the department head without approval of the city manager.

(3) The city shall not authorize or approve such a request of a public employee unless it is accompanied by a signed statement listing the purpose of such travel, the dates and expenses involved, and a copy of the travel itinerary attached.

(4) Travel expenses of travelers shall be limited to those expenses necessarily incurred by them in the performance of a public purpose authorized by law to be performed by the city and must be within the limitations prescribed by this policy.

(d) *Computation of travel time for reimbursement.* For purposes of reimbursement and methods of calculating fractional days of travel, the following principles are prescribed:

(1) *Travel categories.* The following travel categories are prescribed:

*Class A.* Continuous travel of 24 hours (or more) away from the city.

*Class B.* Continuous travel of less than 24 hours with an overnight absence from the city.

*Class C.* Travel for short or day trips when the traveler is not away from the city overnight.

(2) *Travel reimbursements.* All travelers shall be reimbursed for the actual dollars spent with a maximum of the GSA rate for meals at the destination location. A detailed receipt is required for reimbursement. Reimbursements shall be made according to the following schedule:

(A) Meals for class B and class C shall be reimbursed for travel which:

(i) Breakfast - Begins before 6:00 a.m. and extends beyond 8:00 a.m., ~~\$8.00 for breakfast; or~~

(ii) Lunch - Begins before 12:00 noon and extends beyond 2:00 p.m., ~~\$10.00 for lunch; or~~

- (iii) Dinner - Begins before 6:00 p.m. and extends beyond 8:00 p.m. ~~or when travel occurs during nighttime hours due to special assignment, \$18.00 for dinner.~~
- (B) Meals for class A travel shall be authorized up to a maximum of the GSA rate for the destination location. A detailed receipt is required for reimbursement. \$36.00 per day in lieu of individual meal allowance rates.
- (C) When a traveler attends an event on the city's behalf and the fixed price of the meal exceeds the per meal allowance, the traveler shall be reimbursed the actual cost of the meal as authorized by the city manager.
- (D) Receipts shall not be required for meals on authorized overnight travel.
- (E) No traveler shall be reimbursed for meals gratuitously provided by another party.
- (F) No traveler shall be reimbursed for meals when travel is confined to the city or immediate vicinity, except as authorized by the city manager.
- (G) Reimbursement for overnight travel shall be for actual lodging expenses at the single occupancy rate, to be substantiated by paid receipts, and shall be reimbursed at a maximum of the current GSA lodging rate for the destination location.
- (H) Lodging will be reimbursed for out of county, multiday activities, and shall be reimbursed at a maximum of the current GSA rate for lodging at the destination location.
- (I) No sales tax shall be reimbursable to any person, unless the city is also required by law to pay such tax.
- (J) Items specifically disallowed for reimbursement purposes:
- (i) Alcoholic beverages;
  - (ii) Entertainment;
  - (iii) Any expenses incurred by dependents;
  - (iv) Attendance at political rallies; and
  - (v) Travel for the specific purpose of promoting the candidacy of an individual for public office.
- (K) Other reimbursable expenses:
- (i) Toll charges;
  - (ii) Taxi fares;
  - (iii) Parking and storage fees;

- 1 (iv) Fuel for city vehicle;
- 2 (v) Common carrier transportation—When required. (Must be approved by the
- 3 city manager);
- 4 (vi) Valet parking—When necessary;
- 5 (vii) Convention registration fees; and
- 6 (viii) Baggage handling at \$0.50 per bag up to \$2.00 upon arrival and departure.
- 7 (e) *Transportation.*
- 8 (1) In no circumstance shall the city vehicle be used for purposes other than authorized
- 9 official travel.
- 10 (2) All travel must be a usually traveled route. The city manager shall designate the most
- 11 economical method of travel for each trip.
- 12 (3) All employees should utilize municipal vehicles when traveling on official business. This
- 13 requirement insures adequate liability coverage in the event of an accident or injury. In
- 14 those instances when a city vehicle is not available, and with the prior approval of the
- 15 department head and the city manager, the use of privately owned vehicles may be
- 16 authorized. Whenever travel is by privately owned vehicles, calculating the mileage for
- 17 travel shall be deemed to start from the employee's usual city work building/location
- 18 (not from the employee's place of residence) to the official travel destination and the
- 19 traveler shall be entitled to a mileage reimbursement at the "standard mileage rate."
- 20 The standard mileage rate is set annually by the Internal Revenue Service. All mileage
- 21 shall be from point of origin to point of destination based on a current Google map
- 22 submitted with the travel expense report. Mileage will be based on the estimated most
- 23 direct Google map route.
- 24 (4) Travel reservation for official travel on a common carrier shall be made through the city's
- 25 purchasing division, or other group or individual designated by the city manager to
- 26 coordinate travel reservations. The purchasing division shall insure that travel is cost-
- 27 effective and pursuant to all procurement procedures adopted by the city.
- 28 (f) *Fraudulent claims.* Any individual receiving an allowance or reimbursement by means of a
- 29 false claim shall be liable for the amount of the overpayment, plus interest at a rate equal to
- 30 the average rate currently received on investments and may be subject to termination or
- 31 disciplinary action as provided by the City Charter, personnel policy or any other applicable
- 32 policy or law adopted by the city council.
- 33 (g) *Standard procedures.*
- 34 (1) *Travel voucher.* Travel expense reports, on a form prescribed by the city manager, shall
- 35 be submitted by all individuals performing official travel within ten working days of the
- 36 individual's return. Each approved travel expense report will be audited when received.

1 Individuals requesting reimbursement are responsible for mathematical computation.  
2 Any report which is not approved or properly prepared, or is prepared in such a way as  
3 to be unauditable, will be returned for resubmission. Travel authorization and all  
4 required receipts must be submitted with the expense report in order to claim a  
5 reimbursement.

6 (2) *Travel advances.*

7 (A) Travel advances for overnight travel must be requested at least two weeks in  
8 advance of the departure. An explanation as to the reason for travel, the amount  
9 of money and correct account to be charged must be indicated on the request.

10 (B) No travel advances will be made for class C travel. Due to tax implications,  
11 reimbursement will be made to the employee in the payroll following submission  
12 of approved expense report.

13 (C) Any unused portion of money advanced to a traveler shall be repaid immediately  
14 upon the return of the traveler. Any unused advance money not repaid within 15  
15 calendar days after return of the traveler shall accrue interest at the average rate  
16 currently received on city investments. Any city employee not repaying any unused  
17 portion of a travel expense advance within 30 days after his/her return will have  
18 his/her salary withheld by the city until repayment is made.

19 (D) In instances where a trip should arise for a member of the city council that does  
20 not provide ample notice to the council at a public meeting, then, with a minimum  
21 of 24 hours' notice, the traveler shall request the city manager to send a memo to  
22 the mayor, each council member, city attorney and city clerk advising them of the  
23 trip, departure date, justification and return date. At the first regular city council  
24 meeting after return from an official trip, the council member shall make a verbal  
25 report to the council on the text of the trip.

26  
27 **Section 3. Repeal of Prior Inconsistent Ordinances and Resolutions.** All prior  
28 inconsistent ordinances and resolutions adopted by the City Council, or parts of prior ordinances  
29 and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.  
30

31 **Section 4. Incorporation Into Code.** This Ordinance shall be incorporated into the  
32 Cape Canaveral City Code and any section or paragraph, number or letter, and any heading may  
33 be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical,  
34 and like errors may be corrected and additions, alterations, and omissions, not affecting the  
35 construction or meaning of this ordinance and the City Code may be freely made.  
36

37 **Section 5. Severability.** If any section, subsection, sentence, clause, phrase, word or  
38 provision of this Ordinance is for any reason held invalid or unconstitutional by any court of  
39 competent jurisdiction, whether for substantive, procedural, or any other reason, such portion  
40 shall be deemed a separate, distinct and independent provision, and such holding shall not affect

1 the validity of the remaining portions of this Ordinance.

2  
3 **Section 6. Effective Date.** This Ordinance shall become effective immediately upon  
4 adoption by the City Council of the City of Cape Canaveral, Florida, and pursuant to the City  
5 Charter.

6  
7 **ADOPTED** by the City Council of the City of Cape Canaveral, Florida, this 15th day of June,  
8 2021.

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10  
11  
12 **Bob Hoog, Mayor**

13  
14 ATTEST:

For

Against

15  
16 Mike Brown

17  
18 Robert Hoog

19  
20 Mickie Kellum

21  
22 Wes Morrison

23  
24 Angela Raymond

25  
26  
27 First Reading: April 20, 2021

28 Advertisement: June 3, 2021

29 Second Reading: June 15, 2021

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33 Approved as to legal form and sufficiency  
34 for the City of Cape Canaveral only by:

35  
36  
37 **Anthony A. Garganese, City Attorney**

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**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPE CANAVERAL, FLORIDA; AMENDING CHAPTER 62 – SOLID WASTE, REGULATING THE COLLECTION AND DISPOSAL OF SOLID WASTE AND CONSTRUCTION AND DEMOLITION DEBRIS WITHIN THE JURISDICTIONAL LIMITS OF THE CITY OF CAPE CANAVERAL; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS,** this Ordinance is adopted pursuant to the powers and authority granted to municipalities by the Florida Legislature under Chapters 166, 180, and 403, Florida Statutes, which powers and authority have been traditionally recognized by the courts; and

**WHEREAS**, solid waste collection and disposal is a traditional municipal function under Florida law, Bennett Electric Co. v. Village of Miami Shores, 11 F. Supp. 2d 1348 (S.D. Fla. 1998), and a city may require that it be the sole and exclusive provider of garbage service within its jurisdiction. United Sanitation Services of Hillsborough, Inc. v. City of Tampa, 302 So. 2d 435 (Fla. 2d DCA 1974); and

**WHEREAS**, the City Council desires to emphasize that the City has the exclusive right to regulate solid waste collection and disposal within the jurisdictional limits of the City in accordance with law; and

**WHEREAS**, Chapter 62 of the Cape Canaveral Code, and the existing exclusive Solid Waste Franchise Agreement approved in furtherance therewith by and between the City and Waste Pro of Florida, Inc., dated October 21, 2014, as renewed in 2019, provides that all property owners shall be required to utilize the solid waste services provided by the City in accordance with any the franchise and in accordance with other applicable law; and

**WHEREAS,** the City Council finds that the intrusion of any person, private or governmental entity or organization into the field of solid waste collection and disposal in violation of the City Code or any applicable City's franchise ordinance is a substantial threat to the public health, safety and welfare of the City and its residents and property owners and the legitimate governmental interest of the City to exclusively provide for the efficient and proper methods of collecting and disposing of solid waste within the jurisdictional boundaries of the City of Cape Canaveral. See Pahoake Housing Authority, Inc. v. South Florida Sanitation Company, 478 So. 2d 1107 (Fla. 4th DCA 1985) (rejecting housing authority's claim that state law exempted housing authority from county's exclusive solid waste franchise); United Sanitation Services of Hillsborough, Inc. v. City of Tampa, 302 So. 2d 435 (Fla. 2d DCA 1974) (garbage enterprise may not only be regulated but also exclusively performed as an essential part of a public service by a municipality even if the exclusive collection of garbage results in the complete preclusion of other such collections); West Coast



1 Disposal Service, Inc. v. Smith, 143 So. 2d 352 (Fla. 2d DCA 1962); and

2  
3 **WHEREAS**, the City Council declares that it is the City's intention to continue to exercise  
4 its authority to regulate the collection and disposal of solid waste within the City and to honor  
5 any franchise ordinance and agreement which is awarded by the City; and  
6

7 **WHEREAS**, the City Council desires to amend Chapter 62 of the City Code to strengthen  
8 compliance with such intention; and  
9

10 **WHEREAS**, the City Council also desires throughout Chapter 62 to clarify the use of the  
11 terms "solid waste" and "construction and demolition debris" given their respective definitions  
12 and different meanings, and the term "solid waste" only includes bulk trash, refuse, vegetative  
13 waste and recyclable materials or any combination thereof; and  
14

15 **WHEREAS**, the City Council of the City of Cape Canaveral, Florida, hereby finds this  
16 Ordinance to be in the best interests of the public health, safety and welfare of the citizens of  
17 Cape Canaveral.  
18

19 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CAPE CANAVERAL HEREBY**  
20 **ORDAINS, AS FOLLOWS:**

21 **Section 1.** **Recitals.** The foregoing recitals are hereby fully incorporated herein by  
22 this reference as legislative findings and the intent and purpose of the City Council of the City of  
23 Cape Canaveral.  
24

25 **Section 2.** **Amending Chapter 62 of the City Code.** The City of Cape Canaveral  
26 Code of Ordinances, Chapter 62, is hereby amended as set forth below (underlined type indicates  
27 additions and ~~strikeout~~ type indicates deletions, while \*\*\* indicate deletions from this Ordinance  
28 of said applicable Division that shall remain unchanged in the City Code):  
29  
30

## 31 **CHAPTER 62 – SOLID WASTE**

### 32 **Sec. 62-1. - Definitions.**

33  
34  
35 The following words, terms and phrases, when used in this chapter, shall have the  
36 meanings ascribed to them in this section, except where the context clearly indicates a different  
37 meaning:  
38

39 *Approved container means mechanical, roll-off, refuse, recycling and such other recycling*  
40 *containers provided by the collector and acceptable to the city.*  
41

42 \*\*\*

1        *Collector* means any person or entity authorized by license or franchise granted by the city  
2 to collect and remove solid waste, construction and demolition debris or such other waste  
3 regulated by the City.

4  
5        **Sec. 62-2. Procedures for violations Reserved.**

6  
7        ~~Violations of this chapter may be enforced by the code enforcement citation system~~  
8 ~~pursuant to Chapter 2, Article VI, Division 3 of this Code.~~

9  
10        **Sec. 62-3. Authority of city to collect.**

11  
12        Unless preempted by law, nNothing contained in this chapter shall be construed to prevent  
13 the city from creating or acting as its own solid waste, construction and demolition debris or other  
14 waste collection or disposal service or facility, either independently, exclusively or in conjunction  
15 with others.

16  
17        \*\*\*

18        **Sec. 62-5. Schedule of fees.**

19  
20        (a) Owners of any residential unit or commercial building within the city receiving  
21 collection and disposal services regulated by this chapter shall be required to pay solid waste  
22 applicable fees as established by the city council pursuant to this chapter. The schedule of fees is  
23 contained in appendix B to this Code and is subject to revision from time to time as may be  
24 necessary.

25  
26        (b) Failure of users to pay fees within 30 days of the billing date shall be a violation of  
27 this chapter. In addition, the city shall have the right to seek enforcement and collection of the  
28 overdue fee through civil proceedings in a court of competent jurisdiction, including a reasonable  
29 attorney's fee and costs, if such civil action is necessary.

30  
31        (c) All fees becoming due and payable on or after the effective date of the ordinance  
32 from which this chapter is derived shall constitute and are imposed as a special assessment lien  
33 against the real property served by the city solid waste collection service, and until fully paid and  
34 discharged shall remain liens equal in dignity with the city's ad valorem taxes, and superior in rank  
35 and dignity to all liens, encumbrances, titles and claims in, to or against the real property involved.  
36 Such fees shall become delinquent if not fully paid within 30 days after the due date. All delinquent  
37 service charges shall bear a late charge of ten percent of such fees due. Unpaid delinquent service  
38 charges, together with all late charges and fees imposed thereon, shall remain and constitute  
39 special assessment liens against the real property involved.

40  
41        (d) Each condominium association within the city will be responsible for the monthly  
42 condominium solid waste fee provided for in this chapter.

1           **Sec. 62-6. Complaint procedure.**

2  
3           The collector of solid waste, construction and demolition debris or such other waste  
4 covered by this chapter is obligated to promptly respond to all complaints concerning the quality  
5 or absence of collection service. All complaints with regard to ~~refuse and trash~~ collection service  
6 directed by this chapter shall be made to the city, and subsequently directed to the collector by  
7 the city manager or the city manager's designee.

8  
9           **Sec. 62-7. Transporting.**

10  
11           (a) All solid waste, construction and demolition debris or such other waste accumulated  
12 on real property within the City shall be collected, conveyed and disposed of by the City or its  
13 designated agents, licensees, or franchisees pursuant to the terms and conditions adopted by the  
14 City for the collection, conveyance and disposal of solid waste, construction and demolition debris  
15 or such other waste in accordance with law.

16  
17           (b) It shall be unlawful for any person or entity to provide solid waste, construction and  
18 demolition or such other waste collection and disposal services to real property located within the  
19 jurisdictional limits of the City without having first obtained a franchise or license from the City  
20 unless preempted by law. The City shall have the right to impose a franchise or license fee for the  
21 use of City rights-of-way, roads, streets, and other public ways.

22  
23           (c) It shall be unlawful for any person or entity to provide solid waste, construction and  
24 demolition debris or such other waste collection and disposal services to real property within the  
25 jurisdictional limits of the City in violation of this chapter or any applicable solid waste franchise  
26 or license granted by the City.

27  
28           ~~(d) Unless a person shall have been specifically authorized and licensed by resolution of~~  
29 ~~the city council to do so, it shall be unlawful for any person to transport solid waste through or~~  
30 ~~over the public streets or alleys of the city, except as otherwise provided in section 62-11(d). This~~  
31 ~~provision section~~ shall be liberally construed to protect the public health, safety and general  
32 welfare of the inhabitants of the city.

33  
34           **Sec. 62-8. Containers required.**

35  
36           (a) All owners, residents and all occupants of any residential unit and the owner, user,  
37 manager or occupants of any multiple-dwelling unit, or of any place or business or commercial  
38 establishment with[in] the city are required to provide at least one container to hold four days'  
39 accumulation of solid waste. Sunken containers are specifically prohibited.

40  
41           (b) A mechanical container or containers may be used as provided in this chapter. Such  
42 container shall be provided by the collector and the city manager shall first determine whether or  
43 not a mechanical container shall be provided to any owner, user, manager or occupant so

1 requesting a mechanical container. Multiple-dwelling units containing less than ten units may be  
2 provided a mechanical container at the discretion of the city manager. All commercial  
3 establishments (establishments other than professional offices or other offices) shall be required  
4 to have mechanical containers at the discretion of the city manager. Properties receiving  
5 residential services shall not be permitted to use mechanical containers.  
6

7 (c) It shall be the duty of the owner, manager, tenant or occupant of any multiple-  
8 dwelling unit to furnish or see that each unit with cooking facilities of said multiple dwelling is  
9 furnished or supplied with an individual refuse container or containers or mechanical container or  
10 containers adequate and sufficient in size to comply with the terms of this chapter. All such solid  
11 waste containers shall be kept tightly covered at all times except when it is necessary to lift the  
12 cover for disposal or removal of solid waste or to deposit solid waste therein. It shall be unlawful  
13 for any person to deposit solid waste in such amount in the individual refuse containers or  
14 mechanical containers that will not permit the cover thereof to be kept tightly in place.  
15

16 (d) Construction and demolition debris shall be collected and disposed of using roll-  
17 off containers or such other containers approved by the City. Construction and demolition debris  
18 services shall be provided by collectors who have been granted a license or franchise by the City.  
19

20 \*\*\*  
21

## 22 **Sec. 62-11. Unlawful acts.**

23

24 (a) *Obstruction.* It shall be unlawful for any person to park a motor vehicle in such a  
25 way that the collector cannot service mechanical or roll-off containers or otherwise to block access  
26 to such containers.  
27

28 (b) *Container of another.* It shall be unlawful for a person to place solid waste,  
29 construction and demolition debris or any other waste in a container assigned to another address,  
30 without written permission of the owner.  
31

32 (c) *Burning or burying of solid waste.* It shall be unlawful for any person to bury solid  
33 waste, construction and demolition debris or any other waste within the city. No such ~~solid~~ waste  
34 shall be burned within the corporate limits of the city.  
35

36 (d) *Unlawful accumulation.* It shall be unlawful for the owner, resident, occupant or  
37 manager or person responsible for any land or premises to permit, suffer or allow, either by  
38 commission or omission, any accumulation of solid waste upon premises or property within the  
39 city for a period longer than four days without having arranged for disposal of the accumulation  
40 by the collector to perform such services and it shall be unlawful and a violation of this chapter  
41 for any person, whether owner, resident, manager or occupant of any premises to fail to provide  
42 a sufficient number of solid waste containers per unit as provided in this chapter to amply provide  
43 for any four-day period of solid waste accumulation. Nothing contained in this section shall

1 prevent the owner or occupant, resident, manager or person responsible for the premises to  
2 remove accumulations of solid waste on their own behalf, to a proper place of disposal.

3  
4 (e) *Unlawful disposal.* It shall be unlawful to dump, deposit or dispose of solid waste,  
5 construction and demolition debris or any other waste upon the premises of another, or upon any  
6 street, alley, parkway or other public property, or any canal, ditch, water, waterway, river, ocean,  
7 beach, pool, pond or the like within the city or in the container of another, except that tenants of  
8 multiple dwellings or businesses, where authorized, may deposit such accumulations in containers  
9 which the owner or manager of the multiple dwelling or business building has authorized for the  
10 use of the tenants thereof.

11  
12 (f) *Hazardous waste.* It shall be unlawful for any person to dump, deposit or dispose  
13 of any hazardous waste in or around public/private refuse or mechanical containers from which  
14 the collector removes solid wastes for the city.

15  
16 (g) *Construction and demolition debris.* The contractor and owner of any active or  
17 inactive construction project shall be responsible for the clean-up and removal of  
18 all construction and demolition debris or any other miscellaneous discarded articles during the  
19 entire duration of the construction project and prior to receiving final inspection  
20 approval. Construction and demolition debris must be collected and stored in roll-off or other  
21 City approved containers and such containers must be regularly serviced by the collector when  
22 the container is full in order to avoid overflow of construction and demolition debris.

23  
24 \*\*\*

25 **Section 3. Repeal of Prior Inconsistent Ordinances and Resolutions.** All prior  
26 inconsistent ordinances and resolutions adopted by the City Council, or parts of prior ordinances  
27 and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

28  
29 **Section 4. Incorporation Into Code.** This Ordinance shall be incorporated into the  
30 Cape Canaveral City Code and any section or paragraph, number or letter, and any heading may  
31 be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical,  
32 and like errors may be corrected and additions, alterations, and omissions, not affecting the  
33 construction or meaning of this ordinance and the City Code may be freely made.

34  
35 **Section 5. Severability.** If any section, subsection, sentence, clause, phrase, word or  
36 provision of this Ordinance is for any reason held invalid or unconstitutional by any court of  
37 competent jurisdiction, whether for substantive, procedural, or any other reason, such portion  
38 shall be deemed a separate, distinct and independent provision, and such holding shall not affect  
39 the validity of the remaining portions of this Ordinance.

40  
41 **Section 6. Effective Date.** This Ordinance shall become effective immediately upon  
42 adoption by the City Council of the City of Cape Canaveral, Florida, and pursuant to the City  
43 Charter.

1       **ADOPTED** by the City Council of the City of Cape Canaveral, Florida, this 15th day of June,  
2 2021.

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7       \_\_\_\_\_  
8       **Bob Hoog, Mayor**

9 ATTEST:

For

Against

10  
11       Mike Brown

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12 \_\_\_\_\_  
13       **Mia Goforth, CMC**

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14       **City Clerk**

15       Mickie Kellum

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16  
17       Wes Morrison

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19       Angela Raymond

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22       First Reading: April 20, 2021

23       Advertisement: June 3, 2021

24       Second Reading: June 15, 2021

25  
26  
27  
28 Approved as to legal form and sufficiency  
29 for the City of Cape Canaveral only by:

30  
31 \_\_\_\_\_

32       **Anthony A. Garganese, City Attorney**