

ORDINANCE NUMBER 09-596

**AN ORDINANCE OF THE TOWN OF LAKE PLACID, FLORIDA
AMENDING CHAPTER 80, GARBAGE, RUBBISH AND REFUSE, OF
THE CODE OF THE TOWN OF LAKE PLACID; PROVIDING FOR
SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, several sections of the Town Code should be amended and deleted or relocated; and

WHEREAS, Notice of this proposed Ordinance was published at least ten (10) days prior to adoption in a newspaper of general circulation of the Town of Lake Placid; and

WHEREAS, two public hearings were held by the Town Council on said Ordinance on:

The 9th day of November, 2009

The 14th day of December 2009

WHEREAS, the proposed Ordinance was read by title, or in full at both public hearings; and

WHEREAS, it appears to be in the best interest of the Town of Lake Placid that the Ordinance be adopted;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF LAKE PLACID, FLORIDA:**

SECTION 1. ARTICLE III, SECTIONS 80-41 THROUGH AND INCLUDING 80-50 OF THE CODE OF THE TOWN OF LAKE PLACID, FLORIDA ARE AMENDED AS FOLLOWS, TO WIT:

ARTICLE III. COMMERCIAL COLLECTION

§ 80-41. Mandatory.

(a) The Town shall provide commercial ~~(non-dumpster)~~ garbage collection service to all commercial units within the Town limits. Subscription to the service shall be mandatory for all commercial units ~~except those whose garbage is being collected by a commercial licensed hauler franchised by the Town Council.~~ A monthly charge collection fee for the service the garbage collection service shall be imposed against the owner ~~or occupant~~ of each commercial unit within the Town. Said collection fee shall be paid on a monthly basis upon the same terms and provisions as provided for the collection of water revenue.

(b) Roll On Roll Off containers for the exclusive purpose of collecting construction and demolition debris may be obtained from any hauler; provided that the hauler's license is on file

with the Town Clerk; that the dumpster does not contain anything giving off an odor; and that the dumpster is emptied promptly when full. Construction and demolition dumpsters shall only be allowed on a premises with an active constructive or demolition on the subject property.

(c) The required number of pickups per week shall be determined by the Town based on the following volume:

- (1) Two (2) pickups per week for any commercial unit generating two (2) or less bags per pickup for a charge of twenty two dollars (\$22.00) per month.
- (2) Two (2) pickups per week for any commercial unit generating three (3) to five (5) bags per pickup for a charge of twenty-eight dollars (\$28.00) per month.
- (3) Commercial garbage in excess of the foregoing volumes (in the opinion of the Town's Public Works Director) shall be collected by dumpster only at the fees set out in this chapter, below.

(d) "Commercial garbage" shall mean paper, cardboard, wood, bottles, cans, glass, rags, and other large or bulky refuse and trash normally generated by a commercial business, and shall include animal, fruit and vegetable waste generated by a restaurant or other processor.

§ 80-42. Placement and removal of containers.

No plastic bags or containers shall be placed at street-side or alleyway for collection prior to 5:00 p.m. on the day prior to collection, and all containers shall be removed from street-side within twenty-four (24) hours of collection. The owner, tenant or occupant of each commercial business shall promptly clean up any spilled garbage, refuse or litter.

§ 80-43. Garbage from outside Town limits.

No business or person shall bring or transport garbage or refuse of any kind into the Town limits from outside the Town limits for purposes of collection by the Town.

§ 80-44. Hazardous wastes prohibited.

No business or person shall place at street-side or alleyway for collection, or place in any dumpster for collection, any hazardous wastes, biological or infectious wastes, radioactive, toxic, explosive, or highly flammable materials, or other dangerous substances, specifically including but not limited to gasoline and petroleum products, solvents, chemicals, acids, tires, batteries, explosives, sewage sludge, and industrial wastes.

§ 80-45. Yard trash excluded.

Tree limbs, grass clippings, leaves or other yard trash shall not be collected as a part of the Town's commercial garbage collection.

§ 80-46. Heavy debris.

Heavy debris, appliances, white goods, furniture, engine blocks, car bodies, construction or demolition debris, tires, or other bulky or heavy items shall not be collected as part of the regular commercial garbage collection service. At the discretion of the Town's Public Works Director, these items may be collected as part of a special commercial collection service, and a special collection fee shall be established on a case by case basis by the Town's Public Works Director.

§ 80-48. Violation; penalty.

Any person convicted of violating any provision of this article shall be subject to a civil penalty not to exceed one hundred dollars (\$100.00) for each violation of each section or subsection of this Chapter, with each day that a violation shall continue being counted as a separate and distinct violation. Additional violations of the same code shall be double.

§ 80-49. Commercial dumpster collection service.

The Town shall provide garbage collection service to commercial units within the Town limits by dumpster. The following monthly charge for the dumpster service is hereby imposed upon the commercial unit owner and service subscriber:

TABLE INSET:

Size Container	1 Pick-Up Per Week	2 Pick-Ups Per Week	3 Pick-Ups Per Week	4 Pick-Ups Per Week	5 Pick-Ups Per Week
1 Cu. Yd.	\$64.00	\$97.00	\$145.00	\$150.00	\$183.00
2 Cu. Yds.	\$77.00	\$110.00	\$160.00	\$211.00	\$264.00
3 Cu. Yds.	\$118.00	\$164.00	\$239.00	\$319.00	\$400.00
4 Cu. Yds.	\$158.00	\$219.00	\$319.00	\$426.00	\$549.00
6 Cu. Yds.	\$236.00	\$329.00	\$479.00	\$638.00	\$834.00
8 Cu. Yds.	\$314.00	\$440.00	\$638.00	\$850.00	\$993.00

§ 80-50. Deposits, collections, returned checks, duplicate bill and research fees.

(a) *Deposits.* Before commencing the dumpster collection service, the subscriber shall pay to the Lake Placid Town Clerk a deposit equal to six (6) weeks of the applicable dumpster service requested by the subscriber.

(b) *Collections.* Payment for the Town's garbage collection service is due when the bill is rendered. The bill becomes delinquent twenty (20) days after mailing. If payment has not been received by the next billing, the Town clerk shall apply so much of the deposit as is needed to pay the bill and collection shall cease until a new deposit is posted.

(c) *Returned checks.* The sum of twenty five dollars (\$25.00) or five (5) percent of the face amount of the check, draft, or order, whichever is greater, shall be charged to the customer for each check returned by the bank or other financial institution.

(d) *Duplicate bill.* A charge of one dollar (\$1.00) will be charged for every duplicate bill.

(e) *Research fee.* All record requests to determine prior service and payment will be performed by Town staff for a fee of ten dollars (\$10.00) per hour with a minimum charge of one (1) hour, payable in advance, unless the Town is found to be in error.

(f) *Discontinue service.* The Town shall discontinue all utility services (water, sewer and garbage collection) when the Town's garbage collection bill is 10 days past delinquent.

SECTION 2. SEVERABILITY. If any section, substance, clause, phrase or portion of this Ordinance is for any reason held invalid, or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective upon adoption by the Town Council of the Town of Lake Placid, Florida.

ADOPTED AND ORDAINED this 14th day of December 2009, by the Lake Placid Town Council.

TOWN OF LAKE PLACID, a Florida Municipal Corporation

By: _____
Thomas A. Katsanis, Mayor

(SEAL)

By: _____
Arlene J. Tuck, Municipal Clerk

THIS ORDINANCE WAS READ in full or by title on at least two (2) separate days in two (2) separate Town Council meetings (on the 9th day of November, 2009 and on the 14th day of December, 2009). Notice of the proposed enactment containing the Ordinance title, stating that a copy may be obtained at Town Hall, and stating the date, time and place of the above hearings and advising that interested parties may appear at the meeting and be heard with respect to the proposed ordinance was published at least once in the *Lake Placid Journal* on the 29th day of October, 2009, being at least ten (10) days prior to adoption.

Arlene J. Tuck, Municipal Clerk