

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, AMENDING CHAPTER 28 OF THE CITY CODE REGARDING SOLID WASTE MANAGEMENT BY UPDATING THE SINGLE-FAMILY RESIDENTIAL RECYCLING PROGRAM TO REFLECT CURRENT OPERATIONAL PROCEDURES; AMENDING THE MULTI-FAMILY RESIDENTIAL RECYCLING PROGRAM TO REQUIRE THE OWNERS OF MULTI-FAMILY RESIDENTIAL PROPERTIES TO PROVIDE A RECOVERED MATERIALS CONTAINER; ESTABLISHING A COMMERCIAL RECYCLING PROGRAM REQUIRING THE OWNERS OF COMMERCIAL ESTABLISHMENTS TO PROVIDE A RECOVERED MATERIALS CONTAINER; PROVIDING EXEMPTIONS; PROVIDING FOR THE ESTABLISHMENT OF COLLECTION FREQUENCIES AND OTHER REVISIONS TO OPERATIONAL AND BILLING PROCEDURES; CLARIFYING OWNERSHIP OF SOLID WASTE, HAZARDOUS MATERIALS, AND RECOVERED MATERIALS; AMENDING THE APPEAL PROCESS; ADDING AND UPDATING DEFINITIONS, TITLES, AND TERMS; PROVIDING LEGISLATIVE FINDINGS, AMENDING CHAPTER 5 OF THE CITY CODE TO PROVIDE PENALTIES, AND PROVIDING FOR SEVERABILITY, CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, Chapter 28 of the Code of the City of Orlando provides for the regulation and collection of solid waste and recovered materials in the City; and

WHEREAS, it is desirable to update the definitions, titles, and terminology used in Chapter 28 to reflect current governmental and commercial practices, as well as to conform with the definitions and provisions contained in Chapter 403 of the Florida Statutes; and

WHEREAS, it is further desirable to update Chapter 28 to recognize and reflect the current role of the Solid Waste Division Manager in implementing the requirements of Chapter 28 and overseeing the management and collection of solid waste and recovered materials in the City; and

WHEREAS, Chapter 28 currently provides for voluntary residential recycling in the City at both single-family and multi-family residential properties, but does not currently provide for a commercial recycling program; and

WHEREAS, there has been significant public interest in having the opportunity to recycle at both multi-family residential properties and commercial establishments; and

WHEREAS, the City Council of the City of Orlando, Florida, hereby finds that it is in the best interests of the City to amend the multi-family residential recycling program and establish a commercial recycling program by requiring multi-family residential property owners and the owners of commercial establishments to provide a recovered materials container for the collection of certain

recovered materials on their premises because these measures will enable the owners and occupants of multi-family residential property and commercial property to recover valuable materials which will reduce the amount of material being placed in landfills, and thus reduce the waste of natural resources; and

WHEREAS, the Legislature of the State of Florida encourages local governments to separate plastics, metal, and paper for recycling prior to disposal; and

WHEREAS, in Section 403.706(21), Florida Statutes, the Florida Legislature authorized local governments to adopt ordinances requiring recycling at residential, multi-family, commercial, and other establishments, consistent with the Legislature's goal of recycling 75% of the materials in the waste stream; and

WHEREAS, the City's new program establishes reasonable requirements, which are phased in over several years, thus accomplishing the Legislature's goals while minimizing the burden on property owners and occupants; and

WHEREAS, the amendments to Chapter 28 will promote and protect the public health, safety, and welfare, while fairly balancing and apportioning the cost and burden of the City's new requirements;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, AS FOLLOWS:

SECTION 1. SEC. 28.02, AMENDED. Section 28.02, Code of the City of Orlando, Florida is hereby amended as follows:

Sec. 28.02. Purpose.

It is the policy of the City of Orlando to enhance the beauty and quality of the environment, conserve and recycle natural resources, prevent the spread of disease and the creation of nuisances, and protect the public health, safety, and welfare of the general public through the adoption, administration and regulation of a solid waste management program.

SECTION 2. SEC. 28.04, AMENDED. Section 28.04, Code of the City of Orlando, Florida is hereby amended as follows:

Sec. 28.04. Definitions.

For the purposes of this Chapter the following terms, phrases, words, and their derivations shall have the meaning given to them in this section, except when the context clearly indicates otherwise:

(1) Affected Multi-Family Residential Premises. Multi-family residential premises that have four or more dwelling units and are subject to the requirements in Section 28.15(2), below.

(2) ~~(4)~~ Ashes. The residue from the burning of wood, coal, coke, or other combustible materials.

- (3) Cart. A container that is approved by the Division Manager, made with heavy-duty plastic or other impervious material, mounted on wheels, and used to store solid waste or recovered materials.
- (4) ~~(2)~~ City. ~~The City of Orlando, Florida~~ Depending on the context, the City means either (a) the geographic area contained within the municipal boundaries of the City of Orlando, Florida or (b) the government of the City of Orlando, Florida, acting through the City Council and its designees.
- (5) ~~(3)~~ Commercial Container. Any portable non-absorbent container approved by the ~~Director which~~ Division Manager that is used to store ~~large volumes of~~ solid waste from commercial ~~establishments~~ premises and ~~which~~ is emptied by mechanical means. Containers include but are not limited to roll off containers, dumpsters, and carts used for the collection of solid waste generated by commercial premises. ~~Every lot or parcel of land improved for occupancy which is not a residential premises, including, but not limited to lodges, churches, schools, motels, hotels, manufacturers, retail and wholesale establishments, warehouses and general offices.~~
- (6) Commercial Establishment. Any property or properties zoned or used for commercial or industrial uses, or used by an entity exempt from taxation under s. 501(c)(3) of the Internal Revenue Code, and excludes property or properties zoned or used for single-family residential or multi-family residential uses.
- (7) ~~(4)~~ Commercial Premises. Every lot or parcel of land that is improved for occupancy, but is not a residential premises. Commercial Premises includes improved property used primarily for: (a) commercial purposes, such as hotels, motels, offices, retail and wholesale stores, restaurants, other eating and drinking establishments, and service stations; (b) institutional purposes, such as government offices, churches, other religious facilities, hospitals, schools, and other educational facilities; and (c) industrial purposes, such as warehouses, and manufacturing and processing facilities.
- (8) ~~(5)~~ Commercial Recycler. Any ~~person or~~ business entity or other person registered with the ~~City of Orlando Solid Waste Management Division~~ to engage in the business of ~~collection of~~ collecting recovered materials from commercial ~~premises~~ establishments.
- (9) ~~(6)~~ Commercial Waste. Solid ~~Waste which~~ waste that is generated or otherwise originates ~~upon an~~ on commercial ~~premise~~ premises and is not intended for use or sale.
- (10) ~~(7)~~ Construction and Demolition Debris. ~~Construction~~ Discarded materials as defined in Section 403.703(6), Florida Statutes (2018). In general, construction and demolition debris ~~shall mean~~ means discarded materials generally considered to be not water-soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or demolition of a structure as part of a construction or demolition project or from the renovation of a structure, and including ~~includes~~ rocks, soils, tree remains, trees, and other vegetative matter ~~which~~ that normally results from land clearing or land development operations for a construction

project, including such debris from construction of structures at a site remote from the construction or demolition project site. Mixing of construction and demolition debris with other types of solid waste, including material from a construction or demolition site which is not from the actual construction or destruction of a structure, will cause ~~it~~the resulting mixture to be classified as other than construction and demolition debris.

(11) Curbside. A location adjacent to a road or right-of-way that abuts a customer's property and provides access for vehicles collecting solid waste or recovered materials. A curbside location must be within three (3) feet of the curb, the edge of the road, or the edge of the right-of-way.

(12) ~~(8)—Director of Public Works.~~ The City's Director of Public Works or the Director's designee(s). ~~The Director of Public Works of the City of Orlando or, his designee. Also referred to as the Director.(s).~~

(13) ~~(40)—Disabled Person Collection Service.~~ The special collection of solid waste and recovered materials from a premises residential premises where the adult occupants are determined by the Director or designee Division Manager to be physically unable to present the place their solid waste and recovered materials at curbside for collection. Disabled person collection service shall be provided at the customer's back yard, side yard, or other location selected by the Division Manager.

(14) ~~(9)—Division.~~ The City's Solid Waste Division. ~~(9)— Division. The Solid Waste Management Division of the City of Orlando.~~

(15) Division Manager. The Manager of the Division or the Manager's designee(s).

(16) Dwelling Unit. A room or rooms connected together and constituting a separate, independent housekeeping establishment for one family only, for occupancy periods of no less than thirty (30) consecutive days, and containing independent cooking and sleeping facilities.

~~(11)—Hazardous Trees.~~ ~~Trees containing limbs which are broken and hanging or broken and lodged wedged in such a fashion that they present an immediate threat to persons or adjoining properties.~~

(17) ~~(42)~~ Hazardous Waste. Solid ~~Waste~~waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or otherwise managed.

(18) Multi-Family Residential Premises. Every lot or parcel of land in the City that contains a building with two (2) or more dwelling units under one roof. Multi-family residential premises include but are not limited to land on which there is a duplex, triplex, apartment complex, condominium, townhouse, mixed-use building, or other building that contains two or more dwelling units.

(19) Occupant. Any person that occupies real property located in the City, whether as a tenant or otherwise.

- (20) Owner. A person that holds a legal or equitable estate in real property located in the City, whether alone or jointly with others, and whether in possession of the property or not. Owner includes any person that is in possession or control of the property, including any agent of the owner serving as a manager, executor, administrator, trustee, or guardian of the estate of the owner.
- (21) ~~(13)~~ Person. Any and all persons, natural or artificial, including any individual, firm, or association; any municipal or private corporation organized or existing under the laws of this state or any other state; any county of this state; and any governmental agency of this state or the Federal Government. ~~Any person, individual, firm, partnership, corporation, organization or association of any kind and its officers and/or partners, and any governmental agency or political subdivision of the State of Florida or Federal Government.~~
- (22) ~~(16)~~ Recovered Materials. Recovered materials means metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but the term does not include materials destined for any use that constitutes disposal. Recovered materials as described above are not solid waste.
- (23) ~~(14)~~ Recovered Materials Container. Any cart or other container or device approved by the Division Manager for the collection of recovered materials. Such containers shall be designed and constructed to ensure the safe containment and conveyance of the recovered materials placed therein. A recovered materials container used for affected multi-family residential premises or commercial establishments shall be clearly labeled with: (a) the term "For Recovered Materials Only;" (b) the name of the owner of the container; and (c) the types of recovered materials to be collected in the container. ~~(14) — Recovered Material Container. Any container, structure, or device approved by the Director for the purpose of serving as a container for the collection of recovered material. Such containers must be designed and constructed to insure the safe and hazard free containment and conveyance of the recovered material contained therein. A recovered material container used for commercial premises shall be clearly labeled with the term "For Recovered Material Only," and the name(s) of the recovered material(s) to be collected in the container~~
- (24) Recyclable Material. Materials that are capable of being recycled and that would otherwise be processed or disposed of as solid waste.
- (25) ~~(15)~~ Recycling. Any process by which solid waste, or materials which would otherwise become solid waste, are collected, separated, or processed and reused or returned to use in the form of raw materials or intermediate or final products. ~~(15) Recycling. Any process by which solid waste, or materials which would otherwise become solid waste, are collected, separated, or processed and reused or returned to use in the form of raw materials or products.~~
- (26) Recycling Cart. A cart used to store recovered materials and other source separated recyclable materials.

- (27) ~~(17)~~ *Residential Container*. A ~~universal wheeled refuse cart or~~, a sealed heavy duty plastic bag, or a compactor type paper bag, that is approved by the ~~Director~~Division Manager and used to store solid waste or recovered materials generated at residential premises. ~~Said~~Any such plastic or paper ~~bags~~bag shall not exceed thirty (30) gallons in capacity ~~or and shall not exceed~~ forty (40) pounds in weight when filled, whichever is less. ~~Said universal wheeled refuse cart shall be provided by the City or approved by the Director or his designee.~~
- (28) ~~(18)~~ *Residential Premises*. Every lot or parcel of land ~~which in the City that is~~ improved for occupancy as a single or multi-family residence, including, but not limited to a single family house, duplex, triplex, quadraplex, condominium, apartment complex, duplex, triplex, quadruplex, or or individually owned mobile home that is not engaged used or licensed as a business. If deemed necessary by the ~~Director, multi-unit dwellings may be billed as commercial premises for accounting purposes only.~~
- (29) ~~(19)~~ *Roll Off Container*. A ~~refuse~~large metal container, ten (10) cubic yards or greater in size, ~~that is mechanically emptied by rolling the entire container on and used for the collection of solid waste or recovered materials, that is rolled off of a hoist on truck vehicle or trailer made for that purpose when the container is placed at a site and then rolled onto the vehicle or trailer when the container is transported to another location.~~
- (30) ~~(20)~~ *Solid Waste*. ~~Solid Waste means sludge~~Sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. Recovered materials as defined in this ~~code~~Section 28.04 are not solid waste.
- (31) ~~(21)~~ *Solid Waste Collection Services*Service. The collection of solid waste collection service ~~from residential premises and commercial premises in the City.~~ Solid waste collection services may be provided by the City, its agents, licensees, franchisees or contract other representatives, consisting of residential curbside and ~~Solid waste collection services include but are not limited to residential collection service, disabled person collection and commercial service, multi-family residential premises collection provided to residential and service, commercial premises within the City of Orlando collection service, and special collection service.~~
- (32) ~~(22)~~ *Source Separated*. Source separated means ~~the~~ recovered materials are separated from solid waste where the recovered materials and solid waste are generated. The term does not require that various types of recovered materials be separated from each other and recognizes de minimis solid waste, in accordance with industry standards and practices, may be included in the recovered materials. Materials are not considered source separated when two or more types of recovered materials are deposited in combination with each other in a commercial container located where the materials are generated and when such materials contain more than ten (10) percent solid waste by volume or weight.

(23) ~~Weeds. Plants that by reason of abandonment, lack of care or lack of maintenance, choke out growth of other plant material in the area. Dead, dying or unattended plant life, named or unnamed, which is abandoned or overgrown shall, for the purpose of this Code, be defined as a weed.~~

(33) (24) Yard Trash. Vegetative matter resulting from landscaping maintenance and land-clearing operations and includes associated rocks and soils.

SECTION 3. SEC. 28.05, AMENDED. Section 28.05, Code of the City of Orlando, Florida is hereby amended as follows:

Sec. 28.05. - Solid Waste Collection Provided Exclusively By City; Exceptions.

(1) All solid waste accumulated in the City shall be collected, conveyed and disposed of by the City or its designated agents, licensees, franchises or contract representatives under the direction of the Division pursuant to the terms and provisions of this Chapter, and such rules and regulations as the DirectorSolid Waste Division Manager shall prescribe for the collection, conveyance and disposal of such solid waste.

(2) No other person shall collect, convey over any of the streets or alleys of the City or dispose of any solid waste accumulated in the City except as follows:

(a) *Commercial Waste.* This section shall not prohibit the producers of commercial waste, or the owner of premises upon which commercial waste has accumulated, from personally collecting, conveying, and disposing of commercial waste if such service is not provided by the City, its licensees, franchisees, contract representatives, or any other duly authorized representative of the City; subject to the rules and regulations of the DirectorSolid Waste Division Manager.

(b) *Construction and Demolition Debris.* This section shall not prohibit the producers of construction and demolition debris, or the owner of premises upon which construction and demolition debris has accumulated from personally collecting, conveying, and disposing of construction and demolition debris subject to the rules and regulations of the DirectorSolid Waste Division Manager.

(c) *Outside Collectors.* This article shall not prohibit collectors of solid waste which has been collected outside the City limits from hauling such solid waste over city streets; provided that such collectors comply with the provisions of this Chapter, rules and regulations of the DirectorSolid Waste Division Manager, and any other governing law or ordinance of the City.

SECTION 4. SEC. 28.06, AMENDED. Section 28.06, Code of the City of Orlando, Florida is hereby amended as follows:

Sec. 28.06. ~~Director of Public Works;~~ Supervision, Regulations, Appeal from Regulations.

(1) Rules and Regulations. All solid waste accumulated in the City shall be collected, conveyed and disposed of under the supervision of the ~~Director of Public Works, or his designee.~~ The DirectorSolid Waste Division Manager. The Solid Waste Division Manager is hereby authorized to adopt and amend reasonable rules and regulations concerning the collection,

conveyance, and disposal of solid waste as he shall deem necessary, including but not limited to, regulations concerning the days of collection, type and location of containers, and fees for special solid waste services.

- (2) *Appeals.* Any person aggrieved by a ~~fee charged, rule or regulation of the Director, adopted or fee charged, amended, or other provision of this ordinance~~ decision or determination of the Solid Waste Division Manager, shall have the right to appeal such action to the ~~City Council, which~~ City's Public Works Director by filing written notice of appeal within thirty (30) calendar days after such person knows or should have known of the decision or other action giving rise to the appeal. The Director shall have the authority to confirm, modify or revoke any such rule, regulation, fee or provision, determination, decision or other action. The Director's action shall constitute final City action on the matter.

SECTION 5. SEC. 28.07, AMENDED. Section 28.07, Code of the City of Orlando, Florida is hereby amended as follows:

Sec. 28.07. - Residential Premises.

(1) *Schedule of Fees.*

- (a) Single Family Dwelling Unit. Any single family ~~living~~ dwelling unit with kitchen facilities: Fifteen and 85/100 dollars (\$15.85) per month shall be charged for residential curbside solid waste collection.
- (i) ~~(b)~~ Multi-Family with Two or More Bedrooms. Any multi-family ~~unit~~ dwelling consisting of two or more bedrooms and which is individually billed and located on multi-family residential premises: Fourteen and 71/100 dollars (\$14.71) per month shall be charged for residential City-furnished solid waste container collection service.
- (ii) ~~(c)~~ Multi-Family Efficiency or One Bedroom. Any multi-family ~~unit~~ dwelling consisting of an efficiency or one bedroom unit ~~and which that~~ is individually billed and located on multi-family residential premises: Twelve and 45/100 dollars (\$12.45) per month shall be charged for residential City-furnished solid waste container collection service. Efficiency or one bedroom units must be qualified through a certification procedure established by the Solid Waste ~~Management~~ Division. Rate will become effective upon completion of this requirement with no retroactive credits allowed.
- (b) ~~(d)~~ Rooming House. Rooming houses shall be charged the applicable commercial rate for solid waste service.
- (e) Residential Multi-Unit Not Individually Billed. Residential multi-unit dwellings not billed individually shall be billed as a commercial premises and charged the applicable commercial rate for solid waste service.
- (f) ~~(e)~~ Disabled Person Collections. A premise Collection Service. Residential premises where all adult residents qualify for disabled person collection service shall be charged the rate for a single family ratedwelling unit.
- (g) Solid Waste Deposits. The City of Orlando through the Orlando Utilities Commission shall collect on all new residential customers a cash deposit to guarantee the payment of solid waste bills. Such deposit shall be at least Fifty Dollars (\$50.00) for solid

waste service and shall be handled in accordance with the Administrative Policy of the Orlando Utilities Commission.

- (2) *Collection Frequency.* Solid Waste accumulated by residential premises shall be collected ~~twice~~ once each week, except as otherwise deemed necessary by the ~~Director~~ Solid Waste Division Manager.

- (4) *Location of Containers/Bundles for Collection.*

- (a) All residential containers or bundles shall be placed upon the curbside no earlier than 5:00 p.m. of the day before scheduled residential curbside collection and no later than 6:00 a.m. of the day of scheduled collection. The ~~Director~~ Solid Waste Division Manager may approve the placement of approved containers upon the curbside at an earlier time as ~~he~~ the Division Manager deems necessary. All containers must be removed from the curb-line by 6 a.m. of the day after collection. The City may impose a Twenty-Five dollar (\$25.00) roll-back fee if the customer fails to remove the container within the specified time frame and the City is required to do so.
- (b) Residential premises receiving backyard collection service will utilize a collection point designated by the ~~Director~~ Solid Waste Division Manager.

- (5) *Limitation as to Quantity.* A limit of 96 gallons of solid waste will be collected per single family residence per collection day, unless otherwise approved by the ~~Director~~ Solid Waste Division Manager.

SECTION 6. SEC. 28.08, AMENDED. Section 28.08, Code of the City of Orlando, Florida is hereby amended as follows:

Sec. 28.08. - Commercial Premises.

- (1) *Schedule of Fees.*

- (a) *Non-City Containers.* A minimum fee of Twenty-Five and 58/100 Dollars (\$25.58) per month shall be charged for commercial solid waste collection service without the use of City-furnished commercial containers. Any and all non-City furnished commercial containers are subject to the review and approval of the ~~Director or his designee~~ Solid Waste Division Manager prior to use and the ~~Director~~ Solid Waste Division Manager shall determine whether such service can be provided without the use of City-furnished commercial containers.
- (b) *City-Furnished Containers.* A fee of Five and 88/100 Dollars (\$5.88) per cubic yard shall be charged for commercial solid waste collection service using City-furnished commercial containers; provided, however, that each commercial premise shall pay a minimum fee of Twenty-Five and 58/100 Dollars (\$25.58) per month.
- (i) Commercial recycling collection service using City-furnished commercial recycling containers shall be charged a fee set by the ~~Director~~ Solid Waste Division Manager that is less than the fee charged for solid waste collection, and which shall be based on both operational costs and the current processing rate for recycled materials.

- (c) *Compacted Solid Waste.* Where the collection of compacted solid waste is approved by the ~~Director~~Solid Waste Division Manager, the fee shall be Twelve and 37/100 Dollars (\$12.37) per cubic yard.
- (2) *Collection Frequency.* Owners of commercial premises shall enter into an agreement with the ~~Director~~Solid Waste Division Manager for the frequency of solid waste collection. When solid waste collection frequency, container size, and/or solid waste container type are affected by commercial recycling, the ~~Director~~Solid Waste Division Manager shall have the sole authority to determine the effect and/or change caused by commercial recycling on solid waste collection frequency, container size and/or solid waste container type. Where deemed necessary by the ~~Director~~, ~~the Director~~Solid Waste Division Manager, the Solid Waste Division Manager shall also have the authority to require that more frequent solid waste collections be made.
- (3) *Approved Containers.*
- (a) *Furnished by City.* Where deemed necessary by the ~~Director~~Solid Waste Division Manager, the City will furnish a commercial container to ~~the user~~a customer subject to ~~his compliance with~~ the rules and regulations governing the use of City-owned commercial containers.
- (b) *Furnished by ~~User~~Customer.* Where deemed necessary by the ~~Director~~Solid Waste Division Manager, due to volume, weight or content of solid waste, the ~~user~~customer shall be required to furnish the commercial container, the type and use of which may be specified by the ~~Director~~Solid Waste Division Manager.
- (4) *Location of Commercial Containers for Collection.*
- (a) *Location.* The location of commercial containers serviced by the City, its designated agents, licensees, franchisees or contract representatives shall be designated by the ~~Director~~Solid Waste Division Manager.
- (b) *Change of Location.* Once the location of the commercial container has been designated by the ~~Director~~Solid Waste Division Manager, no change of location is permissible without the approval of the ~~Director~~Solid Waste Division Manager.
- (c) *Location Requirements.* The owner-occupant of commercial premises needing solid waste collection shall provide the Division with location(s) for the placement of commercial container(s) that meet the requirements of City Code Sections 58.951—58.955 and other safety and accessibility standards determined by the ~~Director~~Solid Waste Division Manager. All costs of preparation of the commercial container sites and safe access routes shall be paid by the owner-occupant.
- (5) *Unauthorized Use of Containers.*
- ****
- (b) *Sharing Commercial Containers.* The ~~Director~~Solid Waste Division Manager may require commercial premises to share the use of commercial containers provided by the City.

SECTION 7. SEC. 28.09, AMENDED. Section 28.09, Code of the City of Orlando, Florida is hereby amended as follows:

Sec. 28.09. - General Provisions.

The following provisions of this section shall apply to the collection of residential and commercial solid waste, ~~industrial waste, commercial waste, yard trash, etc.~~ and recovered materials within the City of Orlando:

(1) *Fees.*

- (b) *Adjustment of Fees.* The charges established in Sections 28.07(1) and 28.08(1) of this Code shall be automatically increased by four (4.0) percent on October 1 of each year unless City Council affirmatively acts not to impose the scheduled increase in any given year. This increase shall not apply to the Solid Waste deposit set forth in Section 28.07(1)(dg).
- (c) *Delinquent Accounts.* All accounts shall be delinquent if not paid as provided in the invoice reflecting the charges for the service rendered. All delinquent accounts may result in the termination of collection service without notice. If a delinquent account is not paid within thirty (30) days, the ~~Director~~ Solid Waste Division Manager shall terminate all solid waste or recovered material collection for the account, unless otherwise directed by the ~~City Council~~ Public Works Director.
- (d) *Waiver of Fees.* The ~~Director~~ Solid Waste Division Manager shall have the authority to waive the solid waste or recovered material collection fee(s) provided for in sections 28.07(1) and 28.08(1) should an investigation reveal that a commercial or residential premise does not generate any solid waste or recovered material, and thereby does not require solid waste or recovered material collection service by the City or any of its franchisees, licensees ~~or contract representatives,~~ or other legally authorized person. If at any time during a billing period, it becomes necessary for the City to provide solid waste or recovered material collection service to a commercial or residential premise, the particular premise shall be billed as though it had utilized the solid waste or recovered material collection service for the whole billing period. This subsection shall not be construed to allow any person to violate any provisions of this or any other chapter of the City Code.
- (e) *Newly Annexed Commercial Premises.* The ~~Director~~ Solid Waste Division Manager shall also have the authority to deviate from the solid waste or recovered material collection fee(s) provided for in Section 28.08(1) allowing for a fee adjustment grace period for newly annexed commercial premises. The Solid Waste ~~Management~~ Division shall maintain solid waste or recovered material collection fee(s) currently in effect prior to said annexation for a one-year period, with a one-year extension at the sole option of the City, as determined by the ~~Director~~ Solid Waste Division Manager. The charges for solid waste collection of said premises shall be billed and collected in such a manner as the City Council shall from time to time establish. Delinquent accounts shall be handled in the manner provided for in Section 28.09(1)(bc) herein. Notwithstanding anything else contained herein, the City shall comply with the applicable requirements in Section 171.062, Florida Statutes, when dealing with newly annexed areas.

(2) *Storing of Solid Waste- or Recovered Material*. No person shall place any solid waste or recovered material 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 in metal, plastic, or other type containers under express approval of the ~~Director~~Solid Waste Division Manager. Nor shall any person throw or deposit any solid waste or recovered material in any lake, stream or other body of water.

(a) *Unauthorized Accumulation*. Any unauthorized accumulation of solid waste or recovered material on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of solid waste or recovered material within such period as may be fixed in a written or printed notice by the ~~Director~~Solid Waste Division Manager posted on the premises or delivered to the owner-occupant of the premises shall be deemed a violation of this article.

(b) *Scattering of Solid Waste- or Recovered Material*. No person shall cast, place, sweep or deposit anywhere within the City any solid waste or recovered material upon any street, sidewalk, alley, sewer, parkway or other public place or in any 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 premises within the City.

(3) *Preparation of Solid Waste or Recovered Material for Collection*.

(a) *Solid Waste*. All solid waste and recovered materials shall be drained of all liquid before being placed in approved containers for collection. All cans and bottles which have contained food or foodstuffs shall be thoroughly rinsed and drained before being placed in approved containers for collection.

(b) *Construction and Demolition Debris*. Construction and Demolition Debris shall be consolidated by the owner thereof, or the owner of the premises, subject to the rules and regulations of the ~~Director~~Solid Waste Division Manager.

(c) *Ashes*. Containers for the deposit of ashes within shall be made of metal. Ashes must be cold before being placed in containers for collection.

(d) *Maintenance of Containers*. It shall be the responsibility of the commercial establishment or the residential owner-occupant and occupants of a residential premise to maintain the containers, bags, bundles, piles, ~~etc~~and other materials placed for collection.

(e) *Amendments*. The ~~Director~~Solid Waste Division Manager shall have the authority to amend the above preparation regulations if in his opinion such amendments would protect the public health, safety and welfare of the citizens of Orlando.

(4) *Yard Trash*.

(a) *Collection Frequency*. Yard trash accumulated by residential and commercial premises shall be collected pursuant to the schedule established by the ~~Director~~Solid Waste Division Manager.

(c) *Location of Containers/Bundles for Collection*. The yard trash containers or bundles shall be placed upon the curbside no earlier than 5:00 p.m. of the day before the

scheduled curbside collection and no later than 6:00 a.m. the day of the scheduled curbside collection. The ~~Director~~Solid Waste Division Manager may approve the placement of such containers or bundles of yard trash upon the curbside at an earlier time as he deems necessary.

SECTION 8. SEC. 28.10, AMENDED. Section 28.10, Code of the City of Orlando, Florida is hereby amended as follows:

Sec. 28.10. - Special Solid Waste Problems.

- (2) *Flammable or Explosive Solid Waste.* Highly flammable or explosive materials shall not be placed in containers for regular collection but shall be disposed of as directed by the ~~Director~~Solid Waste Division Manager at the expense of the owner or possessor thereof.

SECTION 9. SEC. 28.11, AMENDED. Section 28.11, Code of the City of Orlando, Florida is hereby amended as follows:

Sec. 28.11. - Collection by Construction and Demolition Debris Producers and Outside Collectors.

- (1) *Collection and Transportation.* The producers of construction and demolition debris, or the owner of premises upon which construction and demolition debris is produced who personally collect, convey and dispose of construction and demolition debris as provided in Section 28.05(2)(b) of this Code, shall be subject to the rules and regulations of the ~~Director~~Solid Waste Division Manager, and vehicles used by such producers shall be approved by the ~~Director~~Solid Waste Division Manager. Collectors of solid waste from outside the City who transport solid waste over the streets of the City, shall use a watertight container for transportation of such solid waste, provided with a tight cover, and the container shall be so constructed and maintained so as to prevent offensive odors from escaping therefrom and to prevent solid waste from being blown, dropped or spilled.
- (2) *Disposal.* Disposal of solid waste by persons so permitted under the above shall be made outside the City, unless otherwise specifically authorized by the ~~Director~~. ~~The Director~~Solid Waste Division Manager. The Solid Waste Division Manager shall have the authority to permit the disposal of such material at a designated disposal site.
- (3) *Rules and Regulations.* The ~~Director~~Solid Waste Division Manager shall have the authority to make such other reasonable regulations concerning individual collection and disposal and relating to the hauling of solid waste over City streets by outside collectors as he shall find necessary, subject to the right of appeal as set forth in Section 28.06(2) hereof.
- (4) *Solid Waste Property of City.* Ownership of solid waste placed in solid waste collection containers provided by the City or deposited on the City disposal site shall be vested in the City. However, notwithstanding anything else contained in the City Code, the ownership of, title to, and responsibility and liability for any hazardous waste or hazardous substance shall

remain with the generator of such waste or substance at all times, even if such waste or substance is placed in a City collection container or disposal site.

SECTION 10. SEC. 28.12, AMENDED. Section 28.12, Code of the City of Orlando, Florida is hereby amended as follows:

Sec. 28.12. - Prohibited Acts.

The following acts are prohibited and an offense against the City:

(1) *Decaying Matter.* No person shall place or deposit or cause to be placed or deposited upon any streets, sidewalks, or public or private premises any decaying flesh or vegetable matter or other noisome thing which is obnoxious to neighbors or passersby or which endangers the health of the public. The failure by such person to remove the decaying matter within twenty-four (24) hours after receipt of the ~~Director's~~ Division Manager's order to remove the same, without just cause, shall be a violation of this article.

(2) *Keeping Hides, Rags or Other Offensive Matter in or upon Commercial Premises.* No person shall keep a deposit of green or dry hides or filthy rags, bones, guano or any other matter or things of offensive or noisome odors in or upon ~~his~~their commercial premise. The Director, Orange County Health Officer or Division Manager shall order any person keeping such nuisance to remove the same within twenty-four (24) hours. A failure by such persons to comply with such order, without just cause, shall be a violation of this article.

(5) *Sweepings.* No merchant or storekeeper shall sweep ~~his~~their place of business or store upon the street, but the sweepings shall be gathered into an approved container and placed at a location approved by the ~~Director~~Division Manager as herein provided.

(6) *Discharging Foul Water, ~~or~~ Decaying Flesh, ~~etc.,~~ on Streets or Premises.* No person shall discharge on any street or alley, or on ~~his~~their own ~~premise,~~premises or the premises of another, any foul or fetid water, or throw thereon any decaying flesh or vegetable or other offensive or noisome matter.

(8) *Responsibility of Owner/Occupant.* No person having custody or control of residential or commercial premises from which solid waste, construction and demolition debris, or recovered material is collected in the City of Orlando shall permit or cause any such material within ~~his~~their control, to become a hazard to public travel, health, or safety, or to become a nuisance of any sort.

SECTION 11. SEC. 28.14, AMENDED. Section 28.14, Code of the City of Orlando, Florida is hereby amended as follows:

Sec. 28.14. - Purpose and Declaration of Policy.

This ~~article~~Article III has been created ~~due~~in response to the ~~great~~significant public interest in ~~preserving the environment by~~ reducing the amount of solid waste sent to landfills. ~~Because of the solid waste disposal problems~~Given the environmental and ~~potential solution to some of these~~

~~problems provided by economic benefits of recycling, it shall be the policy of the City of Orlando to encourage the source separation and recycling of recyclable materials to the fullest greatest extent possible, practicable, subject to the conditions and limitations herein.~~

SECTION 12. SEC. 28.15, AMENDED. Section 28.15, Code of the City of Orlando, Florida is hereby amended as follows:

Sec. 28.15. - Collection of Recovered ~~Material~~Materials at Residential and Commercial Premises.

(1) Recycling Program for Single Family, Duplex, and Triplex Residences. ~~Single-Family Residential Recycling Program.~~

(a) Residential Recycling Program. The City hereby establishes a recycling program for single family, duplex, and triplex residences in the City. The Division Manager shall designate the recyclable materials that will be collected pursuant to this recycling program. Residents who wish to participate in this recycling program shall separate the designated recyclable materials from their solid waste and then place the recovered materials in a recycling cart. The recycling cart and its contents shall be placed at curbside no earlier than 5:00 p.m. of the day before the scheduled collection and no later than 6:00 a.m. of the scheduled collection day. ~~There is hereby established a voluntary single-family residential recycling program within the City of Orlando. Those residents who voluntarily participate in the recycling program established hereby shall separate recyclable materials designated by the Director from other solid waste and place such recyclable materials in the recyclable material containers furnished by the City. The recyclable material containers shall be placed at the street curb or curblane (curbside) for collection no earlier than 5:00 p.m. of the day before scheduled collection and no later than 6:00 a.m. of the day of scheduled collection. If the recyclable materials are too numerous to fit into the City furnished containers, then the recyclable material may be stacked and bound with a non-metallic substance (e.g., rope, string or plastic), or placed in a large brown paper bag approved by the Director, and placed adjacent to the recyclable material containers on approved collection dates.~~

(b) ~~Limitation as to No Limits on Quantity.~~ There shall be no limit on the volume of recovered material that may be set out by a resident for collection at curbside by the City. However, the weight of the recovered material placed in a recycling cart shall not exceed the maximum weight limit shown on the cart. There shall be no weight limit on recyclable materials placed in the plastic recyclable material containers furnished by the City. If the recyclable material is stacked and bound pursuant to section 28.15(1)(a) above, then each stack shall not exceed forty (40) pounds in weight.

(c) Ownership of Recovered Material. When the generator (owner) of any recovered materials places such material at curbside for collection by the City, the title to and ownership of such material shall transfer to and vest automatically in the City. ~~Ownership of recovered materials placed in containers provided by the City pursuant to the recycling program established hereby and the rules and regulations issued hereunder, shall be vested in the City of Orlando. Furthermore, it~~ It shall be a violation of this ordinance Chapter 28 for any person (other than the City's authorized personnel ~~of the~~

City of Orlando) to collect, pick up, or ~~cause to be collected or picked up~~, remove any such ~~recovered~~ material after the material has been placed at curbside.

(d) ~~Exclusive Collection by City-Prohibited Acts/Penalty.~~ Recovered material that is placed at curbside pursuant to this Section 28.15(1) shall be collected, conveyed and managed exclusively by the City or its designated agents, licensees, franchisees, or representatives, who shall comply with the directions, rules, and regulations prescribed by the Division Manager pursuant to this Chapter 28.

(i) ~~It shall be unlawful to place putrescible materials or any other solid waste in the recyclable material containers furnished by the City. Only recyclable material shall be placed in the designated recyclable material containers.~~

(ii) ~~It shall be unlawful for any unauthorized person to remove any recyclable material from a recyclable material container. Any person found guilty of violating this provision shall be punished by a fine of not more than one hundred dollars (\$100.00) per violation.~~

(2) ~~Recycling Program for Multi-Family Residential Premises. Multi Family Residential Recycling Program.~~

(a) ~~Multi-Family Recycling Program.~~ The City hereby establishes a recycling program for multi-family residential premises in the City that have four or more dwelling units (i.e., affected multi-family residential premises). In accordance with the schedule for implementation set forth in Section 28.15(2)(d) below, the owners of all such multi-family residential premises shall implement and at all times thereafter maintain a recycling program that complies with the requirements in this Section 28.15(2). There is hereby established a voluntary multi-family residential recycling program within the City of Orlando. Those residents who voluntarily participate in the recycling program established hereby shall separate recyclable materials designated by the Director from solid waste and place such recyclable materials in the recyclable material containers furnished by the City. The location of the recyclable material containers shall be jointly designated by the City and each individual multi-family community's managing body.

(b) ~~Recyclable Materials; Collection. Ownership of Recyclable Material.~~ The recycling program shall provide an on-site system for the separation and collection of the following recyclable materials:

- (i) Mixed paper and newspaper;
- (ii) Corrugated cardboard and paperboard;
- (iii) Glass containers;
- (iv) Plastic containers #1 through #7; and
- (v) Metal and aluminum cans.

The owner of each affected multi-family residential premises shall provide or arrange for the provision of one or more containers for the collection of recovered materials on their property. The recovered materials containers shall be sized and in sufficient numbers to satisfy the reasonable needs of the residents, tenants, and other occupants of the property. Recovered materials containers shall be placed only in locations on the property that comply with the requirements of the City Code governing the placement of such containers. The Solid Waste Division Manager may suspend the requirement for on-site

~~separation and collection of one or more of the recyclable materials listed above in the event that market conditions or other good cause exists for such suspension. From the time of placement of the recyclable material in the recyclable material containers pursuant to the recycling program established hereby, such materials shall become and be the property of the City of Orlando. Furthermore, it shall be a violation of this ordinance for any person (other than authorized personnel of the City of Orlando) to collect, pick up, or cause to be collected or picked up, any such recyclable material.~~

(c) *Recycling Verification Form. Prohibited Acts.* On or before the applicable implementation date set forth in Section 28.15(2)(d), below, the owner of each affected multi-family residential premises shall submit a recycling program verification form to the Division Manager. The form is available from the City and may be found on the City's webpage. When completing this form, the owner shall provide sufficient information to demonstrate that the recycling program for the owner's property complies with the requirements in this Section 28.15(2). At a minimum, the owner shall provide the following information:

- (i) The address of the multi-family residential premises;
- (ii) The contact information for the person responsible for the management of the multi-family residential premises;
- (iii) The name and telephone number of the company providing collection service for recovered materials at the multi-family residential premises;
- (iv) The size, type, and number of containers being used to collect recovered materials;
- (v) The location(s) of the recovered materials container(s) on the property; and
- (vi) Such other information as the Division Manager may request.

An updated verification form shall be submitted by the owner within thirty (30) days if there are any changes to the recycling program. An updated verification form also shall be submitted within thirty (30) days if the owner receives a request from the Division Manager for updated information.

- ~~(i) It shall be unlawful to place putrescible materials or any other solid waste in the recyclable material containers furnished by the City. Only recyclable material shall be placed in the designated recyclable material containers.~~
- ~~(ii) It shall be unlawful for any unauthorized person to remove any recyclable material from a recyclable material container. Any person found guilty of violating this subsection shall be punished by a fine of not more than one hundred dollars (\$100.00) per violation.~~

(d) *Recycling Implementation Schedule.* Multi-family residential premises having four or more dwelling units shall establish and implement their recycling program in compliance with the following schedule:

- (i) Within thirty (30) days after the issuance of a certificate of occupancy or certificate of completion for property that is newly developed or substantially improved, if the first application for a building permit for the new development or substantial improvement was filed with the City on or after October 1, 2019.

- (ii) On or before April 1, 2020, for multi-family residential premises with 250 or more dwelling units, unless the recycling program must be implemented earlier pursuant to subsection (i) above.
- (iii) On or before April 1, 2021, for multi-family residential premises having 75 or more dwelling units, but less than 250 dwelling units, unless the recycling program must be implemented earlier pursuant to subsection (i) above.
- (iv) On or before April 1, 2023, for multi-family residential premises having four or more dwelling units, but less than 75 dwelling units, unless the recycling program must be implemented earlier pursuant to subsection (i) above.

(e) Exemptions. Exemptions from the requirements of this Section 28.15(2) may be granted, in whole or in part, by the Division Manager upon such terms as the Division Manager deems appropriate. Applications for an exemption shall be submitted in writing to the Division Manager on forms provided by the Division. Applications shall contain the information requested by the Division Manager. Applications may be granted if:

- (i) A requirement in this Section 28.15(2) is incompatible with a requirement in another City ordinance or applicable law, and no waiver of the other requirement has been granted;
- (ii) There is not sufficient space available on the property for the storage of the recovered material container(s);
- (iii) The requirements in Section 28.15(2) will cause the applicant to suffer financial or other hardships that are not shared generally by the multi-family residential premises complying with such requirements;
- (iv) The residents of the property only generate a negligible amount of the designated recyclable materials;
- (v) The owner has entered into a contract with a duly licensed person for the post-collection separation of recyclable materials, which will achieve a level of recycling that is comparable to the results achieved with source separation before collection; or
- (vi) Other good cause for relief is demonstrated, as determined by the Division Manager.

An exemption may be granted for as long as the exemption is needed, as determined by the Division Manager, but an exemption shall not exceed a period of one year. However, the owner may request and the Division Manager may approve the issuance of a new exemption on the same or a different basis.

(f) Recordkeeping. The owner of multi-family residential premises subject to the requirements in Section 28.15(2) shall maintain records demonstrating compliance with all of its requirements, including but not limited to copies of collection contracts and invoices. The owner's records must demonstrate that recovered materials were collected and removed from the owner's property in compliance with the requirements herein. The records shall be maintained for a period of five (5) years after such collection occurred. Copies of the owner's records shall be provided to the City for inspection within thirty (30) days after they are requested in writing by the Division Manager.

(g) Inspections. The City may inspect any multi-family residential premises to determine whether the premises is in compliance with the requirements of this Section 28.15(2).

(3) Recycling Program for Commercial Establishments.

(a) Commercial Recycling Program. The City hereby establishes a recycling program for commercial establishments in the City. In accordance with the schedule for implementation set forth in Section 28.15(3)(d), below, the owners of all commercial establishments in the City shall implement and at all times thereafter maintain a program that complies with the requirements in this Section 28.15(3). If a leaseholder or occupant of the commercial establishment is responsible for providing or arranging for the provision of solid waste collection services to the commercial establishment, that person also shall be responsible for complying with all of the requirements imposed on the owner pursuant to this Section 28.15(3). The recycling program must provide a reasonable opportunity for recycling by the owner and each occupant of the commercial establishment, subject to the requirements and conditions herein. Buildings, commercial centers, office parks, and other properties with multiple tenants or other occupants may implement a single on-site recycling program that is shared by the owner and all of the participating occupants.

(b) Recyclable Materials; Collection. The recycling program shall provide an on-site system for the separation and collection of the following recyclable materials:

- (i) Mixed paper and newspaper;
- (ii) Corrugated cardboard and paperboard;
- (iii) Glass containers;
- (iv) Plastic containers #1 through #7; and
- (v) Metal and aluminum cans.

Each owner of a commercial establishment in the City shall provide or arrange for the provision of one or more containers for the collection of recovered materials on their property. The recovered materials containers shall be sized and in sufficient numbers to satisfy the reasonable needs of the owner and all occupants on the property. Recovered materials containers shall be placed only in locations on the property that comply with the requirements of the City Code governing the placement of such containers. The Solid Waste Division Manager may suspend the requirement for on-site separation and collection of one or more of the recyclable materials listed above in the event that market conditions or other good cause exists for such suspension.

(c) Recycling Verification Form. On or before the applicable implementation date set forth in Section 28.15(3)(d), below, the owner of each commercial establishment shall submit a recycling program verification form to the Division Manager. The form is available from the City and may be found on the City's webpage. When completing this form, the owner shall provide sufficient information to demonstrate that the recycling program for the owner's commercial establishment complies with the requirements in this Section 28.15(3). At a minimum, the owner shall provide the following information:

- (i) The address of the commercial establishment;

- (ii) The contact information for the person responsible for the management of the commercial establishment;
- (iii) The name and telephone number of the company providing collection service for recovered materials at the commercial establishment;
- (iv) The size, type, and number of containers being used to collect recovered materials on the commercial establishment;
- (v) The location(s) of the recovered materials container(s) on the property; and
- (vi) Such other information as the Division Manager may request.

An updated verification form shall be submitted by the owner within thirty (30) days if there are changes to the recycling program. An updated verification form also shall be submitted within thirty (30) days if the owner receives a request from the Division Manager for updated information.

(d) *Recycling Implementation Schedule.* Commercial establishments shall create and implement their recycling program in compliance with the following schedule:

- (i) Within thirty (30) days after the issuance of a certificate of occupancy or certificate of completion for property that is newly developed or substantially improved, if the first application for a building permit for the new development or substantial improvement was filed with the City on or after October 1, 2019.
- (ii) On or before April 1, 2020, for each commercial establishment where there is a building with 200,000 or more square feet of floor space, unless the recycling program must be implemented earlier pursuant to subsection (i) above.
- (iii) On or before April 1, 2021, for each commercial establishment where there is a building with 100,000 or more square feet of floor space, but less than 200,000 square feet, unless the recycling program must be implemented earlier pursuant to subsection (i) above.
- (iv) On or before April 1, 2023, for all remaining commercial establishments.

(e) *Exemptions.* Exemptions from the requirements of this Section 28.15(3) may be granted, in whole or in part, by the Division Manager upon such terms as the Division Manager deems appropriate. Applications for an exemption shall be submitted in writing to the Division Manager on forms provided by the Division. Applications shall contain the information requested by the Division Manager. Applications may be granted if:

- (i) A requirement in this Section 28.15(3) is incompatible with a requirement in another City ordinance or applicable law, and no waiver of the other requirement has been granted;
- (ii) There is not sufficient space available on the property for the storage of the recovered materials container(s);
- (iii) The requirements in Section 28.15(3) will cause the applicant to suffer financial or other hardships that are not shared generally by the commercial establishments complying with such requirements;
- (iv) The commercial premises only generate a negligible amount of the designated recyclable materials;
- (v) The owner has entered into a contract with a duly licensed person for the post-collection separation of recyclable materials, which will achieve a level of

- 875 recycling comparable to the results achieved with source separation before
 876 collection; or
 877 (vi) Other good cause for relief is demonstrated, as determined by the Division
 878 Manager.

879 An exemption may be granted for as long as the exemption is needed, as determined by
 880 the Division Manager, but an exemption shall not exceed a period of one year. However,
 881 the applicant may request and the Division Manager may approve the issuance of a new
 882 exemption on the same or a different basis.

883 (f) Recordkeeping. The owner of a commercial establishment subject to the requirements
 884 in Section 28.15(3) shall maintain records demonstrating compliance with all of its
 885 requirements, including but not limited to copies of collection contracts and invoices.
 886 The owner's records must demonstrate that recovered materials were collected and
 887 removed from the owner's property in compliance with the requirements herein. The
 888 records shall be retained for a period of five (5) years after such collection occurred.
 889 Copies of the owner's records shall be provided to the City for inspection within thirty
 890 (30) days after they are requested in writing by the Division Manager.

891 (g) Inspections. The City may inspect commercial establishments to determine whether the
 892 establishment is in compliance with the requirements of this Section 28.15(3).

893 (h) Limitations on City Requirements. Notwithstanding anything else herein, nothing
 894 contained in this Chapter 28 shall require a commercial establishment that generates
 895 source-separated recovered materials to sell or otherwise convey its recovered materials
 896 to the City or to a facility designated by the City, nor may the City restrict the commercial
 897 establishment's right to sell or otherwise convey such recovered materials to a properly
 898 certified recovered materials dealer who has satisfied the requirements of Section
 899 403.7046, Florida Statutes. Nothing in this Chapter 28 shall prevent such a dealer from
 900 entering into a contract with a commercial establishment to purchase, collect, transport,
 901 process, or receive source-separated recovered materials. A commercial establishment
 902 that self hauls, or sells or conveys such recovered materials to a dealer, shall maintain
 903 adequate records evidencing such disposition, including scale or sale receipts from the
 904 dealer or properly licensed recovered materials facility, and shall make such records
 905 available to the Division Manager for inspection upon thirty (30) days written notice.

906 (4) Ownership of Recyclable Material. When recyclable material or recovered materials are
 907 placed in a recovered materials container provided by the City, such material shall become
 908 the property of the City.

909 (5) Containers for Solid Waste. Any commercial establishment or multi-family residential
 910 premises that is required to have a recovered materials container pursuant to this Section 28.15
 911 also shall have a separate container for the collection of solid waste, unless the Division
 912 Manager concludes a separate container is not necessary because the establishment or
 913 premises does not generate solid waste or the establishment or premises is otherwise exempt
 914 from the requirement to have a solid waste container.

915 (6) Prohibited Acts.

(a) ~~It shall be unlawful to place putrescible materials, hazardous waste, or any other solid waste in the recyclable material containers~~ a recovered materials container furnished by the City or any properly licensed person. Only recovered materials and other source separated recyclable material materials shall be placed in ~~the designated recyclable material containers~~ a recovered materials container.

~~(ii) b~~ It shall be unlawful for any unauthorized person to remove any ~~recyclable material~~ recovered materials from a ~~recyclable material~~ recovered materials container. Any person found guilty of violating this provision shall be punished by a fine of not more than one hundred dollars (\$100.00) per violation.

~~(7) (3)~~ *Residential Recycling Provided Exclusively by City; Exceptions.*

~~(a) All recyclable material from residential premises shall be collected, conveyed and disposed of by the City or its designated agents, licensees, franchise or contract representatives under the direction of the Division pursuant to the terms of this Article, and such rules and regulations as the Director shall prescribe, except as follows:~~

~~(b)~~ (a) *Non-Profit Organizations.* This ~~section~~ Section 28.15 shall not prohibit a non-profit or charitable ~~organizations~~ organization that is not engaged in the business of ~~recycling~~ collecting recovered materials or solid waste ~~collection~~ on an ongoing basis from collecting, conveying, and recycling ~~of recovered material~~ materials on a temporary basis in order to fund their charitable activities or for other charitable purposes. ~~Non-However, a non-profit organizations~~ organization shall not collect from or otherwise use City-owned ~~recycling~~ recovered materials containers to collect recovered materials.

~~(c)~~ (b) *Multi-Family Recycling and Commercial Recovered Materials Franchises/ and Contracts.* The City may provide collection services or enter into contracts or grant non-exclusive franchises, ~~as permitted by Florida Statute, to persons, to firms, or corporations, or other persons~~ for the collection, conveyance, or recycling of recyclable materials which that are generated on or originate upon from multi-family residential premises and commercial establishments within the City ~~on such~~, subject to terms and conditions as the City ~~may deem~~ deems appropriate. ~~Only the City and those persons, firms, or corporations having such a contract or franchise with the City may engage in the collection, conveyance, or recycling of recyclable materials which originate upon multi-family residential premises within the City. Any person found guilty of violating this section shall be punished by a fine of not more than one hundred dollars (\$100.00) per violation.~~

SECTION 13. SEC. 28.16, AMENDED. Section 28.16, Code of the City of Orlando, Florida is hereby amended as follows:

Sec. 28.16. - Registration of Persons Engaged in Commercial Recycling Within the City.

1) *Authority.* The City may provide collection or enter into contracts or grant non-exclusive franchises, as permitted by Florida Statute, to persons, firms, or corporations for the collection, conveyance, or recycling of recovered materials from commercial ~~premises~~ establishments within the City limits.

(2) It shall be unlawful for any person to engage in the business of collection of recovered material generated at commercial ~~premises~~ establishments within the City of Orlando

(service), without that person first making written application for and obtaining the appropriate occupational license and registering as a Commercial Recycler with the Division.

- (a) An applicant seeking to engage in the business of collection of recovered material from commercial ~~premises~~establishments shall register with the Division by submitting the following information:

- (7) Evidence of vehicle insurance and vehicle registration for all vehicles to be used in ~~recycling~~recovered material collection.

Registration shall be in the form of an Application Letter containing the information included in § 28.16(2)(a) herein. The Application Letter must be completed and submitted to the ~~Director~~Solid Waste Division Manager for approval at least ten (10) calendar days prior to the proposed commencement of service. A Registration Identification Number will be issued to all approved applicants and is valid for one (1) calendar year from the initial registration date.

- (3) Recovered material shall be source separated as defined in Section 28.04(~~230~~) at the site of each commercial ~~premises~~establishment and placed only in recovered material containers approved by the ~~Director~~Solid Waste Division Manager and clearly labeled with the term "For Recovered Material Only."

- (4) Persons or business entities registered as Commercial Recyclers pursuant to Section 28.16(1) herein shall prepare and submit to the ~~Director~~Solid Waste Division Manager a quarterly report on or before the twenty-fifth (25th) day following the end of such Commercial Recycler's fiscal month. Such report shall contain the following:

Repeated failure by any Commercial Recycler to submit ~~monthly~~ reports to the Division within the specified time periods as contained in Section 28.16(~~34~~) herein shall be a violation of this Chapter and shall allow the City to temporarily or permanently revoke the authority of a Commercial Recycler to engage in the business of collection of recovered materials within the City. In the event of such violation, the Division Manager shall notify the Commercial Recycler in writing of such violation, and the Commercial Recycler shall have thirty (30) days (Period) from the receipt of such notice to correct (Correction) the condition giving rise to such notice. If the Correction is not made to the Division Manager's satisfaction within the Period, the Division Manager shall make recommendation to the Chief Administrative Officer that the Commercial Recycler's privileges granted herein are 1) temporarily revoked; or 2) permanently revoked. Such decision shall be made by the Chief Administrative Officer.

SECTION 14. SEC. 28.17, AMENDED. Section 28.17, Code of the City of Orlando, Florida is hereby amended as follows:

Sec. 28.17. -~~Director~~- Solid Waste Division Manager Authorized to Adopt Regulations.

The ~~Director~~Division Manager is hereby authorized to adopt and amend reasonable rules and regulations to implement the collection of recyclable materials as detailed in this Chapter. Any person aggrieved by such rules and regulations shall have the right to appeal as provided in Section 28.06(2) herein.

SECTION 15. SEC. 5.19, CHAPTER 5, AMENDED. Section 5.19, Chapter 5, Orlando City Code, is hereby amended as follows:

Sec. 5.19. - Classes of Violations and Reduced Civil Penalties.

(2) Violations of City codes and ordinances which constitute civil infractions for which citations may be issued are as follows:

Code/Ordinance Chapter or Section	Description	Class
****	****	****
<u>CH. 28, SOLID WASTE MANAGEMENT</u>	****	****

<u>Article III. (Sec. 28.14 through 28.18)</u>		
	<u>Recycling</u>	<u>I</u>

SECTION 16. CODIFICATION. The City Clerk and City Attorney shall cause the Code of the City of Orlando, Florida, to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 17. SCRIVENER'S ERRORS. The City Attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the City Clerk.

SECTION 18. SEVERABILITY. If any section, subsection, sentence, 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 portion hereto.

SECTION 19. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, the _____ day of _____, 2019.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, the _____ day of _____, 2019.

DONE, THE SECOND READING AND PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando, Florida, at a regular meeting, the _____ day of _____, 2019.

BY THE MAYOR OF THE CITY OF
ORLANDO, FLORIDA

Buddy Dyer, Mayor

ATTEST, BY THE CLERK OF THE
CITY COUNCIL OF THE CITY
OF ORLANDO, FLORIDA:

City Clerk

Print Name

APPROVED AS TO FORM AND LEGALITY
for the use and reliance of the
City of Orlando, Florida, only.

_____, 2019

Michael O'Dowd, Assistant City Attorney