

ORDINANCE NO. 3526

AN ORDINANCE
To Be Entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE, CHAPTER 70, SOLID WASTE, ARTICLE IV. MANDATORY RECYCLING OF RESIDENTIAL, COMMERCIAL, NON-PROFIT ENTITY, SPECIAL EVENTS, MULTI-FAMILY SOLID WASTE, CONSTRUCTION AND DEMOLITION; SECTION 70-111 MANDATORY SEPARATION OF RECYCLABLE MATERIALS AND COMPOSTABLE MATERIALS, SUB-SECTION (a) MANDATORY SEPARATION REQUIRED, SUB-PARAGRAPHS (1), (2) and (3); SECTION 70-112 BUSINESS RECYCLING REQUIREMENTS, SUB-SECTIONS (b) AND (e); SECTION 70-117 RESIDENTIAL, COMMERCIAL, NON-PROFIT ENTITY, SPECIAL EVENTS, AND MULTI-FAMILY RECYCLING REQUIREMENTS, SUB-SECTION (a) PROGRAM REQUIREMENTS, SUB-PARAGRAPH (2); ARTICLE V. WASTE REDUCTION BY CITY DEPARTMENTS, SECTION 70-142 CITY DEPARTMENTAL WASTE ASSESSMENT, SUB-SECTION (a) GUIDELINES; AND SECTION 70-143 RESOURCE CONSERVATION PLAN, SUB-SECTION (a) GUIDELINES, BY PROVIDING FOR MANDATORY RECYCLING EFFECTIVE JANUARY 1, 2010; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

SECTION 1. The City Code of the City of Fort Myers, Florida, Chapter 70, Solid Waste, Article IV Mandatory Recycling of Residential, Commercial, Non-Profit Entity, Special Events, Multi-Family Solid Waste, Construction and Demolition Debris, Section 70-111 Mandatory separation of recyclable materials and compostable materials, Sub-section (a) Mandatory separation required, Sub-paragraphs (1), (2) and (3) are hereby amended to read as follows:

Sec. 70-111. Mandatory separation of recyclable materials and compostable materials.

(a) *Mandatory separation required:*

(1) *Recyclable materials -Residential property.*

Effective January 1, 2010, every owner, lessee

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or occupant of residential property shall separate recyclable materials from other mixed municipal solid waste and shall set recyclable materials out for collection in the manner and at such frequency as shall be prescribed by the city's director of public works or designee, or shall deliver the recyclable materials to a recycling facility approved by the public works director or designee.

- (2) *Recyclable materials - Commercial/industrial property.* Effective January 1, 2010, every owner, lessee or occupant of commercial and industrial property shall separate recyclable materials from other mixed municipal solid waste and shall set out recyclable materials for collection in the manner and at such frequency as shall be prescribed by the public works director or designee, or shall deliver the recyclable materials to a recycling facility approved by the public works director or designee.
- (3) *Compostable materials.* Effective January 1, 2010, and to the extent permitted by city code, every owner, lessee or occupant of residential, commercial and industrial property shall separate separated compostable materials from other mixed municipal solid waste and shall set out separated compostable materials

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for collection in the manner and at such frequency as shall be prescribed by the public works director or designee or shall deliver the compostable materials to a composting facility approved by the public works director or designee.

SECTION 2. The City Code of the City of Fort Myers, Florida, Chapter 70, Solid Waste, Article IV Mandatory Recycling of Residential, Commercial, Non-Profit Entity, Special Events, Multi-Family Solid Waste, Construction and Demolition Debris, Section 70-112 Business recycling requirements, Sub-sections (b) and (e) are hereby amended to read as follows:

Sec. 70-112. Business recycling requirements.

(b) Each business shall enter into a written service agreement, with a service provider. The service agreement must provide at a minimum one collection every two weeks of recyclable materials. The on-site business recycling program shall be initiated January 1, 2010.

(e) All businesses must maintain a recycling program form on-site for review by the city effective January 1, 2010, or within fourteen days of beginning operations after January 1, 2010. Where a business covers multiple service locations, the business shall maintain a recycling program form for each location. Recycling programs shall be maintained in effect regardless of any change of building ownership or service provider.

SECTION 3. The City Code of the City of Fort Myers, Florida, Chapter 70, Solid Waste, Article IV Mandatory Recycling of Residential, Commercial, Non-Profit Entity, Special Events, Multi-Family Solid Waste,

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Construction and Demolition Debris, Section 70-117 Residential, commercial, non-profit entity, special events, and multi-family recycling requirements, Sub-section (a) Program requirements, Sub-paragraph (2) is hereby amended to read as follows:

Sec. 70-117. Residential, commercial, non-profit entity, special events, and multi-family recycling requirements.

- (a) *Program requirements.*
- (2) All residential, commercial, non-profit entity, construction and demolition activities special events and multi-family properties must provide a recycling program effective January 1, 2010, or within fourteen (14) days of initial occupancy, after January 1, 2010. Where a residential, commercial, non-profit entity, and multi-family entity, consists of multiple properties the residential, commercial, non-profit entity, and multi-family entity shall maintain a recycling program for each property.

SECTION 4. The City Code of the City of Fort Myers, Florida, Chapter 70, Solid Waste, Article V. Waste reduction by city departments, Section 70-142 City departmental waste assessment, Sub-section (a) Guidelines is hereby amended to read as follows:

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Sec. 70-142. City departmental waste assessment.

(a) *Guidelines.* Within 30 days of January 1, 2010, the public works director or designee will adopt guidelines for conducting a departmental audit to establish a departmental waste assessment. For purposes of this assessment, the volume or weight of all waste generated or disposed of or diverted by a department shall be reported. The guidelines shall include, at a minimum:

- (1) Procedures for determining whether a department generates a heterogeneous waste stream (a combination of waste types, such as wood, yard debris, metals and food waste) or generates a homogenous waste stream (such as office-type wastes);
- (2) Guidance on determining which wastes should be included in a waste assessment (including how to account for wastes not subject to state diversion requirements);
- (3) How to determine which facilities should be included in a waste assessment; and
- (4) How to estimate/calculate volumes, weights and costs associated with all waste.

SECTION 5. The City Code of the City of Fort Myers, Florida, Chapter 70, Solid Waste, Article V. Waste reduction by city departments, Section 70-143 Resource conservation plan, subsection (a) Guidelines is hereby amended to read as follows:

Sec. 70-143. Resource conservation plan.

(a) *Guidelines.* Within 30 days of January 1, 2010, the public works director or designee will issue

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guidelines for development and implementation of a resource conservation plan. The guidelines will cover, at a minimum, the following elements of a resource conservation plan:

- (1) Waste reduction, prevention and reuse;
- (2) Facilitation of collection of recyclable materials;
- (3) Operational issues that influence the ability of the city department to recycle, such as janitorial contracts;
- (4) Equipment purchases that could facilitate recycling;
- (5) Development of a diversion goal and methods of evaluating whether the goal is being met; and
- (6) Examples of model programs for heterogeneous and homogenous waste streams.

SECTION 6. Severability. If for any reason any section, subsection, paragraph, or part of this ordinance shall be held invalid or destroy any other section, subsection, or part of this ordinance then the remaining portions thereof shall remain in full force and effect without regard to the section, subsection, paragraph, or part invalidated.

SECTION 7. This ordinance shall become effective immediately upon adoption.

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PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, this 19th day of October, A.D., 2009.

<u>Aye</u>	<u>/s/ Warren J. Wright</u>
<u>Aye</u>	<u>/s/ Johnny W. Streets, Jr.</u>
<u>Aye</u>	<u>/s/ Levon Simms</u>
<u>Absent</u>	<u>/s/ Michael Flanders</u>
<u>Aye</u>	<u>/s/ Randall P. Henderson, Jr.</u>
<u>Aye</u>	<u>/s/ Thomas C. Leonardo</u>

Council Members

APPROVED this 19th day of October, A.D., 2009, at 5:25 o'clock p.m.

<u>Aye</u>	<u>/s/ Jim Humphrey</u>
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Mayor

FILED in the Office of the City Clerk this 19th day of October, A.D., 2009.

<u>/s/ Nancy J. Heberle</u>

Deputy City Clerk