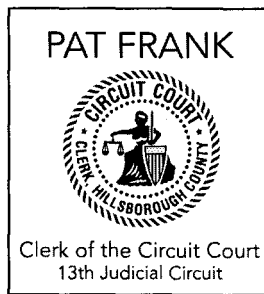


ORDINANCE

13-18



July 1, 2013

Norma J. Wise, Director
Hillsborough County Law Library
501 E. Kennedy Boulevard Ste. 100
Tampa, Florida 33602-5027

Re: Ordinance #13-18
Amending Chapter 130 of the Hillsborough County Code of Ordinances and Laws, Part B,
Public Utilities, Regarding Solid Waste Collection and Disposal Services

Dear Ms. Wise:

Attached please find a copy of Hillsborough County Ordinance #13-18 which was adopted by the Board of County Commissioners on June 19, 2013. We are also forwarding acknowledgment received from the Secretary of State. This ordinance has an effective date of October 1, 2013.

If I can provide additional information or be of further assistance, please do not hesitate to contact me.

Sincerely,

Kimberly Richards,
Associate Director, BOCC Records/VAB

md

Attachments

cc: Evelyn Jefferson, Municipal Code Corporation
Debra A. Cole, Hillsborough County Sheriff's Office
Aracelis Maldonado, Library Services
Hank Ennis, Chief Administrative Counsel, County Attorney
Shelia Alfonso, County Attorney's Office
Deborah Hagwood, Public Utilities
Nancy Milam, County Attorney's Office
Sharon Sweet, BOCC Records



Agenda Item Cover Sheet

Agenda Item N^o. D-3

Meeting Date June 19, 2013

☐ Consent Section

☐ Regular Section

☒ Public Hearing

Subject:

Hold a public hearing to consider an ordinance amending the Hillsborough County Code of Ordinances and laws regarding solid waste collection and disposal.

Department Name: County Attorney's Office

Contact Person: Hank Ennis

Contact Phone: 272-5670

Sign-Off Approvals:

		<u>Hank Ennis</u>	<u>06/06/2013</u>
		<small>Managing County Attorney</small>	<small>Date</small>
<u>Charles Fletcher</u>	<u>06/07/2013</u>	<u>NA</u>	
<small>County Attorney</small>	<small>Date</small>	<small>Joint Department Director</small>	<small>Date</small>
<u>Tom Fesler</u>	<u>06/07/2013</u>	<u>Hank Ennis</u>	<u>06/06/2013</u>
<small>Management and Budget - Approved as to Financial Impact Accuracy</small>	<small>Date</small>	<small>Assistant County Attorney</small>	<small>Date</small>

Staff's Recommended Board Motion:

Hold a public hearing to consider an ordinance amending the County's Code of Ordinances and Laws regarding solid waste collection and disposal. Hillsborough County recently awarded new contracts for the collection of residential and commercial solid waste in Hillsborough County and changed the method of residential collection from manual to automated. The proposed changes to the code are necessary to make the code consistent with the change in the collection method.

The financial impact associated with this agenda item is the cost to publish the legal notice.

Financial Impact Statement:

The financial impact associated with this agenda item is the cost to publish the legal notice.

Background:

On January 24, 2013 the Hillsborough County Board of County Commissioners approved new contracts for residential and commercial solid waste collection services which changed the method of collecting residential solid waste from manual to automated. The new collection services go into effect on Oct. 1, 2013. Hillsborough County's Code of Ordinances and Laws contains language inconsistent with the new proposed collection method. The new ordinance amendments will make the code consistent with the collection method.

ORD# 13-18

Sharpe/Miller 6 to 0
Hagan Out

List Attachments:

Draft ordinance

HILLSBOROUGH COUNTY ORDINANCE NO.: 13-18

AN ORDINANCE AMENDING CHAPTER 130 OF THE HILLSBOROUGH COUNTY CODE OF ORDINANCES AND LAWS, PART B, PUBLIC UTILITIES, REGARDING SOLID WASTE COLLECTION AND DISPOSAL SERVICES; AMENDING THE DEFINITIONS; AMENDING THE GENERAL PROVISIONS; AMENDING THE RESIDENTIAL AND COMMERCIAL COLLECTION SERVICES; AMENDING THE ENFORCEMENT PROVISIONS; AMENDING THE PROVISION REGARDING THE SCAVENGING OF SOLID WASTE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Hillsborough County Board of County Commissioners entered into new solid waste collection contracts for residential and commercial solid waste collection services; and

WHEREAS, the Hillsborough County Board of County Commissioners modified the method of collecting residential solid waste from manual collection to automated collection beginning October 1, 2013; and

WHEREAS, the Hillsborough County Board of County Commissioners desires to amend the Hillsborough County Code of Ordinances and Laws to be consistent with these changes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, IN REGULAR MEETING THIS 19th DAY OF June, 2013.

1. Section 130-19, Definitions, Hillsborough County Code of Ordinances and Laws is amended to read as follows:

Sec. 130-19. - Definitions.

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

Apartment complex means any building or structure or group of any buildings or structures having common conveniences generally under one ownership, containing two or more attached but independent dwelling units for human habitation, which structures and buildings are designed and constructed for the primary purpose of providing housing as a commercial

enterprise for rental compensation and which one or more of such units are generally nonowner occupied.

Collection frequency means the number of times a type of collection service is provided to a residential customer each week.

Commercial customer means any residential unit or commercial establishment which receives commercial collection service.

Commercial establishment means all improved real property primarily used or designed for use for commercial, manufacturing, industrial, business or government activities and enterprises, including those properties currently under construction or destruction.

Community Collection Center (CCC) means a County disposal facility to which residential customers and residential units subject to the solid waste disposal assessment may bring their nonprocessable waste.

Condominium means any portion of a building or structure designed or constructed for and capable of use as a residence for one family and such unit being owned under the condominium concept of ownership and subject to the provisions of F.S. ch. 718.

Construction and demolition debris 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 destruction of a structure as part of a construction or demolition project or from the renovation of a structure, and including rocks, soils, tree remains, trees and other vegetative matter 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. The term "construction and demolition debris" also includes:

- (1) Clean cardboard, paper, plastic, wood, and metal scraps from a construction project;
- (2) Except as provided in F.S. § 403.707(9)(j), yard trash not collected as part of the residential collection service and unpainted, nontreated wood scraps and wood pallets from sources other than construction and demolition projects;
- (3) Scrap from manufacturing facilities which is the type of material generally used in construction projects and which would meet the definition of construction and demolition debris if it were generated as part of a construction and demolition project. This includes debris from the construction of manufactured homes and

scrap shingles, wallboard, siding, concrete, and similar materials from industrial or commercial facilities; and

- (4) De minimis amounts of other nonhazardous wastes that are generated at construction or destruction projects, provided such amounts are consistent with best management practices of the industry.

Mixing of construction and demolition debris with other types of solid waste will cause it to be classified as other than construction and demolition debris.

Curbide means, for processable waste and recyclables collection using roll carts, within two (2) feet of the curb. For yard waste collection “curbside” means within six (6) feet of the curb.

Franchise represents the legal arrangement between the County and a person to collect and transport solid waste from residential units and commercial establishments within the service area.

Franchise agreement means an agreement entered into voluntarily by the franchise collector and the County and shall include all terms, conditions, specifications and exhibits, as necessary to implement the franchise granted by the Board of County Commissioners.

Franchise collector means any person awarded a franchise by the Board of County Commissioners for the right to collect solid waste within the service area.

Franchise district means specified areas within the service area for which a franchise is granted under the authority of this article.

Front-end container means a container which is generally utilized with front-end type collection service and generally comes in sizes: one, two, three, four, six and eight cubic yards.

Hazardous waste means waste, or a combination of 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. These materials may include, but not be limited to, volatile, chemical, biological, explosive, flammable, radioactive and toxic material.

Mobile home park means any improved real property divided into spaces for the erection and maintenance of trailers, manufactured housing, and mobile homes, permanent or temporary, in which the individual spaces are not individually owned.

Nonprocessable means:

- (1) Furniture, such as couches, chairs, tables;
- (2) Bedding, such as mattresses, box springs and other similar items;
- (3) White goods, such as refrigerators, ovens, water heaters, window air conditioning units and other similar appliances;
- (4) Motor vehicles and major vehicle parts;
- (5) Machinery, equipment or other metals.

Processable means any combustible solid waste, including, but not limited to, putrescible solid waste, cardboard, paper products, plastics and food containers.

Program recyclables means those recyclables designated by the Board of County Commissioners and/or offered by a residential customer for the purpose of being recycled into post-consumer products.

Public lodging establishments means any building or structure or group of buildings or structures within a single complex of buildings, which is kept, used, maintained or advertised as, or held out to the public to be, a place where sleeping or housekeeping accommodations are supplied for pay to transient guests or tenants.

Putrescible means all kitchen and/or table food waste, animal or vegetable waste that results from the storage, preparation, cooking or handling of food materials.

Recyclables means those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.

Residential customer means any residential unit or commercial establishment which receives residential collection service.

Residential units means any building or structure designed or constructed for and capable of use as a residence for one or more families including, but not limited to, single-family homes,

mobile homes, condominiums, townhouses, apartment complexes, public lodging establishments and other multifamily units.

Roll cart means a container provided by the County that is designed and intended to be used by a residential customer to accumulate processable waste or program recyclables for automated or semi-automated residential collection service.

Roll-off container means a container which is generally utilized with roll-off type collection service, is open on the top with a door on the end, and generally comes in sizes of 20, 25, 30, 35, and 40 cubic yards.

Sale means any sale, exchange, barter or offer of sale.

Service area means the Hillsborough County Solid Waste Management System Service Area which is the unincorporated areas of the County existing as of June 10, 1983.

Single-family residential unit means any building or structure designed or constructed for and capable of use as a residence for one family regardless of the type of structure, unattached to similar structures, primarily for owner occupancy but from time to time may be rented or leased. The term "single-family residential unit" includes a mobile home, manufactured housing, or trailer that is erected on a separate parcel of property.

Solid waste means garbage, refuse and other discarded solid materials including solid waste materials resulting from industrial, commercial or agricultural operations, governmental operations and from community activities. It does not include solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows, other common water pollutants or any byproducts, the sale or reuse of which is intended by the persons from whose process they resulted.

Special collection services means any solid waste collection services in addition to regular residential collection service.

System means the Hillsborough County Solid Waste Management System.

Yard waste means vegetative matter resulting from landscaping maintenance or land clearing operations and includes associated rocks and soils.

2. Section 130-20, General Provisions, Hillsborough County Code of Ordinances and Laws is amended to read as follows:

Sec. 130-20. - General provisions.

(a) It shall be unlawful for a residential unit or commercial establishment to accumulate solid waste or have solid waste removed and disposed of by any means other than the authorized franchise collector or as otherwise provided for herein.

(b) The system does not provide any services for the collection and/or the disposition of hazardous waste. Residential units or commercial establishments will not be permitted to dispose of hazardous waste in the system.

(c) Unless otherwise stated herein, all customer requests for service or complaints shall be directed to the franchise collector unless the request for service or complaint is related to the self-haul option. Should the residential customer or commercial customer not be satisfied with the franchise collector's response to the customer's request for service or complaint, the residential customer or commercial customer should direct their concerns or complaints to the County.

(d) Residential units and commercial establishments shall separate their nonprocessable solid waste from other solid waste and shall utilize those services enumerated in Sections 130-21 and 130-22 to dispose of such nonprocessable solid waste.

(e) Residential units and commercial establishments shall separate their yard waste from other solid waste and shall utilize those services enumerated in Sections 130-21 and 130-22 to dispose of such yard waste.

(f) Those residential units which are not subject to the solid waste disposal assessment and elect not to subscribe to residential collection service shall be subject to the commercial collection service provisions of this article.

3. Section 130-21, Residential Collection Service, Hillsborough County Code of Ordinances and Laws is amended to read as follows:

Sec. 130-21. - Residential collection service.

(a) General provisions.

(1) Residential collection service shall generally apply to those curbside collection services in which the customer places the container at the curb on the designated collection day for collection by the designated franchise collector. Residential

collection service may be provided to residential units as well as commercial establishments. Residential collection service does not include collection services in which the solid waste is collected from a front-end container or roll-off container.

(2) Unless identified elsewhere in this article, residential collection service shall include curbside collection at a publicly maintained roadway. However, for those residential customers identified in Subsection (g) (4), (5) and (6) of this section, residential collection service shall include curbside collection at a privately maintained road.

(3) Containers shall be set out prior to 6:00 a.m. on the day of collection, but in no case shall such containers be placed on the public-maintained roadway prior to 6:00 p.m. the day proceeding the day of collection. The normal hours of collection are after the hour of 6:00 a.m. and prior to 6:00 p.m. on days designated by the franchise collector.

(4) Residential customers shall place roll carts ready for pickup at a maximum distance of two feet from the public maintained roadway and adjacent to the residential customer's driveway. The residential customer shall leave at least three feet between each roll cart and any other container or other object such as a vehicle or mailbox. Each residential customer choosing to place its containers at locations other than those designated by this article may request a special collection service from the franchise collector for the alternative collection location.

(5) Residential customers shall place yard waste ready for pickup at a maximum distance of six feet from the public maintained roadway and adjacent to the residential customer's driveway. All customer-supplied yard waste containers shall be free of ragged or sharp edges, or any other defect liable to hamper or injure the person collecting the contents thereof. The franchise collector shall advise the County of any yard waste container which does not conform to the provisions of this article. The County shall investigate and determine whether the containers should be replaced and so notify the residential customer. The container must be promptly replaced by an approved container upon receipt of notice to that effect from the County.

(6) On non-collection days, containers shall be placed out-of-sight on the property of the residential customer.

(7) Residential units shall not be permitted to share residential collection service with other residential units.

(b) Processable solid waste collection.

(1) Residential customers shall place processable solid waste other than yard waste in County provided roll carts. No other containers may be used for the collection of processable solid waste at the residential customer's property. Each roll cart with contents shall not exceed 150 pounds.

(2) Roll carts shall be kept covered at all times and maintained in good condition by the residential customer and shall remain the property of Hillsborough County. Roll carts shall not be removed by the customer from the property where delivered.

(3) Residential customers who desire to place their roll carts at locations other than those designated by this article may place their roll carts at their back door, and may be subject to an additional charge from the Franchise Collector.

(4) Residential customers shall dispose of their processable solid waste generated at their property no less than once each week by having it collected by a franchise collector or, if exempted from residential collection service, by self-hauling it to a properly permitted solid waste disposal facility.

(5) Each customer receiving curbside collection services shall be responsible for positioning its roll cart at the curb on the collection days in accordance with the instructions on the roll cart. Each customer receiving back-door collection service shall be responsible for positioning its roll cart on collection days in the manner agreed to with the franchise collector.

(c) Nonprocessable solid waste collection.

(1) The curbside collection of nonprocessable solid waste by a franchise collector shall be available only as a special collection service. However, residential customers may utilize any person to collect and properly dispose of any C&DD at the customer's property.

(2) Residential customers and residential units which are subject to the solid waste disposal assessment may self-haul their nonprocessable solid waste to the community collection centers, subscribe to special collection services for the collection and disposal of nonprocessable solid waste, or self-haul it to a properly permitted solid waste disposal facility.

(d) Program recyclables collection.

(1) Residential collection service shall include a separate once a week program recyclables collection. Residential customers may participate in the County's recycling program only by using a program recyclable roll cart. Customers need not separate recyclables by material type but must separate the recyclables from all other materials.

(2) Program recyclables roll carts shall be provided by and owned by the County. Residential customers are responsible for utilizing the program recyclables roll carts for program recyclables collection only and ensuring that the program recyclables roll carts are properly maintained to maximize their useful life. Should the residential customer desire not to voluntarily participate in program recyclables collection, the residential customer shall relinquish the roll cart to the County. Roll carts shall remain the property of Hillsborough County and shall not be removed by the customer from the property where delivered. No other containers may be used for the collection of program recyclables. Recyclables roll carts shall be kept in good condition by the residential customer.

(3) Should the Board of County Commissioners determine that it is necessary to increase the level of recycling, the Board of County Commissioners may mandate that residential customers and residential units separate the designated recyclables from other solid waste and place the recyclables for recyclables collection.

(4) Each customer receiving curbside collection services shall be responsible for positioning its roll cart at the curb on collection days in accordance with the instructions on the roll cart. Each customer receiving back-door service shall be responsible for positioning its program recyclables roll cart on collection days in the manner agreed to with the franchise collector.

(e) Yard waste collection.

(1) Residential customers shall be required to separate yard waste from other solid waste.

(2) Residential collection service shall include a separate once a week yard waste collection. Yard waste must be separated from other solid waste prior to placement at the curb for collection.

(3) The yard waste shall be placed for curbside collection on the day designated by the franchise collector in the following manner:

- a. Grass clippings and leaves shall be placed for collection in rigid, reusable containers or plastic bags.
- b. The remainder of the yard waste shall be placed in rigid, reusable containers, plastic bags, boxed, bundled or neatly stacked in uniform lengths.
- c. Yard waste placed at the curb for collection shall not be more than four feet in length and six inches in diameter.
- d. Each container, with contents, shall not exceed 50 pounds.

(4) The maximum volume of yard waste acceptable for each weekly collection shall be two cubic yards.

(5) Enforcement of the requirement to separate yard waste from other solid waste shall first focus on education. If unsuccessful, the County shall pursue all available remedies at law to enforce the requirements of this article.

(6) Residential customers may self-haul their yard waste to a yard and wood waste processing facility or one of the County's designated yard and wood waste processing facilities.

(7) Residential units which choose to manage yard waste on site must manage the yard waste generated on site in a manner that does not negatively impact adjacent property owners and that is free of objectionable odors, sights and vectors.

(f) Direct delivery.

(1) Under certain circumstances as described in this article, residential customers and residential units which are subject to the solid waste disposal assessment shall be permitted to self-haul their solid waste to a permitted solid waste disposal facility.

(2) Residential customers and residential units which are subject to the solid waste disposal assessment may utilize the Community Collection Centers (CCCs) for the

disposal of nonprocessable solid waste. The County may determine that residential customers and residential units which are subject to the solid waste disposal assessment may also be able to utilize the CCCs for the disposal of processable solid waste and/or recyclables.

(3) The use of the CCCs shall be limited to that solid waste which is generated from the individual residential unit. The use of the CCCs shall be limited to that nonprocessable solid waste which is associated with normal household activities including annual cleanups and small maintenance activities. The use of the CCCs shall not extend to major maintenance and renovation activities as determined by the County. In the event of a major storm event, the Board of County Commissioners may adopt a more relaxed policy as it relates to what solid waste and what volume of solid waste may be delivered to the CCCs.

(4) The County may determine that residential customers and residential units which are subject to the solid waste disposal assessment may also self-haul their processable solid waste to transfer stations.

(5) Voluminous amounts of solid waste or multiple trips to the CCCs or any other designated system disposal facility by a residential customer or residential unit subject to the solid waste disposal assessment may be subject to investigation by the County. If an investigation reveals illegal use of the CCCs, the County shall have recourse to such remedies at law to enforce the requirements of this article.

(g) Special collection services.

(1) For collection services which are not included in the regular residential collection service, residential customers may contract with the franchise collector for special collection services. Special collection services may include, but are not limited to, the curbside collection of nonprocessable solid waste and the collection of processable solid waste at a distance from the publicly maintained roadway greater than what is allowed for regular residential collection services. Limits on volume of solid waste may be set by the County.

(2) Residential customers and residential units which are subject to the solid waste disposal assessment must contact the franchise collector directly to request special collection services. The level of service as well as the charge for the service shall be negotiated between the residential customer or residential units which are subject to the solid waste disposal assessment and the franchise collector. The residential customer and

residential units which are subject to the solid waste disposal assessment shall pay the franchise collector directly for this service. If necessary, the County may regulate the maximum collection charge.

(3) There will be no additional disposal charges for the solid waste collected through special collection services for residential customers and residential units which are subject to the solid waste disposal assessment except in those situations where the volume or type of solid waste exceeds the conditions of residential collection service.

(4) Special collection service shall not apply to residential collection service provided by the franchise collector within two feet for processable waste and program recyclables and six feet for yard waste from a single-family residential unit's privately maintained roadway and adjacent to the single-family residential unit's driveway when that single-family residential unit is subject to mandatory residential collection service by virtue of being located on a privately maintained roadway and located within a subdivision established pursuant to a recorded plat as these terms are defined in the Hillsborough County Land Development Code or pursuant to the Hillsborough County Minor Subdivision Regulations.

(5) Special collection services shall not apply to residential collection service provided within two feet for processable waste and program recyclables and six feet for yard waste of the single-family residential unit's privately maintained roadway and adjacent to the single-family residential unit's driveway if the single-family residential unit is located on a paved private roadway which exhibits characteristics similar to a public roadway, which can be easily traversed by a solid waste collection vehicle and, therefore, would not represent an undue hardship on the franchise collector as determined by the County.

(6) For single-family residential units which have received residential collection service any time during the 12 months preceding September 30, 1997, as certified by the residential customer, special collection services shall not apply to residential collection service provided within two feet for processable waste and program recyclables and six feet for yard waste from the single-family residential unit's privately maintained roadway and adjacent to the single-family residential unit's driveway if such single family residential unit is located on a paved or unpaved private road which can be easily traversed by a solid waste collection vehicle and therefore would not represent an undue hardship for the franchise collector as determined by the County. When the current owner of such property ceases ownership, this provision no longer applies.

(h) Collection frequency. The collection frequency shall be determined by the Board of County Commissioners and shall be two processable, one recyclable and one yard waste collection each week.

(i) Rate setting, billing and payment for service.

(1) Except for special collection services, the collection charges for residential collection service shall be determined by the Board of County Commissioners.

(2) All residential customers shall be assessed the solid waste disposal assessment and the solid waste collection assessment. Such assessments shall be assessed annually on the ad valorem tax bill for services starting the following January 1 and ending the following December 31. Single-family residential units shall be required to pay such assessments unless the single-family residential unit meets the limited exemption criteria.

(3) All residential customers or commercial customers who desire to change the type of collection service (residential collection service to commercial collection service or commercial collection service to residential collection service) shall have the opportunity to select such service at any time during the year and, for residential collection service, shall be assessed the solid waste collection assessment from the date the service is initiated.

(4) Customers may choose to change from residential collection service to commercial collection service at any time during the year.

(5) Residential units which are subject to the solid waste disposal assessment may select commercial collection service. The franchise collector which provides the commercial collection service will not bill this residential unit for disposal. Instead, the County shall credit the franchise collector for disposal based on a predetermined conversion rate included in the franchise agreement.

(6) Residential customers shall be billed directly by the franchise collector for all special collection services provided by the franchise collector.

(j) Residential collection service for single-family residential units.

(1) Residential collection service shall be mandatory for all single-family residential units except for those single-family residential units which are not located on a

publicly maintained roadway. Despite the foregoing, residential collection service shall be mandatory for all single-family residential units which are located on privately maintained roads within a subdivision established pursuant to a recorded plat as these terms are defined in the Hillsborough County Land Development Code or pursuant to the Hillsborough County Minor Subdivision Regulations. Those single-family residential units which are located on a privately maintained road as identified by the County and which are subject to mandatory residential collection service shall place their roll carts and containers for pick up by the franchise collector within two feet for processable waste and program recyclables and six feet for yard waste and nonprocessable waste from the privately maintained road and adjacent to the single-family residential unit's driveway. If such single-family residential unit chooses not to place its roll carts and containers as referenced in this subsection, such single-family residential unit shall place its roll carts and containers at a maximum distance of two feet for processable waste and program recyclables and six feet for yard waste and nonprocessable waste from the nearest publicly maintained roadway or may subscribe to special collection services for an alternative collection location.

(2) Should an exempted single-family residential unit elect to receive residential collection service, residential collection service will be provided to this single-family residential unit. This otherwise exempted single-family residential unit which receives residential collection service will be required to place its solid waste for collection at the closest publicly maintained roadway and be subject to all conditions of residential collection service.

(3) Those single-family residential units which are exempted from residential collection service shall be subject to all of the provisions of this article except that the exempted single-family residential unit will not receive the curbside collection service and the associated solid waste collection assessment.

(4) Those single-family residential units which are exempted from residential collection service by the County may self-haul their processable solid waste, nonprocessable solid waste, recyclables and yard waste to designated system facilities in accordance with the direct delivery section of this article or take such processable solid waste, nonprocessable solid waste, recyclables and yard waste to a properly permitted solid waste disposal facility.

(k) Franchise collector responsibilities. The County shall award residential solid waste franchises within the service area. Said franchises shall provide the franchise collector with the exclusive right and responsibility to provide residential collection

service within their designated franchise district. The franchise collectors shall comply with all existing County, State and Federal laws and the franchise agreement relative to solid waste collection and disposal. The franchise shall be contingent upon the faithful performance of all duties and requirements imposed by existing law, this article, the franchise agreement, and requirements established by the County.

(l) Additional mandatory provisions. Residential collection service shall be mandatory for all apartment complexes which contain four units or less. However, all such apartment complexes may choose commercial collection service excluding the option to self-haul their solid waste. Residential collection service shall be mandatory for all single-family residential units which are attached to similar structures. However, all such single-family residential units may choose commercial collection service excluding the option to self-haul their solid waste.

4. Section 130-22, Commercial Collection Services, Hillsborough County Code of Ordinances and Laws, is amended to read as follows:

Sec. 130-22. - Commercial collection service.

(a) General provisions.

(1) Commercial collection service shall generally apply to front-end or roll-off collection services in which the franchise collector provides the collection container. However, the commercial customer may provide the front-end container or roll-off container for collection by the franchise collector. Commercial collection service may be provided to commercial establishments as well as residential units.

(2) Each commercial establishment not electing residential collection service shall utilize any of the franchise collectors to collect and dispose of the solid waste generated at that establishment, or self-haul such solid waste to a properly permitted solid waste disposal facility. However, each commercial establishment may utilize any person to collect and properly dispose of construction and demolition debris (C&DD) resulting from any construction activity or self-haul such C&DD to a properly permitted solid waste disposal facility.

(3) Commercial customers shall have the right to contract for commercial collection service with any of the franchise collectors.

(4) Commercial customers must make the container available for collection by the franchise collector between the hours of 3:00 a.m. and 9:00 p.m., Monday through

Saturday, unless specific alternative times, within this timeframe are agreed upon by the commercial customer and the franchise collector. However, in the event the commercial customer's property is located 500 feet or less from any residential unit, the hours of collection shall be 6:00 a.m. to 6:00 p.m., Monday through Saturday, except for those days that are identified as County designated holidays.

(5) All commercial customer collection containers and/or central containers, whether supplied by the franchise collector or the commercial customer, shall be kept on private property in a place easily accessible to the franchise collector and in such locations as to prevent a nuisance condition to inhabitants and the general public. Containers shall be set back from adjacent properties or rights-of-way as determined by the County. Adequate screening from public view shall be provided either by locating the container as close to the building as possible or by providing other concealment to be least noticeable from a public thoroughfare. The container shall be placed so as to not interfere with the movement of pedestrian and vehicular traffic.

(6) Commercial establishments and commercial customers shall comply with all conditions contained in Chapter 131, the "Anthony Storman and Daniel Scott Perez Memorial" Dumpster Ordinance.

(b) Processable solid waste collection.

(1) Each commercial establishment and commercial customer shall arrange to have the processable solid waste generated at their commercial customer's property removed and disposed of as provided herein no less than once each week and additionally as is necessary to prevent an illegal accumulation of processable solid waste. More frequent collections may be required if it is determined necessary by the County.

(2) All commercial establishments and commercial customers electing to self-haul the processable solid waste generated by the commercial establishment's and commercial customer's property must utilize a mechanically unloading vehicle to dispose of such solid waste if that processable solid waste is delivered to the system resource recovery facility.

(c) Recyclables collection.

(1) Separation of recyclables is voluntary. If a commercial customer participates in the voluntary separation of recyclables, the customer shall source separate recyclables from other solid waste for separate collection at the customer's property where

such recyclables are generated. The customer shall place all recyclables in a separate container for collection.

(2) The collection and transportation of recyclables generated by a commercial customer is not limited to a franchise collector and shall be open to any County-registered collector the commercial customer chooses to contract for the services.

(d) Yard waste collection.

(1) The separation of yard waste is mandatory. Commercial establishments and commercial customers shall separate yard waste from other solid waste for separate collection. Commercial establishments and commercial customers shall not be permitted to place yard waste in a processable, nonprocessable or recyclable container.

(2) The collection and transportation of yard waste shall be performed by the franchise collector. The commercial customer shall place yard waste in the contractually agreed upon yard waste container free of plastic bags.

(3) Commercial establishments and commercial customers may elect to self-haul yard waste to a permitted yard waste processing facility. Yard waste delivered shall be free of plastic bags.

(4) Enforcement of the requirement to separate yard waste from processable solid waste, nonprocessable solid waste and recyclables shall first focus on education of the commercial establishment and commercial customer. If unsuccessful, the County shall pursue all available remedies at law to enforce the requirements of this article.

(5) Commercial establishments which choose to manage yard waste on site must manage the yard waste generated on site in a manner that does not negatively impact adjacent property owners and that is free of objectionable odors, sights and vectors.

(e) *Nonprocessable solid waste collection.* Commercial establishments and commercial customers shall separate the nonprocessable solid waste generated at the commercial establishment's and commercial customer's property from other solid waste and shall dispose of such nonprocessable solid waste by contracting with any franchise collector to remove and dispose of such solid waste or by self-hauling such nonprocessable solid waste to a permitted solid waste disposal facility.

(f) *Rate setting, billing, and payments.* Collection charges for commercial collection service shall be negotiated between the commercial customer and the franchise collector. Such charges shall be billed by the franchise collector and paid directly to the franchise collector. If necessary, the Board of County Commissioners may establish by resolution a maximum collection charge for commercial collection service.

(g) *Franchise collector responsibilities.* The County shall award residential solid waste franchises within the service area. Said franchises shall provide the franchise collector with the exclusive right and responsibility to provide commercial collection service within the service area. The franchise collector shall comply with all existing County, State and Federal laws and the franchise agreement relative to solid waste collection and disposal. The franchise shall be contingent upon the faithful performance of all duties and requirements imposed by existing law, this article, the franchise agreement, and requirements established by the County.

5. Section 130-23, Enforcement, Hillsborough County Code of Ordinances and Laws is amended to read as follows:

Sec. 130-23. - Enforcement.

(a) Except as otherwise provided in this article, it shall be unlawful for any person to collect, remove or transport solid waste for others generated within the service area without first obtaining a franchise.

(b) The dumping, burning and disposal of solid waste on either public or private property within the jurisdictional boundaries of this article may only occur in accordance with permits specifically issued by the Hillsborough County Environmental Protection Commission, the State Division of Forestry or any other State or County Agency.

(c) As stated previously, it shall be unlawful for the owner of real property to have accumulations of solid waste.

(1) The fact that any place of abode or place of business is occupied shall be prima facie evidence that solid waste is being produced and accumulated upon such premises and that charges for the collection and disposal thereof are due.

(2) Accumulation of solid waste for more than seven days shall be prima facie evidence of a violation of this article.

(3) The County, upon finding evidence of accumulation, shall notify the person or persons committing the violation to remove or cause to be removed same within 24 hours.

(4) The County may, in order to avoid the creation of a public nuisance, undertake any required correctional procedures, including the removal of the accumulation if necessary. The cost or expense of such removal or correctional procedures shall be paid by the violator.

(5) Any monies due and owing the County for the removal or other correctional procedures shall be collected as provided for by law.

(d) Persons violating this article will be notified. If the violator is not the property owner, the County will notify the owner and may take appropriate action against the violators and/or the owner. Notice of such violation shall be issued by the County by one of the following means:

(1) Certified U.S. Postal Service.

(2) Hand delivery by a County representative.

(3) Posting of such notice in a conspicuous place on the residential unit or commercial establishment.

(e) Continued violation of this article may result in discontinuation of service and/or referral to the Code Enforcement Board. Continued violation of the Community Collection Center service may result in the revocation of CCC services and/or referral to the Code Enforcement Board.

(f) If the County determines that a violation has not been corrected within the time prescribed in a notice of violation issued to the property owner, the case will be passed on to the Code Enforcement Board for action, as described in County Ordinances and State Statutes.

(g) The County may have recourse to such remedies in law and equity as may be necessary to ensure compliance with the provisions of this article. The County may pursue any of the following remedies concurrently, and the pursuance of one shall not preclude the pursuance of another. The remedies include, but are not limited to:

- (1) Prosecution before the County Code Enforcement Board.
 - (2) Injunctive relief to enjoin and restrain any person from violating the provisions of this chapter.
 - (3) Prosecution of the violator in the name of the State in the same manner as misdemeanors pursuant to State Statutes.
 - (4) An action to recover any and all damages that may result from a violation of this article including an action to recover fines imposed by State law or the Code Enforcement Board.
 - (5) Revocation or modification of any franchise issued under this chapter.
 - (6) Withholding the issuance of other franchise contracts to the same entity.
6. Section 130-25, Scavenging of solid waste is amended to read as follows:
Sec. 130-25. - Scavenging of solid waste.
- Except for C&DD, no person shall be permitted to collect or pick up, or cause to be collected or picked up any solid waste without first obtaining a franchise. Program recyclables generated by a residential customer and placed by a residential customer in the manner prescribed in this chapter are the property of the County.
7. Severability
- If any section, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall not be affected thereby, but shall remain in full force and effect.
8. Effective Date
- The provisions of this ordinance shall become effective October 1, 2013.

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, Pat Frank, Clerk of the Circuit Court and Ex Officio clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing

is a true and correct copy of an Ordinance adopted by the Board at its regular meeting of June 19, 2013, as the same appears of record in Minute Book 445 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 21st day of June, 2013.

Pat Frank, Clerk

By: Marian O. K. Di...
Deputy Clerk



APPROVED BY THE COUNTY ATTORNEY'S OFFICE
AS TO FORM AND LEGAL SUFFICIENCY

By: [Signature]
Chief Administrative Counsel



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

June 25, 2013

Honorable Pat Frank
Clerk of the Circuit Court
Hillsborough County
Post Office Box 1110
Tampa, Florida 33601-1110

Attention: Julia Poupart, Associate Director, BOCC Records/VAB

Dear Mr. Frank:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated June 21, 2013 and certified copies of Hillsborough County Ordinance Nos. 13-18 and 13-19, which were filed in this office on June 24, 2013.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/elr

RECEIVED
2013 JUL - 1 PM 2:57
CLERK TO
THE BOARD (A)

NOTICE OF INTENT TO
CONSIDER COUNTY ORDINANCE

The Tampa Tribune

Published Daily

Tampa, Hillsborough County, Florida

NOTICE IS HEREBY GIVEN TO WHOM IT MAY
CONCERN:

NOTICE is hereby given that the Board of County Commissioners of Hillsborough County, Florida, intends to consider for the purpose of enactment the following ordinance at a meeting on June 19, 2013 at 2:00 p.m. in the Board of County Commissioners Board Room, County Center, Second Floor, 601 East Kennedy Boulevard, Tampa, Florida:

State of Florida }
County of Hillsborough } SS.

Before the undersigned authority personally appeared C. Pugh, who on oath says that she is the Advertising Billing Analyst of The Tampa Tribune, a daily newspaper published at Tampa in Hillsborough County, Florida; that the attached copy of the

Legal Ads IN THE Tampa Tribune

AN ORDINANCE AMENDING CHAPTER 138 OF THE HILLSBOROUGH COUNTY CODE OF ORDINANCES AND LAWS, PART B, PUBLIC UTILITIES, REGARDING SOLID WASTE COLLECTION AND DISPOSAL SERVICES; AMENDING THE DEFINITIONS; AMENDING THE GENERAL PROVISIONS; AMENDING THE RESIDENTIAL AND COMMERCIAL COLLECTION SERVICES; AMENDING THE ENFORCEMENT PROVISIONS; AMENDING THE PROVISION REGARDING THE SCAVENGING OF SOLID WASTE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

In the matter of

Legal Notices

was published in said newspaper in the issues of

06/08/2013

Affiant further says that the said The Tampa Tribune is a newspaper published at Tampa in said Hillsborough County, Florida, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as second class mail matter at the post office in Tampa, in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, this advertisement for publication in the said newspaper.

ANY PERSON WHO MIGHT WISH TO APPEAL ANY DECISION MADE BY THE HILLSBOROUGH COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING ANY MATTER CONSIDERED AT THE FORTHCOMING PUBLIC HEARING OR MEETING IS HEREBY ADVISED THAT THEY WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE THEY MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH WILL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH SUCH APPEAL IS TO BE BASED. ALL INTERESTED PARTIES MAY APPEAR AT THE ABOVE REFERENCED MEETING AND BE HEARD WITH RESPECT TO THE PROPOSED ORDINANCE. A COPY OF THE PROPOSED ORDINANCE MAY BE INSPECTED BY THE PUBLIC AT THE CLERK'S OFFICE ON THE 12TH FLOOR OF THE COUNTY CENTER AT 601 EAST KENNEDY BLVD., TAMPA, FL 33602.

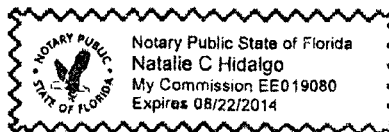
IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS NEEDING SPECIAL ACCOMODATIONS TO PARTICIPATE IN THESE PROCEEDINGS, AND ALSO THOSE SEEKING AN INTERPRETER, SHOULD CONTACT THE CITIZENS' ACTION CENTER AT TELEPHONE NUMBER (813) 272-5900 NOT LATER THAN 48 HOURS PRIOR TO THE PROCEEDINGS.

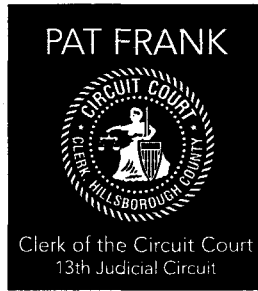
CHAIRMAN, BOARD OF COUNTY COMMISSIONERS
Hillsborough County, Florida
#2289

6/8/13

Sworn to and subscribed by me, this 21 day
of June, A.D. 2013

Personally Known ☒ or Produced Identification ☐
Type of Identification Produced _____





June 21, 2013

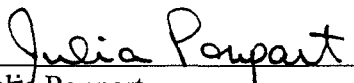
MS LIZ CLOUD CHIEF
BUREAU OF ADMINISTRATIVE CODE
DEPARTMENT OF STATE
500 SOUTH BRONOUGH ST RA GRAY BLDG RM 101
TALLAHASSEE FL 32399-0250

Re: Ordinance #13-18
Amending Chapter 130 of the Hillsborough County Code of Ordinances and Laws,
Part B, Public Utilities, Regarding Solid Waste Collection and Disposal Services

Dear Ms. Cloud:

Pursuant to the filing requirements of Florida Statutes 125.66, we are forwarding (by Federal Express) an executed original of Hillsborough County Ordinance #13-18, adopted by the Board of County Commissioners on June 19, 2013. It is respectfully requested that you provide this office with the required official acknowledgment of your receipt and filing of said ordinance.

Sincerely,



Julia Poupart,
Director, BOCC Records/VAB/Official Records

md
Attachment
Federal Express AB# 8010 1235 8256

FedEx *NEW Package*
Express *US Airbill*

FedEx
Tracking
Number

8010 1235 8256

1 From Please print and press hard.

Date 6/21/2013

Sender's FedEx
Account Number

8028-2275-7

Sender's
Name

BOCC RECORDS PROCESSING
CLERK CIRCUIT COURT 12TH FL
601 E KENNEDY BLVD
TAMPA FL 33602

8131 276-2029

Company

Address

180

Dept./Floor/Suite/Room

City TAMPA

State FL

ZIP

33602-3503

2 Your Internal Billing Reference
First 24 characters will appear on invoice.

(180)

ORD# 13-18 + 13-19

3 To
Recipient's
Name

Phone /

Company

LIZ CLOUD PROGRAM ADMIN
FLORIDA DEPARTMENT OF STATE
R A GRAY BLDG
500 S BRONOUGH STREET ROOM 101
TALLAHASSEE FL 32399-0250

Address

We cannot deliver

Address

Use this line for the HOLD location address or for continuation of your shipping address.

City

State

ZIP

0454436583



The FedEx US Airbill has changed. See Section 4.
For shipments over 150 lbs., order the new FedEx Express Freight US Airbill.

SPH2

Form ID No. **0215**

Sender's Name

4 Express Package Service

*To most locations.

NOTE: Service order has changed. Please select carefully.

Packages up to 150 lbs.
For packages over 150 lbs., use the new
FedEx Express Freight US Airbill.

Next Business Day

☐ **FedEx First Overnight**
Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

☐ **FedEx Priority Overnight**
Next business morning.* Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

☒ **FedEx Standard Overnight**
Next business afternoon.*
Saturday Delivery NOT available.

2 or 3 Business Days

☐ **NEW FedEx 2Day A.M.**
Second business morning.*
Saturday Delivery NOT available.

☐ **FedEx 2Day**
Second business afternoon.* Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

☐ **FedEx Express Saver**
Third business day.*
Saturday Delivery NOT available.

5 Packaging

*Declared value limit \$500.

☒ **FedEx Envelope***

☐ **FedEx Pak***

☐ **FedEx Box**

☐ **FedEx Tube**

☐ **Other**

6 Special Handling and Delivery Signature Options

☐ **SATURDAY Delivery**

FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.

☐ **No Signature Required**
Package may be left without obtaining a signature for delivery.

☐ **Direct Signature**
Someone at recipient's address may sign for delivery. *Fee applies.*

☐ **Indirect Signature**
If no one is available at recipient's address, someone at a neighboring address may sign for delivery. For residential deliveries only. *Fee applies.*

Does this shipment contain dangerous goods?

One box must be checked.

☐ **No**

☐ **Yes**
As per attached Shipper's Declaration.

☐ **Yes**
Shipper's Declaration not required.

☐ **Dry Ice**
Dry Ice, 3 UN 1845

x kg

Dangerous goods (including dry ice) cannot be shipped in FedEx packaging or placed in a FedEx Express Drop Box.

☐ **Cargo Aircraft Only**

7 Payment Bill to:

Enter FedEx Acct. No. or Credit Card No. below.

☒ **Sender**
Acct. No. in Section 1 will be billed.

☐ **Recipient**

☐ **Third Party**

☐ **Credit Card**

☐ **Cash/Check**

FedEx Acct. No.
Credit Card No.

Exp. Date

Total Packages

Total Weight

Total Declared Value¹

lbs. \$

¹Our liability is limited to \$100 unless you declare a higher value. See back for details. By using this Airbill you agree to the service conditions on the back of this Airbill and in the current FedEx Service Guide, including terms that limit our liability.

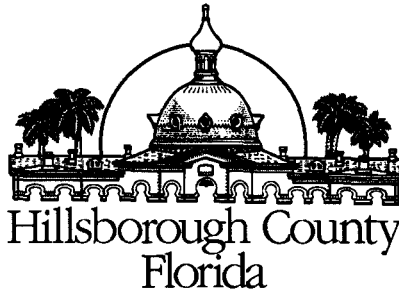
611

Office of the County Attorney

Chip Fletcher, County Attorney

BOARD OF COUNTY COMMISSIONERS

KEVIN BECKNER
VICTOR D. CRIST
KEN HAGAN
AL HIGGINBOTHAM
LESLEY "LES" MILLER, JR.
SANDRA L. MURMAN
MARK SHARPE




CHIEF ADMINISTRATIVE COUNSEL
Hank Ennis

GENERAL COUNSEL
Mary Helen Farris

CHIEF ASSISTANT COUNTY ATTORNEYS
Christine M. Beck
Robert E. Brazel
Susan J. Fernandez
Jennie Granahan Tarr

MEMORANDUM

TO: Midge Dixon, Clerk, BOCC Records

FROM: Hank Ennis, Chief Administrative Counsel 

RE: AN ORDINANCE AMENDING CHAPTER 130 OF THE HILLSBOROUGH COUNTY CODE OF ORDINANCES AND LAWS, PART B, PUBLIC UTILITIES, REGARDING SOLID WASTE COLLECTION AND DISPOSAL SERVICES; AMENDING THE DEFINITIONS; AMENDING THE GENERAL PROVISIONS; AMENDING THE RESIDENTIAL AND COMMERCIAL COLLECTION SERVICES; AMENDING THE ENFORCEMENT PROVISIONS; AMENDING THE PROVISION REGARDING THE SCAVENGING OF SOLID WASTE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Date: June 21, 2013

An original final copy of the above-referenced ordinance adopted by the BOCC on June 19, 2013 is attached. Please number and certify the ordinance and file with the Florida Department of State in accordance with Section 125.66, Florida Statutes.

Please provide this office with a date-stamped copy of the official acknowledgement from the Department of State that the ordinance has been filed, showing receipt by your office. Also, the original proof of notice showing the ordinance was advertised on June 8, 2013 in the Tampa Tribune is attached.

Thank you for your assistance with this matter.

HGE:saa

Enclosures

601 E. Kennedy Boulevard, 27th Floor
Post Office Box 1110 • Tampa, Florida 33601
(813) 272-5670 • Fax: (813) 272-5231
An Affirmative Action/Equal Opportunity Employer

RECEIVED
2013 JUN 21 PM 1:48
CLERK TO
THE BOARD (A)

Office of the County Attorney

BOARD OF COUNTY COMMISSIONERS

Kevin Beckner
Victor D. Crist
Ken Hagan
Al Higginbotham
Lesley "Les" Miller, Jr.
Sandra L. Murman
Mark Sharpe




Chip Fletcher, County Attorney

Managing Attorneys

Christine M. Beck
Robert E. Brazel
Hank Ennis
Mary Helen Farris
Susan J. Fernandez
Sheree C. Fish
Adam J. Gormly
Jennie Granahan Tarr

MEMORANDUM

To: Midge Dixon, BOCC Records

From: Hank Ennis, Chief Administrative Counsel 

Date: June 6, 2013

Subject: AN ORDINANCE AMENDING CHAPTER 130 OF THE HILLSBOROUGH COUNTY CODE OF ORDINANCES AND LAWS, PART B, PUBLIC UTILITIES, REGARDING SOLID WASTE COLLECTION AND DISPOSAL SERVICES; AMENDING THE DEFINITIONS; AMENDING THE GENERAL PROVISIONS; AMENDING THE RESIDENTIAL AND COMMERCIAL COLLECTION SERVICES; AMENDING THE ENFORCEMENT PROVISIONS; AMENDING THE PROVISION REGARDING THE SCAVENGING OF SOLID WASTE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Attached is a draft copy of the above referenced Ordinance. The Notice will be advertised in the Tampa Tribune on June 8, 2013 for the June 19, 2013 public hearing. Please make the documents available for public inspection during regular business hours.

If you have any questions, please call Debbie Cooney at (813) 307-3114.

Thanks for your help.

HGE:dlc
Attachment

601 E. Kennedy Boulevard, 27th Floor
Post Office Box 1110 • Tampa, Florida 33601
(813) 272-5670 • Fax: (813) 272-5231

An Affirmative Action/Equal Opportunity Employer

2013 JUN 10 AM 9:31
RECEIVED
CLERK TO
THE BOARD (A)