

ORDINANCE NO. 22-07

AN ORDINANCE OF THE TOWN OF REDINGTON SHORES, FLORIDA, AMENDING CHAPTER 127 (SOLID WASTE) OF THE TOWN CODE; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Town of Redington Shores (the Town) has codified its ordinances over time into a Town Code (the Code) which sets forth the cumulative law of the Town; and

WHEREAS, the Town Board of Commissioners (the Commission) regularly adopts ordinances amending the Code; and

WHEREAS, Chapter 127 of the Code addresses solid waste collection; and

WHEREAS, Florida Statutes § 180.06(5) provides that a municipality is authorized to provide for the collection and disposal of garbage; and

WHEREAS, Florida Statutes § 403.706(1) provides that municipalities are responsible for collecting and transporting solid waste from their jurisdictions to a solid waste disposal facility operated by or under a contract with a county; and

WHEREAS, Florida Statutes § 403.7063 requires that, in providing services or programs for solid waste management, local governments should use the most cost-effective means for the provision of services, and are encouraged to contract with private persons for any or all of such services or programs in order to assure that such services are provided on the most cost-effective basis; and

WHEREAS, Florida Statutes § 180.14 provides that a municipality's governing board may grant to a private company or corporation the privilege or franchise of exercising the municipality's corporate powers for such terms of years not longer than 30 years, and upon such conditions and limitations as may be deemed expedient and for the best interest of said municipality for the accomplishment of the collection and disposal of garbage, and that the rates or charges to be made by the private company or corporation to the individual users of the garbage and disposal service operated under said franchise shall be fixed by the municipality's governing board; and

WHEREAS, the Town last entered into a solid waste collection franchise agreement effective October 1st 2019; and

WHEREAS, the Commission has determined that current provisions within the Town's solid waste code are not consistent with recent and current actual practice, and that additional clarification of the requirements related to solid waste collection in the Town is required; and

WHEREAS, based on the foregoing, the Town Commission has determined that it is in the best interests of the Town, its residents, businesses and property owners to adopt the code amendments set forth in this Ordinance.

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town

of Redington Shores, Florida, that:

Section 1. Chapter 127 of the Redington Shores Town Code is hereby amended as follows:

Chapter 127 - SOLID WASTE

ARTICLE I. – COLLECTION AND DISPOSAL

Sec. 127-1. Definitions.

For purposes of this article, the following words shall have the meanings indicated unless their context clearly requires otherwise:

Commercial establishment—An establishment dealing in exchange of goods or services for money or barter.

Construction and demolition waste—Discarded material considered not to be water soluble or hazardous, including, without limitation, steel, concrete, glass, brick, asphalt roofing material, or lumber from a construction or demolition project.

Debris—The waste products accumulated from land clearing, building, rebuilding and altering of buildings, structures, roads, streets, sidewalks or parkways, excavating by an owner or contractor or work performed by purchase and hire of labor and materials.

~~*Garbage*—Every refuse accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking and dealing in or storage of meats, fish, fowl, fruit or vegetables and any other matter of any nature whatsoever which is subject to decay, putrefaction and the generation of noxious or offensive gases or odors or which, during or after decay, may serve as breeding or feeding materials for flies or other germ-carrying insects; and any bottles, cans or other containers which, due to their ability to retain water, may serve as breeding places for mosquitoes or other water-breeding insects.~~

Hazardous Waste—Any solid waste, which, because of its quality, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible illness 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.

Industrial Process Waste—Any solid waste generated by construction, land clearing, excavating of structures, roads, streets, sidewalks or parkways, and including, without limitation, waste collected for recycling, and oil, grease and petroleum.

~~*Garbage can*—A galvanized, iron can of the type commonly sold as a garbage can of a capacity not less than ten gallons and not to exceed 32 gallons; and such can shall have two handles upon the sides of the can or a bail by which it may be lifted and shall have a tight fitting top.~~

~~Garden trash~~—All accumulations of grass or shrubbery, cuttings and other refuse attending the care of lawns, shrubbery and vines; provided, however, that this definition shall not include heavy tree limbs over four feet in length, tree stumps and other types of large trees or palms.

Licensee — Any person, which includes, without limitation, a corporation, partnership, sole partnership, limited liability corporation or other business entity engaged in the business of removing, transporting or disposing of solid waste or recyclable materials in the town, with a current town issued business tax receipt.

Multifamily Duplex — A building occupied or intended to be occupied by 2 families living separately with a kitchen in each unit.

Multifamily Dwelling — A building occupied or intended to be occupied more than 2 families living separately, with kitchens in each unit.

Noncombustible refuse—Materials that are noncombustible at ordinary incinerator temperatures (800° F. to 1,800° F.); such metals, mineral matter, large quantities of glass or crockery, metal furniture, auto bodies or parts and other similar material or refuse not usual to housekeeping or to operation of stores or offices.

Recycling containers—A container approved by the Town for the collection of recyclable material by a recycling contractor.

Recyclable Waste — Those materials capable of being recycled which would otherwise be processed or disposed of as solid waste. Any recyclable material mixed with solid waste shall be considered solid waste.

Residential Dwelling — A building or portion thereof designed or used for single family residential occupancy.

Trash—Refuse accumulations of animal, fruit or vegetable matter that attends the preparation, use, cooking and dealing in or storage of meats, fish, fowl, fruit or vegetables and any other matter of any nature whatsoever which is subject to decay, putrefaction and the generation of noxious or offensive gases or odors or which, during or after decay, may serve as breeding or feeding materials for flies or other germ-carrying insects; and any bottles, cans or other container(s), paper, excelsior, rags or wooden or paper boxes or containers, sweepings and all other accumulations of a nature other than garbage, which are usual to housekeeping and to the operation of stores, offices and other business places. The term "Trash" shall not include noncombustible refuse, as defined in this section, but shall include such yard wastegarden trash as shall be capable of deposit in the trash container(s).

Trash container or trash can—A plastic or galvanized iron can of the type commonly sold as a garbage container of a capacity not less than ten gallons and not to exceed 32 gallons; and such can shall have two handles upon the sides of the can or a bail by which it may be lifted and shall have a tight-fitting top not weighing more than 60 lbs when full. A container approved by the

Town, provided to a resident at their request by the Trash contractor at an additional charge. The same as garbage can, as defined in this section; provided, however, that by a special permit issued by the board of commissioners, a "trash container" may be of different specifications or design.

Yard waste—All accumulations of grass or shrubbery, cuttings and other refuse attending the care of lawns, shrubbery and vines; provided, however, that this definition shall not include heavy tree limbs over four feet in length and shall not exceed 40 lbs., tree stumps and other types of large trees or palms.

Sec. 127-2. Containers required.

All residents or occupants of any single-family dwelling and the owner, manager or occupant of any multiple dwelling or of any place of business or commercial establishment within the town are hereby required to provide a garbage trash container or containers and trash can or cans, as defined in §section 127-1 hereof, of sufficient capacity to hold four days' accumulation of garbage and trash. Up to 2 recycle containers will be provided at no charge, by the trash contractor per single or duplex family dwelling. Recycle trash containers will be provided by the trash contractor at an additional charge to all multifamily dwellings (greater than duplex) or commercial establishments.

Sec. 127-3. Containers to be tightly covered.

Garbage and trash containers shall be kept tightly covered at all times.

Sec. 127-4. Storage of trash containersgarbage cans; placement of trash containersgarbage cans for collection; time of placement for trashgarbage collection; terms defined.

- A. Storage of trash containergarbage cans. When not placed in a location for garbage collection, as designated in subsection B. below, all trash containersgarbage cans shall be stored on the owner's property near the side or rear of the principal structure upon the property, in such a manner that they are concealed from the view of motorists or pedestrians traveling on any street within the corporate limits of the town. No trash container(s) garbage can shall be stored on any unimproved property unless a current development permit has been issued for such unimproved property. If such property is vacant, any trash container(s) garbage can stored thereon shall be stored in such a manner that they are not visible, being stored out of sight behind a structure thereon. Any container used for the storage and collection of garbage or trash shall not be kept or stored upon property not owned or occupied by the person who accumulates the garbage or trash.
- B. Placement of trash containergarbage cans for collection. Trash containerGarbage cans shall be placed for garbage collection at curbside in front of the property in such a manner as not to obstruct pedestrian passage, and no further than two feet away from the curb. GarbageTrash, yard waste, or recycle containerseans shall be placed on the alley of all places served by an alley for garbage collection, not more than three feet from the alley right-of-way.

- C. *Time of placement for residential ~~trash~~ ~~garbage~~-collection.* Any ~~trash~~ container(s) ~~garbage can or neatly piled~~ yard waste placed near the curb or alley for residential ~~garbage~~ collection shall be placed there no earlier than 6:00 ~~P.M.~~~~p.m.~~ of the evening preceding the collection day, and must be removed to an appropriate storage area, as noted above in subsection A., not later than 7:00 ~~P.M.~~~~p.m.~~ of the day of collection.
- D. *Time of placement for commercial ~~trash~~ ~~garbage~~-collection.* Containers for the collection of commercial ~~trash~~ ~~garbage~~ shall not be removed from the owner's property and placed for collection any earlier than 6:00 ~~A.M.~~~~a.m.~~ on the day of collection, and such containers must be removed to an appropriate storage area, as noted in subsection A. above, not later than three hours after the time of collection. In no event shall such containers remain off of the owner's property later than 7:00 ~~P.M.~~~~p.m.~~ on the scheduled day of collection, whether such containers have been emptied or not.
- E. For the purpose of this section, residential collection shall be considered to be only buildings containing no more than two dwelling units, consisting of a kitchen, bath and living area, each unit designed for use by a single individual or family. Commercial collection shall be all other properties or parcels, to include but not be limited to commercial or business uses, motels, hotels, apartments, courts, etc., and any building containing three or more dwelling units, as well as any businesses, restaurants, retailers, or any other facility not designed or designated as a single-family dwelling.

Sec. 127-5. Burial prohibited.

No ~~garbage or~~ trash shall be buried upon the premises of the person by whom said ~~garbage or~~ trash is accumulated.

Sec. 127-6. Burning prohibited.

No ~~garbage or~~ trash shall be burned on any premises within the town.

Sec. 127-7. Transportation through streets; license required.

It shall be unlawful for any ~~non-licensee~~ ~~unlicensed person to~~ transport ~~trash~~ ~~garbage~~ upon the streets or alleys of the town.

Sec. 127-8. Deposits on premises or in container of another prohibited; exception.

It shall be unlawful to deposit ~~garbage or~~ trash upon the premises of another or upon any street, alley, park or other public property or in any canal, water, waterway, rock pit ~~or~~, pool ~~or~~ lake within the town or in any ~~garbage or~~ trash container(s) ~~an~~ upon which any other person shall have paid the collection fee as provided by the terms of this article, except that tenants of multiple dwellings or ~~commercial establishments~~ ~~business houses may~~ deposit ~~garbage or~~ trash in ~~trash~~ container(s) ~~ans~~ upon which the owner or manager of said multiple dwelling or ~~commercial~~ ~~business establishment~~ shall have paid the collection fee provided therein and authorized the tenants to use the ~~garbage or~~ trash container(s) ~~an or~~ cans.

Sec. 127-9. Frequency of disposal.

All ~~garbage and trash containerseans~~ shall be emptied ~~collected~~ and the trash ~~properly disposed of~~ at least twice each week in residential districts and as designated by the town in the business districts ~~and properly disposed of~~. ~~Trash~~Yard waste and recycle containers shall be collected at least once each week.

Sec. 127-10. Fees for removal by town.

All residents, occupants or owners of premises in the ~~t~~Town of Redington Shores who have not arranged for private disposal of ~~garbage, trash and garden wastetrash~~, as authorized in this article, shall be required to have accumulations of ~~garbage, trash and garden wastetrash~~ removed and disposed of by the town and shall be required to pay charges for ~~garbage and rubbish removal of such~~; and these charges shall be paid to the town in accordance with the current contractual terms as has been ~~approved by the town through resolution~~following schedule:.

- A. ~~Each residential unit not utilizing dumpster or container service, per month:\$14.67.~~
- B. ~~Commercial establishments utilizing trash cans shall pay a monthly amount based upon the number of cans as follows:~~
- (1) ~~Up to and including five:\$14.67.~~
- (2) ~~Six to and including ten:\$28.87.~~
- (3) ~~Eleven to and including 15:\$43.95.~~
- (4) ~~Sixteen to and including 20:\$57.76.~~
- C. ~~Business utilizing dumpsters or container service shall pay a monthly fee as follows, based upon the size of the container and the number of pickups per week:~~

Size Dumpster (yards)	Number of Pickups per Week					
	1	2	3	4	5	6
	Price per Month					
2	\$47.48	\$90.17	\$133.22	\$180.44	\$225.56	\$265.26
3	63.19	113.82	152.04	231.23	289.60	361.68
4	78.90	149.90	220.34	299.78	380.60	459.31
6	108.07	206.09	304.09	413.77	506.43	608.17
8	147.73	286.94	572.70	721.76	902.20	1,082.64

- D. ~~Commercial and multifamily residence establishments utilizing trash compactors shall be charged a fee equivalent to four times the dumpster rate for the dumpster services being provided for such establishments.~~
- E. ~~In addition to the above rates, the rates for recycling at condominiums shall be \$14.26 per month for each 90-gallon recycling container, and \$4.88 per month for each 20-gallon recycling container.~~
- F. ~~All residents, occupants or owners of premises in the town shall be required to have accumulations of debris removed and disposed of by the contractor utilizing roll-off~~

collection containers as designated by the town, and shall be required to pay charges for such removal and disposal as follows:

- (1) Per haul:\$135.00
- (2) Rental fee, per day:\$2.00
- (3) Container delivery fee:\$50.00
- (4) Disposal: at contractor's cost

G. The above list of categories and rates can be amended from time to time by resolution duly passed by the town commission. Any such resolution shall be deemed to modify and amend the categories and rates as set forth in this section, and such rates amended by resolution shall be included in the published Code of Ordinances.

Sec. 127-11. Frequency of billing.

The fees for disposal, prescribed in §section 127-10 hereof shall be due and payable every 2 monthsbimonthly, and bills for service shall be mailed by the county, with the exception of individually contracted roll-off containerized services which shall be arranged for, due and payable directly bimonthly, and bills for services shall be mailed byto the waste contractor. Fees for recyclable materials for multi-family (greater than duplex) and commercial establishments shall be arranged directly through and billed every 2 months by the waste contractor.

Sec. 127-12. Third party billing and collections.

The town may perform account management, billing, and collections necessary to administer the provisions of this chapter either directly, or by way of agreement with a public or private sector third-party provider of such services. To the extent the town utilizes such third-party provider, the liability of the customer to pay all required fees remains the same and the town retains the right to directly engage in enforcement efforts to address delinquent accounts.

Sec. 127-13. Liens; penalty for delinquency in payment of fees; payment of collection costs and attorney feesOwner's responsibility for payment; lien; foreclosure.

The owner of land or premises to which garbage and trash collection service is provided by the town shall have ultimate responsibility for satisfying all town charges therefor, whether such service be presently or previously provided. Accounts for such service opened in the name of individuals, tenants or entities other than the owner of the land or premises shall be presumed at the instance and to the direct benefit of and as agent for such owner. All such charges for town collection of garbage and trash not satisfied within 30 days of billing for such services are considered delinquent and shall constitute grounds for discontinuance of collection and/or water service to the served land and/or premises. All such delinquent charges, pursuant to F.S. Pt. II, Ch. 713, shall constitute a lien on the land and/or premises so served until such charges are fully satisfied, and such lien shall be prior to all other liens on such lands and/or premises except the lien for state, county and municipal taxes. Such liens not fully satisfied within 60 days following notification to the owner thereof of the filing of a certificate of indebtedness to perfect such lien shall, for the collection of such charges, subject the described lot, land and/or premises to foreclosure in the manner provided by law for foreclosure of mortgages on real property.

All services charges, fines, and special collections resulting from violations of this chapter, which become due to the town and payable on and after the adoption of this chapter, shall constitute and are hereby imposed as liens against the particular real property involved, and, until fully paid and discharged, shall be imposed as special assessment liens against the subject real property, and shall remain liens equal in rank and dignity with the lien of ad valorem taxes, and shall be superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against said real property. The above-referenced charges shall become delinquent if not fully paid within 15 days after the due date. The maximum rate of interest allowable by law shall accrue to such delinquent accounts. Unpaid and delinquent charges, together with all penalties imposed thereon, shall remain and constitute liens against the real property involved. Such liens shall be enforced by any of the methods provided in Ch. 86, Florida Statutes; or, in the alternative, foreclosure proceedings may be instituted and prosecuted pursuant to Ch. 173, Florida Statutes; or the collection and enforcement of payment thereof may be accomplished by any other method authorized by law. In addition, to any other charges imposed by this chapter. The owner shall be responsible for payment of any and all costs, including attorney fees and costs, resulting from collection of said fees/charges.

Sec. 127-143. Removal of certain waste and noncombustible refuse.

- A. Food and industrial process waste and other noncombustible refuse, as defined in ~~§section~~ 127-1, must be removed by the owner, occupant, operator or by the contractor performing the work which causes such waste to accumulate, as the case may be.
- ~~A.B.~~ Spent oils or greases accumulated at garages, filling stations or similar establishments shall not be removed by the town except such as are removed for the use of the town.
- ~~B.C.~~ In addition thereto, the town shall not remove such accumulations of construction and demolition waste consisting of steel, concrete block, bricks and debris from brick or concrete construction, roofing shingles or tile installations; industrial process waste debris-accumulating from land clearing, building, rebuilding and altering of buildings, structures, roads, streets, sidewalks, parkways or excavations; ~~and~~ ~~s~~Such accumulations shall be removed by the owner of the property on which they are located or the contractor or other persons performing or doing work causing such accumulations.

Sec. 127-15. Disposal of hazardous waste.

Notwithstanding any other provisions of this chapter, bio-hazardous and/or hazardous waste shall not be placed in trash containers, recycle containers, dumpsters, yard waste bundles or any other container for routine collection. Substances in this class shall be segregated and disposed of as provided by state and federal law including, without limitation, the procedures set forth on Florida Administrative code chapter 17-7, which prohibits the deposit of this type of waste in a sanitary landfill.

Sec. 127-164. Illegal accumulations.

It shall be unlawful and a violation of this article for the owner, manager or occupant of any premises to permit any accumulation of ~~garbage or trash~~ upon the premises for a period of longer than four days without having arranged for disposal of such accumulation by some person qualified

under this article to perform such service or by the department of refuse collection and disposal of the town, and it shall be unlawful for any person, whether owner, manager or occupant of any premises, to fail to provide a sufficient number of ~~garbage or trash containerans~~ upon the premises to amply provide for the ~~garbage and trash~~ accumulation upon said premises within any four-day period or to suffer, permit or allow any ~~garbage or trash~~ not deposited in the required ~~garbage or trash containerans~~, as provided in this article, to accumulate, be or remain upon the premises.

Sec. 127-~~175~~. Yard waste~~Garden trash~~ removal.

Yard waste must be cut and placed at the front curb by the resident or homeowner. Yard waste includes all yard clippings, grass cuttings, leaves, shrubs, palm fronds, tree limbs and such other small rubbish as ordinarily accumulates about growing vegetation. All grass clippings, leaves and small debris must be placed in a lidded container for pickup. Branches and limbs must be neatly piled and not over four (4) feet in length and no single object over 40 lbs. The price for weekly yard waste and tree trimming debris shall be included in the residential rate. Horticultural/yard waste and tree trimming debris created by a contractor or commercial tree trimmer must be disposed of by said contractor or commercial tree trimmer. It will not be picked up by the town's solid waste contractor. Yard waste, in excess of the standard weekly amount (2 cubic yards per week), shall require a scheduled pickup and will be subject to an additional fee. Any premises having a garbage or trash can upon which the proper and required fee has been paid under the terms of this article shall be entitled to periodic collection of tree limbs, palm fronds and other garden trash of such a size or nature as cannot be deposited in a regular trash can but that may be manually loaded by two persons. Such garden trash shall be deposited adjacent to the alley if said property upon which it is accumulated is served by an alley or in such other places as may be prescribed by the town. Residents or occupants of any premises may arrange for private removal and transportation of garden trash to points without the town. It shall be unlawful for any person to deposit any garden trash upon any lot or premises belonging to another, whether vacant or improved, occupied or unoccupied, or upon any street, plaza or park or in any of the waters lying within the town.

Sec. 127-~~186~~. Occupation or operation of premises to constitute prima facie evidence of production of ~~garbage or trash~~; duty of representative.

Any place of abode or any place of business occupied or in operation shall be prima facie evidence that ~~garbage or trash~~ is being produced and accumulated on such premises. It shall be the duty of the proper representative of the town to inspect said premises and remove therefrom any and all ~~garbage or trash~~ found thereon, provided that the required fees have been paid by such resident or occupant, or to notify the proper persons if such removal is not the duty of the town.

Sec. 127-~~197~~. Prerequisites to removal by town.

No removal of ~~garbage or trash~~ shall be made by the town from any premises unless said ~~garbage or trash~~ is deposited in the proper receptacles as provided by the terms of this article and upon which said receptacle the proper fee has been paid.

Sec. 127-~~2018~~. Exclusive contracts permitted.

The board of commissioners may enter into an exclusive contract with a qualified provider private person for the collection of ~~garbage, trash, recycled materials debris and yard waste garden~~

~~trash~~ within the town. Such contract shall set forth all necessary provisions relative to the manner, method and frequency of collections, shall provide the fees to be paid for such collections and shall provide for the posting of a performance bond in an amount to be set forth in the contract, and which shall ensure performance of the required services for a period not less than 180 days ~~the amount of \$2,500.00 by the contracting person, which bond shall cover the contractor for 90 days.~~

Sec. 127-219. Voluntary recyclable material collection ~~Penalties for offenses.~~

The waste contractor will collect voluntary recyclable materials from residential units once per week; provided that (i) such recyclable materials are placed in recycling containers provided by contractor, and (ii) such recycling containers are placed within five (5) feet of the curbside or right of way adjacent to the residential unit no later than 6:00 P.M. on the day before the collection and removed no later than 7:00 P.M. on the day of collection. The contractor shall only be responsible for collecting, hauling, and recycling of recyclable materials placed inside recycling containers. Recyclable materials in excess of the recycling container limits, or placed outside or adjacent to the the recycling container, will not be collected by the contractor. Customers shall comply with any description and or procedures with respect to removal of contaminants or preparation of recyclable materials. If any customer of the town fails to do so, contractor may decline to collect such materials without being in breach of its contract. The recycle contractor shall not be responsible for and has not made any representation regarding the ultimate recycling of such recyclable materials by any third-party facilities. Recycling for multifamily dwellings greater than 2 units and commercial properties shall arrange voluntary recycle directly with the recycle contractor at a cost established by town resolution. The town provides a recycling dumpster on town hall property for the use of all residential or commercial property owners. ~~Any person, firm, corporation or agent who or which violates any of the provisions of this article or who or which fails to comply therewith shall be subject to a penalty as set forth in chapter 1, general provisions, article II, of this Code.~~

Sec. 127-22. Enforcement of chapter.

- A. The town's code enforcement officer is authorized to enforce all the provisions of this chapter regulating and governing the accumulation, collection, and disposal of solid waste.
- B. Upon presentation of proper credentials, a code enforcement officer appointed by the town may enter any building, structure, lot or other premises for the purpose of inspection, or to prevent violations of this chapter. Where inspection of owner-occupied residential structures would require an inspection warrant under state law, such warrant must be secured prior to entry.
- C. The existence of solid waste shall be prima facie evidence that the same was created or placed there by the occupant of the dwelling or commercial establishment; or the owner; or the operator or manager. The existence of the same garbage inside the same garbage containers for four consecutive days upon a premises serviced by a private waste contractor shall be prima facie evidence of a violation of this chapter by the contractor. For purposes of this section premises serviced by a private waste contractor shall not include accounts that have been discontinued by the contractor when notice of discontinued service has been

mailed to the owner, occupant, or operator or manager, as well as to the town, prior to the accumulation of the garbage.

- D. Whenever a designated town code enforcement officer observes a violation (or violations) of this chapter regarding solid waste or an accumulation of solid waste that creates a health hazard, environmental hazard, or nuisance, the code enforcement officer shall order the violation(s) to be corrected within a specified period of time by serving a written notice of violation(s) upon the person causing, or responsible for, such violation and/or health hazard, environmental hazard, or nuisance. Such person shall immediately cease or abate the violation(s).
- E. A notice of violation shall be served personally or by certified mail upon the property owner or upon the person(s) in lawful possession of the premises, and/or upon the waste contractor servicing the premises. If the person addressed with such notice cannot be found by the town after making reasonable good faith effort, such notice shall be sent by certified mail to the last known address of such person, and a copy of the notice shall be posted in a conspicuous place on the premises. Such notice shall be deemed the equivalent of personal service.
- F. The notice shall specify any fine(s) that may be due in connection with the violation(s), the time specified by the code enforcement officer to correct the violations, and the procedure for timely payment or appeal of the fine(s).
- G. If the code enforcement officer determines that the conditions constitute an immediate threat to the health, safety or welfare of the public, he/she may order the immediate correction of the violation(s) at the expense of the occupant, owner, or operator or manager and the town shall have the statutory right to recover such expenses.

Sec. 127-23. Penalties for offenses.

Any person, firm, corporation or agent who or which violates any of the provisions of this chapter or who or which fails to comply therewith shall be subject to a penalty as set forth in chapter 1, general provisions, article II, of this code.

Sec. 127-24. Observance of laws.

All private waste contractors shall keep fully informed of all federal, state and local laws, ordinances, codes, rules, regulations, and all orders and decrees of bodies or tribunals having jurisdiction or authority that in any manner affect the work, or that in any way affect the conduct of their work. Contractors shall at all times observe and comply with all such laws, ordinances, codes, rules, regulations, and orders and decrees. Each private waste contractor shall obtain all required licenses and permits to conduct business pursuant to this chapter.

Sec. 127-25. Indemnification.

Each private waste contractor shall agree in any franchise agreement to an indemnification clause whereby the contractor covenants to indemnify, hold harmless and defend the town, its officers, agents and employees, against and assumes all liability for any and all claims, suits, actions, damages, liabilities, expenditures or causes of actions of any kind arising from any solid waste collection and/or disposal activities, and/or the use of any public streets for the purposes authorized in this chapter; or resulting or accruing from any negligence, act, omission or error of the contractor, its officers, agents or employees and/or arising from the failure of the contractor, its officers, agents or employees, to comply with each and every covenant of any applicable franchise agreement with the town, or with any other town or county ordinance or state or federal law applicable to its activities and resulting in or relating to bodily injury, loss of life or limb or damage to property sustained by any person. The contractor shall hold the town, its officers, agents, and employees, harmless from and against all judgments, orders, decrees, attorney's fees, costs, expenses and liabilities incurred in and about any such claim, investigation or defense thereof, which may be entered, incurred or assessed as a result of the foregoing. The contractor shall defend, at its sole cost and expense, any legal action, claim or proceeding instituted by any person against the town, its officers, agents and employees, as a result of any claim, suit or cause of action accruing from activities authorized by this chapter.

Sec. 127-26. Franchise fee authorized.

The town may, within a negotiated franchise agreement, require a franchise waste contractor to pay to the town a franchise fee consisting of a percentage of the contractor's total monthly gross receipts. The town commission shall have the option of raising the franchise fee once yearly, by resolution, following a duly noticed public hearing with 30 days' prior notice to all franchise waste contractors. Such raises shall not exceed two percent of the contractor's total monthly gross receipts yearly. The term "gross receipts" as used in this section shall mean the entire amount of the fees collected by the contractor (whether wholly or partially collected) for solid waste collection and disposal within the town and including, without limitation, but excluding any taxes, and gross receipts from servicing rolloff and portable containers. Nothing herein requires the assessment of a franchise fee and the town may, in its sole discretion, elect to forego such fee.

Section 2. For purposes of codification of any existing section of the Redington Shores Code herein amended, words **underlined** represent additions to original text, words **~~stricken~~** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

Section 3. If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.


Section 4. The Codifier shall codify the substantive amendments to the Redington Shores Town Code contained in Section 1 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

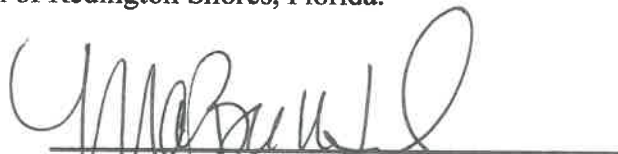
Section 5. Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon adoption.

ADOPTED ON FIRST READING on the 11th day of May, 2022, by the Board of Commissioners of the Town of Redington Shores, Florida.

ADOPTED ON SECOND AND FINAL READING on the 8th day of June, 2022, by the Board of Commissioners of the Town of Redington Shores, Florida.

ATTEST:


Tracy Campbell, Town Clerk


Marybeth Henderson, Mayor Commissioner