

ORDINANCE NO. 11-O-02AA

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA, AMENDING CHAPTER 21 OF THE CODE OF GENERAL ORDINANCES RELATING TO SOLID WASTE COLLECTION AND DISPOSAL; MODIFYING DEFINITIONS; MODIFYING EXCEPTIONS TO COLLECTION BY THE CITY; MODIFYING THE AUTHORITY OF THE DIRECTOR; MODIFYING PROHIBITIONS REGARDING PLACEMENT OF SOLID WASTE FOR COLLECTION; MODIFYING LEVELS OF SERVICE AND CUSTOMER RESPONSIBILITIES; AMENDING REGULATIONS RELATING TO COLLECTIONS AND DISPOSAL OF YARD WASTE, BULKY WASTE, AND OTHER SPECIAL WASTES; PROVIDING VIOLATIONS FOR COMMINGLING OF VARIOUS WASTES; AUTHORIZING THE DIRECTOR TO MANDATE THE LEVEL OF SERVICE PROVIDED UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR VIOLATION AND ENFORCEMENT; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED by the people of the City of Tallahassee, Florida, as follows:

**Section 1.** Section 21-481, City of Tallahassee General Code, is hereby amended to read as follows:

**Sec. 21-481. 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:

Backdoor collection means the collection of residential waste and recovered materials where collection personnel roll the containers to and from the curb for service.

Biomedical waste or biohazardous waste means any solid waste or liquid waste which may present a threat of infection to humans. The term includes, but is not limited to, nonliquid human tissue and body parts; laboratory and veterinary waste which contain human-disease-causing agents; discarded disposable sharps; human blood, and human blood products and body fluids; and other materials which in the opinion of the department of health and rehabilitative services represent a significant risk of infection to persons outside the generating facility. The term does not include human remains that are disposed of by persons licensed under Chapter 497, f.s. ch. 470 Florida Statutes.

Biomedical waste generator or biohazardous waste generator means a facility or person that produces or generates biomedical waste. The term includes, but is not limited to, hospitals, skilled nursing or convalescent hospitals, intermediate care facilities, clinics, dialysis clinics, dental offices, health maintenance organizations, surgical clinics, medical buildings, physicians' offices, laboratories, veterinary clinics, and funeral homes.

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1        *Biological waste* means solid waste that causes or has the capability of causing  
2 disease or infection and includes, but is not limited to, biomedical waste, diseased or dead  
3 animals, and other wastes capable of transmitting pathogens to humans or animals. The  
4 term does not include human remains that are disposed of by persons licensed under  
5 | Chapter 497, F.s. ch. 470 Florida Statutes.

6        *Bulky waste* means those items whose large size or weight precludes or complicates  
7 their handling by normal collection, processing and disposal methods.

8        *Commercial establishment* means any building devoted to retail or wholesale uses,  
9 warehousing uses, institutional uses, religious uses, governmental uses or other  
10 nonresidential uses.

11        *Commercial waste* means refuse originating in a commercial establishment.

12        *Construction and demolition debris* means discarded materials generally considered  
13 to be not water-soluble and nonhazardous in nature, including, but not limited to, steel,  
14 glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from  
15 the construction or destruction of a structure as part of a construction or demolition  
16 project or from the renovation of a structure, and including rocks, soils, tree remains, trees,  
17 and other vegetative matter that normally results from land clearing or land development  
18 operations for a construction project, including such debris from construction of structures  
19 at a site remote from the construction or demolition project site. Mixing of construction  
20 and demolition debris with other types of solid waste will cause it to be classified as other  
21 than construction and demolition debris. The term also includes:

- 22            (1)    Clean cardboard, paper, plastic, wood, and metal scraps from a  
23                    construction project;
- 24            (2)    Except as provided in F.S. § 403.707(12)(j), unpainted, nontreated  
25                    wood scraps from facilities manufacturing materials used for  
26                    construction of structures or their components and unpainted,  
27                    nontreated wood pallets provided the wood scraps and pallets are  
28                    separated from other solid waste where generated and the generator  
29                    of such wood scraps or pallets implements reasonable practices of the  
30                    generating industry to minimize the commingling of wood scraps or  
31                    pallets with other solid waste; and
- 32            (3)    De minimis amounts of other nonhazardous wastes that are generated  
33                    at construction or destruction projects, provided such amounts are  
34                    consistent with best management practices of the industry.

35        *Customer* means the person to whom the city furnishes solid waste collection  
36 service at a particular residential establishment, commercial establishment, or other  
37 location.

38        ~~*Director of the department of public works or director*~~ means the director of the  
39 department of solid waste services ~~public works~~ of the city, or his designee ~~and other~~  
40 ~~persons authorized to enforce the provisions of this article.~~

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1        ~~*Department Division*~~ means the department of solid waste services ~~public works,~~  
2 ~~division of solid waste,~~ or its designated agents, licensees, franchisees or contract  
3 representatives.

4        *Forktainer* means a large steel waste receptacle designed to be emptied into front  
5 loading refuse collection trucks.

6        *Garbage* means all kitchen and table food waste, animal or vegetative waste that is  
7 attendant with or results from the storage, preparation, cooking or handling of food  
8 materials.

9        *Hazardous waste* means solid waste, or a combination of solid wastes, which,  
10 because of its quantity, concentration, or physical, chemical, or infectious characteristics,  
11 may cause, or significantly contribute to, an increase in mortality or an increase in serious  
12 irreversible or incapacitating reversible illness or may pose a substantial present or  
13 potential hazard to human health or the environment when improperly transported,  
14 disposed of, stored, treated, or otherwise managed. The term does not include human  
15 remains that are disposed of by persons licensed under Chapter 497, F.S. ch. 470 Florida  
16 Statutes.

17        *Helping hands service* means premium residential service provided at the same  
18 charge as standard residential service pursuant to section 21-487(e) of this article.

19        *Multifamily residential establishments* means those establishments with two or  
20 more attached residential units, each with separate cooking facilities.

21        *Nonputrescible waste* means paper, wooden or paper boxes or containers, and other  
22 accumulations of a nature other than garbage which are usual to residential housekeeping  
23 and the operation of stores, offices and other business places.

24        *Person* means any and all persons, natural or artificial, including any individual,  
25 firm, or association; any municipal or private corporation organized or existing under the  
26 laws of this state or any other state; any county of this state; and any governmental agency  
27 of this state or the federal government.

28        *Premium residential service* means weekly backdoor collection of residential waste  
29 and recovered materials and bi-weekly curbside collection of bulky waste and yard waste.

30        *Recovered materials, also referred to as recyclable materials,* means metal, paper,  
31 glass, plastic, textile, or rubber materials, as designated by the director for collection by the  
32 city, that have known recycling potential, can be feasibly recycled, and have been diverted  
33 and source separated or have been removed from the solid waste stream for sale, use, or  
34 reuse as raw materials, whether or not the materials require subsequent processing or  
35 separation from each other, but does not include materials destined for any use that  
36 constitutes disposal. Recovered materials as described above are not solid waste.

37        *Recovered material container* means a container for recovered materials; of such a  
38 design and construction, that it provides a safe and hazard-free containment and  
39 conveyance of the recovered materials contained therein.

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

*Recycling* means any process by which solid waste, or materials which would otherwise become solid waste, are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

*Recycling center* means a designated location within a multifamily residential community or commercial establishment for the placement of a centralized, jointly used recovered materials container.

*Recycling station* means a designated location within a multifamily residential community or commercial establishment for the placement of individual recovered materials containers.

*Refuse* means all garbage and nonputrescible wastes, which are not hazardous wastes.

~~*Refuse container* means only an impervious cylindrical metal or plastic watertight container, with suitable handles and a tight-fitting cover, of the type commonly sold as exterior garbage cans, and with a capacity of not more than 32 gallons, nor less than 25 gallons; and a those containers furnished by the city in conjunction with mechanized garbage pickup; or a other commercial containers (forktainer, roll-off) approved by the department division for use by commercial establishments or apartments.~~

~~*Residential establishment establishments* means a single-family residence or and a multifamily residential unit units with separate kitchen facilities.~~

*Residential waste* means refuse from residential establishments.

~~*Single-family residential establishment establishments* means a those single-family, unattached, residence residences with separate kitchen facilities and individual solid waste collection.~~

*Roll-off container* means a large steel refuse container designed to be rolled onto a truck and transported to a disposal or collection facility.

*Solid waste* means sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. Recovered materials as defined in this section are not solid waste.

*Special collection* means collection of solid waste, at the request of a customer, other than a regularly scheduled collection. Special collection is a fee-based service and includes, but is not limited to, collection of commercial waste not in conformance with section 21-486, residential waste not in conformance with section 21-487, yard waste not in conformance with section 21-488, or bulk waste not in conformance with section 21-489, and collection of construction and demolition debris.

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1        *Special wastes* means solid wastes that can require special handling and  
2 management, including, but not limited to, ~~white goods, waste tires, used oil, lead-acid~~  
3 ~~batteries, construction and demolition debris, ash residue, yard-trash waste,~~ and biological  
4 wastes.

5        *Standard residential service* means weekly curbside collection of residential waste  
6 and recovered materials and bi-weekly curbside collection of bulky waste and yard waste.

7        ~~*Yard waste trash*~~ means vegetative matter resulting from landscaping maintenance  
8 and land-clearing operations and includes leaves, grass clippings, pine straw, tree  
9 trimmings, limbs, and shrubbery.

10        ~~*White goods* means inoperative and discarded refrigerators, ranges, water heaters,~~  
11 ~~freezers, and other similar domestic and commercial large appliances.~~

12        **Section 2.**     Section 21-483, City of Tallahassee General Code, is hereby amended  
13 to read as follows:

14        **Sec. 21-483. Collection only by city; exceptions.**

15        All commercial waste, residential waste and recovered materials from residential  
16 establishments accumulated in the city shall be collected, conveyed and disposed of by the  
17 division city or its contractors. No other person shall collect, convey over any of the streets  
18 or alleys of the city or dispose of any refuse accumulated in the city except as follows:

19                (1)     *Recovered materials.* This article does not prohibit any person from  
20 collecting, conveying and processing recovered materials, provided  
21 such persons comply with the provisions of this article.

22                (2)     *Exception for outside collectors.* This article shall not prohibit  
23 collectors of solid waste or recovered materials, which have been  
24 collected outside the city limits, from hauling such materials over city  
25 streets, provided such collectors comply with the provisions of this  
26 article and with other applicable governing law or ordinance.

27                ~~(3)     *Exception for actual producers.* This article does not prohibit the~~  
28 ~~actual producers of refuse or the owners of premises upon which~~  
29 ~~refuse is accumulated from personally collecting, conveying and~~  
30 ~~disposing of such refuse, provided such producers or owners comply~~  
31 ~~with the provisions of this article and with other applicable governing~~  
32 ~~laws or ordinances. Such actual producers or owners shall register~~  
33 ~~such collection activity with the division, using registration forms~~  
34 ~~designed for solid waste data collection.~~

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1       **Section 3.**     Section 21-484, City of Tallahassee General Code, is hereby amended  
2 to read as follows:

3     **Sec. 21-484. Authority of commission and director**~~Regulations concerning collection.~~

4       (a)     The city commission shall have the authority to establish ordinances,  
5 resolutions and fees related to the collection of solid waste and recovered materials.

6       (b)     The director shall have the authority to establish, make, change or modify  
7 ~~regulations concerning~~ the days of collection, type and location of containers, the number  
8 of containers required to adequately support the level of service provided to a customer,  
9 the charges for containers provided to a customer if multiple containers are required due  
10 to the volume of solid waste), types of recovered recyclable materials to be collected,  
11 recycling programs, and other matters pertaining to the collection, conveyance and  
12 disposal of refuse and recovered materials by the city division after giving notice, either by  
13 U.S. Mail to affected customers or by publication ~~published~~ in a newspaper of general  
14 circulation, at least ten days in advance of the effective date of such regulation change or  
15 modification. ~~Such authority shall not include regulations pertaining to service levels or~~  
16 ~~fees.~~

17       (c)     The director shall have the authority to specify the level of service to be  
18 provided to a particular residential establishment (i.e., either standard residential service  
19 or premium residential service) whenever the director determines that such level of  
20 service is reasonably required due to the customer's storage of containers in an area that  
21 cannot be safely and easily accessed by collection personnel, or the potential for damage to  
22 property, or other circumstances affecting the efficient provision of collection services or  
23 affecting the public health, safety, or welfare. Should the director determine that only a  
24 specific level of service would be offered to a particular residential establishment, the  
25 director shall give written notice of such determination to the affected customer at least ten  
26 (10) days prior to changing the level of service provided to that establishment. The  
27 customer shall pay the rates established in accordance with section 21-512 of this article  
28 for the particular level of service specified by the director. The director, in accordance with  
29 section 21-487(g) and without providing the ten-day notice otherwise required by this  
30 section, also shall have the authority to require that a specific level of service be provided  
31 to a particular residential establishment, as a result of the failure of customer at that  
32 location receiving standard residential service to place containers at curbside, or to remove  
33 such containers, within the time required by ordinance.

34       (d)     If a customer is in violation of any provision of this article relating to  
35 commingling of different types of solid waste, placement of particular solid waste for  
36 collection, or containment of particular solid waste, collection personnel may refuse to  
37 pick-up such solid waste. In such event, collection personnel will provide notice of such  
38 refusal to the customer by posting such notice on or adjacent to the solid waste at issue. If  
39 the customer fails to take appropriate action to remedy such violation within the time set  
40

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1 forth in the notice, the city may, but shall not be obligated to, properly separate, place,  
2 contain, or otherwise collect such solid waste and shall bill the customer for such service in  
3 accordance with rates and charges established pursuant to this article.

4 (e) The director shall have the authority to provide special collections as  
5 requested by a customer. The customer shall be billed for such services in accordance with  
6 the schedule of rates and charges as adopted by the commission.

7 **Section 4.** Section 21-485, City of Tallahassee General Code, is hereby amended  
8 to read as follows:

9 **Sec. 21-485. General prohibitions.**

10 (a) No solid waste shall be buried within the corporate limits of the city, except  
11 within a state-permitted landfill.

12 (b) No person shall place any accumulation of solid waste or recovered materials  
13 in any street, alley or other public place of travel nor upon any private or public property,  
14 except adjacent to and directly in front of such person's own property. In all cases where  
15 conditions permit, such placement shall be in the area behind the curb or the area behind  
16 the back slope of the roadside drainage ditch.

17 (c) No person shall place any accumulation of solid waste or recovered materials  
18 in, upon or over any storm drain or ditch, or so close thereto as to cause the solid waste to  
19 be drawn by the elements into a storm drain or ditch and thereby cause a blockage of the  
20 storm drainage system.

21 (d) No person shall sweep, mechanically blow, wash or otherwise direct any soil,  
22 ~~yard trash waste~~, debris or solid waste into a street, street gutter, storm drain or ditch. This  
23 prohibition shall not apply to a governmental agency or its contractor when such activity is  
24 a part of maintenance activities for such facilities.

25 (e) No person shall place, for collection, any accumulation of solid waste or  
26 recovered materials within three (3) feet, or within ten (10) feet with respect to bulky  
27 waste, of any obstacle or structure, such as a utility pole or pedestal, guy wires or other  
28 support structures or installations, signs, fire hydrants, or any portion of an irrigation  
29 system or backflow prevention device. The City shall not be responsible for damage to  
30 such obstacles or structures, or any related cost of repairs, arising or resulting from  
31 improper placement of such solid waste or recovered materials.

32 (f) Neither refuse nor recovered materials shall be commingled, nor shall they  
33 be set out for collection, except in refuse containers and recovered material containers  
34 provided or approved by the director. No refuse or recovered materials containers shall be  
35 overfilled such that the lid will not close completely.

36 (g) Neither residential refuse nor yard waste or bulky waste from residential  
37 establishments shall be commingled but shall be set out or placed for collection only as  
38

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1 provided in this article. The director may discontinue collection service in any instance  
2 where such wastes have been commingled until such time as the commingled wastes have  
3 been properly placed at the curb for collection.

4 **Section 5.** Section 21-486 of the Code of General Ordinances of the City of  
5 Tallahassee, Florida, is hereby amended and shall read as follows:

6 **Sec. 21-486. Commercial waste and recovered materials.**

7 (a) *Approved containers.*

8 (1) *Refuse container.*

9 a. It shall be the responsibility of actual producers of commercial  
10 waste, or the owners of premises upon which commercial  
11 waste is accumulated, to provide, and to place all such waste in,  
12 ~~(with the exception of those locations provided containers by~~  
13 ~~the division) suitable refuse containers, approved by the~~  
14 ~~division. Such container shall be a forktainer, roll-off container,~~  
15 ~~or, if such service is authorized by the director, an approved~~  
16 ~~refuse container for use (as per definitions) used in rear load~~  
17 ~~collection service.~~ Rear load service shall only be provided in  
18 situations allowed where physical limitations prevent access  
19 by other collection vehicles affect accessibility, or where  
20 accumulation of refuse makes make other containerization  
21 impractical, as reasonably determined by the director. ~~Such~~  
22 ~~service must be approved by the division.~~

23 b. It shall be the responsibility of local forktainer and roll-off  
24 container suppliers to handle containers compatible with city  
25 collection equipment and approved by the ~~division~~  
26 department.

27 (2) *Recovered materials container.* Recovered materials containers must  
28 ~~be in a recovered material container or presented or accumulated in~~  
29 ~~such a way that does not constitute a public nuisance. Such container~~  
30 ~~shall be clearly marked "For Recyclable Material Only," or similar~~  
31 ~~language, and shall identify the name and telephone number of the~~  
32 ~~recovered material collector.~~

33 (b) *Location and condition of containers.*

34 (1) *Location of containers.* Establishments shall locate all containers so as  
35 to allow ready, reasonable and safe access by city solid waste and  
36 recycling vehicles. The establishment shall be responsible for  
37 maintaining the container, its location, and any necessary access route  
38 over private property. ~~Service frequency for solid waste collection will~~  
39 ~~be established to meet the customer's needs. Where necessary to~~

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1 | ~~protect the public health, the director shall have the authority to~~  
2 | ~~require more frequent collections.~~ All commercial establishments and  
3 | apartments shall apply for approval, by the city, of containers  
4 | provided for service, their locations, and construction of any  
5 | enclosures, through the department's division's service permit  
6 | process.

7 | (2) *Underground containers prohibited.* No refuse or recovered material  
8 | container shall be installed in such a manner that the bottom or  
9 | bottoms thereof shall be at an elevation below that of the immediately  
10 | surrounding terrain.

11 | (3) *Containers to be safe.* All containers as required under this section  
12 | and all associated enclosures shall be of safe construction and design  
13 | and shall be maintained in good and serviceable condition. Containers  
14 | and enclosures, which do not conform to the provisions of this article  
15 | or which have ragged or sharp edges or any other defects likely to  
16 | hamper or injure persons collecting the contents thereof or the public  
17 | generally, shall be promptly replaced upon notice. The director shall  
18 | have the authority to deny collection service for failure to comply  
19 | herewith.

20 | (4) *Containers to be kept covered.* All containers, except recovered  
21 | material containers and those for the collection of construction and  
22 | demolition debris, shall be kept tightly covered or closed at all times,  
23 | except when actually placing in or removing materials from the  
24 | container. It shall be unlawful for any person to have or permit on his  
25 | premises or any premises under his control any such container which  
26 | is not tightly covered or closed.

27 | ~~(5) *Open refuse bins.* No open or enclosed refuse bins shall be constructed~~  
28 | ~~without the approval of the director. No bin, existing prior to~~  
29 | ~~December 13, 1983, shall continue to be used unless it is completely~~  
30 | ~~enclosed, including a floor and siding, and is both waterproof and~~  
31 | ~~rodentproof.~~

32 | (c) *Unauthorized use of containers.*

33 | (1) It shall be unlawful for any person to enter or be inside of any  
34 | commercial refuse or recovered material container.

35 | (2) It shall be unlawful for any person to dispose of refuse in any  
36 | commercial refuse container unless such person has contracted with  
37 | the department division for the collection of refuse or the person has  
38 | been given authority to use the refuse container by the person who  
39 | has contracted with the department division for the collection of  
40 |

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1 refuse and such non-contracting person has registered with the  
2 ~~department division~~ to so dispose of their refuse, using a registration  
3 form designed for solid waste data collection.

4 (3) It shall be unlawful for any unauthorized person to remove any refuse  
5 or ~~recovered recyclable~~ materials from a commercial refuse container  
6 or a recovered material container, or to dispose of refuse in a  
7 recovered material container.

8 (4) It shall be unlawful for any person to dispose of yard waste ~~trash~~ in a  
9 commercial refuse container or recovered material container. The  
10 ~~department division~~ may provide collection service for yard waste  
11 ~~trash~~ from commercial establishments upon request.

12 (d) *Container damage.* Damage to containers resulting from abuse or negligence  
13 by the customer shall be the responsibility of the customer to which the container was  
14 supplied. The ~~department division~~ shall determine the extent of the damage and assess  
15 costs for repair or replacement, as appropriate, of city-furnished containers.

16 (e) *Ownership of recovered materials from commercial establishments.* Recovered  
17 materials shall become the property of designated collector once they are placed in the  
18 designated location for collection. It From the time of placement for collection by any  
19 commercial establishment of recovered material for collection by the collector designated  
20 by such establishment, such materials shall become and be the property of the designated  
21 collector. Furthermore, it shall be a violation of this article for any person (other than the  
22 designated collector) to collect, pick up, or cause to be collected or picked up, any such  
23 recovered material.

24 (f) ~~Any person convicted of violating any of the terms of this section shall upon~~  
25 ~~conviction be punished by a fine of \$250 for the first conviction, and \$500 for the second or~~  
26 ~~subsequent conviction.~~

27 (f) *Service Frequency.* Service frequency for collection of commercial waste and  
28 recovered materials will be established and adjusted, as deemed appropriate by the director, to  
29 meet the needs of each commercial establishment. Where necessary to protect the public health or  
30 safety, the director, following written notice to the customer, shall have the authority to adjust such  
31 frequency of service or to require special collection. All such services shall be billed to, and paid by,  
32 the customer as a part of its utility service.

33 **Section 6.** Section 21-487, City of Tallahassee, General Code, is hereby amended  
34 to read as follows:

35 **Sec. 21-487. Residential waste and recovered materials.**

36 (a) *Approved containers.*

37 (1) *Refuse containers for single-family residential establishments.* The  
38 ~~department division~~ shall provide a refuse container to each single-  
39 family residential establishment upon initial commencement of

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1 service at that location. The container shall be assigned to that  
2 residential establishment but shall remain the property of the  
3 department, division, which shall be responsible for maintenance of  
4 such container.

5 (2) *Refuse containers for multifamily residential establishments.* The  
6 owner of any multifamily residential establishment or complexes of  
7 five or more units shall furnish or require the tenants to furnish a  
8 forklifter or compactor for containment of to handle refuse  
9 accumulation for collection. Such refuse container shall comply with  
10 the provisions of section 21-486 of this article.

11 (3) *Recovered ~~material materials~~ containers for single-family residential*  
12 *establishments.* The ~~department division~~ shall provide a recovered  
13 material container to each single-family residential establishment  
14 upon initial commencement of service at that location. The container  
15 shall be assigned to that residential establishment but shall remain  
16 the property of the ~~division~~ department, which shall be responsible  
17 for maintenance of such container.

18 (4) *Recovered materials containers for multifamily residential*  
19 *establishments.* The ~~department division~~ shall provide recovered  
20 material containers for multifamily residential establishments. At the  
21 option of the owner ~~or tenants~~, the ~~department division~~ will provide  
22 either individual containers, comparable to those provided to single-  
23 family residential establishments, or a roll-off container, when  
24 available, designated as a recycling center, for joint use by the tenants.  
25 The containers shall remain the property of the ~~division~~ department.

26 (b) *Storage and placement of containers.*

27 (1) *Refuse and recovered material containers for single-family residential*  
28 *establishments. ~~Residences~~*

29 a. Owners or residents of single-family residential establishments  
30 receiving standard residential service shall place the assigned  
31 refuse and recovered material containers at the curb for collection  
32 no earlier than the day before the scheduled collection day and  
33 shall retrieve such containers and return them to the appropriate  
34 storage location no later than the day after the actual collection  
35 day. Such containers shall be stored within the residence, carport,  
36 garage, or other building or stored adjacent to the front, side, or  
37 rear wall of the residence.

38 b. Owners or residents of single-family residential establishments  
39 receiving helping hands service or premium residential service  
40 back yard collection shall store place the assigned refuse and  
41 recovered material containers at ground level providing collection

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1 division personnel with ready, reasonable and safe access thereto  
2 without entering into a building, shelter, carport, or fenced area of  
3 any type, and without the need for walking or carrying a refuse or  
4 recovered material container over, under or around any ~~some~~  
5 yard or property obstacle.

6 c. No refuse or recovered materials shall be collected where the  
7 respective refuse containers are not located in accordance with  
8 requirements of section 21-487(b)(1)b. cannot be reached by  
9 collection division personnel without unlocking a door or opening  
10 a gate or any similar obstacle. On the optional (curbside) collection  
11 day, it shall be the responsibility of the resident to set out and  
12 retrieve the refuse container from the curb. Such retrieval by the  
13 resident shall be made by dark of the "set out" day.

14 (2) *Refuse containers for multifamily residential establishments.* Refuse  
15 containers for multifamily residential establishments shall meet the  
16 same requirements set forth in ~~be located in accordance with~~  
17 ~~provisions of section 21-486 of this article with respect to containers~~  
18 serving commercial establishments.

19 ~~(3) Recovered materials containers for single family residential~~  
20 ~~establishments. Residents shall be responsible for placement and~~  
21 ~~retrieval of the recovered materials containers at curbside on the~~  
22 ~~designated recycling day. Such retrieval by the resident shall be made~~  
23 ~~by dark of the "set out" day.~~

24 (34) Recovered materials container for multifamily residential  
25 establishments.

26 a. Residents in such ~~those~~ establishments who are provided with  
27 given individual recovered materials containers shall set out  
28 such and retrieve the containers at ~~from~~ the recycling station  
29 no earlier than on the designated recycling day before the  
30 scheduled day of collection and ~~Such retrieval by the resident~~  
31 shall retrieve such container and return it to the appropriate  
32 storage location no later than ~~be made by dark of the "set out"~~  
33 day after the actual collection day. Such containers shall be  
34 stored within the residence, carport, garage, or other building  
35 or stored adjacent to the front, side, or rear wall of the  
36 residence.

37 b. Residents in those establishments who are provided with given  
38 centralized containers may take recovered materials to the  
39 recycling center at their convenience.

40 (c) *Ownership of recovered material from residential establishments.* From the  
41 time any recovered material from a residential establishment is placed ~~of placement~~ for

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1 collection pursuant to authorization by the city, ~~by any resident of recovered material for~~  
2 ~~collection by the division~~, such materials shall become and be the property of the city.  
3 Furthermore, it shall be a violation of this article for any person not specifically so  
4 authorized by the director ~~(other than the division)~~ to collect, pick up, or cause to be  
5 collected or picked up, any such recovered material.

6 (d) *Container damage.* Damage to containers resulting from abuse or negligence  
7 on the part of the owner, resident, or tenant at a particular service location shall be the  
8 responsibility of the customer to which the container was supplied. The department  
9 ~~division~~ shall determine the extent of the damage and assess costs for repair or  
10 replacement as appropriate for city-furnished containers.

11 (e) *Helping hands service.* The city will provide premium residential service at  
12 the same cost as standard residential service in those instances where no resident at a  
13 particular single family residential establishment is physically able to take residential  
14 waste and recovered material containers to the curb for collection. Eligibility for such  
15 service shall be determined by the director based on an application form, including a  
16 certification by the affected customer, a physician's certification, and such additional  
17 information and inquiry as the director may reasonably require. Periodic re-certification  
18 shall be required, as determined by the director.

19 (f) *Premium residential service.* Customers at residential establishments  
20 desiring premium residential service shall complete a written request form provided by the  
21 department. No such form must be filed with respect to a residential establishment if the  
22 director, pursuant to section 21-484 of this article, has specified that only premium  
23 residential service will be provided to that establishment.

24 (g) *Change in level of service.* Should the customer at a residential establishment  
25 receiving standard residential service fail to remove any refuse container or recovered  
26 material container from the curb and return such container to its proper storage location  
27 as required by this article, collection personnel shall post notice of such failure on the  
28 container(s) and may return such container(s) to the proper storage location. If a customer  
29 fails to so remove and store any refuse or recovered material container three (3) times  
30 within a twelve-month period, the director may require that the customer receive premium  
31 residential service for a period of twelve (12) months, after which such premium services  
32 will be terminated upon request of the customer. The twelve-month period shall begin on  
33 the next scheduled collection day after notice of such change in service level is posted on  
34 the customer's container(s). During such twelve-month period, the customer shall pay the  
35 rates established in accordance with section 21-512 of this article for the level of service  
36 being provided.

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1           **Section 7.**     Section 21-488, City of Tallahassee General Code, is hereby amended  
2 to read as follows:

3     **Sec. 21-488. Yard waste ~~trash~~ from residential establishments.**

4           (a)     ~~*Placement of yard waste. Combination of yard trash with residential refuse*~~  
5 ~~*prohibited.*~~ Yard waste ~~trash~~ from residential establishments shall not be combined with  
6 ~~residential refuse, but~~ shall be placed ~~separately~~ at the curb for collection in accordance  
7 with this section and separate from other solid waste. ~~by the division.~~ Such yard trash shall  
8 be placed so as to allow ten feet of clearance from all obstacles, such as power poles, guy  
9 wires, signs, and fire hydrants, to allow mechanized pick up.

10          (b)     ~~*Containment of leaves, grass clippings and pine straw.*~~ Leaves, grass clippings,  
11 and pine straw shall be placed at the curb in manageable containers, such as heavy-duty  
12 plastic or paper trash bags and cardboard boxes; and all such waste must be placed in piles  
13 no not larger than six feet long, four feet wide, four feet deep, and four feet high}.  
14 ~~Notwithstanding other provisions of this section or article, persons shall not be prohibited~~  
15 ~~from depositing noncontainerized leaves, grass clippings, and pine straw behind the curb~~  
16 ~~or behind the back slope of the roadside drainage ditch, pursuant to prior arrangements~~  
17 ~~with and authorization by the division for subsequent collection by the division. Such prior~~  
18 ~~arrangement shall include approval of the location and placement of such depositing, as~~  
19 ~~well as the scheduling of collection. In no case shall any person place noncontainerized or~~  
20 ~~containerized leaves or pine straw in, upon or over any storm drain or drainage ditch or so~~  
21 ~~close thereto as to be drawn by the elements into any storm drain or ditch, which would~~  
22 ~~result in or tend to cause a blockage of any part of such storm drainage system. Fees for~~  
23 ~~such collection shall be set by resolution of the city commission. Such deposit and~~  
24 ~~collection shall be prohibited where contrary to any restrictive covenants or deed~~  
25 ~~restrictions.~~

26          (c)     ~~*Tree trimmings, limbs and shrubbery.*~~ Tree trimmings, limbs and shrubbery  
27 shall not have a diameter in excess of four inches, ~~and~~ shall be cut in lengths not to exceed  
28 six feet, ~~and shall be~~ stacked parallel to the curb or street edge (in piles not to exceed six  
29 feet long, four feet wide, and four feet high).

30          (d)     ~~*Set out restrictions.*~~ Yard waste placed at the curb off schedule will be picked  
31 up on the next scheduled collection day. Customers may request a special collection to  
32 have such waste removed prior to the scheduled collection day. ~~*Fine for commingling yard*~~  
33 ~~*trash with residential refuse.*~~ Residents who commingle yard trash with residential refuse  
34 in violation of this section shall be punished as provided in this article after the first  
35 warning. Refuse collection service will be discontinued until the yard trash is removed and  
36 properly placed at the curb for collection.  
37

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1           **Section 8.**     Section 21-489, City of Tallahassee General Code, is hereby amended  
2 to read as follows:

3     **Sec. 21-489. Bulky waste and white goods from residential establishments.**

4           (a) ~~Bulky waste and white goods~~ from residential establishments may be  
5 separately placed at curbside for collection, provided that such waste is in piles separate  
6 from yard waste and all other solid waste. ~~by the division. Such bulky waste and white~~  
7 ~~goods shall not be commingled with yard trash and shall be placed separately so as to allow~~  
8 ~~ten feet of clearance from all obstacles, such as power poles, guy wires, signs and fire~~  
9 ~~hydrants, to allow mechanized pickup.~~

10          (b) Set out restrictions. Bulky waste placed at the curb off schedule will be  
11 picked up on the next scheduled collection day. Customers may request a special collection  
12 to have such waste removed prior to the scheduled collection day.

13           **Section 9.**     Section 21-490, City of Tallahassee General Code, is hereby amended  
14 to read as follows:

15     **Sec. 21-490. Disposal of construction and demolition debris.**

16           The collection, conveyance and proper disposal, in accordance with all applicable  
17 laws and regulations, of all construction and demolition debris, ~~resulting from construction~~  
18 ~~projects for which a city building permit has been issued,~~ and all shingles, felt and other  
19 debris resulting from the removal, repair or replacement of any roof, shall be the  
20 responsibility of the owner ~~or person performing the work~~ of the affected residential or  
21 commercial establishment. No materials from such projects shall be placed in any  
22 residential or commercial refuse container or placed for curbside pickup or trash collection  
23 ~~by the division. The department may provide collection services~~ Service for such activities  
24 ~~and debris may be supplied by the division through construction roll-off service, where~~  
25 ~~practical or special pickup, when requested.~~

26           **Section 10.**    Section 21-491, City of Tallahassee General Code, is hereby amended  
27 to read as follows:

28     **Sec. 21-491. Waste from tree trimming and land clearing.**

29           (a)     Commercial businesses engaged in the cutting, pruning or trimming of trees  
30 shall be responsible for disposing of the debris from their operations. No materials from  
31 such operations shall be placed in any residential or commercial refuse container or set out  
32 for curbside pickup ~~by the division.~~

33           (b)     Persons engaged in clearing land in preparation for construction or clearing  
34 and/or cleaning a vacant lot shall be responsible for disposing of the debris from such land  
35 clearing and/or cleaning. No materials from such operations shall be placed in any  
36 residential or commercial refuse container or set out for curbside pickup ~~by the division.~~

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1           **Section 11.** Section 21-493, City of Tallahassee General Code, is hereby amended  
2 to read as follows:

3   **Sec. 21-493. Disposal of other special waste.**

4           (a) ~~Used oil, waste tires, and lead acid batteries.~~ No person ~~Owners or occupants~~  
5 ~~of garages, filling stations and similar establishments which generate such waste shall~~  
6 ~~personally dispose or contract for disposal of used oil and greases, paints, waste tires, or~~  
7 ~~lead acid batteries except such waste~~ in accordance with all applicable governing laws and  
8 ordinances. Used oil and greases shall not be discharged into the city's sanitary or  
9 ~~stormwater storm sewer systems or placed in any residential or commercial waste~~  
10 ~~container, or in any recovered material container, serviced by the city, or commingled with~~  
11 ~~any solid waste or recovered materials placed or intended for collection by the city. Any~~  
12 ~~person found guilty of violating this provision shall be punished as provided in section 1-7.~~

13           (b) ~~Biological and biohazardous waste.~~ No biological, biohazardous, or  
14 ~~biomedical such waste shall be placed in any container serviced by the division city or~~  
15 ~~otherwise placed for collection by the city.~~ Producers of such waste shall personally collect,  
16 convey and dispose of such waste in accordance with all applicable governing laws and  
17 ordinances or shall contract for such service, ~~with an appropriately licensed provider. Such~~  
18 ~~actual producers shall register such activity with the division using registration forms~~  
19 ~~designed for solid waste data collection.~~

20           **Section 12.** Section 21-494, City of Tallahassee General Code, is hereby amended  
21 to read as follows:

22   **Sec. 21-494. Suspension Termination of service for violation of article; appeal.**

23           The director, in addition to other authority as set forth in this article, shall have the  
24 authority to ~~deny suspend all~~ collection services under this article to persons or  
25 ~~establishments places~~ not complying with this article. Any person aggrieved by any  
26 decision of the director shall have the right to appeal the decision to the city manager or  
27 designee. Nothing in this article shall prevent the city from taking any other lawful action  
28 as is necessary to prevent or remedy any such violation.

29           **Section 13.** Section 21-511, City of Tallahassee General Code, is hereby amended  
30 to read as follows:

31   **Sec. 21-511. Purpose of rates and charges.**

32           The rates and charges established in accordance with this article ~~set forth in section~~  
33 ~~21-512~~ are imposed to provide revenue for the purpose of paying the costs of the operation  
34 and maintenance of the solid waste sanitary garbage collection and disposal system of the  
35 city and extensions thereof and replacements thereto.

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1           **Section 14.** Section 21-512, City of Tallahassee General Code, is hereby amended  
2 to read as follows:

3   **Sec. 21-512. Rate schedule.**

4           ~~The city commission, by resolution, shall establish a~~ There is hereby established the  
5 following uniform schedule of rates and charges for the services and facilities of the  
6 municipal solid waste sanitary garbage collection and disposal system of the city to be paid  
7 by the owner, tenant or occupant of the premises using the services and facilities of such  
8 system ~~shall be as established by resolution.~~

9           **Section 15.** Section 21-513, City of Tallahassee General Code, is hereby amended  
10 to read as follows:

11   **Sec. 21-513. Agreements for special rates for exceptional conditions.**

12           Whenever there exist exceptional conditions of ownership, tenancy, occupancy or  
13 use affecting the collection of solid waste or affecting garbage and the collection of the rates  
14 and charges imposed in accordance with section 21-512 of this article, or resulting in heavy  
15 accumulation of solid waste, or necessitating more frequent collections of garbage solid  
16 waste, the city manager director shall have the authority, ~~with the approval of the city~~  
17 ~~commission, is hereby authorized to enter into agreements with the owner or occupant of~~  
18 the premises as to the services provided and the proper charges to be paid by such owner  
19 or occupant, which charges shall be made as nearly uniform as practical and proportionate  
20 to other charges for similar services ~~set forth in this section.~~

21           **Section 16.** Section 21-514, City of Tallahassee General Code, is hereby amended  
22 to read as follows:

23   **Sec. 21-514. Billing, collection of charges when other city services not used by**  
24 **customer.**

25           Persons using the services and facilities of the municipal solid waste sanitary  
26 garbage collection and disposal system who are not consumers of city electricity, water or  
27 gas shall be rendered monthly bills or statements for the use of the services and facilities of  
28 such system. ~~Such, which such~~ bills or statements shall be payable at the same time and in  
29 the same manner, and shall be subject to the same penalties and discontinuance of service,  
30 ~~of such system, which such bills or statements shall be payable at the same time and in the~~  
31 ~~same manner and subject to the same penalties and discontinuance of service of such~~  
32 ~~system as is in the case with respect to~~ of a failure of a consumer of the other utilities of the  
33 city to pay the rates and charges imposed under the terms of this ~~chapter~~ article.  
34

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1           **Section 17.** Section 21-515, City of Tallahassee General Code, is hereby created to  
2 read as follows:

3           **Sec. 21-515. Violation and Enforcement.**

4           It shall be a violation of this article to fail to comply with the provisions contained  
5 herein. Except as otherwise provided therein, this article shall be enforced as specified  
6 herein and in Section 1-7, City of Tallahassee General Code. The fines for violation of this  
7 article shall be \$250 for the first violation and \$500 for each subsequent violation.  
8 Supplemental enforcement of this article shall be carried out in accordance with Chapter 2,  
9 City of Tallahassee General Code.

10           **Section 18.** Conflict with Other Ordinances and Codes. All ordinances or parts of  
11 ordinances of the Code of Ordinances of the City of Tallahassee, Florida, in conflict with the  
12 provisions of this ordinance are hereby repealed to the extent of such conflict.

13           **Section 19.** Severability. If any provision or portion of this ordinance is declared  
14 by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then  
15 all remaining provisions and portions of this ordinance shall remain in full force and effect.

16           **Section 20.** Effective date. This ordinance shall become effective on October 1,  
17 2011.

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1 INTRODUCED in the City Commission on the 6<sup>th</sup> day of July, 2011.

2 PASSED by the City Commission on the 31<sup>st</sup> day of August, 2011.

3  
4 CITY OF TALLAHASSEE  
5  
6  
7

8 By: \_\_\_\_\_  
9 John R. Marks, III  
10 Mayor  
11

12  
13  
14 ATTEST:

APPROVED AS TO FORM

15  
16  
17  
18 By: \_\_\_\_\_  
19 James O. Cooke, IV  
20 Interim City Treasurer-Clerk

By: \_\_\_\_\_  
James R. English  
City Attorney

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