

ORDINANCE 24- __

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, RELATING TO ADMINISTRATION AND ORGANIZATION OF THE CITY CODE; REMOVING CHAPTER 50, ARTICLE I., SOLID WASTE COLLECTION AND ARTICLE II., SOLID WASTE SERVICE ASSESSMENTS, OF TITLE V, OFFICE OF SOLID WASTE; AMENDING THE NAME OF TITLE V; CREATING TITLE VIII, OFFICE OF SOLID WASTE; REENACTING AND RENUMBERING ARTICLE I., SOLID WASTE COLLECTION, UNDER TITLE VIII; RENACTING AND RENUMBERING ARTICLE II., SOLID WASTE SERVICE ASSESSMENTS, UNDER TITLE VIII; REVISING SUBSECTION 80.17(b)(3)iii.) [FORMERLY SUBSECTION 50.17(b)(3)iii.] TO CLARIFY INTENT; CREATING SUBSECTION 80.17(b)(5)v.) (c); PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Code currently addresses matters concerning solid waste collection, solid waste service assessments, the stormwater utility system, rights of way, easements, stormwater management, and public works fees in Title V of the City Code; and

WHEREAS, the City of Port St. Lucie wishes to amend the City Code to remove matters related to solid waste collection and solid waste service assessments from Title V and to create a new Title VIII for matters related to the Office of Solid Waste; and

WHEREAS, this Ordinance is intended to update the City Code to allow for greater clarity and ease of navigation;

NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

SECTION 1. Ratification of Recitals. The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby made a part of this Ordinance.

SECTION 2. Title V – Office of Solid Waste, is amended as follows:

TITLE V
PUBLIC WORKS OFFICE OF SOLID WASTE

ARTICLE I. SOLID WASTE COLLECTION

Sec. 50.01. Short title.

~~This chapter shall be known as Solid Waste and Recyclable Materials Collection Service.~~

Sec. 50.02. Definitions.

~~For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein when not inconsistent with the context. Words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely discretionary.~~

~~*Biomedical waste* means any solid or liquid waste that may present a threat of infection to humans, including non-liquid tissue, body parts, blood, blood products, and body fluids from humans and other primates; laboratory and veterinary wastes that contain human disease-causing agents; discarded sharps; and used absorbent materials saturated with blood or body fluids.~~

~~*Bulk waste* shall mean a large item that is discarded because of normal housekeeping activities on a person's own premises and cannot be placed in a garbage cart because of its size, shape, or weight. Bulk waste includes furniture, fixtures, white goods, and large pieces of carpet. Bulk waste does not include any exempt waste.~~

~~*City* shall mean the City of Port St. Lucie, Florida, a municipal corporation, acting through the city council or city manager.~~

~~*City manager* shall mean the city manager of the City of Port St. Lucie. When used in this chapter it shall also mean the city manager's designated representative.~~

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~~*Code Compliance Officer* shall mean any official as may be appointed or designated by the city whose duty it is to ensure code compliance, including, but not limited to, inspectors of the city's code compliance division and department of solid waste, as well as sworn police officers or duly certified fire inspectors of the St. Lucie County Fire District.~~

~~*Collection* shall mean the process whereby solid waste and recyclable materials are removed from improved property and transported to a solid waste disposal facility or other solid waste management or recycling facility.~~

~~*Collection container* shall mean garbage carts, recycling carts, and mechanical containers.~~

~~*Commercial container* shall mean a container which:~~

- ~~(a) Consists of four permanently attached sides and a bottom;~~
- ~~(b) Is made of metal, durable plastic or other nonabsorbent material;~~
- ~~(c) Is designed to be free standing;~~
- ~~(d) Is to be emptied and transported by mechanical means; and~~
- ~~(e) Is used to collect or store commercial solid waste, recycling or construction and demolition debris.~~

~~Commercial containers include, but are not limited to, dumpsters, compactor units, and roll on/roll off containers.~~

~~*Commercial trash* shall mean any and all accumulations of paper, rags, excelsior, wooden, paper or cardboard boxes or containers, sweepings, car parts, tires and any other accumulations not included in the definition of garbage, generated by the operation of stores, offices, and other business places. Commercial trash shall also include all trash placed in public receptacles in parks, playgrounds, public streets, golf courses, and all other public places in the city.~~

~~*Commercial property* shall mean all real property that is not classified as residential property. Commercial property includes: property used primarily for commercial purposes, such as hotels, motels, stores, restaurants, distribution centers, business offices, service stations, and recreational vehicle parks; property used primarily for institutional purposes, such as governmental offices, religious institutions, hospitals, schools, and not for profit organizations; apartments, condominiums, townhouses, and other buildings that contain 4 or more dwelling units; and other property that contains 4 or more dwelling units, including commercially zoned property that is used primarily for residential purposes, including property used exclusively as a recreational vehicle park, as defined in~~

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Section 513.01(11), Florida Statutes, and property that is classified as "RMH-5" or "PUD" under the city's zoning regulations. Vacant land, not classified as improved real property, and industrial property, shall be deemed Commercial Property.

~~Construction and demolition waste shall have the meaning set forth in Section 403.703(6), Florida Statutes, for construction and demolition debris, except that construction and demolition waste means discarded materials generally considered to be not water soluble and non-hazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wall board, and lumber, resulting from the construction, destruction, or renovation of a structure.~~

~~Contractor shall mean the person or entity who has entered into a service agreement with a commercial property or residential customer.~~

~~Contractor Waste shall mean any waste generated from contractual work and not normal housekeeping activities or small DIY projects.~~

~~Curbside shall mean a location adjacent to a road or right-of-way that abuts a property and provides access for the franchise hauler's collection vehicles. If there is no public access to the property, curbside means a location that is adjacent to a roadway where the franchise hauler may lawfully gain access and provide collection service. In all cases, the curbside location must be within 3 feet of the curb or the edge of the road.~~

~~Director shall mean the City Manager or the City Manager's designee(s).~~

~~Disaster debris shall mean debris that is produced or generated by a natural or human event that is declared a disaster by the federal government or the city. Disaster debris includes yard waste, construction and demolition waste, and bulk waste that is generated by such disaster.~~

~~Disposal costs is hereby defined to mean the "tipping fees" or landfill costs charged to the franchise hauler by others for disposal of the garbage and trash collected by the franchise hauler.~~

~~Division manager shall mean the senior employee that has been designated by the franchise hauler to serve as the franchise hauler's primary representative when dealing with the city on matters involving the service agreement.~~

~~Do-it-yourself project shall mean minor residential repairs done exclusively by the homeowner or occupant.~~

~~Dwelling unit shall mean any type of structure or building, or a portion thereof, intended for or capable of being used for residential living. A dwelling unit includes a room or rooms constituting a separate, independent living area with a kitchen or cooking facilities, a separate entrance, and bathroom facilities, which~~

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are physically separated from other dwelling units, whether located in the same structure or in separate structures. However, a room in a licensed hotel or motel is not a dwelling unit.

~~Franchise hauler shall mean any hauler or collector who provides solid waste collection services within the City pursuant to, or under authority granted by, a permit, contract, franchise, or other agreement with the City and who is required to perform certain solid waste collection services under the provisions of the franchise agreement and this chapter.~~

~~Garbage shall mean all kitchen and table food waste, and/or animal vegetative waste that is attendant with or results from the storage, preparation, cooking, or handling of food materials.~~

~~Garbage cart shall mean a collection container provided by the City or franchise hauler that is made of heavy duty plastic or other imperious material, with enclosed sides and a bottom, mounted on two wheels, equipped with a tight-fitting hinged lid, having a capacity of approximately 100 gallons or less, and used for the automated or semi-automated collection of garbage and household trash.~~

~~Hazardous material shall mean a solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of stored, treated, or otherwise managed. Hazardous material includes any material or substance identified as a hazardous waste or hazardous substance in the Florida Administrative Code, Florida Statutes, or other applicable law.~~

~~Holiday shall mean Independence Day, Thanksgiving Day, Christmas Day, and any other days designated and agreed to by the director and division manager.~~

~~Household trash shall mean all accumulations of waste materials from the operation of a home, which are not included in the definition of garbage. Household trash shall include all appliances, furniture, toys, building material wastes from do-it-yourself projects, and anything else put out for collection. Waste generated by building contractors, subcontractors and/or tree surgeons rendering professional service is not to be considered as household trash.~~

~~Industrial waste shall mean any and all debris and waste products generated by canning, manufacturing, food processing (except restaurants), land clearing, (except do-it-yourself projects), and public works type construction projects, whether performed by a governmental unit or by contract.~~

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~~*Land clearing debris* shall mean all trees, tree trunks, stumps, rocks, bushes, vegetation, soil, and other materials resulting from a land clearing or lot clearing operation from an undeveloped parcel.~~

~~*Mechanical container* shall mean a dumpster, roll-off container, compactor, or other large container that is placed on and removed from a premises with mechanical equipment and used for the collection of solid waste or recyclable materials. However, garbage and recycling carts are not mechanical containers.~~

~~*Multi-family dwelling units* shall mean any 4 or more dwelling units located under one roof. Multi-family dwellings include apartments, condominiums, townhouses, mixed-use buildings, and other buildings that contain 4 or more dwelling units.~~

~~*Person* shall mean any person, natural or artificial, including any individual, firm, corporation, partnership, joint venture, municipality, county, authority, state or federal governmental agency or any other association or entity, however organized.~~

~~*Radioactive waste* shall mean any equipment or materials that are radioactive or have radioactive contamination, and are required by law to be stored, treated, or disposed of as radioactive waste.~~

~~*Recovered materials* shall mean metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential and have been diverted and source separated or have been removed from the solid waste stream for sale, use or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. Recovered materials as described above are not solid waste.~~

~~*Recyclable materials* means those materials designated as such by the director that are capable of being recycled, and that would otherwise be processed or disposed of as solid waste.~~

~~*Recycling cart* shall mean a collection container provided by the City or the franchise hauler that is made of heavy-duty plastic or other impervious material, with enclosed sides and a bottom, mounted on two wheels, equipped with a tight-fitting hinged lid, having a capacity of approximately 100 gallons or less, and used for the automated or semi-automated collection of recyclable materials.~~

~~*Recyclable container* shall mean any container approved by the director for the collection of recyclable materials, including recycling carts and mechanical containers.~~

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~~*Refuse* shall mean, as used in this chapter, all solid waste, garbage, garden and yard trash, rubbish, household trash, commercial trash and industrial waste trash not classified as recyclable materials.~~

~~*Residential property* shall mean each parcel of improved property that is used for residential purposes and has no more than 3 dwelling units on it. Residential property includes single family residences, duplexes, triplexes, and other buildings used for residential purposes, apartment buildings, condominiums, townhouses, dwelling units in mixed use buildings, cooperatives established pursuant to Chapter 719, F.S., time share apartments, and leased residential premises of the classes described above are residential property.~~

~~*Rubbish* shall mean all combustible and non combustible waste materials.~~

~~*Scavenge* shall mean the unauthorized and uncontrolled removal of containerized material stored or placed at a point for subsequent collection or from a solid waste processing or disposal facility.~~

~~*Sludge* shall mean the accumulated solids, residues, and precipitates generated as a result of waste treatment or processing including wastewater treatment, water supply treatment, or operation of an air pollution control facility, and mixed liquids and solids pumped from septic tanks, grease traps, privies, or similar disposal appurtenances or any other waste having similar characteristics.~~

~~*Service contract* shall mean the solid waste franchise agreement between the city and the franchise hauler, its successors and assigns, providing for the collection of solid waste within the city, including the proposal, award of contract, executed contract, bonds, standard specifications, supplementary specifications, plans, supplementary agreement, exhibits and addenda that may be entered into, all of which documents are to be treated as one instrument whether or not set forth at length in the form of contract.~~

~~*Solid waste* shall mean, sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment, or operation of an air pollution control facility, or trash, garbage, refuse, special waste, or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural or governmental operations. Solid waste includes biomedical waste, bulk waste, commercial waste, construction and demolition waste, disaster debris, electronic equipment, garbage, hazardous material, land clearing debris, radioactive waste, recyclable materials, residential waste, tires, white goods, and yard waste.~~

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~~*Solid waste services assessment area* shall mean the area within the incorporated limits of the City of Port St. Lucie.~~

~~*Special magistrate* shall mean a hearing officer appointed pursuant to chapter 37 of this Code.~~

~~*Trash* shall be construed to include commercial and industrial trash, household trash, and garden and yard trash, as each is herein defined, unless specifically provided to the contrary.~~

~~*White goods* shall mean large, discarded appliances, including, but not limited to, refrigerators, ranges, washing machines, clothes dryers, water heaters, freezers, microwave ovens, and air conditioners.~~

~~*Yard waste* shall mean vegetative matter resulting from yard and landscaping maintenance, including, but not limited to, shrub and tree trimmings, grass clippings, palm fronds, branches, and bulk yard waste. Yard wastes does not include land clearing debris.~~

Sec. 50.03. Mandatory collection of solid waste.

- ~~(a) The following types of waste generated in the city by the following property types shall be collected by an approved franchise hauler pursuant to a service agreement subject to the limitations and restrictions set forth herein:~~
- ~~(1) Residential property where waste is collected at curbside: garbage, yard waste, bulk waste, and recyclable materials.~~
 - ~~(2) Residential property where waste is collected in mechanical containers: garbage, rubbish, bulk waste, and recyclable materials.~~
 - ~~(3) Commercial property: garbage and rubbish.~~
- ~~(b) The owner(s) of the property shall be responsible for the use of such service by all occupants of the property and shall be responsible for the payment of service charges in accordance with the applicable service agreement. Charges for such beneficial services include the cost of collection, disposal, and administration, including the payment of any delinquent amounts owed, and may be collected pursuant to any method authorized by law including the imposition of fees at the time of issuance of any permit or certificate of occupancy, collection by the franchise hauler, or as a non-ad-valorem assessment pursuant to the provisions of section 197.3632, Florida Statutes. In the event the city elects to collect the charges pursuant to the provisions of 197.3632, Florida Statutes, the adoption of the final assessment resolution shall be the final adjudication of the issues presented (including, but not~~

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limited to, the determination of a special benefit and fair apportionment to the property; the method of apportionment and assessment; the initial rate of assessment; the maximum assessment rate, if any; the initial assessment roll; and the levy and lien of the solid waste assessments) unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 30 days from the date of city council action on the final assessment resolution.

Sec. 50.04. Exempt waste.

The following types of exempt waste are not subject to the franchise hauler's exclusive franchise. These exempt wastes may be collected by the owner or occupant of the property where the exempt waste is generated, or by the owner or occupant's agent, and taken to any facility that is licensed to receive such materials. The person generating such exempt waste shall be responsible for legally removing and properly disposing of said waste, and such disposal shall be at the cost of the owner or possessor thereof.

- (a) Land clearing debris.
- (b) Construction and demolition waste exceeding 2 cubic yards per service.
- (c) Roofing materials generated, collected, and transported by a roofing company.
- (d) Recovered materials that are generated on commercial property.
- (e) Recyclable materials that are generated by a commercial property and separated from the property's solid waste by the commercial property.
- (f) Any material that a residential property generates and separates from its solid waste for recycling, if that type of material is not recycled at the designated facility used by the franchise hauler pursuant to the service agreement.
- (g) Excavated fill and earthen material.
- (h) Solid waste and by-products generated from an industrial process.
- (i) Liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.
- (j) Animal bedding, animal wastes, and other trash and materials resulting from farming, equestrian, or agricultural operations.
- (k) Wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts, including used oil, tires, and lead-acid batteries.
- (l) Boats, boat motors, and boat trailers.

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- ~~(m) Disaster debris.~~
- ~~(n) Hazardous material, biomedical waste, and radioactive waste.~~
- ~~(o) Sludge.~~
- ~~(p) Any waste, not subject to mandatory collection, as designated by the director.~~

Sec. 50.05. General set out provisions.

~~The following provisions of this section shall apply to all persons that own or have custody or control of a residential or commercial property within the city:~~

- ~~(a) All household garbage and trash shall be placed in a plastic bag prior to being put into a garbage cart.~~
- ~~(b) Recyclable materials shall be placed or set out in a recycling cart. Recyclable materials shall not be placed in the same collection container with other solid waste.~~
- ~~(c) Recyclable materials shall not be in a plastic bag prior to placing into a recycling cart or container.~~
- ~~(d) Garbage cart shall not be overfilled; the lid on a collection container shall be closed securely.~~
- ~~(e) Garbage and recycling carts, when filled, shall not weigh more than the designated cart limitations.~~
- ~~(f) Scrap metal and appliances shall be set out as bulk waste. Freezers, refrigerators, clothes washers, clothes dryers, dishwashers, or similar airtight units shall have the doors removed before being placed for collection. All stand up items shall be laid flat. Scrap metal such as poles, pipes and antennas shall be cut or bent into pieces not longer than 6 feet.~~
- ~~(g) All solid waste shall be free of protruding nails, screws, staples, or other dangerous conditions.~~
- ~~(h) No garbage bags or recyclables shall be placed outside or on top of the collection container.~~

Sec. 50.06. Residential collection at curbside.

- ~~(a) General provisions.~~

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~~(1) Garbage, rubbish, yard waste, bulk waste, and recyclable materials shall be placed at curbside before 7:00 a.m. on the scheduled collection day for such materials but no sooner than 6:00 p.m. the night before collection.~~

~~(2) Empty collection carts must be removed from curbside the day of collection.~~

~~(3) Collections shall not occur on holidays and as otherwise deemed necessary by the director. Collections that would normally occur on these holidays shall be rescheduled as specified by the franchise agreement.~~

~~(b) *Garbage and rubbish.*~~

~~(1) Garbage and rubbish shall only be set out at curbside as specified by the franchise agreement, except on holidays and as otherwise deemed necessary by the director.~~

~~(2) Garbage and rubbish shall be set out in garbage carts, which shall be placed at curbside.~~

~~(3) All garbage and rubbish, before being placed in a collection cart, shall be drained of all free liquids prior to being deposited for collection.~~

~~(4) No person shall place in a collection cart such material as unwrapped razor blades, broken glass, or similar materials, which could cause possible injury to collection personnel.~~

~~(5) Garbage shall not be placed, mixed, or commingled with curbside piles of bulk waste, yard waste, and/or construction and demolition debris.~~

~~(6) No bagged garbage and rubbish shall be placed next to or on top of collection cart for collection.~~

~~(c) *Recyclable materials.*~~

~~(1) Residents who wish to participate in recycling shall recycle with the franchise hauler unless the recyclables are directly donated to a private organization qualified pursuant to section 501(c)(3) of the Internal Revenue Code, or directly delivered by a means other than curbside collection to a commercial recycling center for payment.~~

~~(2) The director shall designate the recyclable materials that will be collected by franchise hauler.~~

~~(3) Recyclable materials shall only be set out at curbside as specified by the franchise agreement except on holidays and as otherwise deemed necessary by the director.~~

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~~(4) All recyclable materials shall be separated from garbage and other refuse and shall be set out at curbside in a recycling cart provided by the franchise hauler.~~

~~(5) No person shall scavenge, collect, pick up, or remove any recyclable material after the material has been placed at curbside without prior approval by the city.~~

~~(d) *Bulk waste.*~~

~~(1) Bulk waste shall not be set out more than 24 hours prior to the day of the month specified for bulk waste collection of the property.~~

~~(2) No more than 2 cubic yards may be set curbside for collection. One cubic yard measures 3 feet wide by 3 feet long by 3 feet deep.~~

~~(3) Any carpet set out for collection at curbside must be rolled and tied or otherwise bound in 4-foot lengths or less.~~

~~(4) Bulk waste from a renovation do-it-yourself project, shall be set out as bulk waste and shall not exceed 2 cubic yards in total volume. All such waste more than 2 cubic yards must be stored and collected in a mechanical container unless removed from the property by the person that generated the waste materials.~~

~~(5) No contractor waste shall be placed curbside. All such waste must be removed and properly disposed of by a contractor.~~

~~(e) *Yard waste.*~~

~~(1) Yard waste shall only be set out at curbside once each week per the franchise agreement, limited to four (4) cubic yards per week per household, except on holidays and as otherwise deemed necessary by the director.~~

~~(2) Yard waste shall be of such size that it can be readily loaded by one person. Stumps, trees, limbs, and other larger pieces of yard waste shall be cut in lengths of no greater than 4 feet (except palm fronds) and shall not exceed 6 inches in diameter or 50 lbs in weight. Yard waste shall be stacked neatly in a pile at curbside and may be tied in a bundle with twine or rope.~~

~~(3) Leaves, twigs, grass clippings, and other small pieces of yard waste shall be placed in garbage cans or biodegradable bags, limited to no more than 50 lbs. per container.~~

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- ~~(4) All yard waste generated by a commercial lawn care company, plant nursery, commercial tree trimming and removal company shall be hauled away by the contractor or person generating the waste.~~

~~Sec. 50.07. Residential collection for multi-family dwellings.~~

- ~~(a) A person residing in a multi-family dwelling that receives collection service at curbside shall comply with the provisions in section 50.09.~~
- ~~(b) A person residing in a multi-family dwelling that receives collection service with a mechanical container shall place all garbage, rubbish, household trash, bulk waste and yard waste in the mechanical container and all recyclable materials in a separate recycling container located at the multi-family dwelling.~~

~~Sec. 50.08. Commercial collection.~~

- ~~(a) *Garbage and rubbish.* Commercial properties shall set out garbage and rubbish in either a garbage cart or mechanical container as determined by the city.~~
- ~~(b) *Recyclable materials.*~~
- ~~(1) Commercial properties are permitted to use any recycling vendor however, if a commercial property utilizes a recycling cart for curbside collection, services shall be provided by the franchise hauler.~~
- ~~(2) Commercial properties that recycle using franchise hauler shall have at least one collection container for collection of garbage and rubbish and a separate recycling container for collection of recyclable materials or recovered materials.~~
- ~~(c) *Yard waste.* Commercial properties shall secure collection of all yard waste through the contractor of their choice.~~

~~Sec. 50.09. Collection containers.~~

- ~~(a) *General provisions.*~~
- ~~(1) *Director approval.* Each garbage cart, recycling cart, and mechanical container is subject to the director's approval. The director may prohibit the use of any collection container that is found to be unsuitable or undersized.~~
- ~~(2) *Garbage carts.* Each garbage cart used for residential collection at curbside must be one of the carts provided by the city or franchise hauler and hot-stamped or stenciled with the city's logo.~~

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~~(3) *Recycling carts.* Each recycling cart used for residential collection at curbside must be one of the carts provided by the franchise hauler and hot-stamped or stenciled with the city's logo.~~

~~(4) *Mechanical Containers.* Mechanical containers shall either be supplied by the franchise hauler or purchased or leased by the commercial establishment from a person other than franchise hauler if it can be serviced by franchise hauler's equipment and comply with the regulations herein. Mechanical containers shall have attached lids, unless the director approves a different design for a particular use, or they are open top roll-off containers used for the collection of construction and demolition waste. Mechanical containers shall have four permanently attached solid, durable sides and a bottom. Each mechanical container (except open top roll-off containers) shall have a heavy-duty removable plug in the bottom. Each mechanical container shall be made of a metal, durable plastic or other nonabsorbent material and shall be designed to be free standing.~~

~~(b) *Container placement.*~~

~~(1) All collection containers shall be placed in locations that are safely and readily accessible to a collection vehicle. Containers shall be placed a minimum of three (3) feet from any object or other container to ensure proper collection.~~

~~(2) Collection containers used for residential curbside collection shall be kept indoors or in a portion of the rear or side yard that is screened from view by walls, fences, or hedges, or otherwise stored out of view from abutting streets.~~

~~(3) Collection containers and collection areas utilized at multi-family residential complexes, commercial, industrial, office, and institutional facilities shall comply with the regulations set forth in section 158.232 of this Code.~~

~~(c) *Maintenance and repair of containers.*~~

~~(1) *Garbage carts.* Each person shall be responsible for maintaining the cleanliness of their garbage cart.~~

~~(2) *Recycling carts.* Each person shall be responsible for maintaining the cleanliness of their recycling cart.~~

~~(3) *Mechanical containers.* Each person shall be responsible for cleaning, maintaining, and repairing any mechanical container that the person owns or leases from a person or entity other than the franchise hauler.~~

Sec. 50.10. Construction sites; contractor waste.

- ~~(a) All building contractors and persons acting in the capacity of a building contractor, engaged in building or remodeling operations shall be responsible for cleanup and disposal of all solid waste generated because of the permitted work. Construction sites shall always be kept clean and free of trash and debris.~~
- ~~(b) Except as otherwise authorized in section 50.06(d)(4), construction and demolition waste generated or accumulated at the site of a construction, demolition or renovation project shall be stored in a mechanical container until removed from the site. The mechanical container shall remain on the site from pouring of the slab to final grade. The use of any collection container other than a mechanical container to store said construction and demolition waste is prohibited. The director or building official may prohibit the use of any mechanical container or other container that is found to be unsuitable or undersized.~~
- ~~(c) It shall be unlawful for any person to accumulate, burn or bury any solid waste, building waste, sod, rocks, or other land clearing debris on a construction site in the city, and arrangements must be made for removal of same in accordance with the provisions of this chapter, to a designated disposal facility, at no cost to the city.~~
- ~~(d) Construction and demolition waste or other solid waste which is cast, blown, or scattered upon any adjacent public or private property as a result of construction, demolition or renovation activities shall be removed by the person responsible for the construction, demolition or renovation activities no later than the end of the day on which the activities occur or earlier if the waste material causes an unsanitary nuisance.~~
- ~~(e) *Contractor Waste.* Builders, contractors, construction tradesmen, tree surgeons, landscapers, handyman services and all other services that perform work on a residential property shall be responsible for removal, and the legal, and lawful disposal of all debris they generate as a result of said work and shall use vehicles and containers designed or outfitted to prevent the waste carried therein from being blown, dropped, or spilled from the vehicle or container. The property owner remains responsible for legally removing and properly disposing of debris not removed by the contractor or franchise hauler, and such removal and disposal shall be at the cost of the owner or possessor of the property.~~

Sec. 50.11. Director authority.

~~The director shall have the authority to establish or change the size, type, and number of collection containers, days, frequency, and location of collection, amount of solid waste services needed, and such other matters relating to the collection, conveyance, and disposal of solid waste, and to change and to modify the same, after notice as required by law, provided that such regulations are not contrary to the provisions of this chapter. These containers shall be emptied on a schedule agreed upon by the customer and the franchise hauler, as specified in the franchise agreement.~~

Sec. 50.12. Dispute resolution process.

- ~~(a) The director shall decide all questions and controversies that may arise concerning the quality and sufficiency of franchise hauler's services as required by the service agreement, and the interpretation of the service agreement's provisions.~~
- ~~(b) The director shall promptly be notified regarding a dispute with the franchise hauler.~~
- ~~(c) The director shall notify the franchise hauler and customer in writing concerning the director's decision about the disputed issues.~~
- ~~(d) The franchise hauler and customer shall have 3 service days to comply with the director's decision or, in the alternative, provide the director with a written request for a hearing before the city manager.~~
- ~~(e) If a request for a hearing is filed, the city manager shall act upon such request within 30 days. The city manager shall provide the franchise hauler and the customer an opportunity to present their arguments and evidence concerning the relevant issues. The city manager shall notify the customer, the franchise hauler, and the director in writing concerning the city manager's decision. The city manager may:
 - ~~(1) Confirm, in whole or in part, the director's findings;~~
 - ~~(2) Grant relief to the customer or the franchise hauler; or~~
 - ~~(3) Take whatever other action the city manager deems necessary and appropriate.~~~~
- ~~(f) The city manager's decision shall be final and shall not be subject to further appeal within the city.~~

Sec. 50.13. General authority.

- ~~(a) The city council is hereby authorized to enter service contracts with any qualified person or entity to provide for the exclusive collection of solid waste and recyclable materials, from residential and commercial property within the solid waste services assessment area.~~
- ~~(b) Service contracts may require payment of a franchise fee as set by city council to compensate the city for the cost of administration, supervision, and inspection rendered for effective performance of franchise hauler(s) and shall include such other terms and provisions as city council may deem necessary or advisable.~~
- ~~(c) The franchise hauler shall have rights to collect solid waste and recyclable materials, as defined herein and in the contract, within the corporate limits of the City of Port St. Lucie, provided that debris generated by land clearing operations and construction and demolition debris may be collected, hauled and lawfully disposed of by persons other than the franchise hauler. Provided, further, that the foregoing shall not be construed to preclude (i) organizations qualified pursuant to section 501(c)(3) of the Internal Revenue Code as a charitable organization from implementing limited private recycling programs within the City of Port St. Lucie; or (ii) delivery directly, by a means other than curbside collection, of recyclable materials to a commercial recycling facility for payment by residential or commercial customers.~~
- ~~(d) The Director shall have the authority to make regulations concerning the days of collection, type and location of waste containers, and such other matters pertaining to the collection, conveyance, and disposal and to change and to modify the same, after notice as required by law, provided that such regulations are not contrary to the provisions of this chapter.~~

Sec. 50.14. Prohibited acts.

No person shall:

- ~~(a) Place solid waste in another person's collection cart.~~
- ~~(b) Set out solid waste for collection on any property other than where the solid waste was generated.~~
- ~~(c) Place hazardous material, radioactive waste, biomedical waste, flammable material, explosive material, or any other dangerous or highly corrosive material in containers for regular collection. The party generating such waste shall be responsible for legally removing and properly disposing of said waste,~~

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~~and such disposal shall be at the cost of the owner or possessor thereof.
Flammable or explosive material shall be disposed of as directed by the fire chief, or the fire chief's designated representative.~~

- ~~(d) Throw, place, deposit, scatter or cause to be thrown, placed, deposited or scattered any solid waste in or upon any street, alley, sidewalk, rights-of-way, body of water, public or private property within the city except as provided in this Code.~~
- ~~(e) Scavenge any materials from any solid waste that is containerized for collection within the city without prior approval by the city.~~
- ~~(f) Accumulate or cause to be accumulated any bulk waste, yard waste, industrial waste, commercial waste, junk, garbage, rubbish, or other solid waste in or upon any property owned by a person or in a person's control. Any such accumulation on any property in the city is hereby declared to be a nuisance. Creation or maintenance of a backyard compost pile shall be considered recycling, not disposal, unless the site results in the creation of a nuisance.~~
- ~~(g) Burn or allow the open burning of solid waste within the corporate limits of the city.~~
- ~~(h) Transport over any public road any solid waste, which is subject to leakage or spillage unless the solid waste is securely tied or covered so as to prevent leakage and spillage.~~
- ~~(i) Allow solid waste, or any liquid saturating, covering or contained in solid waste, to spill, blow or drop from any vehicle on any road, street, or private or public property.~~
- ~~(j) Dispose of or bury solid waste at any site, public or private, which is unapproved by the city or to process recyclable materials at any site, public or private, which is unapproved by the city.~~
- ~~(k) Interfere with the orderly and legitimate collection of solid waste or disturb or scatter solid waste stored in collection containers.~~
- ~~(l) Placing garbage bags or recyclable materials outside their respective collection container.~~
- ~~(m) Placement of automotive, motor vehicle, or trailer tires.~~
- ~~(n) Place a garbage cart or recycling cart curbside prior to 6:00 p.m. the day before the scheduled collection day for such materials at that parcel.~~
- ~~(o) Leave an empty garbage cart or an empty recycling cart curbside after midnight of the scheduled collection day for such materials at that parcel.~~

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- ~~(p) Fail to properly dispose of contractor waste.~~
- ~~(q) Place or leaving any garbage, rubbish, or other disposed items outside of an appropriate garbage cart or recycling cart, unless qualifying as bulk waste or yard waste, and then only on an approved collection day.~~
- ~~(r) Placing or leaving bulk waste curbside at any time other than the scheduled collection day for the parcel or 24 hours prior thereto.~~

Sec. 50.15. Interpretation, construction of chapter.

~~This chapter shall be interpreted and construed in conjunction with the terms of the franchise agreement except as otherwise provided.~~

Sec. 50.16. Violations; penalties.

- ~~(a) The property owner, occupant, tenant, lessee, and agent shall be jointly and severally responsible for complying with these regulations.~~
- ~~(b) It shall be unlawful for any person to fail, neglect, or refuse to comply with and abide by each provision of this Ordinance. The performance on each day of any prohibited act or practice, or the failure to perform on each day any required act or practice shall constitute a separate offense and shall be punishable as such.~~
- ~~(c) The provisions of this chapter shall be enforced pursuant to any, all, or any combination of means available to the city under this Code, state law or other applicable law, including, but not limited to, chapters 37 and 40 of this Code and Chapter 162, Florida Statutes, as amended.~~
- ~~(d) *Jurisdiction.* The provisions of this code may be enforced by any official as authorized herein, and the Special Magistrate for the City shall have jurisdiction of any violation of this code and may impose such civil penalties as prescribed in this chapter and by law.~~

Sec. 50.17. Enforcement; solid waste citation authorized; civil penalty.

- ~~(a) *Generally.* Violations of this article may be enforced pursuant to any of the following provisions:~~
 - ~~(1) Chapter 37.~~
 - ~~(2) Chapter 40.~~
 - ~~(3) Section 50.17(b) of this article.~~

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~~(b) *Solid waste citation authorized.* If a violation of this article, for which the city has set a specific civil penalty, has occurred or exists, a code compliance officer may issue a solid waste citation (hereinafter "citation").~~

~~(1) The code compliance officer may issue a citation to any person failing or refusing to comply with any section of this chapter.~~

~~(2) The code compliance officer may issue a citation to any person (hereinafter "violator") within the city where standards relating to the collection and disposal of solid waste are not met.~~

~~(3) *Delivery of citation.* The citation shall be delivered by the method provided.~~

~~i.) Hand delivery; or~~

~~ii.) Posted conspicuously on the property where the notice shall be visibly seen.~~

~~iii.) If the citation was posted on the property or the violator is not the property owner, then the citation shall also be delivered by regular mail to the address listed in the county property appraiser's database.~~

~~(4) *Citation appeal.* A citation issued for violations of this chapter may be appealed to the special magistrate by submission of a written request to the code enforcement division no later than 72 hours from the date to correct the violation.~~

~~i.) *Waiver.* Failure to submit an appeal as prescribed in this article shall be deemed a waiver of all rights to a hearing and to otherwise appeal the citation.~~

~~ii.) *Notices.* Hearing notices may be sent by either hand delivery or certified mail.~~

~~iii.) *Scheduling.* The code compliance officer shall schedule the appeal within 14 days of receipt.~~

~~iv.) *Conduct of hearing.* The hearing shall be governed by the City's quasi-judicial proceedings, as applicable. At the conclusion of the hearing, the special magistrate shall determine if a violation exists or occurred and enter an order requiring the payment of the civil penalty, and the administrative costs, plus set a date certain for compliance, if necessary.~~

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- ~~v.) *Payment constitutes admission.* Payment of a citation shall constitute admission of a violation of this article for purposes of finding a repeat violation.~~
- ~~(5) *Correction of violation.* The violator shall correct the violation within the time period provided.~~
- ~~i.) A violation relating to cart placement or garbage collection and disposal shall be corrected within 24 hours of the date and time of the citation.~~
- ~~ii.) A violation relating to bulk, yard, or other solid waste collection and disposal shall be corrected within 48 hours of the date and time of the citation.~~
- ~~iii.) If a code compliance officer has reason to believe a violation or the condition causing a violation presents a serious threat to the public health, safety, welfare, or if the violation is irreparable or irreversible in nature, the officer may immediately issue a ticket and does not have to provide the person with time to correct the violation as prescribed in this article.~~
- ~~iv.) *Failure of violator to correct; corrective action by city:* Unless the violator corrects the violation as prescribed in this article, the city shall have the right to enter upon the land and may take the necessary corrective action to remedy the violation. The city may bill the violator an amount sufficient to reimburse the city's costs, which bill shall become due and payable within 30 days of the mailing of such bill.~~
- ~~(a) If the violator is not the property owner, then the bill shall also be delivered by regular mail to the address listed in the county property appraiser's database.~~
- ~~(b) Nothing in this article shall prohibit the city from correcting the violation as prescribed in this article during the pendency of an appeal of a citation unless a stay has been granted by the special magistrate or as otherwise provided for and authorized by law or the Florida Rules of Appellate Procedure.~~
- ~~v.) *Repeat violations.* The code compliance officer is not required to provide a time to correct for repeat violations. The code compliance officer may immediately issue a citation or schedule a hearing before the special magistrate. A repeat violation occurs when:~~

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- ~~(a) The same violator commits two or more subsequent violations of the same nature within 12 months; or~~
- ~~(b) The same violator previously paid a citation for a violation of the same nature.~~

~~(c) *Emergency abatement.* Nothing in this section shall be construed to prohibit the city from immediately removing solid waste on an emergency basis after issuing a citation and allowing the violator a period as prescribed herein to correct the violation or appeal. If the violation is not corrected or citation appealed, then city or its contractor may abate the violation and bill the violator for the cost of such abatement which bill shall become due and payable within 30 days of the mailing. If the violator is not the property owner, then the bill shall also be delivered by regular mail to the address listed in the county property appraiser's database. An emergency is defined as a condition which poses a serious threat to public health, safety, and welfare.~~

~~(d) *Civil Penalty.*~~

Violation	First Offense	Second Offense
Cart placement/ garbage collection	\$35	\$70
Bulk, yard, solid waste	\$110	\$220
Emergency Abatement	\$300	\$600

~~Sec. 50.18. Conflicts between chapter and franchise agreement.~~

~~In the event any provision of this chapter conflicts with any provision of the franchise agreement, the interpretation and meaning most favorable to the city shall control and apply, except where prohibited by Article I, Section 10 of the Florida Constitution.~~

~~Sec. 50.19. Alternate enforcement; remedies.~~

~~(a) In addition to any other remedies provided by this chapter or any other city ordinance, the city shall have judicial remedies available to it for violations of this chapter or any other lawful rule or regulation promulgated hereunder as enumerated below, but not limited to:~~

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- ~~(1) The city may institute a civil action in a court of competent jurisdiction to establish liability and to recover damage for any costs incurred by it in conjunction with the abatement of any condition prohibited by the provisions of this chapter.~~
- ~~(2) The city may institute a civil action in a court of competent jurisdiction to seek injunctive relief to enforce compliance with the terms of this chapter or any rule or regulation promulgated hereunder, to enjoin and prohibit said violation or to compel the performance of actions which will result in compliance with the terms of this chapter.~~
- ~~(b) These remedies are cumulative, and the use of any appropriate remedy shall not constitute an election of other remedies by the city. The use of one remedy shall not preclude the use of any others.~~

~~**ARTICLE II. SOLID WASTE SERVICE ASSESSMENTS**~~

~~**Sec. 50.20. Introduction.**~~

- ~~(a) *Definitions.* As used in this article, the following words and terms shall have the following meanings, unless the context clearly otherwise requires:~~

~~*Annual rate resolution* shall mean the resolution described in subsection 50.21(h) hereof, establishing the rate at which a solid waste service assessment for a specific fiscal year will be computed. The final assessment resolution shall constitute the annual rate resolution for the initial fiscal year in which a solid waste service assessment is imposed or reimposed.~~

~~*Article* shall mean this solid waste service assessment ordinance, as it may be amended from time to time.~~

~~*Assessed property* shall mean all parcels of land included on the assessment roll that receive a special benefit from the delivery of the solid waste collection and disposal services, programs, or facilities identified in the initial assessment resolution or a subsequent preliminary rate resolution.~~

~~*Assessment roll* shall mean the special assessment roll relating to a solid waste service assessment approved by a final assessment resolution pursuant to subsection 50.21(f) hereof or an annual rate resolution pursuant to subsection 50.21(h) hereof.~~

~~*Certificate of occupancy* shall mean the written certification issued by the city that a building is ready for occupancy for its intended use. For the purposes of this~~

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~~article, a set up or tie down permit or its equivalent issued for a mobile home shall be considered a certificate of occupancy.~~

~~City shall mean the City of Port St. Lucie, Florida.~~

~~City manager shall mean the chief administrative officer of the city, designated by the city council to be responsible for coordinating solid waste service assessments, or such person's designee.~~

~~Council shall mean the city council of the City of Port St. Lucie, Florida.~~

~~Commercial property shall mean all improved property other than residential property as defined in this chapter.~~

~~Dwelling unit shall mean a building, or a portion thereof, which is located upon residential property and lawfully used for residential purposes, consisting of one (1) or more rooms arranged, designed, used, or intended to be used as living quarters for one (1) family unit only.~~

~~Final assessment resolution shall mean the resolution described in subsection 50.21(f) hereof which shall confirm, modify, or repeal the initial assessment resolution and which shall be the final proceeding for the initial imposition of solid waste service assessments.~~

~~Fiscal year shall mean that period commencing October 1st of each year and continuing through the next succeeding September 30th, or such other period as may be prescribed by law as the fiscal year for the city.~~

~~Government property shall mean improved property owned by the United States of America or any agency thereof, a sovereign state or nation, the state or any agency thereof, a county, a special district, or a municipal corporation.~~

~~Improved property shall mean all property within the incorporated area of the city on which a building or other improvements have been placed or constructed, which improvements result in such property generating solid waste or being capable of generating solid waste.~~

~~Initial assessment resolution shall mean the resolution described in section 50.21(b) hereof, which shall be the initial proceeding for the identification of the solid waste cost for which an assessment is to be made and for the imposition of a solid waste service assessment.~~

~~Owner shall mean the person reflected as the owner of assessed property on the tax roll.~~

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~~*Person* shall mean any individual, partnership, firm, organization, corporation, association, or any other legal entity, whether singular or plural, masculine or feminine, as the context may require.~~

~~*Preliminary rate resolution* shall mean the resolution described in section 50.21(h) hereof initiating the annual process for updating the assessment roll and directing the reimposition of solid waste service assessments pursuant to an annual rate resolution.~~

~~*Property appraiser* shall mean the St. Lucie County property appraiser.~~

~~*Prohibited waste* shall mean any hazardous waste, biohazardous waste, or special waste.~~

~~*Residential property* shall mean all improved property that contains a dwelling unit as defined in this chapter.~~

~~*Solid waste cost* shall mean the amount necessary to fund the city's collection and disposal of solid waste and the recycling activities of recyclable materials that is allocable to assessed property during a fiscal year and may include, but is not limited to:~~

- ~~(1) The cost, whether direct or indirect, of all services, programs or facilities provided by the city, or through contractual arrangements with the city relating to solid waste management and disposal activities;~~
- ~~(2) The cost of any indemnity or surety bonds and premiums for insurance;~~
- ~~(3) The cost of salaries, volunteer pay, workers' compensation insurance, or other employment benefits;~~
- ~~(4) The cost of computer services, data processing, and communications;~~
- ~~(5) The cost of training, travel, and per diem;~~
- ~~(6) The recovery of unpaid or delinquent fees or charges advanced by the city and due for solid waste management and disposal services, programs or facilities allocable to specific parcels;~~
- ~~(7) The cost of engineering, financial, legal, or other professional services;~~
- ~~(8) All costs associated with the structure, implementation, collection, and enforcement of the solid waste service assessments or a prior year's assessment for a comparable service, facility or program, including any service charges of the tax collector or property appraiser;~~
- ~~(9) All other costs and expenses necessary or incidental to the acquisition, provision, or delivery of the services, programs or facilities funded by the~~

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- ~~solid waste service assessment, and such other expenses as may be necessary or incidental to any related financing authorized by the council;~~
- ~~(10) A reasonable amount for contingency and anticipated delinquencies and uncollectible solid waste service assessments; and~~
- ~~(11) Reimbursement to the city or any other person for any monies advanced for any costs incurred by the city or such person in connection with any of the foregoing items of solid waste cost.~~

~~*Solid waste service assessment* shall mean a special assessment lawfully imposed by the city against assessed property to fund all or any portion of the cost of the provision of solid waste and recyclable materials collection, disposal, and recycling services, facilities, or programs and the recycling activities of recyclable materials providing a special benefit to property as a consequence of possessing a logical relationship to the value, use, or characteristics of the assessed property.~~

~~*Tax collector* shall mean the St. Lucie County tax collector.~~

~~*Tax roll* shall mean the real property ad valorem tax assessment roll maintained by the property appraiser for the purpose of the levy and collection of ad valorem taxes.~~

~~*Uniform Assessment Collection Act* shall mean F.S. §§ 197.3632 and 197.3635, or any successor statutes authorizing the collection of non ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.~~

~~(b) *Interpretation.* Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this article; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this article. Words of any gender include the correlative words of the other genders, unless the sense indicates otherwise.~~

~~(c) *Findings.* It is hereby ascertained, determined, and declared that:~~

~~(1) Pursuant to article VIII, section 2, Florida Constitution, and F.S. §§ 166.021 and 166.041, the council has all powers of local self-government to perform city functions and to render city services except when prohibited by law, and such power may be exercised by the enactment of legislation in the form of city ordinances and resolutions.~~

~~(2) In addition to its powers of self-government, the council is specifically authorized by F.S. § 170.201, to impose solid waste service assessments in all or a portion of the incorporated area. Additionally, the council derives~~

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- ~~authority to impose solid waste service assessments within the municipality from the home rule power of cities in article VIII, section 2(b), Florida Constitution and F.S. § 166.021.~~
- ~~(3) This article authorizes the imposition of solid waste service assessments throughout the solid waste services assessment area created in an initial assessment resolution or preliminary rate resolution adopted pursuant to this article. Additionally and alternatively, this article authorizes the imposition of a solid waste service assessment throughout a geographic area designated by the council in an initial assessment resolution or a preliminary rate resolution.~~
- ~~(4) The purpose of this article is to:~~
- ~~(i) Provide procedures and standards for the imposition of annual solid waste service assessments under the general home rule powers of the city;~~
 - ~~(ii) Authorize a procedure for the funding of solid waste and recyclable materials collection, disposal and recycling services, facilities, or programs providing special benefits to property within the city; and~~
 - ~~(iii) Legislatively determine the special benefit provided to assessed property from the provision of solid waste collection and disposal services by the city.~~
- ~~(5) The existence of any building or other improvement on improved property results in such property generating solid waste or being capable of generating solid waste.~~
- ~~(6) Whether imposed throughout the entire city or a portion thereof, the imposition of a recurring annual solid waste service assessment is an alternative, equitable and efficient method to fairly and reasonably apportion and recover the solid waste management and disposal costs experienced by the city among the parcels of residential property within the area assessed.~~
- ~~(7) The use of the uniform method of collection authorized by the Uniform Assessment Collection Act provides a mechanism to equitably and efficiently collect solid waste service assessments, as well as address payment delinquencies and recover unpaid fees, charges, or assessments advanced for solid waste management and disposal services, programs, and facilities allocable to specific parcels of assessed property.~~

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- ~~(8) The annual solid waste service assessments to be imposed pursuant to this article shall constitute non-ad valorem assessments within the meaning and intent of the Uniform Assessment Collection Act.~~
- ~~(9) The solid waste service assessment to be imposed using the procedures provided in this article is imposed by the council, not the clerk, property appraiser, or tax collector. The duties of the clerk, property appraiser, or tax collector under the provisions of this article and the Uniform Assessment Collection Act are ministerial.~~
- ~~(d) *Legislative determinations of special benefit.* It is hereby ascertained, determined, and declared that the solid waste services, facilities, and programs of the city provide a special benefit to improved property within the city based upon the following legislative determinations:~~
- ~~(1) Recycling activities associated with recyclable materials and solid waste collection and disposal services, facilities, and programs furnished by the city benefit assessed properties by providing:~~
- ~~(i) Disposal services, facilities, and programs that promote the health and safety of inhabitants as a result of proper, safe, and cost effective disposal of solid waste generated on such property;~~
 - ~~(ii) Better service to residents, including owners and tenants;~~
 - ~~(iii) The enhancement of environmentally responsible use and enjoyment of improved property;~~
 - ~~(iv) The protection of property values as a result of the uniform availability, delivery, and payment for such services, facilities, and programs; and~~
 - ~~(v) Providing the lowest cost of solid waste and recyclable materials disposal to residents of assessed property by ensuring that all share in the cost and the assessment is collected in a timely manner.~~
- ~~(2) The provision of comprehensive recycling activities associated with recyclable materials and solid waste collection and disposal services and programs furnished by or through the city to improved property promotes, enhances, and ensures the full use and enjoyment of improved property within the entire city.~~

~~Sec. 50.21. Annual solid waste collection and disposal assessments.~~

- ~~(a) *General authority.*~~

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- ~~(1) The council is hereby authorized to impose an annual solid waste service assessment upon assessed property to fund all or any portion of the solid waste cost at a rate of assessment based on the special benefit accruing to such property from the city's provision of solid waste and recyclable materials collection, disposal, and recycling services, facilities, or programs. All solid waste service assessments shall be imposed in conformity with the procedures set forth in this article.~~
- ~~(2) The amount of the solid waste service assessment imposed in a fiscal year against a parcel of assessed property shall be determined pursuant to an apportionment methodology based upon a classification of property designed to provide a fair and reasonable apportionment of the solid waste cost among properties on a basis reasonably related to the special benefit provided by solid waste and recyclable materials collection, disposal, and recycling services, facilities, or programs funded with assessment proceeds.~~
- ~~(3) Any unpaid or delinquent fees, charges, or assessments due the city for solid waste management and disposal services or facilities which are allocable to specific parcels of assessed property may be included in the annual solid waste service assessment for such parcels. In such an event, any existing lien on each affected parcel for unpaid or delinquent fees, charges, or assessments shall be supplanted by the lien resulting from the inclusion of such unpaid or delinquent fees, charges, or assessments in the amount of the solid waste service assessment.~~

~~(b) *Initial proceedings.*~~

- ~~(1) The initial proceeding for the imposition of a solid waste service assessment shall be the adoption of an initial assessment resolution by the council:
 - ~~(i) Containing a brief and general description of the solid waste and recyclable materials collection, disposal, and recycling services, facilities, or programs to be provided;~~
 - ~~(ii) Determining the solid waste cost to be assessed;~~
 - ~~(iii) Describing the method of apportioning the solid waste cost and the computation of the solid waste service assessment for specific properties;~~
 - ~~(iv) Providing a summary description of the parcels of property (conforming to the description contained on the tax roll) located within the city that receive a special benefit from the provision of~~~~

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~~solid waste and recyclable materials collection, disposal, and recycling services, facilities, or programs or describing a specific geographic area in which such service, facility, or program will be provided;~~

~~(v) Establishing an estimated assessment rate for the upcoming fiscal year;~~

~~(vi) Authorizing the date, time, and place of the public hearing to receive and consider comments from the public and consider the adoption of the final assessment resolution for the upcoming fiscal year; and~~

~~(vii) Directing the city manager to:~~

~~a. Prepare the initial assessment roll, as required by subsection 50.21(c) hereof;~~

~~b. Publish the notice required by subsection 50.21(d) hereof; and~~

~~c. Mail the notice required by subsection 50.21(e) hereof, using information then available from the tax roll.~~

~~(2) The initial assessment resolution shall also sufficiently identify property that may be subject to the imposition of solid waste service assessments by designating a geographic area within all or a part of the city where the city provides solid waste and recyclable materials collection and disposal services, facilities, and programs as follows:~~

~~(i) Such council designated geographic area may consist of all or a portion of the incorporated area.~~

~~(ii) Alternatively, the council shall identify such property by providing a summary description of the parcels, conforming to the description on the tax roll, located within the city that receive a special benefit from the provision of solid waste and recyclable materials collection and disposal services, facilities, or programs.~~

~~(c) *Initial assessment roll.*~~

~~(1) The city manager shall prepare, or direct the preparation of, the initial assessment roll, which shall contain the following:~~

~~(i) A summary description of all assessed property conforming to the description contained on the tax roll.~~

~~(ii) The name of the owner of the assessed property.~~

~~(iii) The amount of the solid waste service assessment to be imposed against each such parcel of assessed property.~~

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- ~~(2) The initial assessment roll shall be retained by the city manager and shall be open to public inspection. The foregoing shall not be construed to require that the assessment roll be in printed form if the amount of the solid waste service assessment for each parcel of property can be determined by use of a computer terminal available to the public.~~
- ~~(d) *Notice by publication.* Upon completion of the initial assessment roll, the city manager shall publish, or direct the publication of, once in a newspaper of general circulation within the city, a notice stating that at a meeting of the council on a certain day and hour, not earlier than twenty (20) calendar days from such publication, which meeting shall be a regular, adjourned, or special meeting, will be held at which the council will hear objections of all interested persons to the final assessment resolution establishing the rate of assessment and approving the aforementioned initial assessment roll. The published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Such notice shall include:~~
- ~~(1) A geographic depiction of the property subject to the solid waste service assessment;~~
 - ~~(2) A brief and general description of the solid waste and recyclable materials collection, disposal and recycling services, facilities, or programs to be provided;~~
 - ~~(3) The rate of assessment;~~
 - ~~(4) Notification that unpaid or delinquent fees, charges, or assessments due the city for solid waste and recyclable materials collection and disposal services allocable to specific parcels will be additionally included in the annual solid waste service assessment;~~
 - ~~(5) The procedure for objecting provided in subsection 50.21(f) hereof;~~
 - ~~(6) The method by which the solid waste service assessment will be collected; and~~
 - ~~(7) A statement that the initial assessment roll is available for inspection at the office of the city manager and all interested persons may ascertain the amount to be assessed against a parcel of assessed property at the office of the city manager.~~
- ~~(e) *Notice by mail.* In addition to the published notice required by subsection 50.21(d), the city manager shall provide notice, or direct the provision of notice, of the proposed solid waste service assessment by first class mail to the~~

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~~owner of each parcel of property subject to the solid waste service assessment. Such notice shall include:~~

- ~~(1) The purpose of the solid waste service assessment;~~
- ~~(2) The rate of assessment to be levied against each parcel of property;~~
- ~~(3) The unit of measurement applied to determine the solid waste service assessment;~~
- ~~(4) The number of such units contained in each parcel of property;~~
- ~~(5) The total revenue to be collected by the city from the solid waste service assessment;~~
- ~~(6) A statement that failure to pay the solid waste service assessment will cause a tax certificate to be issued against the property or foreclosure proceedings to be instituted, either of which may result in a loss of title to the property;~~
- ~~(7) Notification that unpaid or delinquent fees, charges, or assessments due the city for solid waste and recyclable materials management and disposal services allocable to specific parcels will be additionally included in the solid waste service assessment;~~
- ~~(8) A statement that all affected owners have a right to appear at the hearing and to file written objections with the council within 20 days of the notice; and~~
- ~~(9) The date, time, and place of the hearing.~~

~~The mailed notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Notice shall be mailed at least 20 calendar days prior to the hearing to each owner at such address as is shown on the tax roll. Notice shall be deemed mailed upon delivery thereof to the possession of the United States Postal Service. The city manager may provide proof of such notice by affidavit. Failure of the owner to receive such notice, due to mistake or inadvertence, shall not affect the validity of the assessment roll or release or discharge any obligation for payment of a solid waste service assessment imposed by the council pursuant to this article.~~

~~(f) *Adoption of final assessment resolution.* At the time named in such notice, or to which an adjournment or continuance may be taken by the council, the council shall receive any written objections of interested persons and may then, or at any subsequent meeting of the council adopt the final assessment resolution which shall:~~

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- ~~(1) Confirm, modify, or repeal the initial assessment resolution with such amendments, if any, as may be deemed appropriate by the council;~~
- ~~(2) Establish the rate of assessment to be imposed in the upcoming fiscal year;~~
- ~~(3) Approve the inclusion of any unpaid or delinquent fees, charges, or assessments due the city for solid waste and recyclable materials management and disposal services;~~
- ~~(4) Approve the initial assessment roll, with such amendments as it deems just and right; and~~
- ~~(5) Determine the method of collection.~~

~~The adoption of the final assessment resolution by the council shall constitute a legislative determination that all parcels assessed derive a special benefit from the solid waste and recyclable materials collection, disposal and recycling services, facilities, or programs to be provided and a legislative determination that the solid waste service assessments are fairly and reasonably apportioned among the properties that receive the special benefit. All objections to the final assessment resolution shall be made in writing, and filed with the city manager at or before the time or adjourned time of such hearing. The final assessment resolution shall constitute the annual rate resolution for the initial fiscal year in which solid waste service assessments are imposed or reimposed hereunder.~~

~~(g) *Effect of final assessment resolution.* The solid waste service assessments for the initial fiscal year shall be established upon adoption of the final assessment resolution. The adoption of the final assessment resolution shall be the final adjudication of the issues presented (including, but not limited to, the determination of special benefit and fair apportionment to the assessed property, the method of apportionment and assessment, the initial rate of assessment, the initial assessment roll, and the levy and lien of the solid waste service assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the council action on the final assessment resolution. The initial assessment roll, as approved by the final assessment resolution, shall be delivered to the tax collector, as required by the Uniform Assessment Collection Act, or if the alternative method described in subsection 50.22(b) hereof is used to collect the solid waste service assessments, such other official as the council by resolution shall designate.~~

~~(h) *Adoption of annual rate resolution.*~~

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- ~~(1) The council shall adopt an annual rate resolution during its budget adoption process for each fiscal year following the initial fiscal year for which a solid waste service assessment is imposed hereunder.~~
- ~~(2) The initial proceedings for the adoption of an annual rate resolution shall be the adoption of a preliminary rate resolution by the council:~~
- ~~(i) Containing a brief and general description of the solid waste and recyclable materials collection, disposal and recycling services, facilities, or programs to be provided;~~
 - ~~(ii) Determining the solid waste cost to be assessed for the upcoming fiscal year;~~
 - ~~(iii) Establishing the estimated assessment rate for the upcoming fiscal year;~~
 - ~~(iv) Authorizing the date, time, and place of a public hearing to receive and consider comments from the public and consider the adoption of the annual rate resolution for the upcoming fiscal year; and~~
 - ~~(v) Directing the city manager to:
 - ~~a. Update the assessment roll;~~
 - ~~b. Provide notice by publication and first class mail to affected owners in the event circumstances described in subsection (6) of this subsection so require; and~~
 - ~~c. Direct and authorize any supplemental or additional notice deemed proper, necessary or convenient by the city.~~~~
- ~~(3) The annual rate resolution shall:~~
- ~~(i) Establish the rate of assessment to be imposed in the upcoming fiscal year; and~~
 - ~~(ii) Approve the assessment roll for the upcoming fiscal year with such adjustments as the council deems just and right.~~
- ~~The assessment roll shall be prepared in accordance with the method of apportionment set forth in the initial assessment resolution, or any subsequent preliminary rate resolution, together with modifications, if any, that are provided and confirmed in the final assessment resolution or any subsequent annual rate resolution.~~
- ~~(4) Nothing herein shall preclude the council from providing annual notification to all owners of assessed property in the manner provided in either or both subsections 50.21(d) or 50.21(e) hereof.~~

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~~(5) Nothing herein shall preclude the council from establishing by resolution a maximum rate of assessment provided that notice of such maximum assessment rate is provided pursuant to subsections 50.21(d) and 50.21(e) hereof.~~

~~(6) In the event:~~

~~(i) The proposed solid waste service assessment for any fiscal year exceeds the maximum rate of assessment adopted by the council and included in the notice previously provided to the owners of assessed property pursuant to subsections 50.21(d) and 50.21(e) hereof;~~

~~(ii) The purpose for which the solid waste service assessment is imposed or the use of the revenue from the solid waste service assessment is substantially changed from that represented by the notice previously provided to the owners of assessed property pursuant to subsections 50.21(d) and 50.21(e) hereof;~~

~~(iii) Assessed property is reclassified or the method of apportionment is revised or altered resulting in an increased solid waste service assessment from that represented by the notice previously provided to the owners of assessed property pursuant to subsections 50.21(d) and 50.21(e) hereof; or~~

~~(iv) An assessment roll contains assessed property that was not included on the assessment roll approved for the prior fiscal year;~~

~~Notice shall be provided by publication and first class mail to the owners of such assessed property. Such notice shall substantially conform to the notice requirements set forth in subsections 50.21(d) and 50.21(e) hereof and inform the owner of the date, time, and place for the adoption of the annual rate resolution. The failure of the owner to receive such notice, due to mistake or inadvertence, shall not affect the validity of the assessment roll or release or discharge any obligation for payment of a solid waste service assessment imposed by the council pursuant to this article.~~

~~(7) As to any assessed property not included on an assessment roll approved by the adoption of the final assessment resolution or a prior year's annual rate resolution, the adoption of the succeeding annual rate resolution shall be the final adjudication of the issues presented as to such assessed property (including, but not limited to, the determination of special benefit and fair apportionment to the assessed property, the method of apportionment and assessment, the rate of assessment, the assessment roll, and the levy and lien of the solid waste service assessments), unless proper~~

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~~steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the council action on the annual rate resolution. Nothing contained herein shall be construed or interpreted to affect the finality of any prior fee, charge, or assessment imposed by the city or any solid waste service assessment not challenged within the required 20-day period for those solid waste service assessments previously imposed against assessed property by the inclusion of the assessed property on an assessment roll approved in the final assessment resolution or any subsequent annual rate resolution.~~

- ~~(8) The assessment roll, as approved by the annual rate resolution, shall be delivered to the tax collector as required by the Uniform Assessment Collection Act, or if the alternative method described in subsection 50.22(b) hereof is used to collect the solid waste service assessments, such other official as the council by resolution shall designate. If the solid waste service assessment against any property shall be sustained, reduced, or abated by any court, an adjustment shall be made on the assessment roll.~~
- ~~(i) *Lien of solid waste service assessments.* Upon the adoption of the assessment roll, all solid waste service assessments shall constitute a lien against such property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other prior liens, mortgages, titles, and claims until paid. The lien for a solid waste service assessment shall be deemed perfected upon adoption by the council of the final assessment resolution of the annual rate resolution, whichever is applicable. The lien for a solid waste service assessment collected under the uniform assessment collection method shall attach to the property included on the assessment roll as of the prior January 1, the lien date for ad valorem taxes imposed under the tax roll. The lien for a solid waste service assessment collected under the alternative method of collection provided in section 50.22(b) shall be deemed perfected upon adoption by the council of the final assessment resolution or the annual rate resolution, whichever is applicable, and shall attach to the property on such date of adoption.~~
- ~~(j) *Revisions to solid waste service assessments.* If any solid waste service assessment made under the provisions of this article is either in whole or in part annulled, vacated, or set aside by the judgment of any court, or if the council is satisfied that any such solid waste service assessment is so irregular or defective that the same cannot be enforced or collected, or if the council has omitted any property on the assessment roll which property should have been so included, the council may take all necessary steps to impose a new solid~~

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~~waste service assessment against any property benefited by the solid waste costs, following as nearly as may be practicable, the provisions of this article and in case such second solid waste service assessment is annulled, vacated, or set aside, the council may obtain and impose other solid waste service assessments until a valid solid waste service assessment is imposed.~~

~~(k) *Procedural irregularities.* Any informality or irregularity in the proceedings in connection with the levy of any solid waste service assessment under the provisions of this article shall not affect the validity of the same after the approval thereof, and any solid waste service assessment as finally approved shall be competent and sufficient evidence that such solid waste service assessment was duly levied, that the solid waste service assessment was duly made and adopted, and that all other proceedings adequate to such solid waste service assessment were duly had, taken, and performed as required by this article; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby. Notwithstanding the provisions of this subsection, any party objecting to a solid waste service assessment imposed pursuant to this article must file an objection with a court of competent jurisdiction within the time periods prescribed herein.~~

~~(l) *Correction of errors and omissions.*~~

~~(1) No act of error or omission on the part of the property appraiser, tax collector, city manager, council, or their deputies, employees, or designees, shall operate to release or discharge any obligation for payment of a solid waste service assessment imposed by the council under the provision of this article.~~

~~(2) When it shall appear that any solid waste service assessment should have been imposed under this article against a parcel of property specially benefited by the provision of solid waste and recyclable materials collection, disposal and recycling services, facilities, or programs, but that such property was omitted from the assessment roll or was not listed on the tax roll as an individual parcel of property as of the effective date of the assessment roll approved by the annual rate resolution for any upcoming fiscal year, the council may, upon provision of a notice by mail provided to the owner of the omitted parcel in the manner and form provided in subsection 50.21(e), impose the applicable solid waste service assessment for the fiscal year in which such error is discovered, in addition to the applicable solid waste service assessment due for the prior two fiscal years. Such solid waste service assessment shall constitute a lien~~

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~~against such property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments, and superior in rank and dignity to all other prior liens, mortgages, titles, and claims in and to or against the real property involved, shall be collected as provided in section 50.22 hereof, and shall be deemed perfected on the date of adoption of the resolution imposing the omitted or delinquent assessments.~~

~~(3) Prior to the delivery of the assessment roll to the tax collector in accordance with the Uniform Assessment Collection Act, the city manager shall have the authority at any time, upon his or her own initiative or in response to a timely filed petition from the owner of any property subject to a solid waste service assessment, to reclassify property based upon presentation of competent and substantial evidence, and correct any error in applying the solid waste service assessment apportionment method to any particular parcel of property not otherwise requiring the provision of notice pursuant to the Uniform Assessment Collection Act. Any such correction shall be considered valid ab initio and shall in no way affect the enforcement of the solid waste service assessment imposed under the provisions of this article. All requests from affected property owners for any such changes, modifications or corrections shall be referred to, and processed by, the city manager and not the property appraiser or tax collector.~~

~~(4) After the assessment roll has been delivered to the tax collector in accordance with the Uniform Assessment Collection Act, any changes, modifications, or corrections thereto shall be made in accordance with the procedures applicable to correcting errors and insolvencies on the tax roll upon timely written request and direction of the city manager.~~

~~(m) *Interim assessments.* The council is hereby authorized to impose and the contractor is hereby authorized to collect an interim solid waste service assessment against all property for which a certificate of occupancy is issued after adoption of the annual rate resolution. The amount of the interim solid waste service assessment shall be calculated upon a monthly rate, which shall be one twelfth (1/12) of the annual rate for such property computed in accordance with the annual rate resolution for the fiscal year in which the certificate of occupancy is issued. Such monthly rate shall be imposed for each full calendar month remaining in the fiscal year. The contractor shall be responsible for billing and collecting this prorated assessment prior to the preparation of the subsequent tax roll. A failure of the property owner to pay the interim assessment prior to the preparation of the subsequent tax roll shall not relieve the owner of the obligation of full payment. For the purpose of this~~

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~~provision, such interim solid waste service assessment shall be deemed due and payable on the date the certificate of occupancy was issued and shall constitute a lien against such property as of that date. Said lien shall be equal in rank and dignity with the liens of all state, county, district or municipal taxes and special assessments, and superior in rank and dignity to all other liens, encumbrances, titles and claims in and to or against the real property involved and shall be deemed perfected upon the issuance of the certificate of occupancy. Pursuant to this chapter, any unpaid interim assessment not collected prior to the preparation of the subsequent tax roll shall be imposed and included on the subsequent tax roll.~~

~~Sec. 50.22. Collection and use of solid waste service assessments.~~

~~(a) *Method of collection.*~~

- ~~(1) Unless otherwise directed by the council, the solid waste service assessments shall be collected pursuant to the uniform method provided in the Uniform Assessment Collection Act, and the city shall comply with all applicable provisions of the Uniform Assessment Collection Act. Any hearing or notice required by this article may be combined with any other hearing or notice required by the Uniform Assessment Collection Act.~~
- ~~(2) The amount of a solid waste service assessment to be collected using the uniform method pursuant to the Uniform Assessment Collection Act for any specific parcel of benefited property may include an amount equivalent to the payment delinquency, delinquency fees and recording costs for a prior year's assessment for a comparable service, facility, or program provided:
 - ~~(i) The collection method used in connection with the prior year's assessment did not employ the use of the uniform method of collection authorized by the Uniform Assessment Collection Act;~~
 - ~~(ii) Notice is provided to the owner as required under the Uniform Assessment Collection Act; and~~
 - ~~(iii) Any lien on the affected parcel for the prior year's assessment is supplanted and transferred to such solid waste service assessment upon certification of a non-ad valorem roll to the tax collector by the city.~~~~

~~(b) *Alternative method of collection.* In lieu of utilizing the Uniform Assessment Collection Act, the city may elect to collect the solid waste service~~

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~~assessments by any other method which is authorized by law or under the alternative collection method provided by this subsection:~~

~~(1) The city shall provide solid waste service assessment bills by first class mail to the owner of each affected parcel of property. The bill or accompanying explanatory material shall include:~~

~~(i) A brief explanation of the solid waste service assessment;~~

~~(ii) A description of the unit of measurement used to determine the amount of the solid waste service assessment;~~

~~(iii) The number of units contained within the parcel;~~

~~(iv) The total amount of the solid waste service assessment imposed against the parcel for the appropriate period;~~

~~(v) The location at which payment will be accepted;~~

~~(vi) The date on which the solid waste service assessment is due; and~~

~~(vii) A statement that the solid waste service assessment constitutes a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments.~~

~~(2) A general notice of the lien resulting from imposition of the solid waste service assessments shall be recorded in the official records of the county. Nothing herein shall be construed to require that individual liens or releases be filed in the official records.~~

~~(3) The city shall have the right to foreclose and collect all delinquent solid waste service assessments in the manner provided by law for the foreclosure of mortgages on real property or appoint or retain an agent to institute such foreclosure and collection proceedings. A solid waste service assessment shall become delinquent if it is not paid within thirty (30) days from the date any installment is due. The city or its agent shall notify any property owner who is delinquent in payment of his or her solid waste service assessment within 60 days from the date such assessment was due. Such notice shall state in effect that the city or its agent will either:~~

~~(i) Initiate a foreclosure action or suit in equity and cause the foreclosure of such property subject to a delinquent solid waste service assessment in a method now or hereafter provided by law for foreclosure of mortgages on real property; or~~

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- ~~(ii) Cause an amount equivalent to the delinquent solid waste service assessment, not previously subject to collection using the uniform method under the Uniform Assessment Collection Act, to be collected on the tax bill for a subsequent year.~~
- ~~(4) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any foreclosure action as described herein shall be included in any judgment or decree rendered therein. At the sale pursuant to decree in any such action, the city may be the purchaser to the same extent as any person. The city or its agent may join in one (1) foreclosure action the collection of solid waste service assessments against any or all property assessed in accordance with the provisions hereof. All delinquent owners whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the city and its agents, including reasonable attorney fees and title search expenses, in collection of such delinquent solid waste service assessments and any other costs incurred by the city as a result of such delinquent solid waste service assessments and the same shall be collectible as a part of or in addition to, the costs of the action.~~
- ~~(5) In lieu of foreclosure, any delinquent solid waste service assessment and the costs, fees and expenses attributable thereto, may be collected pursuant to the Uniform Assessment Collection Act; provided however, that:
 - ~~(i) Notice is provided to the owner in the manner required by the Uniform Assessment Collection Act and this article; and~~
 - ~~(ii) Any existing lien of record on the affected parcel for the delinquent solid waste service assessment is supplanted by the lien resulting from certification of the assessment roll, as applicable, to the tax collector.~~~~
- ~~(6) Notwithstanding the city's use of an alternative method of collection, the city manager shall have the same power and authority to correct errors and omissions as provided to him or her or other city officials in subsection 50.21(I) hereof.~~
- ~~(7) Any council action required in the collection of solid waste service assessments may be by resolution.~~
- ~~(c) *Government property.*
 - ~~(1) If solid waste service assessments are imposed against government property, the city shall provide solid waste service assessment bills by first class mail to the owner of each affected parcel of government property. The bill or accompanying explanatory material shall include:~~~~

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- ~~(i) A brief explanation of the solid waste service assessment;~~
 - ~~(ii) A description of the unit of measurement used to determine the amount of the solid waste service assessment;~~
 - ~~(iii) The number of units contained within the parcel;~~
 - ~~(iv) The total amount of the parcel's solid waste service assessment for the appropriate period;~~
 - ~~(v) The location at which payment will be accepted; and~~
 - ~~(vi) The date on which the solid waste service assessment is due.~~
- ~~(2) Solid waste service assessments imposed against government property shall be due on the same date as all other solid waste service assessments and, if applicable, shall be subject to the same discounts for early payment.~~
- ~~(3) A solid waste service assessment shall become delinquent if it is not paid within 30 days from the date any installment is due. The city shall notify the owner of any government property that is delinquent in payment of its solid waste service assessment within 60 days from the date such assessment was due. Such notice shall state that the city will initiate a mandamus or other appropriate judicial action to compel payment.~~
- ~~(4) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any mandamus or other action as described herein shall be included in any judgment or decree rendered therein. All delinquent owners of government property against which a mandamus or other appropriate action is filed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the city, including reasonable attorney fees and title search expenses, in collection of such delinquent solid waste service assessments and any other costs incurred by the city as a result of such delinquent solid waste service assessments and the same shall be collectible as a part of or in addition to, the costs of the action.~~
- ~~(5) As an alternative to the foregoing, a solid waste service assessment imposed against government property may be collected as a surcharge on a utility bill provided to such government property in installments with a remedy of a mandamus action in the event of non-payment. The council may contract for such billing services as necessary with any utility, whether or not such utility is owned by the city.~~

Sec. 50.23. General provisions.

~~(a) *Applicability.* This article and the city's authority to impose assessments pursuant hereto shall be applicable throughout the city.~~

~~(b) *Alternative method.*~~

~~(1) This article shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence. This article, being necessary for the welfare of the inhabitants of the city, shall be liberally construed to effect the purposes hereof.~~

~~(2) Nothing herein shall preclude the council from directing and authorizing, by resolution, the combination with each other of:~~

~~(i) Any supplemental or additional notice deemed proper, necessary, or convenient by the city;~~

~~(ii) Any notice required by this article; or~~

~~(iii) Any notice required by law, including the Uniform Assessment Collection Act.~~

SECTION 3. Title VIII – Office of Solid Waste is created as follows:

TITLE VIII
OFFICE OF SOLID WASTE

ARTICLE I. SOLID WASTE COLLECTION

Sec. 80.01. Short title.

This chapter shall be known as Solid Waste and Recyclable Materials Collection Service.

Sec. 80.02. Definitions.

For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein when not inconsistent with the context. Words used in the present tense include the future, words in the plural

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number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely discretionary.

Biomedical waste means any solid or liquid waste that may present a threat of infection to humans, including non-liquid tissue, body parts, blood, blood products, and body fluids from humans and other primates; laboratory and veterinary wastes that contain human disease-causing agents; discarded sharps; and used absorbent materials saturated with blood or body fluids.

Bulk waste shall mean a large item that is discarded because of normal housekeeping activities on a person's own premises and cannot be placed in a garbage cart because of its size, shape, or weight. Bulk waste includes furniture, fixtures, white goods, and large pieces of carpet. Bulk waste does not include any exempt waste.

City shall mean the City of Port St. Lucie, Florida, a municipal corporation, acting through the city council or city manager.

City manager shall mean the city manager of the City of Port St. Lucie. When used in this chapter it shall also mean the city manager's designated representative.

Code Compliance Officer shall mean any official as may be appointed or designated by the city whose duty it is to ensure code compliance, including, but not limited to, inspectors of the city's code compliance division and department of solid waste, as well as sworn police officers or duly certified fire inspectors of the St. Lucie County Fire District.

Collection shall mean the process whereby solid waste and recyclable materials are removed from improved property and transported to a solid waste disposal facility or other solid waste management or recycling facility.

Collection container shall mean garbage carts, recycling carts, and mechanical containers.

Commercial container shall mean a container which:

- (a) Consists of four permanently attached sides and a bottom;
- (b) Is made of metal, durable plastic or other nonabsorbent material;
- (c) Is designed to be free standing;
- (d) Is to be emptied and transported by mechanical means; and
- (e) Is used to collect or store commercial solid waste, recycling or construction and demolition debris.

Commercial containers include, but are not limited to, dumpsters, compactor units, and roll-on/roll-off containers.

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Commercial trash shall mean any and all accumulations of paper, rags, excelsior, wooden, paper or cardboard boxes or containers, sweepings, car parts, tires and any other accumulations not included in the definition of garbage, generated by the operation of stores, offices, and other business places. Commercial trash shall also include all trash placed in public receptacles in parks, playgrounds, public streets, golf courses, and all other public places in the city.

Commercial property shall mean all real property that is not classified as residential property. Commercial property includes: property used primarily for commercial purposes, such as hotels, motels, stores, restaurants, distribution centers, business offices, service stations, and recreational vehicle parks; property used primarily for institutional purposes, such as governmental offices, religious institutions, hospitals, schools, and not-for-profit organizations; apartments, condominiums, townhouses, and other buildings that contain 4 or more dwelling units; and other property that contains 4 or more dwelling units, including commercially zoned property that is used primarily for residential purposes, including property used exclusively as a recreational vehicle park, as defined in Section 513.01(11), Florida Statutes, and property that is classified as "RMH-5" or "PUD" under the city's zoning regulations. Vacant land, not classified as improved real property, and industrial property, shall be deemed Commercial Property.

Construction and demolition waste shall have the meaning set forth in Section 403.703(6), Florida Statutes, for construction and demolition debris, except that construction and demolition waste means discarded materials generally considered to be not water soluble and non-hazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wall board, and lumber, resulting from the construction, destruction, or renovation of a structure.

Contractor shall mean the person or entity who has entered into a service agreement with a commercial property or residential customer.

Contractor Waste shall mean any waste generated from contractual work and not normal housekeeping activities or small DIY projects.

Curbside shall mean a location adjacent to a road or right-of-way that abuts a property and provides access for the franchise hauler's collection vehicles. If there is no public access to the property, curbside means a location that is adjacent to a roadway where the franchise hauler may lawfully gain access and provide collection service. In all cases, the curbside location must be within 3 feet of the curb or the edge of the road.

Director shall mean the City Manager or the City Manager's designee(s).

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Disaster debris shall mean debris that is produced or generated by a natural or human event that is declared a disaster by the federal government or the city. Disaster debris includes yard waste, construction and demolition waste, and bulk waste that is generated by such disaster.

Disposal costs is hereby defined to mean the "tipping fees" or landfill costs charged to the franchise hauler by others for disposal of the garbage and trash collected by the franchise hauler.

Division manager shall mean the senior employee that has been designated by the franchise hauler to serve as the franchise hauler's primary representative when dealing with the city on matters involving the service agreement.

Do-it-yourself project shall mean minor residential repairs done exclusively by the homeowner or occupant.

Dwelling unit shall mean any type of structure or building, or a portion thereof, intended for or capable of being used for residential living. A dwelling unit includes a room or rooms constituting a separate, independent living area with a kitchen or cooking facilities, a separate entrance, and bathroom facilities, which are physically separated from other dwelling units, whether located in the same structure or in separate structures. However, a room in a licensed hotel or motel is not a dwelling unit.

Franchise hauler shall mean any hauler or collector who provides solid waste collection services within the City pursuant to, or under authority granted by, a permit, contract, franchise, or other agreement with the City and who is required to perform certain solid waste collection services under the provisions of the franchise agreement and this chapter.

Garbage shall mean all kitchen and table food waste, and/or animal vegetative waste that is attendant with or results from the storage, preparation, cooking, or handling of food materials.

Garbage cart shall mean a collection container provided by the City or franchise hauler that is made of heavy-duty plastic or other imperious material, with enclosed sides and a bottom, mounted on two wheels, equipped with a tight-fitting hinged lid, having a capacity of approximately 100 gallons or less, and used for the automated or semi-automated collection of garbage and household trash.

Hazardous material shall mean a solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when

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improperly transported, disposed of stored, treated, or otherwise managed. Hazardous material includes any material or substance identified as a hazardous waste or hazardous substance in the Florida Administrative Code, Florida Statutes, or other applicable law.

Holiday shall mean Independence Day, Thanksgiving Day, Christmas Day, and any other days designated and agreed to by the director and division manager.

Household trash shall mean all accumulations of waste materials from the operation of a home, which are not included in the definition of garbage. Household trash shall include all appliances, furniture, toys, building material wastes from do-it-yourself projects, and anything else put out for collection. Waste generated by building contractors, subcontractors and/or tree surgeons rendering professional service is not to be considered as household trash.

Industrial waste shall mean any and all debris and waste products generated by canning, manufacturing, food processing (except restaurants), land clearing, (except do-it-yourself projects), and public works-type construction projects, whether performed by a governmental unit or by contract.

Land clearing debris shall mean all trees, tree trunks, stumps, rocks, bushes, vegetation, soil, and other materials resulting from a land clearing or lot clearing operation from an undeveloped parcel.

Mechanical container shall mean a dumpster, roll-off container, compactor, or other large container that is placed on and removed from a premises with mechanical equipment and used for the collection of solid waste or recyclable materials. However, garbage and recycling carts are not mechanical containers.

Multi-family dwelling units shall mean any 4 or more dwelling units located under one roof. Multi-family dwellings include apartments, condominiums, townhouses, mixed-use buildings, and other buildings that contain 4 or more dwelling units.

Person shall mean any person, natural or artificial, including any individual, firm, corporation, partnership, joint venture, municipality, county, authority, state or federal governmental agency or any other association or entity, however organized.

Radioactive waste shall mean any equipment or materials that are radioactive or have radioactive contamination, and are required by law to be stored, treated, or disposed of as radioactive waste.

Recovered materials shall mean metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential and have been diverted and source

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separated or have been removed from the solid waste stream for sale, use or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. Recovered materials as described above are not solid waste.

Recyclable materials means those materials designated as such by the director that are capable of being recycled, and that would otherwise be processed or disposed of as solid waste.

Recycling cart shall mean a collection container provided by the City or the franchise hauler that is made of heavy-duty plastic or other impervious material, with enclosed sides and a bottom, mounted on two wheels, equipped with a tight-fitting hinged lid, having a capacity of approximately 100 gallons or less, and used for the automated or semi-automated collection of recyclable materials.

Recyclable container shall mean any container approved by the director for the collection of recyclable materials, including recycling carts and mechanical containers.

Refuse shall mean, as used in this chapter, all solid waste, garbage, garden and yard trash, rubbish, household trash, commercial trash and industrial waste trash not classified as recyclable materials.

Residential property shall mean each parcel of improved property that is used for residential purposes and has no more than 3 dwelling units on it. Residential property includes single family residences, duplexes, triplexes, and other buildings used for residential purposes, apartment buildings, condominiums, townhouses, dwelling units in mixed use buildings, cooperatives established pursuant to Chapter 719, F.S., time-share apartments, and leased residential premises of the classes described above are residential property.

Rubbish shall mean all combustible and non-combustible waste materials.

Scavenge shall mean the unauthorized and uncontrolled removal of containerized material stored or placed at a point for subsequent collection or from a solid waste processing or disposal facility.

Sludge shall mean the accumulated solids, residues, and precipitates generated as a result of waste treatment or processing including wastewater treatment, water supply treatment, or operation of an air pollution control facility, and mixed liquids and solids pumped from septic tanks, grease traps, privies, or similar disposal appurtenances or any other waste having similar characteristics.

Service contract shall mean the solid waste franchise agreement between the city and the franchise hauler, its successors and assigns, providing for the

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collection of solid waste within the city, including the proposal, award of contract, executed contract, bonds, standard specifications, supplementary specifications, plans, supplementary agreement, exhibits and addenda that may be entered into, all of which documents are to be treated as one instrument whether or not set forth at length in the form of contract.

Solid waste shall mean, sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment, or operation of an air pollution control facility, or trash, garbage, refuse, special waste, or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural or governmental operations. Solid waste includes biomedical waste, bulk waste, commercial waste, construction and demolition waste, disaster debris, electronic equipment, garbage, hazardous material, land clearing debris, radioactive waste, recyclable materials, residential waste, tires, white goods, and yard waste.

Solid waste services assessment area shall mean the area within the incorporated limits of the City of Port St. Lucie.

Special magistrate shall mean a hearing officer appointed pursuant to chapter 37 of this Code.

Trash shall be construed to include commercial and industrial trash, household trash, and garden and yard trash, as each is herein defined, unless specifically provided to the contrary.

White goods shall mean large, discarded appliances, including, but not limited to, refrigerators, ranges, washing machines, clothes dryers, water heaters, freezers, microwave ovens, and air conditioners.

Yard waste shall mean vegetative matter resulting from yard and landscaping maintenance, including, but not limited to, shrub and tree trimmings, grass clippings, palm fronds, branches, and bulk yard waste. Yard wastes does not include land clearing debris.

Sec. 80.03. Mandatory collection of solid waste.

(a) The following types of waste generated in the city by the following property types shall be collected by an approved franchise hauler pursuant to a service agreement subject to the limitations and restrictions set forth herein:

(1) Residential property where waste is collected at curbside: garbage, yard waste, bulk waste, and recyclable materials.

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(2) Residential property where waste is collected in mechanical containers: garbage, rubbish, bulk waste, and recyclable materials.

(3) Commercial property: garbage and rubbish.

(b) The owner(s) of the property shall be responsible for the use of such service by all occupants of the property and shall be responsible for the payment of service charges in accordance with the applicable service agreement. Charges for such beneficial services include the cost of collection, disposal, and administration, including the payment of any delinquent amounts owed, and may be collected pursuant to any method authorized by law including the imposition of fees at the time of issuance of any permit or certificate of occupancy, collection by the franchise hauler, or as a non-ad valorem assessment pursuant to the provisions of section 197.3632, Florida Statutes. In the event the city elects to collect the charges pursuant to the provisions of 197.3632, Florida Statutes, the adoption of the final assessment resolution shall be the final adjudication of the issues presented (including, but not limited to, the determination of a special benefit and fair apportionment to the property; the method of apportionment and assessment; the initial rate of assessment; the maximum assessment rate, if any; the initial assessment roll; and the levy and lien of the solid waste assessments) unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 30 days from the date of city council action on the final assessment resolution.

Sec. 80.04. Exempt waste.

The following types of exempt waste are not subject to the franchise hauler's exclusive franchise. These exempt wastes may be collected by the owner or occupant of the property where the exempt waste is generated, or by the owner or occupant's agent, and taken to any facility that is licensed to receive such materials. The person generating such exempt waste shall be responsible for legally removing and properly disposing of said waste, and such disposal shall be at the cost of the owner or possessor thereof.

(a) Land clearing debris.

(b) Construction and demolition waste exceeding 2 cubic yards per service.

(c) Roofing materials generated, collected, and transported by a roofing company.

(d) Recovered materials that are generated on commercial property.

(e) Recyclable materials that are generated by a commercial property and separated from the property's solid waste by the commercial property.

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- (f) Any material that a residential property generates and separates from its solid waste for recycling, if that type of material is not recycled at the designated facility used by the franchise hauler pursuant to the service agreement.
- (g) Excavated fill and earthen material.
- (h) Solid waste and by-products generated from an industrial process.
- (i) Liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.
- (j) Animal bedding, animal wastes, and other trash and materials resulting from farming, equestrian, or agricultural operations.
- (k) Wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts, including used oil, tires, and lead-acid batteries.
- (l) Boats, boat motors, and boat trailers.
- (m) Disaster debris.
- (n) Hazardous material, biomedical waste, and radioactive waste.
- (o) Sludge.
- (p) Any waste, not subject to mandatory collection, as designated by the director.

Sec. 80.05. General set out provisions.

The following provisions of this section shall apply to all persons that own or have custody or control of a residential or commercial property within the city:

- (a) All household garbage and trash shall be placed in a plastic bag prior to being put into a garbage cart.
- (b) Recyclable materials shall be placed or set out in a recycling cart. Recyclable materials shall not be placed in the same collection container with other solid waste.
- (c) Recyclable materials shall not be in a plastic bag prior to placing into a recycling cart or container.
- (d) Garbage cart shall not be overfilled; the lid on a collection container shall be closed securely.
- (e) Garbage and recycling carts, when filled, shall not weigh more than the designated cart limitations.

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- (f) Scrap metal and appliances shall be set out as bulk waste. Freezers, refrigerators, clothes washers, clothes dryers, dishwashers, or similar airtight units shall have the doors removed before being placed for collection. All stand-up items shall be laid flat. Scrap metal such as poles, pipes and antennas shall be cut or bent into pieces not longer than 6 feet.
- (g) All solid waste shall be free of protruding nails, screws, staples, or other dangerous conditions.
- (h) No garbage bags or recyclables shall be placed outside or on top of the collection container.

Sec. 80.06. Residential collection at curbside.

(a) General provisions.

- (1) Garbage, rubbish, yard waste, bulk waste, and recyclable materials shall be placed at curbside before 7:00 a.m. on the scheduled collection day for such materials but no sooner than 6:00 p.m. the night before collection.
- (2) Empty collection carts must be removed from curbside the day of collection.
- (3) Collections shall not occur on holidays and as otherwise deemed necessary by the director. Collections that would normally occur on these holidays shall be rescheduled as specified by the franchise agreement.

(b) Garbage and rubbish.

- (1) Garbage and rubbish shall only be set out at curbside as specified by the franchise agreement, except on holidays and as otherwise deemed necessary by the director.
- (2) Garbage and rubbish shall be set out in garbage carts, which shall be placed at curbside.
- (3) All garbage and rubbish, before being placed in a collection cart, shall be drained of all free liquids prior to being deposited for collection.
- (4) No person shall place in a collection cart such material as unwrapped razor blades, broken glass, or similar materials, which could cause possible injury to collection personnel.
- (5) Garbage shall not be placed, mixed, or commingled with curbside piles of bulk waste, yard waste, and/or construction and demolition debris.
- (6) No bagged garbage and rubbish shall be placed next to or on top of collection cart for collection.

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(c) Recyclable materials.

- (1) Residents who wish to participate in recycling shall recycle with the franchise hauler unless the recyclables are directly donated to a private organization qualified pursuant to section 501(c)(3) of the Internal Revenue Code, or directly delivered by a means other than curbside collection to a commercial recycling center for payment.
- (2) The director shall designate the recyclable materials that will be collected by franchise hauler.
- (3) Recyclable materials shall only be set out at curbside as specified by the franchise agreement except on holidays and as otherwise deemed necessary by the director.
- (4) All recyclable materials shall be separated from garbage and other refuse and shall be set out at curbside in a recycling cart provided by the franchise hauler.
- (5) No person shall scavenge, collect, pick up, or remove any recyclable material after the material has been placed at curbside without prior approval by the city.

(d) Bulk waste.

- (1) Bulk waste shall not be set out more than 24 hours prior to the day of the month specified for bulk waste collection of the property.
- (2) No more than 2 cubic yards may be set curbside for collection. One cubic yard measures 3 feet wide by 3 feet long by 3 feet deep.
- (3) Any carpet set out for collection at curbside must be rolled and tied or otherwise bound in 4-foot lengths or less.
- (4) Bulk waste from a renovation do-it-yourself project, shall be set out as bulk waste and shall not exceed 2 cubic yards in total volume. All such waste more than 2 cubic yards must be stored and collected in a mechanical container unless removed from the property by the person that generated the waste materials.
- (5) No contractor waste shall be placed curbside. All such waste must be removed and properly disposed of by a contractor.

(e) Yard waste.

- (1) Yard waste shall only be set out at curbside once each week per the franchise agreement, limited to four (4) cubic yards per week per

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household, except on holidays and as otherwise deemed necessary by the director.

(2) Yard waste shall be of such size that it can be readily loaded by one person. Stumps, trees, limbs, and other larger pieces of yard waste shall be cut in lengths of no greater than 4 feet (except palm fronds) and shall not exceed 6 inches in diameter or 50 lbs in weight. Yard waste shall be stacked neatly in a pile at curbside and may be tied in a bundle with twine or rope.

(3) Leaves, twigs, grass clippings, and other small pieces of yard waste shall be placed in garbage cans or biodegradable bags, limited to no more than 50 lbs. per container.

(4) All yard waste generated by a commercial lawn care company, plant nursery, commercial tree trimming and removal company shall be hauled away by the contractor or person generating the waste.

Sec. 80.07. Residential collection for multi-family dwellings.

(a) A person residing in a multi-family dwelling that receives collection service at curbside shall comply with the provisions in section 80.09.

(b) A person residing in a multi-family dwelling that receives collection service with a mechanical container shall place all garbage, rubbish, household trash, bulk waste and yard waste in the mechanical container and all recyclable materials in a separate recycling container located at the multi-family dwelling.

Sec. 80.08. Commercial collection.

(a) *Garbage and rubbish.* Commercial properties shall set out garbage and rubbish in either a garbage cart or mechanical container as determined by the city.

(b) *Recyclable materials.*

(1) Commercial properties are permitted to use any recycling vendor however, if a commercial property utilizes a recycling cart for curbside collection, services shall be provided by the franchise hauler.

(2) Commercial properties that recycle using franchise hauler shall have at least one collection container for collection of garbage and rubbish and a separate recycling container for collection of recyclable materials or recovered materials.

(c) *Yard waste.* Commercial properties shall secure collection of all yard waste through the contractor of their choice.

Sec. 80.09. Collection containers.

(a) General provisions.

- (1) Director approval. Each garbage cart, recycling cart, and mechanical container is subject to the director's approval. The director may prohibit the use of any collection container that is found to be unsuitable or undersized.
- (2) Garbage carts. Each garbage cart used for residential collection at curbside must be one of the carts provided by the city or franchise hauler and hot-stamped or stenciled with the city's logo.
- (3) Recycling carts. Each recycling cart used for residential collection at curbside must be one of the carts provided by the franchise hauler and hot-stamped or stenciled with the city's logo.
- (4) Mechanical Containers. Mechanical containers shall either be supplied by the franchise hauler or purchased or leased by the commercial establishment from a person other than franchise hauler if it can be serviced by franchise hauler's equipment and comply with the regulations herein. Mechanical containers shall have attached lids, unless the director approves a different design for a particular use, or they are open top roll-off containers used for the collection of construction and demolition waste. Mechanical containers shall have four permanently attached solid, durable sides and a bottom. Each mechanical container (except open top roll-off containers) shall have a heavy-duty removable plug in the bottom. Each mechanical container shall be made of a metal, durable plastic or other nonabsorbent material and shall be designed to be free standing.

(b) Container placement.

- (1) All collection containers shall be placed in locations that are safely and readily accessible to a collection vehicle. Containers shall be placed a minimum of three (3) feet from any object or other container to ensure proper collection.
- (2) Collection containers used for residential curbside collection shall be kept indoors or in a portion of the rear or side yard that is screened from view by walls, fences, or hedges, or otherwise stored out of view from abutting streets.
- (3) Collection containers and collection areas utilized at multi-family residential complexes, commercial, industrial, office, and institutional

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facilities shall comply with the regulations set forth in section 158.232 of this Code.

(c) Maintenance and repair of containers.

(1) Garbage carts. Each person shall be responsible for maintaining the cleanliness of their garbage cart.

(2) Recycling carts. Each person shall be responsible for maintaining the cleanliness of their recycling cart.

(3) Mechanical containers. Each person shall be responsible for cleaning, maintaining, and repairing any mechanical container that the person owns or leases from a person or entity other than the franchise hauler.

Sec. 80.10. Construction sites; contractor waste.

(a) All building contractors and persons acting in the capacity of a building contractor, engaged in building or remodeling operations shall be responsible for cleanup and disposal of all solid waste generated because of the permitted work. Construction sites shall always be kept clean and free of trash and debris.

(b) Except as otherwise authorized in section 80.06(d)(4), construction and demolition waste generated or accumulated at the site of a construction, demolition or renovation project shall be stored in a mechanical container until removed from the site. The mechanical container shall remain on the site from pouring of the slab to final grade. The use of any collection container other than a mechanical container to store said construction and demolition waste is prohibited. The director or building official may prohibit the use of any mechanical container or other container that is found to be unsuitable or undersized.

(c) It shall be unlawful for any person to accumulate, burn or bury any solid waste, building waste, sod, rocks, or other land clearing debris on a construction site in the city, and arrangements must be made for removal of same in accordance with the provisions of this chapter, to a designated disposal facility, at no cost to the city.

(d) Construction and demolition waste or other solid waste which is cast, blown, or scattered upon any adjacent public or private property as a result of construction, demolition or renovation activities shall be removed by the person responsible for the construction, demolition or renovation activities no later than the end of the day on which the activities occur or earlier if the waste material causes an unsanitary nuisance.

(e) Contractor Waste. Builders, contractors, construction tradesmen, tree surgeons, landscapers, handyman services and all other services that perform work on a residential property shall be responsible for removal, and the legal, and lawful disposal of all debris they generate as a result of said work and shall use vehicles and containers designed or outfitted to prevent the waste carried therein from being blown, dropped, or spilled from the vehicle or container. The property owner remains responsible for legally removing and properly disposing of debris not removed by the contractor or franchise hauler, and such removal and disposal shall be at the cost of the owner or possessor of the property.

Sec. 80.11. Director authority.

The director shall have the authority to establish or change the size, type, and number of collection containers, days, frequency, and location of collection, amount of solid waste services needed, and such other matters relating to the collection, conveyance, and disposal of solid waste, and to change and to modify the same, after notice as required by law, provided that such regulations are not contrary to the provisions of this chapter. These containers shall be emptied on a schedule agreed upon by the customer and the franchise hauler, as specified in the franchise agreement.

Sec. 80.12. Dispute resolution process.

- (a) The director shall decide all questions and controversies that may arise concerning the quality and sufficiency of franchise hauler's services as required by the service agreement, and the interpretation of the service agreement's provisions.
- (b) The director shall promptly be notified regarding a dispute with the franchise hauler.
- (c) The director shall notify the franchise hauler and customer in writing concerning the director's decision about the disputed issues.
- (d) The franchise hauler and customer shall have 3 service days to comply with the director's decision or, in the alternative, provide the director with a written request for a hearing before the city manager.
- (e) If a request for a hearing is filed, the city manager shall act upon such request within 30 days. The city manager shall provide the franchise hauler and the customer an opportunity to present their arguments and evidence concerning the relevant issues. The city manager shall notify the customer, the franchise

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hauler, and the director in writing concerning the city manager's decision. The city manager may:

- (1) Confirm, in whole or in part, the director's findings;
 - (2) Grant relief to the customer or the franchise hauler; or
 - (3) Take whatever other action the city manager deems necessary and appropriate.
- (f) The city manager's decision shall be final and shall not be subject to further appeal within the city.

Sec. 80.13. General authority.

- (a) The city council is hereby authorized to enter service contracts with any qualified person or entity to provide for the exclusive collection of solid waste and recyclable materials, from residential and commercial property within the solid waste services assessment area.
- (b) Service contracts may require payment of a franchise fee as set by city council to compensate the city for the cost of administration, supervision, and inspection rendered for effective performance of franchise hauler(s) and shall include such other terms and provisions as city council may deem necessary or advisable.
- (c) The franchise hauler shall have rights to collect solid waste and recyclable materials, as defined herein and in the contract, within the corporate limits of the City of Port St. Lucie, provided that debris generated by land clearing operations and construction and demolition debris may be collected, hauled and lawfully disposed of by persons other than the franchise hauler. Provided, further, that the foregoing shall not be construed to preclude (i) organizations qualified pursuant to section 501(c)(3) of the Internal Revenue Code as a charitable organization from implementing limited private recycling programs within the City of Port St. Lucie; or (ii) delivery directly, by a means other than curbside collection, of recyclable materials to a commercial recycling facility for payment by residential or commercial customers.
- (d) The Director shall have the authority to make regulations concerning the days of collection, type and location of waste containers, and such other matters pertaining to the collection, conveyance, and disposal and to change and to modify the same, after notice as required by law, provided that such regulations are not contrary to the provisions of this chapter.

Sec. 80.14. Prohibited acts.

No person shall:

- (a) Place solid waste in another person's collection cart.
- (b) Set out solid waste for collection on any property other than where the solid waste was generated.
- (c) Place hazardous material, radioactive waste, biomedical waste, flammable material, explosive material, or any other dangerous or highly corrosive material in containers for regular collection. The party generating such waste shall be responsible for legally removing and properly disposing of said waste, and such disposal shall be at the cost of the owner or possessor thereof. Flammable or explosive material shall be disposed of as directed by the fire chief, or the fire chief's designated representative.
- (d) Throw, place, deposit, scatter or cause to be thrown, placed, deposited or scattered any solid waste in or upon any street, alley, sidewalk, rights-of-way, body of water, public or private property within the city except as provided in this Code.
- (e) Scavenge any materials from any solid waste that is containerized for collection within the city without prior approval by the city.
- (f) Accumulate or cause to be accumulated any bulk waste, yard waste, industrial waste, commercial waste, junk, garbage, rubbish, or other solid waste in or upon any property owned by a person or in a person's control. Any such accumulation on any property in the city is hereby declared to be a nuisance. Creation or maintenance of a backyard compost pile shall be considered recycling, not disposal, unless the site results in the creation of a nuisance.
- (g) Burn or allow the open burning of solid waste within the corporate limits of the city.
- (h) Transport over any public road any solid waste, which is subject to leakage or spillage unless the solid waste is securely tied or covered so as to prevent leakage and spillage.
- (i) Allow solid waste, or any liquid saturating, covering or contained in solid waste, to spill, blow or drop from any vehicle on any road, street, or private or public property.

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- (j) Dispose of or bury solid waste at any site, public or private, which is unapproved by the city or to process recyclable materials at any site, public or private, which is unapproved by the city.
- (k) Interfere with the orderly and legitimate collection of solid waste or disturb or scatter solid waste stored in collection containers.
- (l) Placing garbage bags or recyclable materials outside their respective collection container.
- (m) Placement of automotive, motor vehicle, or trailer tires.
- (n) Place a garbage cart or recycling cart curbside prior to 6:00 p.m. the day before the scheduled collection day for such materials at that parcel.
- (o) Leave an empty garbage cart or an empty recycling cart curbside after midnight of the scheduled collection day for such materials at that parcel.
- (p) Fail to properly dispose of contractor waste.
- (q) Place or leaving any garbage, rubbish, or other disposed items outside of an appropriate garbage cart or recycling cart, unless qualifying as bulk waste or yard waste, and then only on an approved collection day.
- (r) Placing or leaving bulk waste curbside at any time other than the scheduled collection day for the parcel or 24 hours prior thereto.

Sec. 80.15. Interpretation, construction of chapter.

This chapter shall be interpreted and construed in conjunction with the terms of the franchise agreement except as otherwise provided.

Sec. 80.16. Violations; penalties.

- (a) The property owner, occupant, tenant, lessee, and agent shall be jointly and severally responsible for complying with these regulations.
- (b) It shall be unlawful for any person to fail, neglect, or refuse to comply with and abide by each provision of this Ordinance. The performance on each day of any prohibited act or practice, or the failure to perform on each day any required act or practice shall constitute a separate offense and shall be punishable as such.
- (c) The provisions of this chapter shall be enforced pursuant to any, all, or any combination of means available to the city under this Code, state law or other applicable law, including, but not limited to, chapters 37 and 40 of this Code and Chapter 162, Florida Statutes, as amended.

(d) *Jurisdiction.* The provisions of this code may be enforced by any official as authorized herein, and the Special Magistrate for the City shall have jurisdiction of any violation of this code and may impose such civil penalties as prescribed in this chapter and by law.

Sec. 80.17. Enforcement; solid waste citation authorized; civil penalty.

(a) *Generally.* Violations of this article may be enforced pursuant to any of the following provisions:

- (1) Chapter 37.
- (2) Chapter 40.
- (3) Section 80.17(b) of this article.

(b) *Solid waste citation authorized.* If a violation of this article, for which the city has set a specific civil penalty, has occurred or exists, a code compliance officer may issue a solid waste citation (hereinafter "citation").

- (1) The code compliance officer may issue a citation to any person failing or refusing to comply with any section of this chapter.
- (2) The code compliance officer may issue a citation to any person (hereinafter "violation") within the city where standards relating to the collection and disposal of solid waste are not met.

(3) *Delivery of citation.* The citation shall be delivered by the method provided.

- i.) Hand delivery; or
- ii.) Posted conspicuously on the property where the notice shall be visibly seen.
- iii.) ~~If the citation was posted on the property or the violator is not the property owner, then the citation shall also be delivered by regular mail to the address listed in the county property appraiser's database.~~ If the citation is delivered by posting to the property and either the violator is not the property owner or if the mailing address for the property owner listed in the county property appraiser's database differs from the property address, then the citation shall also be delivered by regular mail to the mailing address for the property owner listed in the county property appraiser's database.

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- (4) Citation appeal. A citation issued for violations of this chapter may be appealed to the special magistrate by submission of a written request to the code enforcement division no later than 72 hours from the date to correct the violation.
- i.) Waiver. Failure to submit an appeal as prescribed in this article shall be deemed a waiver of all rights to a hearing and to otherwise appeal the citation.
 - ii.) Notices. Hearing notices may be sent by either hand delivery or certified mail.
 - iii.) Scheduling. The code compliance officer shall schedule the appeal within 14 days of receipt.
 - iv.) Conduct of hearing. The hearing shall be governed by the City's quasi-judicial proceedings, as applicable. At the conclusion of the hearing, the special magistrate shall determine if a violation exists or occurred and enter an order requiring the payment of the civil penalty, and the administrative costs, plus set a date certain for compliance, if necessary.
 - v.) Payment constitutes admission. Payment of a citation shall constitute admission of a violation of this article for purposes of finding a repeat violation.
- (5) Correction of violation. The violator shall correct the violation within the time period provided.
- i.) A violation relating to cart placement or garbage collection and disposal shall be corrected within 24 hours of the date and time of the citation.
 - ii.) A violation relating to bulk, yard, or other solid waste collection and disposal shall be corrected within 48 hours of the date and time of the citation.
 - iii.) If a code compliance officer has reason to believe a violation or the condition causing a violation presents a serious threat to the public health, safety, welfare, or if the violation is irreparable or irreversible in nature, the officer may immediately issue a ticket and does not have to provide the person with time to correct the violation as prescribed in this article.
 - iv.) Failure of violator to correct; corrective action by city: Unless the violator corrects the violation as prescribed in this article, the city

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shall have the right to enter upon the land and may take the necessary corrective action to remedy the violation. The city may bill the violator an amount sufficient to reimburse the city's costs, which bill shall become due and payable within 30 days of the mailing of such bill.

(a) If the violator is not the property owner, then the bill shall also be delivered by regular mail to the address listed in the county property appraiser's database.

(b) Nothing in this article shall prohibit the city from correcting the violation as prescribed in this article during the pendency of an appeal of a citation unless a stay has been granted by the special magistrate or as otherwise provided for and authorized by law or the Florida Rules of Appellate Procedure.

v.) Repeat violations. The code compliance officer is not required to provide a time to correct for repeat violations. The code compliance officer may immediately issue a citation or schedule a hearing before the special magistrate. A repeat violation occurs when:

(a) The same violator commits two or more subsequent violations of the same nature within 12 months; or

(b) The same violator previously paid a citation for a violation of the same nature.

(c) A prior violation of either subsection d. or e. of Section 80.06 shall be considered as a first offence for penalty purposes for both subsection d. and e. of Section 80.06.

(c) Emergency abatement. Nothing in this section shall be construed to prohibit the city from immediately removing solid waste on an emergency basis after issuing a citation and allowing the violator a period as prescribed herein to correct the violation or appeal. If the violation is not corrected or citation appealed, then city or its contractor may abate the violation and bill the violator for the cost of such abatement which bill shall become due and payable within 30 days of the mailing. If the violator is not the property owner, then the bill shall also be delivered by regular mail to the address listed in the county property appraiser's database. An emergency is defined as a condition which poses a serious threat to public health, safety, and welfare.

(d) Civil Penalty.

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<u>Violation</u>	<u>First Offense</u>	<u>Second Offense</u>
<u>Cart placement/ garbage collection</u>	<u>\$35</u>	<u>\$70</u>
<u>Bulk, yard, solid waste</u>	<u>\$110</u>	<u>\$220</u>
<u>Emergency Abatement</u>	<u>\$300</u>	<u>\$600</u>

Sec. 80.18. Conflicts between chapter and franchise agreement.

In the event any provision of this chapter conflicts with any provision of the franchise agreement, the interpretation and meaning most favorable to the city shall control and apply, except where prohibited by Article I, Section 10 of the Florida Constitution.

Sec. 80.19. Alternate enforcement; remedies.

- (a) In addition to any other remedies provided by this chapter or any other city ordinance, the city shall have judicial remedies available to it for violations of this chapter or any other lawful rule or regulation promulgated hereunder as enumerated below, but not limited to:
- (1) The city may institute a civil action in a court of competent jurisdiction to establish liability and to recover damage for any costs incurred by it in conjunction with the abatement of any condition prohibited by the provisions of this chapter.
 - (2) The city may institute a civil action in a court of competent jurisdiction to seek injunctive relief to enforce compliance with the terms of this chapter or any rule or regulation promulgated hereunder, to enjoin and prohibit said violation or to compel the performance of actions which will result in compliance with the terms of this chapter.
- (b) These remedies are cumulative, and the use of any appropriate remedy shall not constitute an election of other remedies by the city. The use of one remedy shall not preclude the use of any others.

ARTICLE II. SOLID WASTE SERVICE ASSESSMENTS

Sec. 80.20. Introduction.

- (a) Definitions. As used in this article, the following words and terms shall have the following meanings, unless the context clearly otherwise requires:

Annual rate resolution shall mean the resolution described in subsection 80.21(h) hereof, establishing the rate at which a solid waste service assessment for a specific fiscal year will be computed. The final assessment resolution shall constitute the annual rate resolution for the initial fiscal year in which a solid waste service assessment is imposed or reimposed.

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Article shall mean this solid waste service assessment ordinance, as it may be amended from time-to-time.

Assessed property shall mean all parcels of land included on the assessment roll that receive a special benefit from the delivery of the solid waste collection and disposal services, programs, or facilities identified in the initial assessment resolution or a subsequent preliminary rate resolution.

Assessment roll shall mean the special assessment roll relating to a solid waste service assessment approved by a final assessment resolution pursuant to subsection 80.21(f) hereof or an annual rate resolution pursuant to subsection 80.21(h) hereof.

Certificate of occupancy shall mean the written certification issued by the city that a building is ready for occupancy for its intended use. For the purposes of this article, a set up or tie down permit or its equivalent issued for a mobile home shall be considered a certificate of occupancy.

City shall mean the City of Port St. Lucie, Florida.

City manager shall mean the chief administrative officer of the city, designated by the city council to be responsible for coordinating solid waste service assessments, or such person's designee.

Council shall mean the city council of the City of Port St. Lucie, Florida.

Commercial property shall mean all improved property other than residential property as defined in this chapter.

Dwelling unit shall mean a building, or a portion thereof, which is located upon residential property and lawfully used for residential purposes, consisting of one (1) or more rooms arranged, designed, used, or intended to be used as living quarters for one (1) family unit only.

Final assessment resolution shall mean the resolution described in subsection 80.21(f) hereof which shall confirm, modify, or repeal the initial assessment resolution and which shall be the final proceeding for the initial imposition of solid waste service assessments.

Fiscal year shall mean that period commencing October 1st of each year and continuing through the next succeeding September 30th, or such other period as may be prescribed by law as the fiscal year for the city.

Government property shall mean improved property owned by the United States of America or any agency thereof, a sovereign state or nation, the state or any agency thereof, a county, a special district, or a municipal corporation.

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Improved property shall mean all property within the incorporated area of the city on which a building or other improvements have been placed or constructed, which improvements result in such property generating solid waste or being capable of generating solid waste.

Initial assessment resolution shall mean the resolution described in section 80.21(b) hereof, which shall be the initial proceeding for the identification of the solid waste cost for which an assessment is to be made and for the imposition of a solid waste service assessment.

Owner shall mean the person reflected as the owner of assessed property on the tax roll.

Person shall mean any individual, partnership, firm, organization, corporation, association, or any other legal entity, whether singular or plural, masculine or feminine, as the context may require.

Preliminary rate resolution shall mean the resolution described in section 80.21(h) hereof initiating the annual process for updating the assessment roll and directing the reimposition of solid waste service assessments pursuant to an annual rate resolution.

Property appraiser shall mean the St. Lucie County property appraiser.

Prohibited waste shall mean any hazardous waste, biohazardous waste, or special waste.

Residential property shall mean all improved property that contains a dwelling unit as defined in this chapter.

Solid waste cost shall mean the amount necessary to fund the city's collection and disposal of solid waste and the recycling activities of recyclable materials that is allocable to assessed property during a fiscal year and may include, but is not limited to:

- (1) The cost, whether direct or indirect, of all services, programs or facilities provided by the city, or through contractual arrangements with the city relating to solid waste management and disposal activities;
- (2) The cost of any indemnity or surety bonds and premiums for insurance;
- (3) The cost of salaries, volunteer pay, workers' compensation insurance, or other employment benefits;
- (4) The cost of computer services, data processing, and communications;
- (5) The cost of training, travel, and per diem;

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- (6) The recovery of unpaid or delinquent fees or charges advanced by the city and due for solid waste management and disposal services, programs or facilities allocable to specific parcels;
- (7) The cost of engineering, financial, legal, or other professional services;
- (8) All costs associated with the structure, implementation, collection, and enforcement of the solid waste service assessments or a prior year's assessment for a comparable service, facility or program, including any service charges of the tax collector or property appraiser;
- (9) All other costs and expenses necessary or incidental to the acquisition, provision, or delivery of the services, programs or facilities funded by the solid waste service assessment, and such other expenses as may be necessary or incidental to any related financing authorized by the council;
- (10) A reasonable amount for contingency and anticipated delinquencies and uncollectible solid waste service assessments; and
- (11) Reimbursement to the city or any other person for any monies advanced for any costs incurred by the city or such person in connection with any of the foregoing items of solid waste cost.

Solid waste service assessment shall mean a special assessment lawfully imposed by the city against assessed property to fund all or any portion of the cost of the provision of solid waste and recyclable materials collection, disposal, and recycling services, facilities, or programs and the recycling activities of recyclable materials providing a special benefit to property as a consequence of possessing a logical relationship to the value, use, or characteristics of the assessed property.

Tax collector shall mean the St. Lucie County tax collector.

Tax roll shall mean the real property ad valorem tax assessment roll maintained by the property appraiser for the purpose of the levy and collection of ad valorem taxes.

Uniform Assessment Collection Act shall mean F.S. §§ 197.3632 and 197.3635, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

(b) *Interpretation.* Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this article; and the term "hereafter" means after, and the term "heretofore" means before,

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the effective date of this article. Words of any gender include the correlative words of the other genders, unless the sense indicates otherwise.

(c) Findings. It is hereby ascertained, determined, and declared that:

(1) Pursuant to article VIII, section 2, Florida Constitution, and F.S. §§ 166.021 and 166.041, the council has all powers of local self-government to perform city functions and to render city services except when prohibited by law, and such power may be exercised by the enactment of legislation in the form of city ordinances and resolutions.

(2) In addition to its powers of self-government, the council is specifically authorized by F.S. § 170.201, to impose solid waste service assessments in all or a portion of the incorporated area. Additionally, the council derives authority to impose solid waste service assessments within the municipality from the home rule power of cities in article VIII, section 2(b), Florida Constitution and F.S. § 166.021.

(3) This article authorizes the imposition of solid waste service assessments throughout the solid waste services assessment area created in an initial assessment resolution or preliminary rate resolution adopted pursuant to this article. Additionally and alternatively, this article authorizes the imposition of a solid waste service assessment throughout a geographic area designated by the council in an initial assessment resolution or a preliminary rate resolution.

(4) The purpose of this article is to:

(i) Provide procedures and standards for the imposition of annual solid waste service assessments under the general home rule powers of the city;

(ii) Authorize a procedure for the funding of solid waste and recyclable materials collection, disposal and recycling services, facilities, or programs providing special benefits to property within the city; and

(iii) Legislatively determine the special benefit provided to assessed property from the provision of solid waste collection and disposal services by the city.

(5) The existence of any building or other improvement on improved property results in such property generating solid waste or being capable of generating solid waste.

(6) Whether imposed throughout the entire city or a portion thereof, the imposition of a recurring annual solid waste service assessment is an

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alternative, equitable and efficient method to fairly and reasonably apportion and recover the solid waste management and disposal costs experienced by the city among the parcels of residential property within the area assessed.

(7) The use of the uniform method of collection authorized by the Uniform Assessment Collection Act provides a mechanism to equitably and efficiently collect solid waste service assessments, as well as address payment delinquencies and recover unpaid fees, charges, or assessments advanced for solid waste management and disposal services, programs, and facilities allocable to specific parcels of assessed property.

(8) The annual solid waste service assessments to be imposed pursuant to this article shall constitute non-ad valorem assessments within the meaning and intent of the Uniform Assessment Collection Act.

(9) The solid waste service assessment to be imposed using the procedures provided in this article is imposed by the council, not the clerk, property appraiser, or tax collector. The duties of the clerk, property appraiser, or tax collector under the provisions of this article and the Uniform Assessment Collection Act are ministerial.

(d) Legislative determinations of special benefit. It is hereby ascertained, determined, and declared that the solid waste services, facilities, and programs of the city provide a special benefit to improved property within the city based upon the following legislative determinations:

(1) Recycling activities associated with recyclable materials and solid waste collection and disposal services, facilities, and programs furnished by the city benefit assessed properties by providing:

(i) Disposal services, facilities, and programs that promote the health and safety of inhabitants as a result of proper, safe, and cost effective disposal of solid waste generated on such property;

(ii) Better service to residents, including owners and tenants;

(iii) The enhancement of environmentally responsible use and enjoyment of improved property;

(iv) The protection of property values as a result of the uniform availability, delivery, and payment for such services, facilities, and programs; and

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- (v) Providing the lowest cost of solid waste and recyclable materials disposal to residents of assessed property by ensuring that all share in the cost and the assessment is collected in a timely manner.
- (2) The provision of comprehensive recycling activities associated with recyclable materials and solid waste collection and disposal services and programs furnished by or through the city to improved property promotes, enhances, and ensures the full use and enjoyment of improved property within the entire city.

Sec. 80.21. Annual solid waste collection and disposal assessments.

(a) General authority.

- (1) The council is hereby authorized to impose an annual solid waste service assessment upon assessed property to fund all or any portion of the solid waste cost at a rate of assessment based on the special benefit accruing to such property from the city's provision of solid waste and recyclable materials collection, disposal, and recycling services, facilities, or programs. All solid waste service assessments shall be imposed in conformity with the procedures set forth in this article.
- (2) The amount of the solid waste service assessment imposed in a fiscal year against a parcel of assessed property shall be determined pursuant to an apportionment methodology based upon a classification of property designed to provide a fair and reasonable apportionment of the solid waste cost among properties on a basis reasonably related to the special benefit provided by solid waste and recyclable materials collection, disposal, and recycling services, facilities, or programs funded with assessment proceeds.
- (3) Any unpaid or delinquent fees, charges, or assessments due the city for solid waste management and disposal services or facilities which are allocable to specific parcels of assessed property may be included in the annual solid waste service assessment for such parcels. In such an event, any existing lien on each affected parcel for unpaid or delinquent fees, charges, or assessments shall be supplanted by the lien resulting from the inclusion of such unpaid or delinquent fees, charges, or assessments in the amount of the solid waste service assessment.

(b) Initial proceedings.

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- (1) The initial proceeding for the imposition of a solid waste service assessment shall be the adoption of an initial assessment resolution by the council:
- (i) Containing a brief and general description of the solid waste and recyclable materials collection, disposal, and recycling services, facilities, or programs to be provided;
 - (ii) Determining the solid waste cost to be assessed;
 - (iii) Describing the method of apportioning the solid waste cost and the computation of the solid waste service assessment for specific properties;
 - (iv) Providing a summary description of the parcels of property (conforming to the description contained on the tax roll) located within the city that receive a special benefit from the provision of solid waste and recyclable materials collection, disposal, and recycling services, facilities, or programs or describing a specific geographic area in which such service, facility, or program will be provided;
 - (v) Establishing an estimated assessment rate for the upcoming fiscal year;
 - (vi) Authorizing the date, time, and place of the public hearing to receive and consider comments from the public and consider the adoption of the final assessment resolution for the upcoming fiscal year; and
 - (vii) Directing the city manager to:
 - a. Prepare the initial assessment roll, as required by subsection 80.21(c) hereof;
 - b. Publish the notice required by subsection 80.21(d) hereof; and
 - c. Mail the notice required by subsection 80.21(e) hereof, using information then available from the tax roll.
- (2) The initial assessment resolution shall also sufficiently identify property that may be subject to the imposition of solid waste service assessments by designating a geographic area within all or a part of the city where the city provides solid waste and recyclable materials collection and disposal services, facilities, and programs as follows:
- (i) Such council designated geographic area may consist of all or a portion of the incorporated area.

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(ii) Alternatively, the council shall identify such property by providing a summary description of the parcels, conforming to the description on the tax roll, located within the city that receive a special benefit from the provision of solid waste and recyclable materials collection and disposal services, facilities, or programs.

(c) Initial assessment roll.

(1) The city manager shall prepare, or direct the preparation of, the initial assessment roll, which shall contain the following:

(i) A summary description of all assessed property conforming to the description contained on the tax roll.

(ii) The name of the owner of the assessed property.

(iii) The amount of the solid waste service assessment to be imposed against each such parcel of assessed property.

(2) The initial assessment roll shall be retained by the city manager and shall be open to public inspection. The foregoing shall not be construed to require that the assessment roll be in printed form if the amount of the solid waste service assessment for each parcel of property can be determined by use of a computer terminal available to the public.

(d) Notice by publication. Upon completion of the initial assessment roll, the city manager shall publish, or direct the publication of, once in a newspaper of general circulation within the city, a notice stating that at a meeting of the council on a certain day and hour, not earlier than twenty (20) calendar days from such publication, which meeting shall be a regular, adjourned, or special meeting, will be held at which the council will hear objections of all interested persons to the final assessment resolution establishing the rate of assessment and approving the aforementioned initial assessment roll. The published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Such notice shall include:

(1) A geographic depiction of the property subject to the solid waste service assessment;

(2) A brief and general description of the solid waste and recyclable materials collection, disposal and recycling services, facilities, or programs to be provided;

(3) The rate of assessment;

(4) Notification that unpaid or delinquent fees, charges, or assessments due the city for solid waste and recyclable materials collection and disposal

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services allocable to specific parcels will be additionally included in the annual solid waste service assessment;

- (5) The procedure for objecting provided in subsection 80.21(f) hereof;
- (6) The method by which the solid waste service assessment will be collected; and
- (7) A statement that the initial assessment roll is available for inspection at the office of the city manager and all interested persons may ascertain the amount to be assessed against a parcel of assessed property at the office of the city manager.

(e) Notice by mail. In addition to the published notice required by subsection 80.21(d), the city manager shall provide notice, or direct the provision of notice, of the proposed solid waste service assessment by first class mail to the owner of each parcel of property subject to the solid waste service assessment. Such notice shall include:

- (1) The purpose of the solid waste service assessment;
- (2) The rate of assessment to be levied against each parcel of property;
- (3) The unit of measurement applied to determine the solid waste service assessment;
- (4) The number of such units contained in each parcel of property;
- (5) The total revenue to be collected by the city from the solid waste service assessment;
- (6) A statement that failure to pay the solid waste service assessment will cause a tax certificate to be issued against the property or foreclosure proceedings to be instituted, either of which may result in a loss of title to the property;
- (7) Notification that unpaid or delinquent fees, charges, or assessments due the city for solid waste and recyclable materials management and disposal services allocable to specific parcels will be additionally included in the solid waste service assessment;
- (8) A statement that all affected owners have a right to appear at the hearing and to file written objections with the council within 20 days of the notice; and
- (9) The date, time, and place of the hearing.

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The mailed notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Notice shall be mailed at least 20 calendar days prior to the hearing to each owner at such address as is shown on the tax roll. Notice shall be deemed mailed upon delivery thereof to the possession of the United States Postal Service. The city manager may provide proof of such notice by affidavit. Failure of the owner to receive such notice, due to mistake or inadvertence, shall not affect the validity of the assessment roll or release or discharge any obligation for payment of a solid waste service assessment imposed by the council pursuant to this article.

(f) Adoption of final assessment resolution. At the time named in such notice, or to which an adjournment or continuance may be taken by the council, the council shall receive any written objections of interested persons and may then, or at any subsequent meeting of the council adopt the final assessment resolution which shall:

- (1) Confirm, modify, or repeal the initial assessment resolution with such amendments, if any, as may be deemed appropriate by the council;
- (2) Establish the rate of assessment to be imposed in the upcoming fiscal year;
- (3) Approve the inclusion of any unpaid or delinquent fees, charges, or assessments due the city for solid waste and recyclable materials management and disposal services;
- (4) Approve the initial assessment roll, with such amendments as it deems just and right; and
- (5) Determine the method of collection.

The adoption of the final assessment resolution by the council shall constitute a legislative determination that all parcels assessed derive a special benefit from the solid waste and recyclable materials collection, disposal and recycling services, facilities, or programs to be provided and a legislative determination that the solid waste service assessments are fairly and reasonably apportioned among the properties that receive the special benefit. All objections to the final assessment resolution shall be made in writing, and filed with the city manager at or before the time or adjourned time of such hearing. The final assessment resolution shall constitute the annual rate resolution for the initial fiscal year in which solid waste service assessments are imposed or reimposed hereunder.

(g) Effect of final assessment resolution. The solid waste service assessments for the initial fiscal year shall be established upon adoption of the final assessment resolution. The adoption of the final assessment resolution shall be the final adjudication of the issues presented (including, but not limited to, the

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determination of special benefit and fair apportionment to the assessed property, the method of apportionment and assessment, the initial rate of assessment, the initial assessment roll, and the levy and lien of the solid waste service assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the council action on the final assessment resolution. The initial assessment roll, as approved by the final assessment resolution, shall be delivered to the tax collector, as required by the Uniform Assessment Collection Act, or if the alternative method described in subsection 80.22(b) hereof is used to collect the solid waste service assessments, such other official as the council by resolution shall designate.

(h) Adoption of annual rate resolution.

(1) The council shall adopt an annual rate resolution during its budget adoption process for each fiscal year following the initial fiscal year for which a solid waste service assessment is imposed hereunder.

(2) The initial proceedings for the adoption of an annual rate resolution shall be the adoption of a preliminary rate resolution by the council:

(i) Containing a brief and general description of the solid waste and recyclable materials collection, disposal and recycling services, facilities, or programs to be provided;

(ii) Determining the solid waste cost to be assessed for the upcoming fiscal year;

(iii) Establishing the estimated assessment rate for the upcoming fiscal year;

(iv) Authorizing the date, time, and place of a public hearing to receive and consider comments from the public and consider the adoption of the annual rate resolution for the upcoming fiscal year; and

(v) Directing the city manager to:

a. Update the assessment roll;

b. Provide notice by publication and first class mail to affected owners in the event circumstances described in subsection (6) of this subsection so require; and

c. Direct and authorize any supplemental or additional notice deemed proper, necessary or convenient by the city.

(3) The annual rate resolution shall:

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(i) Establish the rate of assessment to be imposed in the upcoming fiscal year; and

(ii) Approve the assessment roll for the upcoming fiscal year with such adjustments as the council deems just and right.

The assessment roll shall be prepared in accordance with the method of apportionment set forth in the initial assessment resolution, or any subsequent preliminary rate resolution, together with modifications, if any, that are provided and confirmed in the final assessment resolution or any subsequent annual rate resolution.

(4) Nothing herein shall preclude the council from providing annual notification to all owners of assessed property in the manner provided in either or both subsections 80.21(d) or 80.21(e) hereof.

(5) Nothing herein shall preclude the council from establishing by resolution a maximum rate of assessment provided that notice of such maximum assessment rate is provided pursuant to subsections 80.21(d) and 80.21(e) hereof.

(6) In the event:

(i) The proposed solid waste service assessment for any fiscal year exceeds the maximum rate of assessment adopted by the council and included in the notice previously provided to the owners of assessed property pursuant to subsections 80.21(d) and 80.21(e) hereof;

(ii) The purpose for which the solid waste service assessment is imposed or the use of the revenue from the solid waste service assessment is substantially changed from that represented by the notice previously provided to the owners of assessed property pursuant to subsections 80.21(d) and 80.21(e) hereof;

(iii) Assessed property is reclassified or the method of apportionment is revised or altered resulting in an increased solid waste service assessment from that represented by the notice previously provided to the owners of assessed property pursuant to subsections 80.21(d) and 80.21(e) hereof; or

(iv) An assessment roll contains assessed property that was not included on the assessment roll approved for the prior fiscal year;

Notice shall be provided by publication and first class mail to the owners of such assessed property. Such notice shall substantially conform to the notice requirements set forth in subsections 80.21(d) and 80.21(e) hereof

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and inform the owner of the date, time, and place for the adoption of the annual rate resolution. The failure of the owner to receive such notice, due to mistake or inadvertence, shall not affect the validity of the assessment roll or release or discharge any obligation for payment of a solid waste service assessment imposed by the council pursuant to this article.

- (7) As to any assessed property not included on an assessment roll approved by the adoption of the final assessment resolution or a prior year's annual rate resolution, the adoption of the succeeding annual rate resolution shall be the final adjudication of the issues presented as to such assessed property (including, but not limited to, the determination of special benefit and fair apportionment to the assessed property, the method of apportionment and assessment, the rate of assessment, the assessment roll, and the levy and lien of the solid waste service assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the council action on the annual rate resolution. Nothing contained herein shall be construed or interpreted to affect the finality of any prior fee, charge, or assessment imposed by the city or any solid waste service assessment not challenged within the required 20-day period for those solid waste service assessments previously imposed against assessed property by the inclusion of the assessed property on an assessment roll approved in the final assessment resolution or any subsequent annual rate resolution.
- (8) The assessment roll, as approved by the annual rate resolution, shall be delivered to the tax collector as required by the Uniform Assessment Collection Act, or if the alternative method described in subsection 80.22(b) hereof is used to collect the solid waste service assessments, such other official as the council by resolution shall designate. If the solid waste service assessment against any property shall be sustained, reduced, or abated by any court, an adjustment shall be made on the assessment roll.
- (i) *Lien of solid waste service assessments.* Upon the adoption of the assessment roll, all solid waste service assessments shall constitute a lien against such property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other prior liens, mortgages, titles, and claims until paid. The lien for a solid waste service assessment shall be deemed perfected upon adoption by the council of the final assessment resolution of the annual rate resolution, whichever is applicable. The lien for a solid waste service assessment collected under the uniform assessment collection method shall attach to the property included on the assessment roll

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as of the prior January 1, the lien date for ad valorem taxes imposed under the tax roll. The lien for a solid waste service assessment collected under the alternative method of collection provided in section 80.22(b) shall be deemed perfected upon adoption by the council of the final assessment resolution or the annual rate resolution, whichever is applicable, and shall attach to the property on such date of adoption.

- (j) *Revisions to solid waste service assessments.* If any solid waste service assessment made under the provisions of this article is either in whole or in part annulled, vacated, or set aside by the judgment of any court, or if the council is satisfied that any such solid waste service assessment is so irregular or defective that the same cannot be enforced or collected, or if the council has omitted any property on the assessment roll which property should have been so included, the council may take all necessary steps to impose a new solid waste service assessment against any property benefited by the solid waste costs, following as nearly as may be practicable, the provisions of this article and in case such second solid waste service assessment is annulled, vacated, or set aside, the council may obtain and impose other solid waste service assessments until a valid solid waste service assessment is imposed.
- (k) *Procedural irregularities.* Any informality or irregularity in the proceedings in connection with the levy of any solid waste service assessment under the provisions of this article shall not affect the validity of the same after the approval thereof, and any solid waste service assessment as finally approved shall be competent and sufficient evidence that such solid waste service assessment was duly levied, that the solid waste service assessment was duly made and adopted, and that all other proceedings adequate to such solid waste service assessment were duly had, taken, and performed as required by this article; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby. Notwithstanding the provisions of this subsection, any party objecting to a solid waste service assessment imposed pursuant to this article must file an objection with a court of competent jurisdiction within the time periods prescribed herein.
- (l) *Correction of errors and omissions.*
- (1) No act of error or omission on the part of the property appraiser, tax collector, city manager, council, or their deputies, employees, or designees, shall operate to release or discharge any obligation for payment of a solid waste service assessment imposed by the council under the provision of this article.

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- (2) When it shall appear that any solid waste service assessment should have been imposed under this article against a parcel of property specially benefited by the provision of solid waste and recyclable materials collection, disposal and recycling services, facilities, or programs, but that such property was omitted from the assessment roll or was not listed on the tax roll as an individual parcel of property as of the effective date of the assessment roll approved by the annual rate resolution for any upcoming fiscal year, the council may, upon provision of a notice by mail provided to the owner of the omitted parcel in the manner and form provided in subsection 80.21(e), impose the applicable solid waste service assessment for the fiscal year in which such error is discovered, in addition to the applicable solid waste service assessment due for the prior two fiscal years. Such solid waste service assessment shall constitute a lien against such property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments, and superior in rank and dignity to all other prior liens, mortgages, titles, and claims in and to or against the real property involved, shall be collected as provided in section 80.22 hereof, and shall be deemed perfected on the date of adoption of the resolution imposing the omitted or delinquent assessments.
- (3) Prior to the delivery of the assessment roll to the tax collector in accordance with the Uniform Assessment Collection Act, the city manager shall have the authority at any time, upon his or her own initiative or in response to a timely filed petition from the owner of any property subject to a solid waste service assessment, to reclassify property based upon presentation of competent and substantial evidence, and correct any error in applying the solid waste service assessment apportionment method to any particular parcel of property not otherwise requiring the provision of notice pursuant to the Uniform Assessment Collection Act. Any such correction shall be considered valid ab initio and shall in no way affect the enforcement of the solid waste service assessment imposed under the provisions of this article. All requests from affected property owners for any such changes, modifications or corrections shall be referred to, and processed by, the city manager and not the property appraiser or tax collector.
- (4) After the assessment roll has been delivered to the tax collector in accordance with the Uniform Assessment Collection Act, any changes, modifications, or corrections thereto shall be made in accordance with the procedures applicable to correcting errors and insolvencies on the tax roll upon timely written request and direction of the city manager.

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(m) Interim assessments. The council is hereby authorized to impose and the contractor is hereby authorized to collect an interim solid waste service assessment against all property for which a certificate of occupancy is issued after adoption of the annual rate resolution. The amount of the interim solid waste service assessment shall be calculated upon a monthly rate, which shall be one-twelfth (1/12) of the annual rate for such property computed in accordance with the annual rate resolution for the fiscal year in which the certificate of occupancy is issued. Such monthly rate shall be imposed for each full calendar month remaining in the fiscal year. The contractor shall be responsible for billing and collecting this prorated assessment prior to the preparation of the subsequent tax roll. A failure of the property owner to pay the interim assessment prior to the preparation of the subsequent tax roll shall not relieve the owner of the obligation of full payment. For the purpose of this provision, such interim solid waste service assessment shall be deemed due and payable on the date the certificate of occupancy was issued and shall constitute a lien against such property as of that date. Said lien shall be equal in rank and dignity with the liens of all state, county, district or municipal taxes and special assessments, and superior in rank and dignity to all other liens, encumbrances, titles and claims in and to or against the real property involved and shall be deemed perfected upon the issuance of the certificate of occupancy. Pursuant to this chapter, any unpaid interim assessment not collected prior to the preparation of the subsequent tax roll shall be imposed and included on the subsequent tax roll.

Sec. 80.22. Collection and use of solid waste service assessments.

(a) Method of collection.

- (1) Unless otherwise directed by the council, the solid waste service assessments shall be collected pursuant to the uniform method provided in the Uniform Assessment Collection Act, and the city shall comply with all applicable provisions of the Uniform Assessment Collection Act. Any hearing or notice required by this article may be combined with any other hearing or notice required by the Uniform Assessment Collection Act.
- (2) The amount of a solid waste service assessment to be collected using the uniform method pursuant to the Uniform Assessment Collection Act for any specific parcel of benefited property may include an amount equivalent to the payment delinquency, delinquency fees and recording costs for a prior year's assessment for a comparable service, facility, or program provided:

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- (i) The collection method used in connection with the prior year's assessment did not employ the use of the uniform method of collection authorized by the Uniform Assessment Collection Act;
 - (ii) Notice is provided to the owner as required under the Uniform Assessment Collection Act; and
 - (iii) Any lien on the affected parcel for the prior year's assessment is supplanted and transferred to such solid waste service assessment upon certification of a non-ad valorem roll to the tax collector by the city.
- (b) *Alternative method of collection.* In lieu of utilizing the Uniform Assessment Collection Act, the city may elect to collect the solid waste service assessments by any other method which is authorized by law or under the alternative collection method provided by this subsection:
 - (1) The city shall provide solid waste service assessment bills by first class mail to the owner of each affected parcel of property. The bill or accompanying explanatory material shall include:
 - (i) A brief explanation of the solid waste service assessment;
 - (ii) A description of the unit of measurement used to determine the amount of the solid waste service assessment;
 - (iii) The number of units contained within the parcel;
 - (iv) The total amount of the solid waste service assessment imposed against the parcel for the appropriate period;
 - (v) The location at which payment will be accepted;
 - (vi) The date on which the solid waste service assessment is due; and
 - (vii) A statement that the solid waste service assessment constitutes a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments.
 - (2) A general notice of the lien resulting from imposition of the solid waste service assessments shall be recorded in the official records of the county. Nothing herein shall be construed to require that individual liens or releases be filed in the official records.
 - (3) The city shall have the right to foreclose and collect all delinquent solid waste service assessments in the manner provided by law for the foreclosure of mortgages on real property or appoint or retain an agent to

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institute such foreclosure and collection proceedings. A solid waste service assessment shall become delinquent if it is not paid within thirty (30) days from the date any installment is due. The city or its agent shall notify any property owner who is delinquent in payment of his or her solid waste service assessment within 60 days from the date such assessment was due. Such notice shall state in effect that the city or its agent will either:

- (i) Initiate a foreclosure action or suit in equity and cause the foreclosure of such property subject to a delinquent solid waste service assessment in a method now or hereafter provided by law for foreclosure of mortgages on real property; or
 - (ii) Cause an amount equivalent to the delinquent solid waste service assessment, not previously subject to collection using the uniform method under the Uniform Assessment Collection Act, to be collected on the tax bill for a subsequent year.
- (4) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any foreclosure action as described herein shall be included in any judgment or decree rendered therein. At the sale pursuant to decree in any such action, the city may be the purchaser to the same extent as any person. The city or its agent may join in one (1) foreclosure action the collection of solid waste service assessments against any or all property assessed in accordance with the provisions hereof. All delinquent owners whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the city and its agents, including reasonable attorney fees and title search expenses, in collection of such delinquent solid waste service assessments and any other costs incurred by the city as a result of such delinquent solid waste service assessments and the same shall be collectible as a part of or in addition to, the costs of the action.
- (5) In lieu of foreclosure, any delinquent solid waste service assessment and the costs, fees and expenses attributable thereto, may be collected pursuant to the Uniform Assessment Collection Act; provided however, that:
- (i) Notice is provided to the owner in the manner required by the Uniform Assessment Collection Act and this article; and
 - (ii) Any existing lien of record on the affected parcel for the delinquent solid waste service assessment is supplanted by the lien resulting from certification of the assessment roll, as applicable, to the tax collector.

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(6) Notwithstanding the city's use of an alternative method of collection, the city manager shall have the same power and authority to correct errors and omissions as provided to him or her or other city officials in subsection 80.21(1) hereof.

(7) Any council action required in the collection of solid waste service assessments may be by resolution.

(c) Government property.

(1) If solid waste service assessments are imposed against government property, the city shall provide solid waste service assessment bills by first class mail to the owner of each affected parcel of government property. The bill or accompanying explanatory material shall include:

(i) A brief explanation of the solid waste service assessment;

(ii) A description of the unit of measurement used to determine the amount of the solid waste service assessment;

(iii) The number of units contained within the parcel;

(iv) The total amount of the parcel's solid waste service assessment for the appropriate period;

(v) The location at which payment will be accepted; and

(vi) The date on which the solid waste service assessment is due.

(2) Solid waste service assessments imposed against government property shall be due on the same date as all other solid waste service assessments and, if applicable, shall be subject to the same discounts for early payment.

(3) A solid waste service assessment shall become delinquent if it is not paid within 30 days from the date any installment is due. The city shall notify the owner of any government property that is delinquent in payment of its solid waste service assessment within 60 days from the date such assessment was due. Such notice shall state that the city will initiate a mandamus or other appropriate judicial action to compel payment.

(4) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any mandamus or other action as described herein shall be included in any judgment or decree rendered therein. All delinquent owners of government property against which a mandamus or other appropriate action is filed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the city, including reasonable attorney fees and title search expenses, in collection of such delinquent

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solid waste service assessments and any other costs incurred by the city as a result of such delinquent solid waste service assessments and the same shall be collectible as a part of or in addition to, the costs of the action.

- (5) As an alternative to the foregoing, a solid waste service assessment imposed against government property may be collected as a surcharge on a utility bill provided to such government property in installments with a remedy of a mandamus action in the event of non-payment. The council may contract for such billing services as necessary with any utility, whether or not such utility is owned by the city.

Sec. 80.23. General provisions.

(a) Applicability. This article and the city's authority to impose assessments pursuant hereto shall be applicable throughout the city.

(b) Alternative method.

(1) This article shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence. This article, being necessary for the welfare of the inhabitants of the city, shall be liberally construed to effect the purposes hereof.

(2) Nothing herein shall preclude the council from directing and authorizing, by resolution, the combination with each other of:

(i) Any supplemental or additional notice deemed proper, necessary, or convenient by the city;

(ii) Any notice required by this article; or

(iii) Any notice required by law, including the Uniform Assessment Collection Act.

SECTION 4. Conflict. If any ordinances or parts of ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflicting provisions.

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SECTION 5. Severability. The provisions of this Ordinance are intended to be severable. If any provision of this Ordinance is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

SECTION 6. Codification. The provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Port St. Lucie, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; the word “ordinance” may be changed to “section” or other appropriate word as may be necessary.

SECTION 7. Effective Date. This Ordinance shall become effective ten (10) days after final adoption on second reading.

PASSED AND ADOPTED by the City Council of the City of Port St. Lucie, Florida, this _____ day of _____, 2024.

ORDINANCE 24-_____

**CITY COUNCIL
CITY OF PORT ST. LUCIE**

By: _____
Shannon M. Martin, Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

By: _____
Richard A. Berrios, Interim City Attorney