

ORDINANCE NO. _____-2023

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, PROVIDING FOR REGISTRATION OF SEPTAGE HAULERS AND TRANSPORTERS OPERATING WITHIN THE CITY; PROVIDING FOR ENFORCEMENT; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

RECITALS

WHEREAS, in order to better communicate with and monitor the business of septage haulers operating within the City of Belle Isle, the City finds it necessary to establish a septage hauler registration program within the City; and

WHEREAS, such registration program will provide the city with emergency contact information for septage haulers operating within the City so that the City may contact those haulers in the event of a spillage or discharge of septage or other waste material within the City; and

WHEREAS, such registration program is further designed to ensure that septage haulers operating within the city have all required licenses and appropriate insurance coverage in the event of a spill or discharge affecting the health, safety, and welfare of the public.

IT IS HEREBY ORDAINED BY THE CITY OF BELLE ISLE AS FOLLOWS:

SECTION 1. The foregoing recital(s) is/are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. **Registration of Septage Haulers within the City.** Chapter 24 – SOLID WASTE of the City’s code of ordinances is hereby amended to include the following new Article III – Septage Haulers, which reads as follows (~~stricken through~~ language are deletions; underlined language are additions; and subsections or portions of the city’s code of ordinances not included or otherwise omitted are not being amended or removed):

ARTICLE III – SEPTAGE HAULERS

SEC 24-50. Registration of Septage Haulers

(a) The city administration is authorized and directed to establish guidelines for the registration of septage hauling. Conduct of a septage hauling business within the jurisdictional limits of the City is unlawful unless such business is registered with the City of Belle Isle and such business holds all appropriate licensure as may be required by the State of Florida and Orange County pursuant to § 37-739 of the Orange County Code of Ordinances. For the purposes of this article, a septage hauler is defined as any person or entity who carries on or is otherwise engaged in the business of cleaning or emptying of septic tanks, cesspools, grease traps,

seepage pits, vault privies, chemical toilets, and other receptacles of human sewage within the City of Belle Isle.

- (b) Septage haulers must file their registrations with the Office of the City Clerk in a form prescribed by the city manager. At a minimum, besides the required state and county permits and licenses, a septage hauler registering with the city must provide to the city its business/proprietor's name, address, telephone number, a valid local business tax receipt number, and the name of the hauler's emergency contact person and a telephone number where such emergency contact person may be reached, together with proof of insurance showing that the hauler carries appropriate insurance coverage in those amounts and types as may be required by the city's risk manager.
- (c) The city will maintain a list of septage haulers registered to operate within the city. The list assists residents by providing choices for a septage hauler that has complied with the registration requirements of the city. The city's listing of any septage hauler does not constitute an endorsement or recommendation by the city or its employees, but merely identifies such hauler as having complied with the registration requirements of this article. City staff or representatives may not, in the course of carrying out their duties on behalf of the city, recommend or otherwise promote any septage hauling service over others.
- (d) If the city manager or his or her designee determines that a septage hauler has violated the city's requirements pertaining to septage hauling, such septage hauler will be suspended and removed from the list of registered septage haulers with written notice mailed to the service. Such hauler will be further suspended from providing services within the City of Belle Isle for a minimum of one year from the date of the suspension. In addition to such suspension and/or removal, the city may impose a fine and/or lien against any septage hauler violating the city's registration or other requirements pertaining to septage haulers consistent with the provisions of § 14-37 of the city's code of ordinances. Any septage hauler that has been suspended and removed from the list may make a request in writing to the city clerk for a hearing before city council to appeal the removal. Any such request must succinctly state the basis for the appeal and be received by the city manager or his or her designee within 30 days following the septage hauler's receipt of the suspension notice.

SECTION 3. Codification. Section 2 of this ordinance is incorporated into the Code of Ordinances of the City of Belle Isle, Florida. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the substance, construction, or meaning of this ordinance or the city's Code of Ordinances may be freely made.

SECTION 6. Severability. If any section, subsection, sentence, clause, phrase, word, or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion will be deemed a separate, distinct, and independent provision, and such holding will not affect the validity of the remaining portions of this ordinance.

SECTION 7. Conflicts. In the event of a conflict or conflicts between this ordinance and any other ordinance or provision of law, this ordinance governs and controls to the extent of such conflict.

SECTION 8. Effective Date. This ordinance shall take effect upon approval by the City Council. The City Manager may commence the registration program outlined herein upon the City Council's approval of the second reading of this ordinance.

Passed and adopted this _____ day of _____, 2023

CITY COUNCIL
CITY OF BELLE ISLE

Nick Fouraker, Mayor

ATTEST:

Yolanda Quinceno, City Clerk

Date: _____