

ORDINANCE No.: 16-11

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE BELLE ISLE CODE OF ORDINANCES CONCERNING TEMPORARY CONSTRUCTION DUMPSTERS; BY AMENDING CHAPTER 24, SOLID WASTE, ARTICLE II; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is the desire of the City Council that the City of Belle Isle Code of Ordinance be constitutionally sound and internally consistent; and

WHEREAS Chapter 166.041 of the Florida Statutes allows for emergency ordinance procedures upon a two-thirds vote by the governing body; and

WHEREAS, the City of Belle Isle has determined that a provision of the Code is nonapplicable and unenforceable and therefore needs to be revised; and

WHEREAS, the City Council has found and determined that the adoption of the proposed ordinance will foster and preserve the public health, safety and welfare and aid in the harmonious, orderly and progressive development of the City, and thus serve a valid public purpose.

BE IT ORDAINED by the City Council of Belle Isle, Florida:

Sec. 24-41. - Temporary construction dumpsters.

- a) No person shall place or service a dumpster or roll-off container on residential property for the collection and removal of demolition, construction, or remodeling refuse within the city unless ~~granted the authority and exclusive franchise by the city~~ meeting the provisions in (b) below.
- b) The property owner-selected dumpster or roll-off container vendor franchise shall be subject to the following operating requirements:

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- ~~1.~~ No temporary construction dumpster or roll-off container shall be placed on a residential property unless the property owner has first obtained a building permit and the dumpster shall remain on the property only so long as the building permit is current.
  
- ~~2.~~ The franchise vendor shall be responsible for promptly responding to any and all all complaints which involve actions that create a nuisance or have the potential to create a nuisance.
  
- ~~3.~~ The franchise vendor shall handle all collection and removal of debris and refuse from dumpsters and roll-off containers with reasonable care and shall clean up all materials that are spilled during its collection operations.
  
- ~~4.~~ The franchise vendor shall place the dumpster or roll-off container so as not to obstruct any right-of-way, and shall be set back a minimum of five feet from any property line.
  
- ~~5.~~ The franchise vendor shall provide only dumpsters and roll-off containers that are in good repair so as to prevent leakage of materials and shall remove the collected debris and refuse as necessary to prevent overflow of material from the dumpster or roll-off container.
  
- ~~6.~~ ~~The franchise shall provide to the city, each month, all locations where it has placed or is servicing any dumpsters within the city and the name of the property owner.~~

1 ~~7. The franchise shall have sole responsibility for the billing and collection of service fees and~~  
2 ~~shall, on a quarterly basis, pay to the city a franchise fee in an amount to be determined~~  
3 ~~by the franchise agreement.~~

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5 ~~8. Failure by the franchise to comply with any of these operating requirements may result in~~  
6 ~~the rescission of the franchise by the city.~~  
7 (Ord. No. 03-40, § 2(6-42), 10-21-2003)

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9 First Reading held this 6<sup>th</sup> day of December 2016.

10 Advertised for second reading on \_\_\_\_\_ day of \_\_\_\_\_ 201\_\_\_\_.

11 Second Reading held this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_

|                    | ABSENT | YES   | NO    |
|--------------------|--------|-------|-------|
| 13                 |        |       |       |
| 14 Ed Gold         | _____  | _____ | _____ |
| 15 Anthony Carguno | _____  | _____ | _____ |
| 16 Jeremy Weinsier | _____  | _____ | _____ |
| 17 Robert Lance    | _____  | _____ | _____ |
| 18 Harvey Readey   | _____  | _____ | _____ |
| 19 Lenny Mosse     | _____  | _____ | _____ |
| 20 Sue Nielsen     | _____  | _____ | _____ |

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22 **ADOPTED** by the City Council of the City of Belle Isle, FL on the \_\_\_\_\_ day of  
23 \_\_\_\_\_, 2016.

1 By: \_\_\_\_\_ ATTEST By: \_\_\_\_\_

2 Lydia Pisano Yolanda Quiceno

3 Mayor City Clerk

4

5 \_\_\_\_\_

6 Approved as to form and legality

7 Frank Kruppenbacher, City Attorney

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9 STATE OF FLORIDA

10 COUNTY OF ORANGE

11 I, YOLANDA QUICENO, City Clerk, of the City of Belle Isle do hereby certify  
12 that the above and foregoing document ORDINANCE 16-11 was duly and legally  
13 passed by the Belle Isle City Council, in session assembled on the \_\_\_ day of  
14 \_\_\_\_\_, \_\_\_\_\_, at which session a quorum of its members were present.

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17 Yolanda Quiceno, CMC-City Clerk

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