

- **ARTICLE I. - IN GENERAL**

- **Sec. 42-1. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bag shall mean a container which is a plastic sack designed to store **garbage** and **trash** with sufficient wall strength to maintain physical integrity when lifted by the top; the total weight of a bag and its contents shall not exceed 32 pounds.

Construction waste shall include all scraps or discarded pieces of building materials or material from demolition of existing buildings.

Franchise fee shall mean the fee charged by the town, in accordance with a duly adopted ordinance; resolution; or agreement for the right granted to a private company to provide any residential or commercial collection and/or disposal of **wastes** as defined herein within the Town of Dundee.

Garbage or **trash** shall mean any accumulation of either animal or food material, liquid or otherwise, which accumulates in the preparation of food; any offal or **refuse** of meat, fish, fowl, vegetable or other **refuse** or **waste** likely to decay or become rancid or obnoxious; and any crockery, glassware or earthenware, tin cans, cartons or other package material or wrappings coming in contact with any food material. The terms "**solid waste**" and "**garbage** and **trash**" may be used interchangeably in this chapter.

Household appliances shall include any discarded large kitchen, bathroom or plumbing appliances, such as refrigerators, iceboxes, stoves, sinks, water heaters, space heaters, air conditioners and the like.

Solid waste shall mean all discarded material set out on, or at the edge of the public right-of-way, for removal by the Town of Dundee.

Waste container shall mean a receptacle which is approved by the town for the accumulation of **garbage** and **trash**.

Yard waste shall mean any accumulation of cut grass, broken or cut limbs, debris and all other **waste** materials resulting from plant or vegetable growth.

(Ord. No. 09-12, § 1(Exh. A), 12-28-09)

- **Sec. 42-2. - Town manager's responsibilities.**

The town manager shall be responsible for the disposal of all **solid waste**. He/ She may delegate his/ her authority to the public works director, who shall be in immediate charge of such disposal.

(Ord. No. 09-12, § 1(Exh. A), 12-28-09)

- **Sec. 42-3. - Town collection.**

The Town of Dundee shall have the sole right to collect and dispose of all **solid waste** generated within the town limits. The fees for the removal of **solid waste** as set forth in the fee schedule contained in this chapter shall be established from time to time by the town commission, and shall be collected by the town manager by adding such fees to the bill for water and/or any other service furnished by the town. If any user shall fail to pay the **solid waste** fees imposed by the town, the town may immediately discontinue further utility service to such user until the **solid waste** charges shall have been paid.

(Ord. No. 09-12, § 1(Exh. A), 12-28-09; Ord. No. 12-12, § 1, 2-14-12)

- **Sec. 42-4. - Private collection.**

If the town determines that the character or volume of **solid waste** generated by a commercial business or manufacturer is such that it would be impractical for the town to handle the disposal of such **solid waste**, the town manager shall notify the business that it is being exempted from the town's disposal service, in which case a private contract for the appropriate disposal of such **solid waste** may be obtained by such exempted business.

(Ord. No. 09-12, § 1(Exh. A), 12-28-09)

- **Sec. 42-5. - Segregation of **waste**.**

The town manager may require the segregation of items of **solid waste**. **Garbage** or **trash** shall be kept separate from yard **waste**, and household appliances will be collected separately from all other **solid waste**. Yard **waste** shall be placed in separate bundles, containers, bags or piles depending on the item, as provided for in [section 42-10\(c\)](#) of this chapter. Construction **waste** shall be placed in separate containers or piles as provided in [section 42-10\(f\)](#) of this chapter.

(Ord. No. 09-12, § 1(Exh. A), 12-28-09)

- **Sec. 42-6. - Waste storage container specifications.**

(a) Each customer shall be furnished a properly maintained waste container in accordance with specifications designated by the town to ensure uniform and efficient collection. At commencement of sanitation service the town shall provide an approved container to each customer.

(b) The town will supply and replace any waste containers damaged through fault or negligence of the town or its employees. . The town shall have the authority to determine whether or not a waste container has been properly maintained by the customer to ensure uniform and efficient collection. If the town manager deems the waste container is damaged through fault or negligence of the customer, the customer shall be responsible for the cost of a new waste container.

(c) Whenever any waste storage container shall become soiled from waste, the containers shall be cleaned by the owner of the container or by the occupant of the premises using such container. All solid waste must be placed in a bag as defined in [section 42-1](#) to prevent soiled waste containers and to ensure proper disposal of waste.

(d) The town may refuse to empty any waste container that shall not meet the specifications of this section. All commercial customers must maintain dumpsters utilized in the Town of Dundee so that they are not overflowing or beyond the dumpster's capacity.

(e) The town manager or his designee shall be authorized to determine which waste containers are acceptable for the disposal of waste.

(Ord. No. 09-12, § 1(Exh. A), 12-28-09)

- **Sec. 42-7. - Persons required to keep waste in proper waste storage containers.**

Those persons required to utilize the town's solid waste collection services shall place solid waste at the curb or at the edge of the pavement along the property frontage, or along an alley if so designated, out of the way of vehicular traffic, on the days specified for collection of waste in that area of town. Said waste shall be set out for pick-up in the appropriate waste container. At all other times, those persons causing the accumulation of solid waste shall be responsible for the proper storage of the waste so as to avoid the waste becoming a public nuisance.

(Ord. No. 09-12, § 1(Exh. A), 12-28-09)

- **Sec. 42-8. - Time of placement of containers for collection and placement of containers when not for collection.**

(a) All **waste** containers whether designated residential or commercial, shall be placed for collection in accord with [section 42-7](#) no earlier than noon before the day designated for collection and should be removed immediately following such collection, but in any event no later than noon following such designated days.

(b) When not placed for collection in accord with [section 42-7](#), all containers whether designated residential or commercial, shall be tagged by the town to advise the customer that the **waste** container must be placed on private property behind the front structure line or hidden from public view, and notice of the action taken by the town will be recorded on the customer's account. Customers will not be assessed an additional charge for this action; however, when containers are not subsequently placed in accord with [section 42-7](#) or subsections [42-8\(a\)](#) and (b) an additional charge, as specified by the rate schedule which is on file in the town clerk's office, will be levied against the customer.

(Ord. No. 09-12, § 1(Exh. A), 12-28-09)

- **Sec. 42-9. - Categories of **solid waste** collection.**

For the purpose of administering this chapter, the following categories of **solid waste** collections are established:

(1) *Domestic collection.* Collections of **solid waste** from single family residences, including duplexes and apartments, but not manufactured home parks.

(2) *Commercial collections.* Collections of **solid waste** from all hotels or motels, restaurants, cafes, shops and businesses, and any other location which is not classified as a domestic collection.

(3) *Hazardous materials.* Collection of certain **solid waste** materials is regulated by the State of Florida. These materials include tires, batteries, pesticides, etc. All such materials are hereby designated as "hazardous materials" and are subject to special handling by the Town of Dundee.

(4) *Yard **waste*** shall mean grass clippings, branches, tree cuttings, palm fronds and other vegetation trimmings from routine maintenance.

(5) *Recycling.* The town may from time to time determine that certain **waste** has a value, including but not limited to, newspaper, in which case such **waste** may be required to be recycled.

(Ord. No. 09-12, § 1(Exh. A), 12-28-09)

- **Sec. 42-10. - Schedule of fees.**

The town shall collect a service charge or fee for the collection of **solid waste**, which charges and fees shall be by class of service, and shall be in the amount as set forth in the schedule of rates shown below:

(1) *Domestic collections.* A minimum monthly fee shall be charged for one domestic collection per week per household or dwelling unit. Each collection shall consist of the emptying of up to and including two **waste** containers (see container specifications). Each household or dwelling unit will be provided one **waste** container upon commencing **solid waste** service. An additional **waste** container may be requested by the customer and if determined by the town manager and there is a need for an additional container provided to the customer at no additional cost. Extra containers will be emptied or special collections shall be provided as a special service requiring the payment of a fee as shown in the fee schedule set forth in this chapter. Household appliances will be removed once per week as designated by the town. Construction **waste** resulting from residential improvements must be held by the resident until a special request is made for removal. No hazardous material will be handled as a part of domestic collections.

(2) *Commercial collections.* A minimum monthly fee shall be charged each commercial customer for one collection per week for all commercial collections from commercial establishments located inside the town limits. Each such collection shall consist of emptying one **waste** container as approved by the town. Collection of any additional **waste** containers shall be at an additional charge as set forth in the schedule of rates as a special collection in the fee schedule in this chapter. If the weekly volume of commercial **waste** is too large for removal in three **waste** containers once per week the establishment will be required to utilize a dumpster suitable for the amount of **solid waste** generated by the customer as set forth elsewhere in this chapter.

(3) *Yard waste.* The town will provide without charge 2 scoop's per week of single family residential yard **waste** as set forth in a schedule to be issued by the public works department and on file with the town clerk's office as part of the regular service. Leaves and grass shall be placed in a bag as specified in [section 42-1](#) herein for collection by the town. Routine yard **waste** other than leaves or grass shall be stacked or piled in a location accessible by the town's bulk **waste** pick-up vehicle for collection by the town. No scheduled yard **waste** collection will be provided to commercial property, but disposal of such yard **waste** may be made by special arrangement at an additional charge. For each collection of excessive yard **waste**, tree limbs, and shrubbery at either domestic or commercial facilities, the town shall collect a fee to cover the cost of such **waste** collected. The excessive yard **waste** shall be piled in a location accessible by and able to be picked up by the town's bulk **waste** pick-up vehicle.

(4) *Large appliances.* For each large appliance collected within the town limits, either by domestic or commercial collection, the town shall collect a fee to cover the cost of such **waste** collected.

(5) Mobile home parks, recreational vehicle parks and travel trailer parks. Service to manufactured home parks or recreational vehicle parks shall be provided by, and at the rates specified for commercial dumpster collection.

(6) Construction waste shall be segregated from all other waste if it is desired to be removed by the town as a special collection. Small amounts of such waste can be included in the regular collections. Demolition or removal of portions of large structures must be scheduled with the public works director. The town may permit the bringing in of a large "roll-off" container by a commercial solid waste collection service if removal by "½ load" amounts is not deemed safe or economically feasible by the town manager.

(7) *Dumpster collections.* A monthly charge per cubic yard of solid waste, as provided in the following fee schedule, shall be charged for each dumpster provided by the town for disposal of solid waste.

(8) *Fee schedule adopted.* The following fee schedule is hereby adopted for the collection of solid waste material by the town:

Fee Schedule for Collection of Solid Waste Material

RESIDENTIAL COLLECTION SERVICE:

One standard 95-Gallon Receptacle	\$27.55 - per month
Each additional 95-gallon receptacle	\$12 – per month
For each additional collection or items placed outside of receptacle	\$12 – per collection
Replacement due to negligence from resident	\$50- per cart

BULK, YARD WASTE & CONSTRUCTION DEBRIS COLLECTION SERVICES:

BRUSH/TREE DEBRIS	\$5 PER SCOOP (2 SCOOP FREE PER WEEK)
REGULAR YARD WASTE	\$5 PER SCOOP (2 SCOOPS FREE PER WEEK)
CONTRACTOR DEBRIS	\$10 PER SCOOP
REGULAR GARBAGE/ BULK ITEMS	\$5 PER SCOOP (2 SCOOPS FREE PER WEEK)
STEAL, METALS, SCRAP ITEMS	\$10 PER SCOOP (ITEMS NOT ACCEPTED AT LANDFILL)

COMMERCIAL Collection Services:

Collection Rates	1X	2X	3X	4X	5X	6X
2 CY	76.56	153.12	229.67	306.23	382.79	459.35
4 CY	153.12	306.23	459.35	612.46	765.58	918.69
6 CY	229.67	459.35	689.02	918.69	1,148.37	1,378.04
8 CY	306.23	612.46	918.69	1,224.93	1,531.16	1,837.39

95 Gallon Cart – 1X per week - \$50.19

(9) The schedule of fees established shall be effective on October 1st, 2025 and shall be automatically adjusted annually on October 1 of each year to reflect an increase based on June's annual CPI without further need for town commission action.

(10) Should the price of fuel fluctuate by 15 percent or more, the percentage of the price directly attributable to the cost of fuel will be increased or decreased by the same fluctuation in price without need for further town commission action.

(11) Should disposal fees increase or decrease the schedule of fees and/or the price directly attributable to the cost of tipping fees shall be automatically adjusted without need for further town commission action.

(12) Backdoor pickup service shall be available on a once-per-week basis for the same charge as curbside service:

- a. When a customer provides the town with documentation from a medical doctor that a medical necessity exists.
- b. When extenuating circumstances of a non-medical nature exist that prevent curbside collection provided that such backdoor service is authorized by the town manager.

(Ord. No. 09-12, § 1(Exh. A), 12-28-09; Ord. No. 12-12, § 1, 2-14-12)

Sec. 42-11. - Deposits required.

From and after the effective date of this chapter each person desiring **solid waste** collection service by the town who does not have a deposit with the town for water service, shall deposit with the town the following amounts:

Domestic Solid waste service only	\$150.00
Commercial solid waste only with 95-gallon tote	\$150.00
Commercial solid waste service with a dumpster	\$250.00

This deposit shall remain with the town until the applicant has finally paid in full for all service provided by the town.

(Ord. No. 09-12, § 1(Exh. A), 12-28-09)

- **Sec. 42-12. - Late charge.**

There is hereby levied and imposed a late charge equal to ten percent of the amount of the bill for each month of delinquency, for any **solid waste** collection bill or statement which is not paid within 20 days of the issuance of a bill for said services. If such late charge has not been paid within 60 days after said bill for such service has been rendered, the town manager is authorized to direct discontinuance of further **waste** collection service to the delinquent customer and to call all funds due by accessing the customer's deposit.

(Ord. No. 09-12, § 1(Exh. A), 12-28-09)

- **Sec. 42-13 - Solid waste franchise fee.**

- (a) The Town shall charge a 15 percent franchise fee to any private company that collects and disposes of any type of **solid waste** as defined in this section within the municipal limits of the Town of Dundee. Any such private company must register with the Town of Dundee on forms provided by the town prior to providing any collection and/or disposal services.

(Ord. No. 09-12, § 1(Exh. A), 12-28-09)

- **Secs. 42-12—42-20. - Reserved.**

- **ARTICLE II. - HAZARDOUS MATERIAL COSTS RECOVERY**

- **Sec. 42-21. - Definitions.**

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Cost(s) shall mean and include, but is not limited to:

- (1) All costs incurred for response, containment and/or removal and disposal of hazardous materials or initial remedial action.
- (2) Costs of any health assessment or health effects study related to treatment carried out for responding personnel as a necessity resulting from a hazardous materials incident.
- (3) Labor, including benefits, overtime and administrative overhead, exclusion of normal department operations.
- (4) The cost of operating, leasing, maintaining, repairing, and replacement of any equipment where necessary.
- (5) Contract labor and equipment.
- (6)Materials including but not limiting to, absorbents, foam, dispersants, over pack drums, or containers.
- (7) Supervision of clean up and abatement.
- (8) Labor and equipment obtained directly from the town, their agencies or agents, and any other agencies.

Fire chief shall mean the chief of the department or district that responded to a hazardous material incident.

Hazardous material shall mean any substance or material in any form or quantity that poses an unreasonable risk to safety, health, environment, or property.

Hazardous substance shall mean any substance that when discharged or burning may be harmful to the public health or welfare, environment, or property.

Hazardous materials incident shall mean actual or threatened release of hazardous substances, materials, or bi products that pose an immediate threat to the health, safety, or welfare to the population.

Incident commander shall mean the senior fire officer or highest ranking fire officer at the site of a hazardous material incident; or the initial senior on scene official in the absence of a fire officer; or a unified command structure which delegates control to officials from more than one agency.

Release shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other receptacles containing any hazardous material or substance or **waste** or pollutant or contaminant.)

Response shall mean a phase of emergency management that occurs during and immediately following an incident. Provides emergency assistance to victims of the event and reduces the likelihood of secondary damage.

Responsible party shall mean the person(s) whose negligent or intentional act or omission caused a release; or, the person(s) who owned or had custody or control of, the hazardous substance or **waste** at the time of such release without regard to fault or proximate cause; or, the person(s) who owned or had custody or control of the container which held the hazardous substance at the time of or immediately prior to such release without regard to fault or proximate cause. "Responsible party" may also include a corporation or partnership, facility, or other type of business entity.

(Ord. No. 11-03, § 1, 6-14-11)

• **Sec. 42-22. - Hazardous materials incidents liability for costs.**

(a) The incident commander or fire chief is hereby duly authorized to take all responsible measures to respond to and stabilize any hazardous materials incidents for which the town responds. Any responsible party who causes a hazardous materials incident shall be liable to the town for the payment of all reasonable direct costs incurred by the town and/or agencies which are requested by the town to assist in response to, stabilization, and any necessary monitoring of such incident and/or event.

(b) The town will seek all available remedies at law including the provisions of this article, against any parties responsible for any hazardous materials incidents, to include but not be limited to those actions and remedies available under the United States Bankruptcy Code relating to such matters.

(Ord. No. 11-03, § 2, 6-14-11)

- **Sec. 42-23. - Collection and disbursement of funds for cost recovery.**

(a) The town's finance department shall serve as the town's agent for collecting invoices. The town's finance director will be responsible for sending invoices to the responsible party for costs and expenses. Agencies of the town or organizations responding to a hazardous materials incident according to the responsibilities set forth in the Polk County Mutual Aide Agreement Response Plan dated May 14, 2003 or the request of the town will be eligible to submit for payment of costs and expenses.

(b) Invoices that identify eligible costs under this section shall be submitted to the town's finance department within ten working days after the costs were incurred or identified. Submitted invoices should include sufficient documentation for cost reimbursement (i.e., copies of time sheets for specific personnel, copies of bills for materials, equipment, and supplies procured or used, etc.). Accepting invoices from agencies outside the town shall not incur liability by the town to pay any costs from such agencies until the town's responsible party has received payment.

(c) The town's finance director or his designee shall submit one or a series of consolidated invoice(s) to the responsible party identifying agencies or agents and their specific costs for reimbursement. The responsible party shall pay the town in cleared funds within 45 calendar days of the date of the invoice. All funds received under the authority of this section shall be disbursed according to the claims submitted. Where the reimbursement is less than the requested claims amount, each agency shall receive a pro rata share of such reimbursement as the agencies reimbursable costs bear to the total reimbursement cost. The town shall not be liable to the agency or agencies for any deficiency.

(Ord. No. 11-03, § 3, 6-14-11)

- **Sec. 42-24. - Supplemental beneficial projects.**

This article shall not prohibit the town from entering into binding agreements with the responsible party for remedial actions such as supplemental beneficial projects (SBPs) in lieu of monetary payment, provided all or part of the responders agree with the SBP in lieu of payment or the town accepts the SPB and compensates the other responders. SPBs are projects, which a responsible party agrees to undertake to benefit the emergency response entity, but is not otherwise legally required to perform. The SBP must have a direct benefit to the responding entity or the town and the value of the SBP can be used to offset monetary payment on a dollar for dollar basis. There is no minimum or maximum amount of monetary payment that can be offset by a SBP.

(Ord. No. 11-03, § 4, 6-14-11)

- **Sec. 42-25. - Enforcement and collection.**

The town may enforce these provisions by instituting an action in a court of competent jurisdiction for the collection of any amounts due hereunder plus administrative collection costs, attorneys' fees, or for any other relief that may be appropriate. The town manager may take all enforcement action necessary to secure payment of any delinquent invoices, including authorizing the town attorney to bring an action for payment in a court of law, without any prior approval required from the town commission. A certified copy of a judgment in favor of the town may be recorded in the public records and thereafter shall constitute a lien upon any real or personal property owned by such person(s) and such lien shall be coequal with the lien of the state, district and municipal taxes superior in dignity to all other liens, titles, and claims until paid or satisfied.

(Ord. No. 11-03, § 5, 6-14-11)

- **Sec. 42-26. - Supervision.**

In the event that any person(s) undertakes, upon order or direction of the incident commander or fire chief to clean up or abate the effects of any hazardous material unlawfully released into the environment, the incident commander or fire chief may take any action necessary to supervise such clean up or abatement. The person(s) responsible for clean up shall be liable to the town for all costs incurred as a result of such supervision except when a federal, state or other government agency is supervising or abating any such release, or unless the incident commander or fire chief is requested by any such agency to take action.

(Ord. No. 11-03, § 6, 6-14-11)

- **Sec. 42-27. - Conflict with other laws.**

(a) Whenever the requirements or provisions of this article are in conflict with the requirements or provisions of any other lawfully adopted ordinance, or applicable law, the more restrictive requirements shall apply.

(b) Further, this article shall not restrict or replace cost recovery from funding sources available under state and federal regulations including but not limited to the revolving fund established under Section 311 (K) of the Federal Water Pollution Control Act (33 USC 1321 k); the Hazardous Substance Response Trust Fund established under Comprehensive Environmental Response, Compensation, and Liability Act (42 USC 9611); and the Florida Coastal Protection Trust Fund under F.S. ch. 376. The provisions of this article are intended to be supplemental and in addition to any other cost recovery actions or any funding for abating and/or monitoring hazardous materials incidents.

(Ord. No. 11-03, § 7, 6-14-11)

- **Sec. 42-28. - Appeal.**

(a) Within 15 calendar days from the date of mailing of the invoice for costs, the responsible party may appeal the invoice amount to the town manager or the town manager's designee by filing a written appeal, stating the basis for appeal, with the town's finance department. The town manager or the town manager's designee, shall review the invoice for costs, and may modify the invoice for costs as appropriate under the totality of the circumstances, including the designation of the responsible party, provided that the town manager or the town manager's designee be shown proof by a preponderance of the evidence. Any decision by the town manager or the town manager's designee is final.

(b) In any appeal proceeding involving a challenge to town personnel's designation of a party as the responsible party, the appealing party must mail a copy of the written appeal to all other parties involved in the subject incident, including the responding town departments. Failure to properly notify all parties shall preclude the town manager or the town manager's designee from reviewing an assessed invoice of costs in such an appeal.

(Ord. No. 11-03, § 8, 6-14-11)

- **Sec. 42-29. - Exception.**

Nothing in this article shall authorize any town department, bureau, staff member or department or bureau personnel to **refuse** or delay any municipal emergency service to any person who has not reimbursed the town for a municipal service, or that owes the Town for prior incident services. Furthermore, nothing in this section shall be construed to demand reimbursement to the town for those municipal services that are normally provided to town residents and others as a matter of the town's general procedures, and for which the levying of taxes, or the demand for reimbursement, is normally made.

(Ord. No. 11-03, § 9, 6-14-11)