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*Collector* means any contractor who provides for the collection, transportation, and disposal of waste and construction and demolition debris from roll-off containers within the city. Building or demolition contractor-haulers as defined herein are not collectors for the purposes of this article.

40        *Commercial can* refers to a container used for the storage of garbage or recycling made of  
41 nonabsorbent material, provided with a closely fitting cover, side handles and thirty-two (32)  
42 gallons or less gross capacity and weighs less than fifty (50) pounds.

43        *Commercial container* refers to all front-load and rear-load dumpsters, roll-off, roll-off  
44 compactor, front load verti-pak compaction container, or cart that is designed or intended to be  
45 mechanically or manually dumped into a loader-packer type truck.

46        *Commercial tote* refers to containers that are purchased from the city, which are designed to  
47 be mechanically lifted and emptied and are used for the storage of garbage or recycling materials  
48 that are awaiting pickup.

49        *Commercial service* includes but is not limited to hotels, motels, lounges, restaurants,  
50 stores, shops, offices and service stations as well as any nonresidential units used for retail or  
51 wholesale trade that will be charged the commercial rate.

52        *Construction and demolition debris* refers to material defined in F.S. § 403.703, and as  
53 modified by Flagler County pursuant to F.S. § 403.707(9)(j), all as amended from time to time.

54        *Customer* means the person responsible for payment for city solid waste services provided  
55 to a specific location whether residential or commercial.

56        *Director*, for purposes of this section, refers to the solid waste superintendent.

57        *Garbage* means containers and other household wastes, animal, vegetable food or any  
58 organic waste resulting from storage, preparation, cooking or handling food whether attributed to  
59 residential or commercial activity. Also includes all non-recyclables and packing materials.

60        *Gross revenue*. All revenues derived directly or indirectly by a licensee, its affiliates,  
61 subsidiaries, parents, and any person in which a licensee has a financial interest, exclusive of all  
62 taxes, from or in connection with the operation of a solid waste or construction and demolition  
63 debris collection service from roll-off containers in the City of Flagler Beach.

64        *Household hazardous waste* or *HHW* includes but is not limited to paint, paint thinner,  
65 mineral spirits, gasoline, kerosene, fuel propane, oil, transmission fluid, brake fluid, gear oil,  
66 acids or solvents, florescent bulbs and other like items.

67        *Industrial waste* means wastes and debris from brick, concrete block, roofing shingle or tile;  
68 floor coverings; plants; debris and wastes accumulated from land clearing, excavating, building,  
69 rebuilding and altering of buildings, structures, roads, streets, sidewalks or parkways; and any  
70 waste materials which, because of their volume or nature, do not lend themselves to collection  
71 and incineration commingled with ordinary garbage and yard waste.

72        *Licensee* means any collector duly licensed by the City of Flagler to collect, transport, and  
73 dispose of solid waste and construction and demolition debris from roll-off containers in the city  
74 limits.

75        *Non-recyclables* means those materials that are not listed as recyclables, do not have a  
76 recyclable emblem on them, as well as plate glass, window glass, dishes, cookware, pyrex, motor  
77 oil bottles, acid jugs, styrofoam packing material, bubble wrap, waxed boxes, light bulbs or  
78 tubes, and paper materials such as mail.

79        *Private use container* means any garbage, yard waste or industrial waste container owned  
80 by someone other than the City of Flagler Beach. Such containers include commercial cans,

commercial containers, commercial totes, industrial waste container (dumpster), recycling container, or residential containers. These containers are owned or leased by private individuals for the disposal of commercial, residential or industrial waste.

*Property owner* means the owner of developed or undeveloped property within the City of Flagler Beach.

*Public use container* means any garbage container provided by the City of Flagler Beach. Such containers include beach cans, park cans and parking lot cans. These containers are provided for the users of these facilities, for the garbage accumulated while using the facility and are specifically not to be used for the disposal of residential or industrial waste.

*Recyclables* means those materials identified by the City of Flagler Beach and F.S. § 403.703, as amended from time to time, as capable of being recycled, which would otherwise be disposed of as garbage. These items include but are not limited to: metal cans, aluminum products, glass products, newspapers (meaning all newspapers, newspaper advertisements, supplements, comics or enclosures which are considered recyclable by the city; all plastic soda, milk, water, dish soap, laundry soap, and other like containers that have a 1, 2, 3, 4, 5, or 6 recyclable emblem on them; magazines, phonebooks, cardboard, plastic bags and shredded paper, such as computer paper, pasteboard, wrapping paper, stationary products and the like). Recyclables are not solid waste.

*Recycling container* means a container made of nonabsorbent materials with side handles and ~~thirty-two (32)~~ sixty-five (65) gallons or less gross capacity that is clearly marked as recyclables. This shall not include commercial tipper carts.

*Residential container* means a container used for the storage of garbage or yard waste made of nonabsorbent material, provided with a closely fitting cover, side handles and ~~thirty-two (32)~~ sixty-five (65) gallons or less gross capacity.

*Residential service* means garbage, yard waste and recycling service provided to a single-family residential unit.

*Roll-off container* means a large metal or plastic box normally used for construction and demolition debris or other large amounts of solid waste and yard trash, usually of the ten-, twenty-, thirty-, or forty-cubic-yard size, which are lifted by mechanical means which roll-offs may be either open top or enclosed compaction type.

*Single-family residential unit* means a single-family home, a multi-family residential unit, condominium unit, apartment unit, or other dwelling unit that is billed per unit.

*Solid waste* includes, but is not limited to, garbage, yard waste, white goods, and other material identified in F.S. § 403.703, as amended from time to time. Solid waste does not include recyclables.

*Solid waste disposal system* means the sanitation department that is operated by the City of Flagler Beach or such other agency as it may designate.

*Special pickup service* means an excessive amount of garbage or yard waste as determined by the director to be beyond reasonable amounts that do not lend themselves to normal service. This includes ~~but is not limited to~~ accumulation of more than eight (8) thirty-two (32) gallon containers of garbage or yard waste; a pile of yard waste no larger than three (3) feet wide six (6)

feet high and six (6) feet long, or no more than four (4) cubic yards, ~~or~~ yard waste that is not placed in an approved manner, (see standards for yard waste collection).

*White goods* means any large household appliance typically finished with enamel or stainless steel, e.g. refrigerators, stoves, microwaves, dishwashers, washing machines, dryers or other metal goods.

*Yard waste* means vegetative organic matter resulting from the routine maintenance of the grounds of a developed property and includes such materials as tree and shrub trimmings, grass clippings, palm fronds, and small branches.

\* \* \*

#### **Sec. 11-4. Containers—Size, inspection, maintenance and replacement for residential service.**

Garbage and yard waste containers that are manually loaded shall be no larger than ~~thirty-two-~~ sixty-five (65) gallon capacity. Such containers must have a cover and proper handles so that they may be managed by one (1) person. The container shall not weigh more than fifty (50) pounds when loaded. Paper bags are not permitted for use as garbage or yard waste containers. The foregoing does not apply to individually purchased and maintained commercial containers or garbage dumpsters. Notwithstanding the above, tightly secured plastic garbage bags will be permitted for garbage. No plastic garbage bags will be permitted for yard waste.

Recycling containers that are manually loaded shall be no larger than ~~thirty-two-~~ sixty-five (65) gallon capacity. Such containers must have proper handles so that they may be managed by one (1) person. The container shall not weigh more than fifty (50) pounds when loaded. Paper or colored plastic bags are not permitted for use as recycling containers. The foregoing does not apply to individually purchased commercial tipper carts.

The city reserves the right to inspect all commercial, garbage, yard waste and recycling containers and to demand replacements if necessary in the interest of public health and safety or employee safety. The customer is responsible for the routine maintenance of commercial, garbage, yard waste or recycling containers and to keep them in a sanitary manner.

#### **Sec. 11-5. Container—Location for residential service.**

(a) *Location for residential collection of residential containers.*

- (1) It shall be unlawful to place any garbage, yard waste, recycling or white goods on city-owned property; except city street rights-of-way immediately adjacent to and abutting upon the property of the person causing such garbage, yard waste, recycling or white goods to be so placed for scheduled pickup.
- (2) Placing garbage, yard waste, recycling or white goods on the street rights-of-way immediately adjacent to and abutting a vacant lot is strictly prohibited. However, in the case of the vacant lot owner performing routine trimming and maintenance generating yard waste on their lot, the owner may contact the city for a special pickup, subject to standards for yard waste collection. Anything more often will require a special pickup and payment of the appropriate fee.

~~(3) — Placing garbage, yard waste, recycling or white goods in any city owned alley is strictly prohibited.~~ Placing garbage, yard waste, recycling or white goods on city owned alleys is strictly prohibited with the exception of the Alley that is parallel to South Central Ave and South Ocean shore. The exception being allowed is for the purpose of limited access to South Ocean shore and South Central and also city staff safety reasons.

(b) *Location for storage of garbage, yard waste or recycling containers.*

(1) *Location generally.* Except on the day of trash pickup or the evening before pickup garbage, yard waste or recycling containers shall not be stored in yard areas adjacent to any city street or on city right-of-way.

(2) *Location on double-frontage lots.* On those lots where both the front and back yards are adjacent to city streets, the occupant of such property shall provide a closed area for the storage of garbage, yard waste or recycling containers so that the same are not in view of residents of adjacent properties.

(3) *[Placement prohibited.]* Placing garbage, yard waste, recycling or white goods on the street right-of-way immediately adjacent to and abutting a vacant lot is strictly prohibited. However, if the solid waste disposal system is notified in advance that several neighbors have formed a "community pile" of yard waste, which is placed on the city right-of-way in front of a vacant lot, and it can be determined by the director the pile was not generated from the vacant lot, it can be picked up. It is not necessary to contact the solid waste disposal system for each pickup once the precedent has been established. Vacant lot owners may contact the city for a special pickup of yard waste. If the director can determine the yard waste was not generated from the lot and has been dumped by a contractor or landscaper, the special pickup fee can be waived. If the yard waste has been generated by the lot owner but is not excessive (eight-can rule), the director may charge one-half (½) the monthly residential fee based on normal yard waste pickup and payment of the appropriate fee.

#### **Sec. 11-6. Collection for residential service.**

The city shall make provision for the collection and disposition of garbage yard waste, recyclables or white goods by the solid waste disposal system, or such other agency as it may designate, which collection and disposition shall be made at regular intervals. Such collection will only be made where garbage, yard waste, recyclables and white goods have been kept and collected as provided for in this chapter. Reasonable notice of the collection time shall be given the residents of the city. The solid waste disposal system shall only be required to collect such reasonable amount of garbage and yard waste as shall be accumulated within a reasonable time under normal conditions. Garbage or yard waste that does not comply with the standards below ~~may~~ shall require a special pickup. Customers will be advised of the reason for a special pickup service and fees. The solid waste disposal system must make reasonable efforts to contact the customer prior to pickup and charging of fees.

(1) Standards for garbage collection are as follows:

a. Garbage must be in a residential container or tightly sealed plastic bag.

b. Garbage shall not be placed in paper bags or cardboard boxes.

- 203 c. Garbage shall not contain any recyclables, household hazardous waste, industrial  
204 waste or yard waste.
- 205 (2) Standards for yard waste collection are as follows:
- 206 a. Loose items such as but not limited to palm boots, grass and leaves shall be placed  
207 in a residential container.
- 208 b. Branches shall be cut into lengths of five (5) feet or less and shall be no bigger  
209 than five (5) inches in diameter, stacked with other yard waste.
- 210 c. Palm fronds need to be neatly piled with all stems towards the street in a pile no  
211 larger than three (3) feet wide six (6) feet high and six (6) feet long, or tied in  
212 bundles no larger than one (1) man can handle.
- 213 (3) Standards for recycling collection are as follows:
- 214 a. All metal and aluminum cans ~~and aluminum products~~ (which shall have been  
215 emptied of all contents, liquid and solid, prior to placement for pickup).
- 216 b. ~~Glass products which do not include window glass, dishes, cookware, light bulbs~~  
217 ~~or tubes (which shall have been emptied of all contents, liquid and solid, prior to~~  
218 ~~placement for pickup):~~ Glass products which do not include window glass, dishes,  
219 cookware, light bulbs or tubes should be empty of all liquids and or solids prior to  
220 placement for recycle pickup.
- 221
- 222 ~~c. Newspapers (meaning all newspapers, newspaper advertisements, supplements,~~  
223 ~~comics or enclosures which are considered recyclable by the city).~~
- 224 ~~d. All plastic soda, milk, water, dish soap, laundry soap, and other like containers~~  
225 ~~that have a recyclable emblem on them (which shall have been emptied of all~~  
226 ~~contents, liquid and solid, prior to placement for pickup).~~
- 227 ~~e. Magazines.~~
- 228 ~~f. Phonebooks.~~
- 229 ~~gc.~~ Cardboard (which shall have been emptied of all liners, bubble wrap and  
230 Styrofoam; waxed boxes are not to be recycled).
- 231 ~~h. Plastic Bags.~~
- 232 ~~i. Shredded paper (which shall be contained in a plastic bag and marked~~  
233 ~~accordingly).~~
- 234 (4) Pickup of garbage, yard waste, and recycling requiring special pickup service.
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- 236

237 Any pickup meeting the standards to require a special pickup service shall not be  
238 picked up until the special pickup service charge, as established by Resolution of the  
239 City, for such pickup is paid. Before placing any materials which will require a  
240 special pickup service charge out on the for pickup, arrangements must be made with  
241 the City for such pickup. If materials requiring a special service pickup are left out  
242 for pickup without making prior arrangements for same and without payment of the

special pickup service charge, the materials will not be picked, a notice will be placed on the property advising the occupant of the property that a special pickup service charge is required and providing contact information for such arrangements to be made. If no arrangements for a special pickup are made and the materials remain out for pickup, the matter will be referred to Code Enforcement for issuance of a Notice of Violation.

\* \* \*

**Sec. 11-18. Violations; penalties.**

As set forth in F.S. § 162.21, and section 2-60.3 of the City Code, violations of this article are punishable by citation issued by a code enforcement officer or a law enforcement officer who has reasonable cause to believe the person has committed an act in violation of this Code. The following schedule of civil penalties is hereby set for citations issued:

First violation: Written warning

Second violation: ~~\$50~~100.00

Third violation: ~~\$100~~250.00

Subsequent violations: Fine not to exceed \$500.00.

Each day in violation of this article shall constitute a separate offense. Enforcement officials shall provide violators with no more than one (1) written warning. In addition to the civil sanctions contained herein, the city may take any other appropriate legal action, including, but not limited to, injunctive action to enforce the provisions of this article.

(1) Any person cited with a violation of this section shall, within thirty (30) days of issuance of the citation:

a. Pay the civil penalty set forth in the above schedule, or

b. Contact City Hall, City of Flagler Beach, for instructions on how to schedule a court date to contest the citation in county court.

(2) If the person cited pays the civil penalty as provided in subsection (1)a. of this section, he/she shall be deemed to have admitted the civil infraction and to have waived the right to a hearing to contest the citation.

(3) If the person cited receives a court date as provided in subsection (1)b. of this section, he/she shall appear on said court date to contest the citation in the county court and he shall be deemed to have waived the right to the civil penalty set forth in the schedule of violations and shall be subject for each violation to the maximum civil penalty which shall not exceed five hundred dollars (\$500.00) plus any applicable court costs.

(4) If the person cited fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, he/she shall be deemed to have waived his right to contest the citation and judgment may be entered against the person

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for each violation for an amount up to the maximum civil penalty not to exceed  
five hundred dollars (\$500.00) plus any applicable court costs.

(Ord. No. 2008-03, § 1(Exh. A), 5-22-08)

**SECTION THREE. Codification.** It is the intent of the City Commission of the City of  
Flagler Beach that the provisions of this Ordinance shall be codified. The codifier is  
granted broad and liberal authority in codifying the provisions of this Ordinance.

**SECTION FOUR. Conflicts.** In any case where a provision of this Ordinance is found to  
be in conflict with the provisions of any other ordinance of this City, the conflicting  
provisions of the previous ordinance shall be repealed and superseded by this Ordinance.

**SECTION FIVE. Effective date.** This Ordinance shall take effect immediately upon  
adoption as provided by the Charter of the City of Flagler Beach.

PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

CITY OF FLAGLER BEACH, FLORIDA  
CITY COMMISSION

\_\_\_\_\_  
Patti King, Mayor

ATTEST:

\_\_\_\_\_  
Penny Overstreet, City Clerk