

## ORDINANCE NO. 2025-02

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ARTICLE I “IN GENERAL,” ARTICLE II “IMPROPER DISPOSAL OF WASTE MATERIALS,” AND ARTICLE III “COLLECTION OF WASTE; FRANCHISES AND REGISTRATION OF CONTRACTORS AUTHORIZED,” ALL OF CHAPTER 38 “SOLID WASTE,” OF THE LOXAHATCHEE GROVES CODE OF ORDINANCES; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Loxahatchee Groves, Florida (“Town”), is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, the Town is empowered to provide for the health, safety, and welfare of the residents and visitors of the Town of Loxahatchee Groves; and

**WHEREAS**, the Town Council believes it is necessary to modify its current regulations for the collection and disposal of waste; and

**WHEREAS**, the Town Council believes that the modifications will enhance the ability of the Town to ensure appropriate levels of service are provided and used within the Town; and

**WHEREAS**, the Town Council has determined that the enactment of this ordinance is for a proper municipal purpose and in the best interests of the residents of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:**

**Section 1.** The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and incorporated herein by this reference.

**Section 2.** The Town of Loxahatchee Groves hereby amends Article I, In General, of Chapter 38, Solid Waste, Loxahatchee Groves Code of Ordinances, as follows:

### **Sec. 38-1. 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:

*Biomedical or biohazardous waste:* As defined by F.S. § 403.703(2), as may be amended.

*Biological waste:* As defined by F.S. § 403.703(3), as may be amended.

*Bulk waste:* Any non-vegetative item which cannot be containerized, bagged, or bundled; including, but not limited to, inoperative and discarded refrigerators, ranges, toilets, pool heaters, water softeners, pianos, washers, dryers, bathtubs, water heaters, sinks, bicycles, and other similar domestic appliances or household goods. There shall be no weight limit for any item of bulk waste. No commercial or non-passenger tires and only two, on an annual basis, passenger car tires are permitted to be placed as bulk pickup.

*Cart:* A curbside container meeting the town's specifications intended for collection via automated or semi-automated means to be supplied by the franchisee to households receiving curbside residential solid waste collection service.

*Collection:* The process whereby commercial solid waste, residential solid waste, C & D, livestock waste, and/or recyclable material is gathered and transported to a designated facility.

*Collection service(s):* The collection of commercial solid waste, residential solid waste, C & D, livestock waste, and/or recyclable material by the town or a franchisee.

*Commercial solid waste:* Garbage and trash that is generated by uses other than residential uses or by a combination of residential and other uses on the same property within the town. Commercial solid waste does not include bulk waste, vegetative waste, special waste, C & D, livestock waste, or recyclable materials.

*Commercial solid waste collection service:* The collection of commercial solid waste within the town.

*Compactor:* Any container which has compaction mechanism(s), whether stationary or mobile, all inclusive.

*Construction and demolition debris (C&D):* As defined by F.S. § 403.703(6), as may be amended.

*Container* Includes any container designed or intended to be mechanically dumped into a loader packer type truck or recycling vehicle. All containers must be of the specifications as designated by the town manager, in writing.

*Dwelling unit:* Any type of structure or building unit intended for or capable of being utilized for residential living other than a licensed hotel or motel unit.

*Franchisee:* A person or entity that has entered into an agreement with the town to provide commercial solid waste, residential solid waste, C&D, livestock waste, and/or recycling collection services for the town.

*Garbage:* All putrescible waste which generally includes but is not limited to kitchen and table food waste, animal, vegetative, food or any organic waste that is attendant with or results from the storage, preparation, cooking or handling of food materials whether attributed to residential or commercial activities but shall not include vegetative waste or special waste.

*Hazardous waste:* As defined by F.S. § 403.703(14), as may be amended.

*Land clearing:* The removal of vegetation for the purpose of improving real property through remodeling, new construction or agricultural use. Land clearing shall include, but is not limited to, trees, brush, dirt, rocks or similar obstructions/materials being removed from a parcel of assessed residential land using mechanical devices such as a bobcat, backhoe, front-end loader, tractor, bulldozer, etc. Removal refers to the physical action of the equipment digging, scraping,

bulldozing, and/or pulling debris from the ground. Transporting legally cut vegetation to the curb using a mechanical device does not constitute land clearing. A chainsaw is not to be considered a mechanical device in the removal process.

*Livestock waste:* Wastes composed of excreta of animals and residual materials that have been used for bedding, sanitary, or feeding purposes for such animals. For purposes of this article, livestock waste that has been properly composted shall not be considered livestock waste.

*Pyrolysis:* A process through which post-use polymers are heated in the absence of oxygen until melted and thermally decomposed, and then cooled, condensed, and converted to any of the following:

- (1) Crude oil, diesel, gasoline, home heating oil, or another fuel.
- (2) Feedstocks.
- (3) Diesel and gasoline blend stocks.
- (4) Chemicals, waxes, or lubricants.
- (5) Other raw materials or intermediate or final products.

*Pyrolysis facility:* A facility that receives, separates, stores, and converts post-use polymers, using gasification or pyrolysis.

*Recovered materials:* Metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the waste stream for sale, use, or reuse as raw materials, but the term does not include materials destined for any use that constitutes disposal. Recovered materials as described above are not solid waste.

*Recyclable materials (recyclables):* Those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.

*Recycling cart:* A container intended for recyclables collection with a 95 gallons capacity on wheels for rolling, with a non-removable hinged lid, suited to automatic dumping equipment provided by the franchisee's collection vehicles and containing not over 250 pounds.

*Recycling container:* shall mean a rigid container made of plastic or other suitable substance or a paper bag that is used for the storage of recovered materials.

*Recycling collection service:* The collection of recyclable materials by the town or its franchisee from residential or commercial sites, and the delivery of those recyclable materials to an authority recovered materials processing facility or designated authority transfer station.

*Residential solid waste:* Garbage and trash that is generated from residential uses within the town. Residential solid waste does not include bulk waste, vegetative waste, special waste, C & D, livestock waste, or recyclable materials.

*Residential solid waste collection service:* Collection of residential solid waste within the town.

*Sludge:* 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 waste disposal appurtenances.

*Solid waste:* means sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. Recovered materials as defined in F.S. § 403.703(28) and post-use polymers as defined in F.S. § 403.703(24) are not solid waste.

*Solid waste authority disposal facility:* A place or places specifically managed or operated by the Solid Waste Authority of Palm Beach County or another facility if specifically designated in writing by the authority.

*Source separated:* Recovered materials that are separated from solid waste at the location where the recovered materials and solid waste are generated. The term does not require that various types of recovered materials be separated from each other and recognizes de minimis solid waste, in accordance with industry standards and practices, may be included in the recovered materials. Materials are not considered source separated when two or more types of recovered materials are deposited in combination with each other in a container located where the materials are generated and when such materials contain more than ten percent solid waste by volume or weight, in which case the materials are solid waste. The term "various types of recovered materials" means metals, paper, glass, plastic, textiles and rubber.

*Special services:* Any services requested or required by the customer which are in addition to or a change in, the subscribed collection service.

*Special waste:* Solid wastes that can require special handling and management, including, but not limited to, white goods, waste tires, used oil, lead-acid batteries, construction and demolition debris, ash residue, yard trash, and biological wastes.

*Trash* shall mean all refuse accumulation of paper, rags, wooden or paper boxes and containers, sweepings, broken toys, tools, utensils, and all other accumulations of a similar nature other than garbage, which are usual to housekeeping and to the operation of stores, offices and other business places, but shall not include vegetative waste.

*Vegetative waste* shall mean any vegetative matter resulting from yard and landscaping maintenance by any party and shall include materials such as tree and shrub trimming materials, grass clippings, palm fronds, tree branches and similar other matter usually produced as refuse in the care of lawns, landscaping and yards.

*Waste:* shall mean any or all of the types of waste more specifically defined in this section.

**Sec. 38-12. ~~Solid waste~~ Collection fees; billing; payment; enforcement effect of failure to pay.**

- (a) The town shall have the power to create, install, improve, maintain and fund any and all costs associated with establishing and operating a system of providing a solid waste collection services program (solid waste collection program) ~~for residential and/or commercial service~~ to the property owners, residents and citizens of the town. The recipients of the town's solid waste collection program will enjoy protection and enhancement of public health and safety by the provision of reliable and effective service to persons who own or use such property, and enrichment of property value and minimization of potential liability attendant with the use of the assessed property.

- (b) Fees for ~~trash service, the waste collection program,~~ including costs for collection, and administration fees necessary to provide the ~~solid waste collection services~~ program, as shall be established by resolution of the town council; shall be collected by the town for the trash collection service within the town. The town may also provide, by agreement, for the billing and collection of the town's fee for ~~trash~~ the waste collection service program, or any portion thereof, by another governmental entity. The town may provide for the inclusion of such administrative fees to fund the billing and collection of the charges for ~~the solid waste collection service program~~ in any bill sent to property owners within the town. ~~Any residential owner or lessee, apartment owner or owner-operator of a commercial establishment who shall fail to make appropriate payment for trash collection service shall have his trash collection service terminated. Any residential owner or lessee, apartment owner or owner-operator of a commercial establishment whose trash collection service shall be so terminated shall be deemed in violation of this chapter and upon conviction of such violation shall be punished as provided by in this Code.~~
- (c) The town shall have the ability to charge property owners who receive a certificate of occupancy for a residential structure or dwelling unit after the residential solid waste collection services non ad-valorem assessment roll has been provided to the tax collector, on a pro-rata basis, as part of the fee for the granting of the certificate of occupancy or final permit.
- (e-d) Any property owner or lessee, who shall fail to make appropriate payment for the waste collection program shall be deemed to be in violation of this chapter and have his collection program service terminated. If a property owner fails to pay for ~~garbage~~ collection services, or to adequately provide for ~~garbage~~ collection services in accordance with this chapter, the town shall have the right to institute code enforcement or other legal proceedings, and/or may enter upon the premises, remove garbage, trash or construction or other waste and charge the owner the cost to the town for such services in accordance with Chapter 30 of this Code and/or any other legal process available to the town. ~~Billing for collection shall be on a per pickup basis. The town shall forward to the owner at his last known address a copy of the charges for such collection, including any delinquency charges, and, if same is not paid within 30 days after such notice is mailed, the same shall be and constitutes a lien upon the property in question.~~
- (d) ~~The town attorney may institute foreclosure proceedings to foreclose any lien imposed pursuant to subsection (b) of this section. The owner of the property against which the lien exists shall be liable to the town for a reasonable attorney's fee to compensate its attorney for services in collecting the amounts due on said lien, together with all costs occasioned in foreclosing said lien, and the same shall be decreed to be a lien upon the lands described and shall be collected at the time and in the manner provided for the collection of the amount evidenced by said lien. The decree rendered in such case for the enforcement and collection and the amount due thereunder shall determine the principal, interest, costs, and attorneys' fee to be chargeable against each property so encumbered, which amounts shall constitute a lien against the property described. In foreclosing such liens, the town may pursue and follow any recognized process to enforce liens and any number of assessment liens against the same owner or occupant may be foreclosed in one proceeding.~~
- (e) ~~The lien in favor of the town upon the property for all unpaid services, interest, attorneys' fees, and court costs shall have priority over all other liens and encumbrances, except state, county, and municipal taxes, and shall be on parity with the lien of such state, county, and municipal taxes.~~

**Secs. 38-23—38-20. Reserved.**

**Section 3.** The Town of Loxahatchee Groves hereby amends Article II, Improper Disposal of Waste Materials, of Chapter 38, Solid Waste, Loxahatchee Groves Code of Ordinances, as follows:

***ARTICLE II. IMPROPER DISPOSAL OF WASTE MATERIALS. ENFORCEMENT.***

**Sec. 38-21. Definitions**

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

*Improper Disposal* means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste material into or upon any land or water so that such waste materials or any constituent thereof may enter other lands or be emitted into the air or discharged into any waters, including groundwaters, or otherwise enter the environment.

*Public nuisance* means the unreasonable, unwarranted and/or unlawful activity and/or use of property, which causes inconvenience or damage to others, either to individuals and/or to the general public.

*Waste materials* means ash residue, biomedical waste, biological waste, Class I waste, Class III waste, commercial solid waste, construction and demolition debris, contaminated soil, garbage, hazardous waste, household waste, industrial byproducts, industrial solid waste, leachate, liquid waste, oily waste, recovered materials, recyclable materials, sludge, solid waste, special wastes, and white goods, all as defined in F.S. § 403.703 and F.A.C. 62-701.200, incorporated herein and attached hereto as Composite Exhibit "A". The definitions in this article shall be deemed amended upon the amendment of F.S. § 403.703, and F.A.C. 62-701.200.

**Sec. 38-22. Prohibition of depositing or disposing of waste materials.**

The improper disposal of waste material, including, without limitation, receiving, spreading or storing such waste material on property, or of any other item for which the property owner receives a tipping fee or similar compensation to receive such item for disposal or depositing, within the corporate limits of the town, is prohibited.

**Sec. 38-23. Nuisance.**

A violation of this article is deemed by the town council to be a public nuisance.

**Sec. 38-24. Violation of state laws.**

The town council specifically finds that a violation of this article presents a public nuisance for purposes of enforcement of F.S. § 403.413, and law enforcement officers charged with the enforcement of state and local laws within the town shall strictly enforce F.S. § 403.413.

**Sec. 38-25. Enforcement.**

This chapter article shall be enforced as follows:

- (1) ~~Law enforcement officers are authorized to enforce this article.~~
- (2) ~~In addition to penalties resulting from a violation of F.S. § 403.413, the fines for violations of this article by drivers of vehicles of waste materials disposed in violation of this article shall be:~~

<del>First Offense</del>	<del>Second Offense</del>	<del>Third Offense</del>	<del>All Additional Offenses</del>
<del>\$100.00</del> <u>\$250.00</u>	<del>\$250.00</del>	<del>\$400.00</del>	<del>\$500.00</del>

- (3) ~~The town may also file charges for any offense in a court with jurisdiction, in which case the penalty shall be a fine of \$500.00, imprisonment not to exceed 60 days, or both, for each violation of this article. The town shall recover its costs of prosecution, including attorneys' fees, filing fees, and personnel costs for law enforcement and town employees.~~
- (4) ~~To the extent authorized by law, the town administration is authorized to use the town's code enforcement process to enforce violations of this article where a law enforcement officer has not otherwise issued violations of F.S. § 403.413, or of this article. In such instances, the fine shall be the maximum permitted by law. The town shall recover its costs of prosecution, including attorneys' fees, filing fees, and personnel costs for law enforcement and town employees.~~
- (1) Any violation of this chapter shall be subject to enforcement pursuant to Chapters 14 and 30 of this Code, as well as any other legal action available to the town including but not limited to injunctive relief.
- (52) Each day a violation remains constitutes a separate violation of this article.
- (63) The town manager ~~shall~~ may report any violation of this article to state, county, and other regulatory agencies which he deems appropriate and request review by such agencies for any additional violations of local, state or federal laws and regulations.

**Secs. 38-26—38-53. Reserved.**

**Section 4.** The Town of Loxahatchee Groves hereby amends Article III, Collection of Waste; Franchises and Registration of Contractors Authorized, of Chapter 38, Solid Waste, Loxahatchee Groves Code of Ordinances, as follows:

***ARTICLE III. COLLECTION OF WASTE; FRANCHISES AND ~~REGISTRATION OF CONTRACTORS~~ RECOVERED MATERIAL DEALERS AUTHORIZED***

**Sec. 38-54. ~~Definitions.~~ Reserved.**

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:

*Biomedical or biohazardous waste:* As defined by F.S. § 403.703(2), as may be amended.

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*Biological waste:* As defined by F.S. § 403.703(3), as may be amended.

*Bulk waste:* Any non-vegetative item which cannot be containerized, bagged, or bundled; including, but not limited to, inoperative and discarded refrigerators, ranges, toilets, pool heaters, water softeners, pianos, washers, dryers, bath tubs, water heaters, sinks, bicycles, and other similar domestic appliances or household goods. There shall be no weight limit for any item of bulk waste. No commercial or non-passenger tires and only two, on an annual basis, passenger car tires are permitted to be placed as bulk pickup. The term "bulk waste" may be used interchangeably with the term "bulk trash."

*Business days:* Monday through Saturday, except for holidays.

*Cart:* A curbside container meeting the town's specifications intended for collection via automated or semi-automated means to be supplied by the contractor to households receiving curbside residential solid waste collection service.

*Collection:* The process whereby solid waste, garbage, trash, bulk trash, vegetative waste or recovered material is gathered and transported to a designated facility.

*Commercial recycling collection service:* The dual stream recycling collection of recovered materials by the contractor for entities within the service area that are not serviced by residential recycling collection service.

*Commercial solid waste:* Shall include solid waste that is not residential solid waste.

*Commercial solid waste collection service:* The collection of commercial solid waste within the service area. Such service includes both containers and compactors, but does not include roll-off collection services.

*Compactor:* Any container which has compaction mechanism(s), whether stationary or mobile, all inclusive.

*Construction and demolition debris (C&D):* Materials generally considered to be not water soluble and which are nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, roofing material, pipe, gypsum wallboard, and lumber from the construction or destruction of a structure as part of a construction or demolition project. Mixing of a de minimis amount of waste other than C&D from the construction site will not automatically cause it to be classified as other than C&D.

*Container:* Includes any container designed or intended to be mechanically dumped into a loader packer type truck or recycling vehicle. All containers must be of the specifications as designated by the town manager, in writing.

*Contractor:* A person or entity that has entered into an agreement with the town to provide solid waste and recycling collection services for the town.

*Dwelling unit:* Any type of structure or building unit intended for or capable of being utilized for residential living other than a licensed hotel or motel unit.

*Garbage:* All putrescible waste which generally includes but is not limited to kitchen and table food waste, animal, vegetative, food or any organic waste that is attendant with or results from the storage, preparation, cooking or handling of food materials whether attributed to residential or commercial activities, but shall not include vegetative waste or special waste.



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~~*Hazardous waste:* A hazardous waste as identified by the State of Florida Department of Environmental Regulation in Florida Administrative Code 17-730, as may be amended, or the United States Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq., and implementing regulations, as may be amended.~~

~~*Household hazardous waste (HHW):* Solid waste as defined by the State of Florida Department of Environmental Regulation as a hazardous waste in the State of Florida Administrative Code, or by any future legislative action or by federal, state or local law.~~

~~*Land clearing:* The removal of vegetation for the purpose of improving real property through remodeling, new construction or agricultural use. Land clearing shall include, but is not limited to, trees, brush, dirt, rocks or similar obstructions/materials being removed from a parcel of assessed residential land using mechanical devices such as a bobcat, backhoe, front end loader, tractor, bulldozer, etc. Removal refers to the physical action of the equipment digging, scraping, bulldozing, and/or pulling debris from the ground. Transporting legally cut vegetation to the curb using a mechanical device does not constitute land clearing. A chainsaw is not to be considered a mechanical device in the removal process.~~

~~*Pyrolysis:* A process through which post-use polymers are heated in the absence of oxygen until melted and thermally decomposed, and then cooled, condensed, and converted to any of the following:~~

- ~~(1) Crude oil, diesel, gasoline, home heating oil, or another fuel.~~
- ~~(2) Feedstocks.~~
- ~~(3) Diesel and gasoline blend stocks.~~
- ~~(4) Chemicals, waxes, or lubricants.~~
- ~~(5) Other raw materials or intermediate or final products.~~

~~*Pyrolysis facility:* A facility that receives, separates, stores, and converts post-use polymers, using gasification or pyrolysis.~~

~~*Recovered materials:* Metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the waste stream for sale, use, or reuse as raw materials, but the term does not include materials destined for any use that constitutes disposal. Recovered materials as described above are not solid waste. Recovered materials do not include any material or substance that does not fit within one of the six categories described in this definition (metal, paper, glass, plastic, textile or rubber). Among other things, unsorted construction and demolition debris is not a recovered material.~~

~~*Recyclable materials (recyclables):* Those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.~~

~~*Recycling cart:* A container intended for recyclables collection with a 95 gallons capacity on wheels for rolling, with a non-removable hinged lid, suited to automatic dumping equipment provided by the contractor's collection vehicles and containing not over 250 pounds.~~

~~*Recycling container:* shall mean a rigid container made of plastic or other suitable substance or a paper bag that is used for the storage of recovered materials.~~

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~~*Residential recycling collection service:* The collection of recovered materials by the town or its contractor from all dwelling units in the service area that also receive residential solid waste collection service for solid waste, and other dwelling units as designated by the town, and the delivery of those recovered materials to an authority recovered materials processing facility or designated authority transfer station.~~

~~*Residential solid waste collection service:* Residential solid waste and vegetative waste collection service for all dwelling units from which garbage is collected at curbside or roadway and delivery to an authority designated disposal facility or transfer station.~~

~~*Residential user:* A person, including, but not limited to, owners, lessees, and sublessees utilizing a building, a portion thereof, specifically designed for and used for occupancy of that person. For the purposes of this agreement, residential user shall include users of single family, dwellings.~~

~~*Residue:* The portion of the recyclable materials stream accepted by the contractor that is not converted to recovered materials due to breakage and/or transportation or processing inefficiencies.~~

~~*Roll off collection service:* The collection of C&D only roll off containers, or the collection of C&D by other mechanical means, within temporary locations in the service area, limited to new construction sites and remodeling or refurbishment sites.~~

~~*Service area:* The corporate limits of the Town of Loxahatchee Groves, Florida for which the contractor has been granted this agreement.~~

~~*Sludge:* A solid or semi-solid, or liquid generated from any waste water treatment plant, water supply treatment plant, air pollution control facility, septic tank, grease trap, portable toilets and related operations, or any other such waste having similar characteristics or effects.~~

~~*Solid waste:* As defined by F.S. § 403.703(32), as may be amended, including garbage, rubbish, trash, and other discarded waste. Residential solid waste and commercial solid waste, but shall not include special waste, as defined in this agreement, or recovered materials. Solid waste shall mean bulk waste, garbage, rubbish, refuse, trash, vegetative waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural or governmental operations, but for the purpose of this agreement shall not include special waste.~~

~~*Solid waste authority disposal facility:* A place or places specifically managed or operated by the Solid Waste Authority of Palm Beach County or another facility if specifically designated in writing by the authority.~~

~~*Source separated:* Recovered materials that are separated from solid waste at the location where the recovered materials and solid waste are generated. The term does not require that various types of recovered materials be separated from each other and recognizes de minimis solid waste may be included in the recovered materials. Materials are not considered source separated when two or more types of recovered materials are deposited in combination with each other in a container located where the materials are generated and when such materials contain more than ten percent solid waste by volume or weight, in which case the materials are solid waste. The term "various types of recovered materials" means metals, paper, glass, plastic, textiles and rubber.~~

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~~*Special services:* Any services requested or required by the customer which are in addition to or a change in, residential solid waste collection service or residential recycling collection service, as set out or similar to those listed in Exhibit I as may be amended from time to time.~~

~~*Special waste:* For the purposes of this agreement, special waste refers to wastes that can require special handling and management, including but not limited to, biohazardous waste, biological waste, hazardous waste, lead acid batteries, automobiles, boats, internal combustion engines, non-automobile tires, sludge, dead animals, livestock waste, septic tank waste. Special waste may also include items determined by the town manager to be reasonably unmanageable.~~

~~*Trash* shall mean all refuse accumulation of paper, rags, wooden or paper boxes and containers, sweepings, broken toys, tools, utensils, and all other accumulations of a similar nature other than garbage, which are usual to housekeeping and to the operation of stores, offices and other business places, but shall not include vegetative waste.~~

~~*Vegetative waste* shall mean any vegetative matter resulting from yard and landscaping maintenance by any party and shall include materials such as tree and shrub trimming materials, grass clippings, palm fronds, tree branches and similar other matter usually produced as refuse in the care of lawns, landscaping and yards. All items other than palm fronds, tree branches and Christmas trees such as grass clippings, leaves, pine needles, and similar small loose items must be bagged or containerized with each filled container weighing less than 50 pounds. Vegetative waste, except palm fronds, must be no more than six feet in length and no single item shall weigh more than 50 pounds, and shall be placed neatly at the edge of the road. Natural Christmas trees will be collected as vegetative waste and any section must not be more than eight feet in length or 50 pounds in weight.~~

#### **Sec. 38-55. Franchise for collection of solid waste and residential recycling collection services.**

- (a) The town may enter into an exclusive one or more franchises for the collection services, which may include any or all of commercial solid waste collection service, residential solid waste collection service, C&D debris collection service, livestock waste removal and/or hauling service, recycling collection service, vegetative waste collection service, and/or bulk waste collection service. ~~of solid waste and residential recyclable materials from all locations in the town to the extent not prohibited by state law or may enter into any number of franchises that the town determines is in the best interest of the town. The town may combine or separate collection services as needed for purposes of solicitation and entering into franchise agreements. The town may enter into any number of franchises that the town determines is in its best interest.~~
- (b) In the event that the town grants an exclusive franchise, or any number of franchises, all collection within the town shall be performed by the applicable franchisee(s). ~~contract, or a solid waste or recyclable materials collection entity is not granted a franchise by the town and has existing contracts within the town, then only existing contracts as of June 5, 2018, for solid waste collection services and residential and recyclable materials collection services are exempt until such time as the contract expires at which time the customer/property owner must use a solid waste collection entity that is franchised by the town.~~
- (c) The town council may require franchisees ~~businesses performing solid waste collection, disposal, and recycling services within the town~~ to pay a franchise fee to the town, in an amount determined by the town council, for the privilege of conducting and operating solid

~~waste collection, disposal, and recycling services on the public streets, roads, alleys, and other thoroughfares of the town. The franchise fee, as indicated below, shall be based on a percentage of the amount charged for solid waste collection, that is described in a franchise agreement between the town and a contractor franchisee. Any franchise fee required by the town council shall be paid to the town in a manner and an amount as set forth in a franchise agreement with the contractor franchisee.~~

**Sec. 38-56. Collection to be by town or franchisee; subscriptions required.**

- (a) ~~Each residential~~ The owner, or lessee, or other legal occupant of each property within the town each apartment owner and each owner-operator of a non-residential use shall subscribe to a regularly scheduled solid waste collection services or recyclable materials collection service as may be provided either by the town or by such private individual or concern as may be franchised by the town the town's franchisee, except as may be exempted by town ordinance or state law. Separate service is required for each residential dwelling unit or for each property, as applicable. The levels of necessary service shall be determined based upon the use of the property. Any collection services in addition to regularly scheduled collection services shall be scheduled through the town or the town's franchisee. Verification of adequate solid waste and recyclable collection services must be provided to the town upon the town's request. Determination of the type and adequacy of service based on the use of the property is in the sole discretion of the town.
- (b) No individual, corporation or other entity will be permitted to ~~collect solid waste or recyclable materials~~ provide collection services within the town either on a regularly scheduled basis or, alternatively, on a non-scheduled short-term, or temporary, basis unless such individual, corporation or other entity is properly franchised by the town, except as may be required or exempt by state law or town ordinance.

**Sec. 38-57. Solid waste collection special assessments shall constitute a lien on improved real property.**

All residential solid waste collection special assessments imposed against the owners of assessed dwelling units pursuant to this chapter shall constitute, and are hereby imposed as, liens against such real property as of January 1 of each year or as soon thereafter as the certified roll is received by the tax collector. Until fully paid and discharged or barred by law, the solid waste collection special assessments shall remain liens equal in rank and dignity with the lien of county ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved. If any solid waste collection special assessment liens become delinquent by not being fully paid by April 1 following the year in which they are assessed, or immediately after 60 days have expired from the mailing of the original notice set forth by the uniform method, whichever is later, and remain delinquent, such liens shall be enforced by the tax collector in the same manner as any other special assessment lien of the town.

**Sec. 38-58. Containers required.**

~~Each dwelling unit shall be required to have a town approved garbage container. It shall be unlawful within the town for any person to place any solid waste or vegetative waste out for collection unless such solid waste or vegetative waste is in a container, if such container is required~~

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and approved by the town council. ~~A garbage can may not be used if a container has been required and approved by town council.~~

- (a) Unless otherwise exempted by this article, ~~Each each dwelling unit~~ property within the town shall be required to ~~have use~~ a town approved ~~garbage~~ container for the collection service. It shall be unlawful within the town for any person to place any solid waste, C & D, livestock waste or ~~vegetative waste~~ recyclable material out for collection unless such solid waste, C & D, livestock waste or ~~vegetative waste~~ recyclable material is in a the required container, if such container is required and approved by the town council.
- (b) Residential solid waste must be placed in a garbage can, cart or other container, unless restricted by the town. If a cart has been approved by the town, no other container may be used. No property shall be issued more than two carts. If a property requires more than two carts due to the number of dwelling units or occupied recreational vehicles on the property, the property owner or legal occupant must subscribe to commercial collection service instead of residential collection service. ~~A garbage can may not be used if a cart has been required and approved by town council.~~
- (c) Commercial solid waste must be placed in a dumpster, compactor, or other container authorized by the franchise agreement for collection. Commercial solid waste will not be collected in a roll-off container.
- (d) C & D debris must be placed in a roll-off container for collection, except as provided in section 38-61.
- (e) Livestock waste must be placed in a roll-off container for collection. Roll-off containers used for livestock waste must contain an attached lid or cover and be watertight at all times.
- (f) Recyclable materials must be placed in a recycling cart or recycling container for collection.
- (g) Bulk waste and vegetative waste are not required to be placed in a container for collection.

**Sec. 38-59 Precollection procedures generally; Private Roads.**

- (a) The placement of ~~garbage~~ any waste or recyclable materials, other than bulk waste or vegetative waste, in a loose and uncontained manner ~~on the roadside, swale, other locations adjacent to the roadway, or in dumpster enclosures~~ shall be strictly prohibited.
- (b) No person shall place for ~~curbside~~ collection any ~~garbage, bulk waste, vegetative waste,~~ or recyclable materials upon any property other than the property on which it was generated in the swale or area adjacent to and directly in front of the same property from which the garbage, bulk waste, vegetative waste, or recyclable materials, was generated or accumulated, unless a separate predetermined location has been approved by the town and the town's ~~contractor~~ franchisee.
- (c) All ~~garbage containers~~ waste and recyclable materials, when placed for curbside collection, shall be at ground level, ~~not within the roadway,~~ within the swale or any part of the front yard or side yard abutting the road right-of-way, clear of the roadway, and immediately accessible to collection crews.

- (d) ~~No person shall place any garbage containers, or any accumulation of garbage, bulk or vegetative waste or recyclable materials for collection in any portion of a roadway, right-of-way or upon private property in any part of a front yard or a side yard abutting a right-of-way except during the time periods and in the locations as allowed by this article. No person in possession of real property shall allow any garbage containers or roll out cart, or any accumulation of garbage, bulk waste or vegetative waste to remain in any portion of a roadway or right-of-way abutting his/her property to the centerline of the roadway or right-of-way, or in any part of the front yard or side yard abutting the roadway or right-of-way, except during the day scheduled for collection or as otherwise set forth in this article.~~
- (e) Private roads shall be fully accessible to the town's ~~contractor~~ franchisee and equipment in order for collections to be made by the town's ~~contractor~~ franchisee without delay.
- (f) ~~Unacceptable materials shall be stored and properly disposed of by the person responsible for their generation or accumulation.~~
- (g) ~~Hazardous wastes shall be stored and properly disposed of by the person responsible for their generation or accumulation.~~

**Sec. 38-60. Hours when ~~garbage, etc.,~~ waste may be placed out for collection.**

It shall be unlawful within the town for any person to place any ~~solid~~ waste or recyclable materials adjacent to the public road used for access to the property any earlier than 6:00 p.m. on the day before the scheduled ~~solid waste~~ collection day applicable to such person's property. It shall be unlawful within the town for any person to fail to remove from the public roadway used for access to the property or adjacent to such public roadway any container within 24 hours of the day following the scheduled ~~solid waste or recyclable materials~~ collection day applicable to such person's property. All ~~solid~~ waste and recyclable materials must be placed out for pick up no later than 7:00 a.m. on the day of the collection service.

**Sec. 38-61. Construction and demolition debris (C & D).**

~~Collection of construction and demolition debris may be made part of the town's exclusive franchise agreements for solid waste collection.~~

~~Construction and demolition debris originating prior to, during, or subsequent to the construction of new buildings, alterations or additions to existing buildings of whatsoever type or from demolition of existing structures will not be collected under the town's residential service. Removal of these construction and demolition debris is the responsibility of the building contractor or installer.~~

~~Construction and demolition debris resulting from minor homeowner repairs (residential do-it-yourself projects) which meet the requirements for trash collection must be bundled, bagged or boxed and will be collected at curbside. Discarded lumber pieces must be no longer than four feet without nails. Larger materials may be picked up by special request at an additional charge from the contractor.~~

(a) Except as provided in subsection 38-61(b), C & D shall be removed by the contractor or installer performing the construction or demolition activities or by the town's C & D franchisee in accordance with the C & D franchise agreement.

(b) Construction and demolition debris resulting from minor homeowner repairs (residential do-it-yourself projects) must be bundled, bagged or boxed and will be collected at curbside as part of residential solid waste service. To qualify for such curbside pickup, lumber pieces must be no longer than four feet and without nails.

**Sec. 38-62. Registration of recovered material dealers.**

- (a) A recovered materials dealer or pyrolysis facility must register with the town before engaging in business within the jurisdiction of the ~~local government~~ town. Such registration process is limited to requiring the dealer or pyrolysis facility to:
- (1) Register its name, including the owner or operator of the dealer or pyrolysis facility, and, if the dealer or pyrolysis facility is a business entity, its general or limited partners, its corporate officers and directors;
  - (2) Its permanent place of business;
  - (3) Evidence of its certification under F.S. § 403.7046, and;
  - (4) A certification that the recovered materials or post-use polymers will be processed at a recovered materials processing facility or pyrolysis facility satisfying the requirements of F.S. § 403.7046.
- (b) The town shall charge the dealer or pyrolysis facility a registration fee commensurate with and no greater than the cost incurred by the local government in operating its registration program, as established by resolution by the town council. Registration program costs are limited to those costs associated with the activities described in this article.
- (c) The town's reporting or registration process with regard to recovered materials or post-use polymers is governed by F.S. § 403.7046 and rules of the Florida department of environmental protection or any successor agency performing a like function, adopted pursuant to F.S. § 403.7046.
- (d) The town may temporarily or permanently revoke the authority of a recovered materials dealer to do business within the town. If the town believes that the recovered materials dealer finds the recovered materials dealer has consistently and repeatedly violated state or local laws, rules, regulations, and the town's ordinances, it shall notice the recovered materials dealer of the charges and schedule a hearing before the town's special magistrate using the notice and hearing process of F.S. ch. 162.

**Sec. 38-63. Recycling program.**

- (a) ~~Residential collection~~ Collection.

- (1) *Paper goods*. Paper goods placed out for collection as recyclable materials shall be segregated from all other solid waste material by all residential units not using containerized refuse service. It shall be in a container provided by the town's contractors and placed out for collection in recycling car or container according to a scheduled day established by the town along with all other solid waste or next to the container or garbage can used by such solid waste customers. Recyclable materials shall not be placed in plastic bags, and adequate precaution shall be made to prevent newspapers from being scattered by the elements.

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- (2) *Clear glass and aluminum cans.* All clear glass and aluminum cans placed out for collection as recyclable materials shall be segregated from all other waste placed in the container provided for by the contractor of the town and placed out for collection in a recycling cart or container according to a scheduled day established by the town along with all other solid waste or next to the container or garbage can used by solid waste customers. No other waste besides clear glass and aluminum cans shall be placed in the container that is provided for by the town.
- (3) Recyclable materials will be collected by the town's franchisee in accordance with the franchise agreement for recycling collection services.
- (b) *Unauthorized collection.* It shall be a violation of this section for any person not authorized by the town to collect or remove any recyclable materials as provided for above which has been specifically placed for collection in any recycling container in any residential area of the town.

**Sec. 38-64. Vegetative waste; community piles.**

- (a) *Standard Residential Collection.* Vegetative waste shall be collected from residential areas subscribers as set forth in the franchise agreement between the town and its contractor franchisee for residential solid waste collection service and as approved by the contract administrator. Vegetative waste shall be placed in the swale or adjacent to the pavement or travel way of the road. No more than six cubic yards of vegetative waste shall be placed out for pickup at a time. All items other than palm fronds, tree branches and Christmas trees such as grass clippings, leaves, pine needles, and similar small loose items must be bagged or containerized with each filled container weighing less than 50 pounds. Vegetative waste, except palm fronds, must be no more than six feet in length and no single item shall weigh more than 50 pounds, and shall be placed neatly at the edge of the road. Natural Christmas trees will be collected as vegetative waste and any section must not be more than eight feet in length or 50 pounds in weight.

~~In the event of a dispute between the contractor and a customer as to what constitutes vegetative waste, the situation will be reviewed and decided by the town manager, whose decision shall be final.~~

- (b) *Community Piles.* The town may provide for the establishment of one or more community piles that may be used by more than one property owner for residential vegetative waste as approved by the town. Vegetative waste shall be collected from community piles as a separate service and in accordance with the franchise agreement between the town and its franchisee for collection from community pile sites.
- (b c) *Commercial Collection.* Vegetative waste shall be collected from commercial subscribers as set forth in the franchise agreement between the town and its franchisee for commercial solid waste collection service.
- ~~(b) Vegetative waste may not be placed adjacent to the pavement or travel way of the road at time periods or at locations outside of those allowed by this article. In the event this occurs, the town's contractor may collect the vegetative waste and charge a fee as set forth in the franchise agreement with the contractor if requested by the customer.~~



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**Sec. 38-65. Bulk ~~trash~~ waste.**

- (a) It shall be unlawful for any person to leave outside any building in a place accessible to children any appliance, refrigerator or container with any doors, lids or closures of any type in place. This prohibition shall not apply to any appliance, refrigerator or container at a commercial establishment which has been placed on or adjacent to the rear of the building and is crated, strapped or locked to an extent that it is impossible for a child to obtain access to any compartment thereof.
- (b) ~~If bulk trash is placed adjacent to the pavement or travel way of the street/alley at time periods or at locations outside of those allowed by this article, the town's contractor may collect the bulk trash and charge a fee as set forth in the franchise agreement with the contractor if requested by the customer.~~ Bulk waste shall be collected in accordance with the franchise agreement between the town and its franchisee for residential or commercial solid waste collection service, as applicable.

**Sec. 38-66. ~~Interim rates for new structures.~~ Reserved.**

~~The town shall have the ability to charge property owners, who receive a certificate of occupancy after the solid waste collection services non ad valorem assessment roll has been provided to the tax collector, on a pro-rata basis, as part of the fee for the granting of the certificate of occupancy or final permit.~~

**Sec. 38-67. ~~Community piles.~~ Reserved.**

~~The town may provide for the establishment of vegetative piles that may be used by more than one property owner for residential vegetative waste as approved by the town and its contractor.~~

**Sec. 38-68. Livestock waste.**

- (a) Livestock waste will be collected as a separate service by the town's livestock waste franchisee in accordance with the livestock waste franchise agreement.
- (b) No other waste shall be placed or stored in the livestock waste collection container. Any waste, other than livestock waste, placed or stored in the livestock waste collection container must be removed by the property owner, lessee, or other legal occupant of the property prior to collection of the livestock waste by the franchisee. The franchisee will not collect a livestock waste collection container that contains other waste.

**Sec. 38-69. Special waste.**

Special waste that is not collected by the town or its franchisee(s) shall be properly stored and disposed of by the person responsible for its generation or accumulation or by subscription to special services.

**Section 5. Conflict.** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be, and the same are hereby repealed to the extent of such conflict.

**Section 6. Severability.** If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

**Section 7. Codification.** It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Loxahatchee Groves, Florida, that the Sections of this ordinance may be renumbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

**Section 8. Effective Date.** This Ordinance shall become effective immediately upon its passage and adoption.

[Remainder of the page intentionally blank.]

Council Member \_\_\_\_\_ offered the foregoing ordinance. Council Member \_\_\_\_\_ seconded the motion, and upon being put to a vote, the vote was as follows:

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS \_\_ DAY OF \_\_\_\_\_, 2025.**

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ANITA KANE, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LISA EL-RAMEY, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PAUL COLEMAN II, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Council Member \_\_\_\_\_ offered the foregoing ordinance. Council Member \_\_\_\_\_ seconded the motion, and upon being put to a vote, the vote was as follows:

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.**

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ANITA KANE, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LISA EL-RAMEY, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PAUL COLEMAN II, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**ATTEST:**

**TOWN OF LOXAHATCHEE GROVES,  
FLORIDA**

\_\_\_\_\_  
Valerie Oakes, Town Clerk

\_\_\_\_\_  
Mayor Anita Kane, Seat 3

**APPROVED AS TO LEGAL FORM:**

\_\_\_\_\_  
Vice Mayor Margaret Herzog, Seat 5

\_\_\_\_\_  
Office of the Town Attorney

\_\_\_\_\_  
Councilmember Phillis Maniglia, Seat 1

\_\_\_\_\_  
Councilmember Lisa El-Ramey, Seat 2

\_\_\_\_\_  
Councilmember Paul Coleman II, Seat 4