

1st Reading September 13, 2021

2nd Reading October 11, 2021

ORDINANCE 2021-07

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ESTABLISHING MINIMUM REQUIREMENTS FOR SOLID WASTE AND RECYCLABLE RECEPTACLE COLLECTION AND STORAGE AREAS, WHICH SHALL BECOME PART OF THE CODE OF ORDINANCES ENTITLED "SOLID WASTE AND RECYCLABLE RECEPTACLES, COLLECTION, AND STORAGE AREAS"; PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Westlake believes regulations governing solid waste and recyclable receptacle, collection, and storage and will promote public health, safety and welfare; and

WHEREAS, on January 8, 2018, the City Council of the City of Westlake enacted Ordinance 2017-7 "Solid Waste Collection" to provide for a mandatory solid waste collection program, and that the City would provide for the collection of solid waste, bulk waste, vegetative waste and recyclable materials from all residential dwelling units in the City; and,

WHEREAS, Ordinance 2017-7 "Solid Waste Collection", was amended by Ordinance 2021-02 on July 12, 2021, to include definitions and other matters that provide for the intent of the City to enter into a services contract for solid waste and recycling services, as well as the levy of a special assessment to collect the costs of providing such services;

WHEREAS, the City Council of Westlake deems it in the best interest of the City to amend its existing code of ordinances by adding new provisions for minimum requirements regarding solid waste and recyclable receptacle collection and storage areas; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are confirmed, adopted and incorporated herein and made a part hereof by this reference.

Section 2. Code Reference. The City Council hereby adds to the Code of Ordinances for the City of Westlake by incorporating provisions entitled "Solid Waste and Recyclable Receptacle, Collection, and Storage Areas Minimum Requirements," as specifically set forth herein.

CODING: Words in ~~strike-through~~ type are deletions from existing law;
Words in underlined type are additions.

Solid Waste and Recyclable Receptacles, Collection, and Storage Areas

MINIMUM REQUIREMENTS

Section 1: Collection and Storage Areas:

1. Applicability. Temporary dumpsters, such as those that are placed on job sites during construction activity, are not subject to the provisions of this Chapter. These provisions shall not apply to litter containers provided for the convenience of pedestrians.
2. Single Family Dwelling Units. For single-family dwelling units, accessory dwelling units, and mobile homes, all solid waste and recyclable receptacles, used for the storage and disposal of trash, garbage or recyclables, shall be stored in a location screened from public rights-of-way and from public streets and shall not be placed or stored beyond the front plane of the residential primary structure except put out to the curb for collection. Receptacles may not be put out for collection sooner the night before collection day.
3. All Other Collection and Storage Areas. For all uses except single family dwelling units, accessory dwelling units, and mobile homes, solid waste and recyclable material collection and storage areas (including dumpsters) shall be allowed on-site and are subject to the following standards:
 - (a) General standards. Collection and storage facilities shall be in accordance with any requirements of the City, the Solid Waste Authority, and the City's franchise solid waste and recycling service provider.
 - (b) Access. Access to collection and storage areas shall be designed to be reasonably accessible and require minimal turning and backing movements for sanitation pickup and removal vehicles.
 - (c) Location. All solid waste/recycling collection and storage areas shall be located on the property serviced. Multifamily recyclable material collection and storage areas shall be located within the building containing the multifamily dwelling units, within an accessory building such as a parking structure, or within or adjacent to the disposable material dumpster area used by the residents. Non-residential collection and storage areas shall be located on the same lot as the principal structure or main use. Collection and storage areas shall not be in any setback, or located within required parking spaces, nor shall they be located within the right-of-way of a street or alley.
 - (d) Maintenance. All collection and storage areas shall be maintained in good appearance, kept neat, clean, and free from debris, residue, and foul odor on a daily basis. SEE PROPERTY MAINTENANCE PROVISIONS Chapter 22 Property Maintenance.
 - (e) Setback. The minimum setback for recyclable material collection and storage areas that are located on the exterior of buildings shall be twenty-five (25) feet from the nearest residence and twenty-five (25) feet from the nearest entrance to a non-residential use.

Commented [KR1]: I took out "abutting properties" – don't we allow garbage cans to be stored on the side of houses?

Commented [KR2]: I removed the section on screening mechanical equipment, because the LDRS already requires:

-Screening on rooftops (see eg table 3-9 note 2) in Chapter 3
-Dumpsters and mechanical utilities screening – see section 4.14 in landscaping.

Commented [KR3]: Might there be times when we want them in an alley?

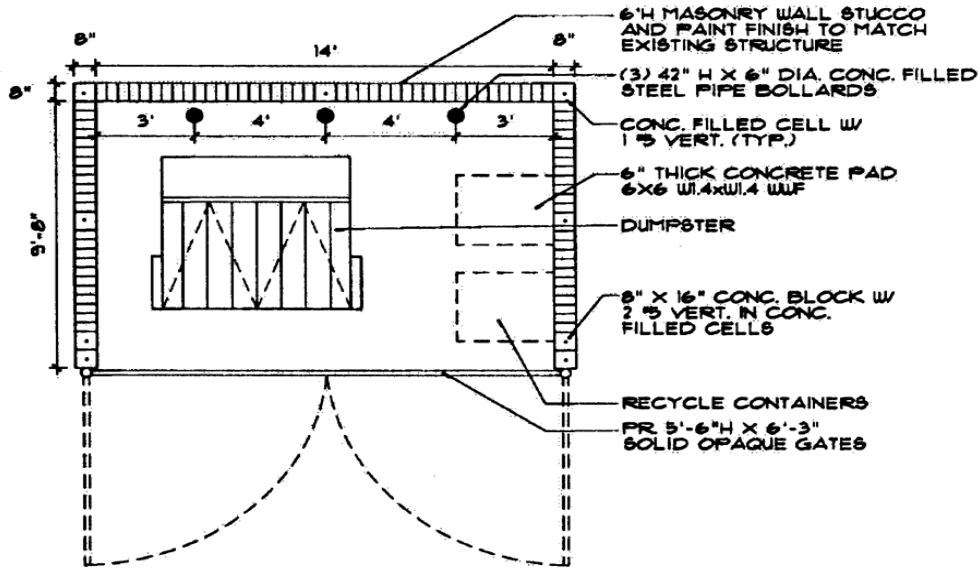
Commented [KR4]: I deleted the "review" section because Chapter 2 already contains those requirements for site plans.

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- (f) **Screening.** Screening shall be as required in Chapter 4 – Landscape and Buffer Code of these Land Development Regulations. The City Manager may grant exceptions to these requirements for ninety-gallon or smaller recycling containers.
- (g) **Security.** Doors on solid waste and recyclable material collection and storage areas must be kept closed at all times except when the area is being serviced. The doors must be kept in good repair.
- (h) **Sizing.** The required collection and storage areas or structures shall be sized to properly handle the volume of materials anticipated to be generated by all users of the storage area combined.
- (i) **Alternative compliance.** Applicants shall be entitled to demonstrate that collection and storage space needs can be effectively met through an alternative plan. An alternative plan shall be consistent with the requirements of the Solid Waste Authority of Palm Beach County (SWA), and, if approved by the City, shall be substituted for standards of this section.
- (j) **Retrofitting of existing non-residential developments.** The retrofitting of existing non-residential developments to comply with the standards of this section is permitted at a ratio of one parking space for each recycling material storage and collection area, not to exceed ten (10) percent of the total parking spaces.
- (k) **Dumpster Enclosure Dimensions.** All dumpsters must be located or installed on a hard impermeable surface of adequate size to fully accommodate the dumpster, as indicated in the typical layout provided as Figure A. All enclosures shall be permitted and meet the appropriate building code requirements.

Figure A: TYPICAL Dimensional Specifications

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3. Compactors. Multi-family and non-residential developments may utilize compactors as a substitute for dumpsters or curbside pickup to dispose of non-recyclable material. Screening shall be as required in Chapter 4 – Landscape and Buffer Code of these Land Development Regulations.

4. Curbside pickup. The City Manager or his or her designee, may approve, during the development review process, curbside pickup in lieu of dumpsters or compactors for individually owned multi-family developments and small non-residential developments provided that such developments:

- a. utilize permitted receptacles;
- b. do not generate more solid waste than is allowed per collection service agreement requirements; and
- c. do not generate more than 90 gallons of solid waste per week or per scheduled pick up day.

SECTION 3. Codification. It is the intention of the City Council of the City of Westlake that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Westlake, Florida, and 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.

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SECTION 4. Conflicts. All ordinances or parts of ordinances, resolutions or parts of resolutions which are in conflict herewith, are hereby repealed to the extent of such conflict.

SECTION 5. Severability. Should the provisions of this ordinance be declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall remain notwithstanding the invalidity of any part.

SECTION 6. Effective Date. This ordinance shall be effective upon adoption on second reading.

PASSED this ____ day of _____, 2021, on first reading.

PUBLISHED on this ____ day of _____, 2021 in the Palm Beach Post.

PASSED AND ADOPTED this ____ day of _____, 2021, on second reading.

City of Westlake
Roger Manning, Mayor

ATTEST:

Zoie Burgess, City Clerk

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

OFFICE OF THE CITY ATTORNEY

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