
1st Reading _____

2nd Reading _____

ORDINANCE 2026-03

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING CHAPTER 18 OF THE CITY OF WESTLAKE CODE OF ORDINANCES ENTITLED "SOLID WASTE" BY AMENDING SECTION 18-23 ENTITLED "DEFINITIONS", SECTION 18-49 ENTITLED "RESIDENTIAL SOLID WASTE SERVICES ASSESSMENTS AUTHORIZED", AND BY CREATING SECTION 18-67 ENTITLED "MULTIFAMILY DEVELOPMENTS" TO PROVIDE FOR THE ELECTION OF RESIDENTIAL OR COMMERCIAL SOLID WASTE COLLECTION SERVICE FOR MULTIFAMILY DEVELOPMENTS, ESTABLISHING MINIMUM SERVICE REQUIREMENTS, PROVIDING FOR APPLICABILITY OF THE RESIDENTIAL SOLID WASTE SPECIAL ASSESSMENT, PROVIDING FOR COMPLIANCE AND ENFORCEMENT STANDARDS, AND PROVIDING FOR SERVICE ELECTION PROCEDURES; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Westlake deems it in the best interests of the residents of the City of Westlake to amend Chapter 18 of the City of Westlake Code of Ordinances entitled "Solid Waste" to establish procedures and standards for multifamily developments to elect either residential or commercial solid waste collection service; and

WHEREAS, the City Council of the City of Westlake finds and determines that providing clear standards for multifamily solid waste collection services will promote efficient solid waste management, ensure compliance with the City's franchise agreements, protect the public health, safety, and welfare, and provide flexibility for multifamily developments while maintaining the integrity of the City's solid waste program.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA THAT:

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

SECTION 2. The City Council hereby amends Section 18-23 entitled "Definitions" to read as follows:

Commercial Solid Waste shall include any garbage, bulk trash, trash or vegetative waste that is not residential solid waste or is not collected from dwelling units excluded from the definition of Residential Solid Waste Collection Services. Substantial effort shall be ~~make~~ made not to commingle garbage, trash or bulk trash with vegetative waste.

Commercial Solid Waste Collection Service includes any garbage, bulk trash, trash or vegetative waste that is not residential solid waste, and any solid waste collection for dwelling units in Multifamily Developments that elect to receive commercial solid waste collection service under Sec. 18-67 of the City Code, which are excluded from the definition of Residential Solid Waste Collection Services. Substantial effort shall be ~~make~~ made not to commingle garbage, trash or bulk trash with vegetative waste.

Residential Recycling Collection Service shall mean curbside residential recycling collection services and containerized residential recycling collection service, but shall not include collection from dwelling units excluded from the definition of Residential Solid Waste Collection Services.

Residential Solid Waste shall mean garbage, trash and bulk trash resulting from the normal housekeeping activities of a dwelling unit, but shall not include vegetative waste. Residential solid waste shall also mean construction and demolition debris (C&D) resulting from minor home repair from the dwelling unit. Residential Solid Waste shall exclude garbage, trash and bulk trash resulting from the normal housekeeping activities of dwelling units excluded from the definition of Residential Solid Waste Collection Services

Residential Solid Waste Collection Services shall mean curbside residential solid waste collection service and/or containerized residential solid waste collection service provided by the City for residential properties with dwelling units for which the City has issued certificates of occupancy, except for dwelling units in Multifamily Developments that elect to receive commercial solid waste collection service under Sec. 18-67 of the City Code.

Residential Solid Waste Services Special Assessment means a special assessment imposed by the City upon residential properties within the City, except for dwelling units in Multifamily Developments that elect to receive commercial solid waste collection service under Sec. 18-67 of the City Code, for which a certificate of occupancy has been issued by the City to fund, collectively, the City's provision of Residential Solid Waste Services to such properties, including Disposal Costs; provided that the Residential Solid Waste Collection Special Assessment may not include the Disposal Costs of such collected solid waste if the cost of disposal of such solid waste is separately imposed upon such assessed unit by the authority.

SECTION 3. The City Council hereby amends Section 18-49 entitled "Residential Solid Waste Services Assessments authorized" to read as follows:

Sec. 18-49. RESIDENTIAL SOLID WASTE SERVICES ASSESSMENTS AUTHORIZED. The City Council is hereby authorized to impose Residential Solid Waste Services Special Assessments against Residential property receiving Residential Solid Waste Services located within the City for which

certificates of occupancy have been issued by the City. The Residential Solid Waste Services Cost may be assessed against such Residential properties within the City at a rate of assessment based upon the special benefit accruing to such property from the Residential Solid Waste Services provided by the City.

SECTION 4. The City Council hereby amends Chapter 18 entitled “Solid Waste” of the City of Westlake Code of Ordinances by creating Section 18-67 entitled “Multifamily Developments” to read as follows:

Sec. 18-67. Multifamily Developments.

(a) Election of Service Type.

Multifamily developments consisting of more than four (4) dwelling units may elect to receive either residential solid waste collection service or commercial solid waste collection service provided by the City’s franchised contractor.

1. Such election shall be made at the time of site plan approval. Any multifamily development electing to receive commercial solid waste collection service shall enter into a written agreement with the City’s franchised contractor, consistent with the applicable franchise agreement.
2. A multifamily development may request to change its election of service type after site plan approval, subject to approval by the City Manager or designee. Such approval shall be based on a determination that:
 - The proposed service meets or exceeds the minimum service standards set forth in this Chapter;
 - The service is consistent with the City’s solid waste franchise agreement; and
 - The change will not adversely impact the City’s solid waste program, operations, or revenue structure.

(b) Minimum Service Requirements.

Any multifamily development electing to receive commercial solid waste collection service shall provide, at a minimum:

- Solid waste collection not less than twice per week; and
- Recycling collection not less than once per week;

or such greater level of service as may be required by the City’s franchise agreement or applicable regulations. All collection services shall be provided in a manner sufficient to prevent health hazards, nuisance conditions, or overflow of waste.

(c) Special Assessment Applicability.

Multifamily developments receiving commercial solid waste collection service in accordance with this section shall not be included on the residential solid waste services special assessment roll for the period in which such commercial service is continuously maintained in compliance with this section, as verified by the City.

If commercial solid waste service is discontinued, reduced below required service levels, or otherwise found to be noncompliant, the property shall be immediately subject to residential solid

waste collection service and shall be reinstated to the residential solid waste services special assessment roll, effective as determined by the City.

(d) Ongoing Compliance and Verification.

All multifamily developments electing commercial solid waste collection service shall:

1. Maintain continuous compliance with the requirements of this section and all applicable agreements;
2. Provide documentation, upon request by the City, demonstrating compliance with required service levels; and
3. Permit reasonable inspection or verification by the City or its designee.

Failure to maintain compliance with this section shall constitute a violation of this Code and may result in enforcement action, including but not limited to reclassification to residential service and imposition of applicable assessments.

(e) Effective Date of Service Election.

Any election or change in service type shall become effective at the start of a fiscal year, unless otherwise approved by the City, with any necessary prorations or administrative adjustments applied as determined by the City.

SECTION 5. Codification. It is the intention of the City Council that the provisions of this Ordinance shall be codified within the Code of Ordinances of the City of Westlake. Sections may be renumbered, re-lettered, and terminology may be adjusted to achieve proper codification.

SECTION 6. 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 7. 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 8. Effective Date. This ordinance shall be effective upon adoption on second reading.

PASSED this ____ day of _____, 2026, on first reading.

PASSED AND ADOPTED this ____ day of _____, 2026, on second reading.

City of Westlake

JohnPaul O'Connor, Mayor

G. Langowski _____
G. Werner _____
E. Gleason _____
C. Leonard _____
J.P. O'Connor _____

ATTEST:

Zoie P. Burgess, CMC, City Clerk

APPROVED AS TO LEGAL FORM:

CITY ATTORNEY
