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ORDINANCE NO. O-2021-XXX

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AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OAKLAND FLORIDA, AMENDING CHAPTER 13 ENTITLED “SOLID WASTE”; BY SPECIFICALLY AMENDING SECTION 13-10 ENTITLED “MANDATORY RESIDENTIAL SOLID WASTE COLLECTION SERVICE, FEES AND DEPOSITS THEREFOR”, SECTION 13-11 ENTITLED “MANDATORY COMMERCIAL SOLID WASTE COLLECTION SERVICE, FEES AND DEPOSITS THEREFOR”, AND SECTION 13-11.5 ENTITLED “SOLID WASTE COLLECTION SERVICE, ESTABLISHMENT AND DISCONTINUANCE OF SERVICE, INVOICING, AND DELINQUENCY” TO PROVIDE FOR AN INCREASE IN SOLID WASTE SERVICE RATES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Oakland Park has determined that it is in the best interests of the City’s residents and business owners located in the City to increase certain solid waste service rates.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA, THAT:

SECTION 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. That Chapter 13 entitled “Solid Waste” of the Code of Ordinances of the City of Oakland Park is hereby amended as follows:

Sec. 13-10. - Mandatory residential solid waste collection service, fees and deposits therefor.

- (a) Collection of garbage shall be made by the public works department not less than two (2) times per week at residential dwelling units.
- (b) Basic residential service will be one (1) cart per residential dwelling unit with a pick-up by the city not exceeding the contents of the cart. However, a customer may also request one (1) additional cart per unit for an additional monthly fee. All carts remain the property of the city.
- (c) There is no administrative fee in conjunction with residential solid waste collection service.

- 1
2 (d) Mandatory residential service fees and deposits are established per residential
3 dwelling unit, including single family residences, duplexes, triplexes and
4 quadplexes as follows:
5
6 (1) Basic cart service fee per unit is by annual assessment in accordance with
7 Chapter 20, Article IV, Solid Waste Services Assessments.
8
9 (2) Additional second cart service fee per unit per month shall be ~~nine dollars~~
10 ~~and seventy nine cents (\$9.79)~~ ten dollars and sixty three cents (\$10.63)
11 effective October 1, 202021
12
13 (3) Deposit per cart—(second cart service only):
14 i. Property owner account \$17.00
15 ii. Tenant account \$34.00
16
17 (e) In the event the city experiences increased solid waste disposal costs, it shall
18 increase cart fees in the following manner:
19
20 (1) When tipping fee rates increase, cart fees will be adjusted by the financial
21 services department, when necessary, to cover the increase by
22 applying a pass-through adjustment cost that covers the additional cost to
23 the solid waste system.
24
25 (f) Notwithstanding the provisions set forth herein, where applicable, the city shall
26 impose solid waste service assessment in accordance with Article IV, section
27 20-151 through section 20-203 of the Code of Ordinances as may be amended
28 from time to time.
29

30 **Section 13-11. Mandatory commercial solid waste collection service, fees and**
31 **deposits therefore.**
32

- 33 (a) Each owner of a commercial establishment located in the city shall subscribe to a
34 scheduled solid waste collection service provided or permitted by the city.
35
36 (b) For purposes of this chapter, each multi-family residential structure having more
37 than four (4) dwelling units and each warehouse, storefront, bay, or office,
38 shall be considered a commercial establishment. It will be permissible to share
39 dumpster service under one of the following conditions subject to the written
40 approval of the director:
41
42 (1) The owner of a building may allow commercial establishments within the
43 building to share a dumpster.

- 1
- 2 (2) The owner of multiple buildings lying within a single property may allow
- 3 the sharing of a dumpster among the occupants of those buildings.
- 4 (3) The owner of a commercial establishment may allow other businesses in
- 5 the same building to share a dumpster.
- 6
- 7 (c) Basic commercial cart service provided by the city shall be a pickup of one (1)
- 8 cart per dwelling unit, warehouse, storefront, bay or office twice per week.
- 9
- 10 (1) All carts shall be supplied by the public works department and shall
- 11 remain the property of the city.
- 12
- 13 (2) A customer may request one (1) additional cart per unit.
- 14
- 15 (3) It shall be unlawful for any person other than the customer, or the customer's
- 16 agents, to deposit solid waste in the customer's cart unless designated for
- 17 public use.
- 18
- 19 (d) Dumpster service provided by the city will be one (1) or more dumpsters per
- 20 account picked up on a regular schedule of one (1) to five (5) times per week.
- 21
- 22 (1) All dumpsters shall be supplied by the public works department and shall
- 23 remain the property of the city.
- 24 (2) Garbage (putrescible waste) generated by commercial establishments shall
- 25 be picked up at a minimum of twice per week.
- 26
- 27 (3) It shall be unlawful for any person other than the customer, or the customer's
- 28 agents, to deposit solid waste in the customer's dumpster unless designated
- 29 for public use.
- 30
- 31 (e) An administrative fee of twenty dollars (\$20.00) shall be charged to open a
- 32 commercial cart service account if water service is not also provided. If the
- 33 account is opened in conjunction with a water service account, an
- 34 administrative fee of fifty dollars (\$50.00) covering both services, shall be
- 35 charged. An administrative fee of fifty dollars (\$50.00) per dumpster shall be
- 36 charged to open up a new dumpster service account if water service is not also
- 37 provided. If the account is opened in conjunction with water service, an
- 38 administrative fee of twenty dollars (\$20.00) plus fifty dollars (\$50.00) per
- 39 dumpster, covering both services, shall be charged.
- 40
- 41 (f) *Commercial cart service fees and deposits.* Each commercial establishment
- 42 and each dwelling unit within multi-family buildings with more than four
- 43 dwelling units shall be charged as a unit.

- 1
2 (1) Basic cart service fee per unit, per month shall be ~~twenty nine dollars and~~
3 ~~thirty five cents (\$29.35)~~ thirty dollars and eighty-two cents (\$30.82)
4 effective October 1, 202021.
5 (2) Additional second cart service and recycling fee per unit, per month shall
6 be ~~nineteen dollars and sixteen cents (\$19.16)~~ twenty dollars and twelve cents
7 (\$20.12) effective October 1, 202021.
8
9 (3) Deposit per cart:
10
11 a. Property owner account \$ 60.00
12 b. Tenant account \$200.00
13

14 (g) *Commercial dumpster service fees and deposits.*
15

- 16 (1) The service fee for dumpster accounts is based on a volume and frequency
17 system using a per-cubic-yard rate to determine the monthly dumpster
18 service fee by utilizing the following formula:
19
20 a. (Size of dumpster x frequency of collection) x 4.33 weeks = Total cubic
21 yards per month x per-cubic-yard rate = Monthly dumpster service fee.
22
23 i. The per-cubic-yard rate of ~~seven dollars and forty cents (\$7.40)~~
24 seven dollars and seventy seven cents (\$7.77) shall be effective
25 October 1, 202021.
26
27 (2) If by customer request, or if needed to effect collection, dumpsters are
28 required to have casters installed; the customer shall be charged a one-time
29 fee of eighty dollars (\$80.00) per dumpster.
30
31 (3) If a dumpster must be manually moved by public works personnel to
32 allow for collection from the dumpster, there shall be a recurring roll-out
33 fee of ~~fourteen dollars and ninety eight cents (\$14.98)~~ fifteen dollars and
34 seventy three cents (\$15.73) effective October 1, 202021 per dumpster, per
35 service event.
36
37 (4) Deposits per dumpster:
38
39 a. Deposit requirement:

Service Events per Week	Dumpster Size - Cubic Yards	Owner	Tenant
1 - 2	2 -- 4	\$270	\$540
3 - 5	2 -- 4	540	1,080
1 - 2	6 -- 8	450	900
3 - 5	6 -- 8	900	1,800

- (h) For commercial cart service, in the event the city experiences increased solid waste disposal costs, it will seek to offset those increases in those circumstances, and using those procedures, as described in subsection 13-10(e) for residential cart fees. For dumpsters, the per-cubic-yard service fee will be increased to reflect the new increased solid waste disposal tipping fee.

Section 13-11.5. Solid waste collection service, establishment and discontinuance of service, invoicing and delinquency.

- (d) Bills are due when rendered and shall be considered as received by the customer when delivered or mailed to the service address or such other address as provided in writing by customer. Non-receipt of bills by customer shall not release or diminish obligation of customer with respect to payment thereof, unless bills have been returned to the city for incorrect addresses. Each invoice shall become delinquent if not paid within twenty-five (25) days after the invoice date. All fees, excluding penalties, that remain unpaid at the end of twenty-five (25) days from the invoice date shall be subject to a penalty of one and one-half (1.50) percent on the outstanding balance or ten dollars (\$10.00), whichever is greater. If any invoice is not paid within forty (40) days after the invoice date and if the account also receives water service from the city, the furnishing of water to the account shall be suspended. If the account does not receive water service from the city, the furnishing of solid waste service to the account shall be suspended. When an account remains in arrears ninety (90) days after the invoice date, the account shall be closed and the existing deposit applied to the arrears. Any account holder whose account becomes delinquent shall be subject to all laws, federal, state and local, allowing for the collection of the full amount of the delinquent account plus all costs and fees associated with the city's collection efforts. However, nothing contained herein shall limit the city's authority to approve "payment plans" for the extended payment of solid waste charges, so long as such extended terms are both reasonable and appropriate, in the sole discretion of the city, and are based upon customer hardship.

1 **SECTION 3.** If any clause, section or other part of this Ordinance shall be held by
2 any Court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional
3 or invalid part shall be considered as eliminated and in no way affecting the validity of the
4 other provisions of this Ordinance.

5
6 **SECTION 4.** All Ordinances or parts of Ordinances in conflict herewith are
7 hereby repealed to the extent of such conflicts.

8
9 **SECTION 5.** It is the intention of the City Commission of the City of Oakland
10 Park, that the provisions of this Ordinance shall become and be made a part of the Code of
11 Ordinances of the City of Oakland Park, Florida, and the Sections of this ordinance may be
12 renumbered, re- lettered and the word "Ordinance" may be changed to "Section," "Article,"
13 or such other word or phrase in order to accomplish such intention.

14
15 **SECTION 6.** This Ordinance shall be effective upon its passage and adoption by
16 the City Commission of the City of Oakland Park.

17
18 **PASSED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK,**
19 **FLORIDA, ON FIRST READING, THIS 8th DAY OF SEPTEMBER, 2021.**

20
21
22 **CITY OF OAKLAND PARK, FLORIDA**

23
24
25 _____
26 MAYOR JANE BOLIN

27
28
29 M. CARN _____
30 M. SPARKS _____
31 M. ROSENWALD _____
32 A. GORDON _____
33 J. BOLIN _____
34

1
2 **PASSED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK,**
3 **FLORIDA, ON SECOND READING, THIS ____ DAY OF SEPTEMBER, 2021.**
4

5
6 **CITY OF OAKLAND PARK, FLORIDA**
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8
9
10 _____
11 MAYOR JANE BOLIN
12

13 M. CARN _____
14 M. SPARKS _____
15 M. ROSENWALD _____
16 A. GORDON _____
17 J. BOLIN _____
18

19
20
21 **ATTEST:**
22

23
24 _____
25 RENEE M. SHROUT, CMC
26 CITY CLERK
27

28
29 **LEGAL NOTE:**
30

31 I hereby certify that I have approved the form of this Ordinance. (O-2021-XXX)
32
33
34

35 _____
36 DONALD J. DOODY, CITY ATTORNEY