

## **CHAPTER 75. SOLID WASTE CODE<sup>1</sup>**

### **ARTICLE I. GENERALLY**

#### **Sec. 75.100. 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:

*Assessed property* means all parcels of land included on the assessment roll that receive a special benefit from the provision of solid waste collection and disposal services identified in the initial assessment resolution.

*Assessment roll* means a non-ad-valorem assessment roll relating to solid waste costs, approved by a final assessment resolution pursuant to Section 75.405, Alachua County Code.

*Beverage provider* means a person or entity that provides beverages directly to the consumer, regardless of whether such beverage is provided free of charge or sold, or whether consumption occurs on- or off-premises, or whether the beverage is provided from a building, pushcart, stand, or vehicle. Beverage providers include, but are not limited to, bars, restaurants, cafes, sidewalk cafes, delicatessens, coffee shops, grocery stores, markets, supermarkets, drug stores, pharmacies, bakeries, caterers, gas stations, vending or food trucks or carts and cafeterias.

*Biomedical waste* means any solid waste or liquid waste which may present a threat of infection to humans. The term includes, but is not limited to, nonliquid human tissue and body parts; laboratory and veterinary wastes which contain human disease-causing agents; discarded disposable sharps; human blood, and human blood products and body fluids; and other materials which, in the opinion of the department of health and rehabilitative services, represent a significant risk of infection to persons outside the generating facility. The term does not include human remains that are disposed of by persons licensed under F.S. Ch. 470.

*Board* means the Board of County Commissioners of Alachua County, Florida.

*Building* means any structure, whether temporary or permanent, built for the support, shelter or enclosure of persons, chattel or property of any kind. This term shall include mobile homes or any vehicles serving in any way the function of a building.

---

<sup>1</sup>Editor's note(s)—Ord. No. 93-19, adopted June 8, 1993, amended Ch. 75, solid waste generally, in its entirety, in effect repealing former §§ 75.01—75.08 and enacting new provisions as set out herein. Formerly, Ch. 75 derived from Ord. No. 84-2, §§ 1—8, adopted May 22, 1984; Ord. No. 84-7, § 16, adopted Aug. 16, 1984; Ord. No. 86-4, § 1, adopted Jan. 14, 1986; Ord. No. 89-18, § 1, adopted Sept. 12, 1989; and Ord. No. 91-9, § 1, adopted Apr. 23, 1991. See the Code Comparative Table following this Code for the specific disposition of the sections of Ord. No. 93-19.

Cross reference(s)—Department of public works, § 21.60; utilities, tit. 4; local pollution control program, Ch. 73; nuisances, Ch. 74; littering, § 74.16 et seq.; accumulation of junk, § 74.19 et seq.; lot clearing, § 74.23 et seq.; contractors, Ch. 101; hazardous waste, Ch. 353; development regulations pertaining to water and sewers, Ch. 363; excavation and filling activities, § 393.13.

*Bulk items* means those items that may require special handling and management, including, but not limited to: white goods, materials not exceeding two cubic yards resulting from an improvement to the internal portion of a home; and any and all household goods and furniture. Bulk items must be usual to housekeeping and must be generated by the customer at the dwelling unit where the bulk item is collected. Bulk items do not include items herein defined as exempt waste.

*Certificate of occupancy* means the written certification issued by the county or any municipality within the county that a building is ready for occupancy for its intended use. A set-up or tie-down permit issued for a mobile home shall be considered a certificate of occupancy for the purposes of this Chapter.

*Certified recycler* means a "certified recovered materials dealer" as defined in F.S. § 403.7046.

*Clerk* means the clerk of the circuit court, ex officio clerk of the board of county commissioners, Alachua County, Florida.

*Commercial collection service* means the collection and transportation of recyclable material, yard trash, and/or solid waste from commercial property or residential properties not included in the Universal Area by ~~the owner or any other person~~ a contractor or permit holder to a solid waste management facility.

*Commercially collected residential property* means residential property that has been reclassified as commercial property pursuant to section 75.408 of the Alachua County Code.

*Commercially-generated waste* means rubbish, yard trash or bulk items, or any combination thereof, generated by builders, building contractors, privately-employed tree trimmers, loggers and tree surgeons, landscape services and lawn or yard maintenance services and nurseries, which shall not be collected as residential solid waste.

*Commercial property* means all improved property other than residential property and governmental property.

*Condominium* means a building or portion thereof containing one or more dwelling units in which each unit is designed for residential occupancy by one household only and which is owned pursuant to the provisions of F.S. ch. 718 or its successor in function.

*Construction and demolition debris* ~~means~~ shall have the meaning provided in F.S. § 403.703(6). In general, construction and demolition debris includes "materials generally considered to be not water soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project, and including rocks, soils, tree remains, trees, and other vegetative matter which normally results from land clearing or land development operations for a construction project, including such debris from construction of structures at a site remote from the construction or demolition project site. Mixing of construction and demolition debris with other types of solid waste, including material from a construction or demolition site which is not from the actual construction or destruction of a structure, will cause it to be classified as other than construction and demolition debris."

*Container* means any detachable container designed or intended to be mechanically or otherwise dumped into a loader/packer-type truck used by a permit holder or contractor.

*Contractor* means a person authorized by contract with the board to provide residential collection service, commercial collection service, or both, in the unincorporated area of the county.

*County* means Alachua County, Florida.

*County manager* means the County Manager of Alachua County or the designee of such person.

*Curbside/roadside* means the physical location, as determined by the county manager, for the placement of refuse accumulations intended for residential service collection and disposal. This designated location shall be as near as possible to the edge of the traveled streets or alleys.

*Department* means the Solid Waste and Resource Recovery Department of Alachua County.

Formatted: Font: Not Italic

*Designated municipality* means a municipality whose governing board has adopted an ordinance agreeing to be included within the solid waste unit.

*Designated recyclable materials* means glass and plastic bottles and jars, no larger than two (2) gallons in size; yogurt cups; margarine tubs; aluminum and metal cans, including empty aerosol cans; newspapers; magazines; catalogs; telephone books; corrugated cardboard; pasteboard; brown paper bags; junk mail; and office paper.

*Director* means the director of the ~~Division of Waste Management of the Public Works~~ Department of Alachua County, or the designee of such person.

*Division of waste management* means the division of waste management within the Public Works Department of Alachua County.

*Dwelling unit* means a building, or a portion thereof, which is lawfully used for residential purposes, consisting of one or more rooms arranged, designed, used, or intended to be used as living quarters for one household only.

*Exempt waste* means, singularly or in combination, biohazardous, biomedical or biological waste, commercially-generated waste, tires, construction and demolition debris, land clearing debris, hazardous waste, sludge, automobiles, automobile parts, boats, boat parts, boat trailers, internal combustion engines, lead-acid batteries, used oil, yard trash units which weigh more than 40 pounds, and residential or commercial solid waste for which there is no legally permitted disposal, processing, transfer or storage facility within Alachua County.

*Explosion* means the sudden conversion of potential energy (chemical or mechanical) into kinetic energy with the production and release of gases under pressure, or the release of gas under pressure. These high pressure gases then do mechanical work such as moving, changing, or shattering nearby materials.

*Explosive* means any chemical compound, mixture, or device the primary purpose of which is to function by explosion.

*Final assessment resolution* means the resolution described in section 75.405 hereof, which shall confirm or deny the initial assessment resolution and which shall be the final proceeding for the imposition of a solid waste assessment.

*Fiscal year* means that period beginning October 1 of each year and ending on September 30 of the subsequent year.

*Flammable* means capable of burning with a flame.

*Garbage* means all kitchen and table food waste, and animal or vegetative waste that is attendant with or results from the storage, preparation, cooking, or handling of food materials.

*Government property* means property owned by the United States of America or any agency thereof, a sovereign state or nation, the State of Florida or any agency thereof, a special district or a municipal corporation.

*Hazardous material* means any substance or material which has been determined by the Secretary of the United States Department of Transportation to be capable of imposing an unreasonable risk to health, safety and property. This term includes hazardous waste ~~as defined in F.S. § 403.703(23).~~

*Hazardous waste* ~~means~~ shall have the meaning provided in F.S. § 403.703(14), which states: "solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or otherwise managed.

---

*Improved property* means all property within the county on which sits a building or other improvement, including, but not limited to, facilities providing retail electrical service to such property, which improvement results in such property generating solid waste or being capable of generating solid waste.

*Income exemption standard* means the adjusted cumulative gross income standard for all lawful occupants of residential property as adopted by the board by resolution.

*Industrial property* means a non-residential parcel that has been assigned by the Property Appraiser to a property use code of 4000, 4100 or 4200 of the codes established by the Florida Department of Revenue in Rule 12 D-8.008, Florida Administrative Code.

*Initial assessment resolution* means the resolution described in section 75.401 hereof, which shall be the initial proceeding for the imposition of a solid waste assessment.

*Institutional property* means a dwelling unit owned by any state, county or municipal housing authority, or the federal government or an agency thereof, which is exempt from the payment of ad valorem taxes.

*Materials recovery facility* means a solid waste management facility that provides for the extraction from solid waste of recyclable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

*Multifamily dwelling unit* means any building or structure containing two or more dwelling units held under common ownership.

*Municipality* means any of the municipalities within the county, including the City of Alachua, the City of Archer, the City of Gainesville, the City of Hawthorne, the City of High Springs, the City of La Crosse, the Town of Micanopy, the City of Newberry and the City of Waldo.

*Non-ad valorem assessment* means only those assessments which are not based upon millage and which can become a lien against a homestead as permitted in Article X, § 4, State of Florida Constitution.

*Non-universal area* means the portion of the unincorporated area of the county ~~as designated by the board by resolution pursuant to section 75.300 hereof~~ that is not included in the universal area.

*Notice of proposed property taxes* means the notice of proposed ad valorem taxes prepared by the Alachua County Property Appraiser as required by F.S. § 200.069.

*Permit holder* means a person authorized by the board to provide commercial collection service in the unincorporated area.

*Person* means any and all persons, natural or artificial, including any individual, firm, or association; any municipal or private corporation organized or existing under the laws of Florida or any other state; any county of the state; and any governmental agency of the state or the federal government.

*Premises* means any structure or parcel of land where solid waste or recovered materials are created or accumulated.

*Property appraiser* means the property appraiser of Alachua County.

*Recovered materials* ~~means~~ shall have the meaning provided in F.S. § 403.703(28), which states: "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 solid waste stream for sale, use or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. Recovered materials as described above in this subsection [§ 403.703(28)] are not solid waste."

*Recovered materials processing facility* means a facility engaged solely in the storage, processing, resale, or reuse of recovered materials. Such a facility is not a solid waste management facility if it meets the conditions of § 403.7045(1)(e), Florida Statutes.

~~Recyclable material means those materials which are capable of being reclaimed and processed for reuse and which would otherwise be processed or disposed of as solid waste.~~

Recyclable materials means those ~~recovered materials, as defined in F.S. § 403.703(7), which~~ that are capable of being recycled and which would otherwise be processed or disposed of as ~~residential or commercial~~ solid waste.

Recycling means any process by which solid waste, or materials which would otherwise become solid waste, are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

Recycling container means a rigid container made of plastic or other suitable substance distributed by the county or contractor for the storage and accumulation of recyclable materials.

Refuse means both rubbish and garbage, or a combination or mixture of rubbish and garbage, including paper, glass, metal, textile materials and other discarded matter.

Residential collection service means the collection and transportation of recyclable material, yard trash, and other solid waste from residential property by a contractor to a solid waste management facility.

Residential property means all improved property which is used as single-family dwelling units and condominiums, and multifamily dwelling units consisting of less than ten units within the same building, unless such single-family dwelling unit, condominium or multifamily dwelling unit has been reclassified as commercial property pursuant to section 75.408. Residential property does not include institutional property.

Residential solid waste means any garbage, rubbish, yard trash or bulk item that is usual to housekeeping. Residential solid waste is solid waste generated by the customer at the dwelling unit at which the residential solid waste is collected and does not include items defined herein as commercially-generated waste or exempt waste.

Rubbish means waste material other than garbage, usually attendant to domestic households or housekeeping, and attendant to the operation of stores, offices, and other business places. Rubbish shall include, but is not limited to, paper, magazines, packaging, receptacles, textile materials, excelsior, bottles, cans, and ceramic material.

Rural collection center means a solid waste management facility designated by the director that accepts recyclable material, yard trash and other solid waste, ~~processes it~~ and transfers it for disposal at another solid waste management facility.

Sharps means those biomedical wastes which as a result of their physical characteristics are capable of puncturing, lacerating or otherwise breaking the skin when handled.

Single-family dwelling unit means a building or a portion thereof, designed for residential occupancy, which is arranged, designed or used as living quarters for one household only.

Single-use plastic straw means a disposable tube used for the purpose of consuming beverages and intended for one-time use, which is made predominantly of plastic derived from petroleum polymer or a biologically-based polymer.

Single-use plastic stirrer means a device that is used to mix beverages and intended for one-time use, and made predominantly of plastic derived from a petroleum polymer or a biologically based polymer.

Sludge includes 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 are not solid waste.

*Solid waste assessment* means a non-ad-valorem assessment lawfully imposed by the county against assessed property to provide solid waste management and the provision of collection and disposal services and facilities including the generation of revenue necessary to pay all or any portion of the solid waste cost.

*Solid waste assessment coordinator* means the person designated by the director to administer the solid waste assessment program.

*Solid waste cost* means (1) the amount necessary in any fiscal year to fund and provide solid waste management to assessed property in the county, which shall include recycling activities undertaken by the county or mandated by any other governmental entity, and the provision of collection and disposal services, programs and facilities; and (2) the estimated cost to be incurred during any fiscal year relating to the collection of the solid waste assessments, including any service charges of the tax collector and property appraiser and any amounts necessary to offset the maximum discounts available for early payment of non-ad-valorem assessments pursuant to applicable law. Solid waste costs include, but are not limited to, costs associated with monitoring closed landfills and the management of property intended for future solid waste facilities.

*Solid waste management facility* means any solid waste disposal area, volume reduction plant, transfer station, materials recovery facility, or other facility, the purpose of which is resource recovery or the disposal, recycling, processing, or storage of solid waste. The term does not include recovered materials processing facilities which meet the requirements of F.S. § 403.7046(4), except the portion of such facilities, if any, that is used for the management of solid waste. ~~The term includes a materials recovery facility.~~

*Source separated* means the recovered materials 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 commercial collection container located where the materials are generated and such materials contain more than ten percent solid waste by volume or weight. For purposes of this subsection, the term "various types of recovered materials" means metals, paper, glass, plastic, textiles, and rubber.

*Special wastes* means 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.

*Tax collector* means the tax collector of the county.

*Tax roll* means the real property ad valorem tax assessment roll maintained by the property appraiser of the county for the purpose of the levy and collection of ad valorem taxes.

*Tenant* means any person entitled to occupy an improved property pursuant to a rental agreement or lease with the owner regardless of whether the agreement or lease is in writing.

*Uniform Assessment Collection Act* means F.S. §§ 197.3632 and 197.3635 or any successor statutes authorizing the collection of non-ad-valorem assessments on the same bill as ad valorem taxes.

*Universal area* means the portion of the unincorporated area of the county as designated by the board by resolution pursuant to section 75.300 hereof, where the County's contractor collects residential solid waste at curbside from all residential property that is subject to the solid waste assessment.

*White goods* includes inoperative and discarded refrigerators, ranges, water heaters, freezers, room air conditioners and other similar domestic and commercial large appliances.

---

*Yard trash* means vegetative matter resulting from landscaping maintenance and land-clearing operations, and includes, but is not limited to, materials such as tree and shrub trimmings, grass clippings, palm fronds, trees and tree stumps.

(Ord. No. 93-19, § 1.01, 6-8-93; Ord. No. 96-7, § 1, 4-23-96; Ord. No. 96-18, § 1, 8-13-96; Ord. No. 97-4, § 1, 5-13-97; Ord. No. 98-26, § 1, 7-28-98; Ord. No. 00-23, § 1, 12-12-00; Ord. No. 01-81, § 1, 7-24-01; Ord. No. 02-35, § 1, 12-10-02; Ord. No. 06-37, § 1, 12-12-06; Ord. No. 11-06, § 1, 8-23-11; Ord. No. 2020-04, § 1, 2-25-20)

Cross reference(s)—Definitions and rules of construction generally, § 10.02.

#### **Sec. 75.101. Findings.**

It is hereby ascertained, determined, and declared that:

- (1) Pursuant to article VIII, section 1 of the Florida Constitution, and F.S. §§ 125.01 and 125.66, the board has all powers of local self-government to perform county functions and to render services in a manner not inconsistent with general law and such power may be exercised by the enactment of county ordinances.
- (2) Pursuant to F.S. § 403.706(1), the county has the responsibility and authority to provide for the designation and operation of solid waste management facilities to meet the needs of all the incorporated and unincorporated areas within the county.
- (3) The regulation of the collection and disposal of solid waste generated within the county provides a public purpose and promotes the health, safety and welfare of the citizens of Alachua County.
- (4) The existence of any building or other improvement on assessed property results in such property generating solid waste or being capable of generating solid waste.
- (5) The imposition of an annual solid waste assessment is an equitable and efficient method of allocating and apportioning the solid waste cost among parcels of assessed property within the county.
- (6) The annual solid waste assessment to be imposed pursuant to this chapter will constitute a non-ad-valorem assessment within the meaning and intent of the Uniform Assessment Collection Act.
- (7) This chapter: (a) provides procedures and standards for the imposition of annual solid waste assessments under the general home rule powers of a county to impose special assessments; (b) authorizes a procedure for the funding of solid waste costs providing special benefits to property within the county; and (c) legislatively determines the special benefit provided to assessed property subject to the assessment.
- (8) Solid waste collection and disposal services, facilities, and programs furnished or made available by the county possess a logical relationship to the use and enjoyment of assessed property by providing: (a) the required use of solid waste collection and disposal services, facilities and programs by the owners and occupants of assessed property to properly, safely, and cost effectively dispose of solid waste generated on such property, (b) better service to owners and tenants, (c) the enhancement of environmentally responsible use and enjoyment of assessed property, and (d) the protection of property values and the health and safety of the owners and occupants of assessed property resulting from the delivery and availability of such services, facilities and programs.
- (9) The provision of comprehensive solid waste collection and disposal services and programs furnished by or through the county to assessed property enhances and strengthens the relationship of such services and programs to the use and enjoyment of assessed property within the county.

- (10) Diverting solid waste from disposal through recycling serves the ~~dual purposes of economic savings through a reduction in disposal costs and purpose of~~ protecting ~~gen~~ of the health, safety, welfare and environment of the county.
- (11) There exists a market ~~within the meaning of that term in section 403.706(21), Florida Statutes,~~ for the designated recyclable materials produced within the county.
- (12) ~~Pursuant to Section 403.706 (2), Florida Statutes, the~~ ~~c~~County adopts the recycling goals in F.S. § 403.706(2)(a). ~~following goals for recycling solid waste:~~
- ~~a. 40 percent by December 31, 2012;~~
  - ~~b. 50 percent by December 31, 2014;~~
  - ~~c. 60 percent by December 31, 2016;~~
  - ~~d. 70 percent by December 31, 2018; and~~
  - ~~e. 75 percent by December 31, 2020.~~

(Ord. No. 93-19, § 1.02, 6-8-93; Ord. No. 96-18, § 2, 8-13-96; Ord. No. 97-4, § 2, 5-13-97; Ord. No. 01-81, § 2, 7-24-01; Ord. No. 02-35, § 2, 12-10-02; Ord. No. 11-06, § 8-23-11)

## ARTICLE II. REGULATION OF DISPOSAL OF SOLID WASTE IN COUNTY

### Sec. 75.200. Reserved.

Editor's note(s)—Ord. No. 02-35, § 3, adopted Dec. 10, 2002, repealed former section 75.200 in its entirety which pertained to the mandatory disposal of solid waste and derived from Ord. No. 93-19, § 2.01, adopted June 8, 1993.

### Sec. 75.201. Places of disposal; prohibited acts.

- (a) In accordance with state, federal and local law, the director shall designate the type and quantity of solid waste that may be disposed of at each solid waste management facility. No person shall dispose of solid waste generated in the county or transported into the county except at the solid waste management facility designated to accept such solid waste.
- (b) No person shall cast, place, sweep, or deposit anywhere within the county any solid waste in such a manner that the same may be carried or deposited by the elements upon any sidewalk, alley, street, or other public place or public rights-of-way; provided, however, this subsection shall not prohibit the placement of clean fill upon private land if in compliance with all federal, state and local regulations.
- (c) No person shall allow any solid waste that has scattered from the solid waste receptacle of such person's dwelling unit to remain at or near curbside/roadside, or fail to remove from any public place or public rights of way any solid waste that has scattered from the solid waste receptacle of such person's dwelling unit.
- (d) No person shall throw, place, or deposit, or cause to be thrown, placed, or deposited, any solid waste of any kind into or on any of the public rights-of-way, streets, roads, highways, bridges, alleys, lanes, thoroughfares, waters, canals, sink-holes, other geological formations, or vacant lots or lands, or upon the premises of any other person within the county.
- (e) Within the unincorporated area of the county, no person, other than an authorized contractor or permit holder, shall remove any solid waste or other materials from any recycling receptacle belonging to another which has been set out for collection by a person for the purpose of recycling.

Formatted: List 2



- 
- (f) No person shall deposit flammable liquids, explosives, hazardous material or hazardous waste in any solid waste receptacle.
  - (g) It shall be unlawful for any person to accumulate or permit to accumulate upon private property in the county any solid waste except in accordance with the provisions of this chapter.
  - (h) In accordance with 62-256.300, Florida Administrative Code, it shall be unlawful to burn solid waste in the unincorporated area of the county.
  - (i) No person shall accumulate or permit to accumulate upon any commercial property or commercially collected residential property any refuse not confined within an enclosed solid waste container. No person shall permit any solid waste that has scattered from a solid waste container to remain outside of said container. Provided, however, bulk items that are too large to be placed inside a solid waste container shall be collected and transported to a solid waste facility within seven days of placement.

(Ord. No. 93-19, § 2.02, 6-8-93; Ord. No. 96-7, §§ 2—4, 4-23-96; Ord. No. 98-26, §§ 2—4, 7-28-98; Ord. No. 00-23, § 4, 12-12-00)

#### **Sec. 75.202. Reserved.**

#### **Sec. 75.203. Traffic control and admittance at solid waste management facilities.**

The ~~public works~~ Department shall promulgate reasonable rules and regulations for traffic control at, and admittance to, ~~the County's Solid Waste Management Facilities~~.

(Ord. No. 93-19, § 2.04, 6-8-93)

#### **Sec. 75.204. Disposal of yard trash.**

No person shall place or cause to be placed yard trash in a container, bag or other receptacle intended for the collection and disposal of other solid waste or in a location intended for the collection and disposal of other solid waste.

(Ord. No. 93-19, § 2.05, 6-8-93)

#### **Sec. 75.205. Disposal of construction and demolition debris.**

No person shall place or cause to be placed construction and demolition debris in a location that is not authorized by the board to accept construction and demolition debris or in a container, bag or other receptacle intended for the collection and disposal of other solid waste. Any container, bag, or other receptacle used for the collection, transport, or disposal of construction and demolition debris must be capable of safely and securely containing such debris.

(Ord. No. 93-19, § 2.06, 6-8-93)

#### **Sec. 75.206. Unlawful use of receptacles.**

- (a) No person shall place or cause to be placed solid waste in a container, bag, ~~recycling container~~ or other receptacle not owned by such person or designated for such person's use by a permit holder, a contractor, or an authorized user of such receptacle.

(b) No person shall place or cause to be placed recyclable material in a recycling container, bag, or other receptacle not owned by such person or designated for such person's use by a permit holder, a contractor, or an authorized user of such receptacle.

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.33" + Indent at: 0.58"

(Ord. No. 93-19, § 2.07, 6-8-93; Ord. No. 98-26, § 5, 7-28-98)

#### **Sec. 75.207. Fees for use of solid waste management facilities—Establishment.**

The board shall establish by resolution the fees to be charged for solid waste disposal at solid waste management facilities.

(Ord. No. 93-19, § 2.08, 6-8-93)

#### **Sec. 75.208. Same—Waiver.**

Persons using a solid waste facility shall pay the proper fee as set by the board; provided, however, that the director, at his discretion, may allow persons to deposit clean fill material and good road-building materials at a solid waste management facility without payment of a fee. All materials received under this provision shall be deposited at the direction of the director. The director shall have the authority to discontinue acceptance of clean fill and good road-building material as provided herein, at any time that conditions at a solid waste management facility warrant discontinuance.

(Ord. No. 93-19, § 2.09, 6-8-93)

#### **Sec. 75.209. Same—Payment accounts generally.**

- (a) Users of the county's solid waste management facilities who conduct business in the county may establish payment accounts for paying fees. To establish a payment account, the user shall make application to the director and receive approval of the clerk through the finance and accounting department, which department shall review the application and establish a payment account, provided the applicant meets the financial criteria set forth herein. In establishing an account, the user shall agree to pay all fees and charges incurred within 30 calendar days from the date of issuance of the invoice. Day one of the 30 calendar day period is the first county workday after the date of the issuance invoice. If calendar day 30 is not a county workday, payment is due the next county workday. The finance and accounting department shall send each user an invoice for the preceding month's tipping fees. The finance and accounting department shall send out the invoice on the first county workday of the month or as soon thereafter as practical by the 10th of the month. The user shall post and maintain a security deposit as follows:
- (1) Those account customers who pay \$20,000.00 or less annually in tipping fees shall post and maintain a cash security deposit in the amount of \$250.00 or an amount equal to three months' estimated billing charges, whichever amount is greater. The three months' estimated billing amount shall be based on the user's past hauling records or projected loads as determined by the director.
  - (2) Those account customers who pay more than \$20,000.00 annually in tipping fees shall post and maintain a security deposit in an amount equal to two and one half month's estimated billing charges based on the user's past hauling records or projected loads as determined by the director.
  - (3) For those account customers who pay more than \$20,000.00 annually in tipping fees, the required security deposit shall be made with the clerk either by:
    - a. Cash deposit at no interest;
    - b. Irrevocable bank letter of credit;

Created: 2023-01-23 15:24:17 [EST]

(Supp. No. 57)

- 
- c. Guaranteed payment bond; or
  - d. Collateralization of bank certificate of deposit.
- (b) In the event the fees and charges are not paid within the prescribed time, the user's security deposit shall be debited for the amount of such charges.
- (1) For cash security deposits, the finance and accounting department shall apply the appropriate amount of the security deposit to the unpaid fees and charges and will notify the user of such action.
  - (2) For other than cash security deposits, the finance and accounting department shall take appropriate action to apply the required security deposit to the unpaid fees and charges and will notify the user of such action.
  - (3) Once the user's security deposit has been debited or applied, the user shall thereafter pay by cash, money order, cashiers check or credit card prior to making disposals at the solid waste management facility until the user credits or restores the security deposit to the minimum amount required.

(Ord. No. 93-19, § 2.10, 6-8-93; Ord. No. 98-26, § 6, 7-28-98; Ord. No. 00-23, § 3, 12-12-00)

#### **Sec. 75.210. Same—Payment accounts for governmental agencies.**

Payment accounts may be authorized for municipal, county, state, and federal agencies without posting a security deposit set forth in section 75.209, Alachua County Code.

(Ord. No. 93-19, § 2.11, 6-8-93)

#### **Sec. 75.211. Prohibition on single-use plastic straws and single-use plastic stirrers.**

- (a) Beverage providers shall not sell, use, offer for sale or use, or provide to any person a single-use plastic straw or single-use plastic stirrer.
- (1) Exceptions: Although the discontinuation of the use of single-use plastic straws and single-use plastic stirrers is strongly encouraged, this section shall not apply to the sale or use of single-use plastic straws or single-use plastic stirrers as follows:
- a. Pre-packaged beverages with a single-use plastic straw or single-use plastic stirrer that are prepared and packaged outside of unincorporated Alachua County and are not altered, packaged or repackaged within unincorporated Alachua County.
  - b. Boxes of pre-packaged single-use plastic straws or single-use plastic stirrers that are offered for retail sale to a consumer for personal use, that are prepared and packaged outside unincorporated Alachua County and are not altered, packaged or repackaged within unincorporated Alachua County.
  - c. By medical or dental facilities.
  - d. By hospitals.
  - e. By nursing homes or assisted living facilities.
  - f. For any person with a disability that requires or relies on same to consume beverages and/or food supplements.

( Ord. No. 2020-04 , § 2, 2-25-20)

PART II - ADMINISTRATIVE CODE  
Title 7 - HEALTH AND SAFETY  
CHAPTER 75. - SOLID WASTE CODE  
ARTICLE III. SOLID WASTE COLLECTION AND RECYCLING

**ARTICLE III. SOLID WASTE COLLECTION AND RECYCLING<sup>2</sup>**

**Sec. 75.300. Area included.**

This article shall apply to the unincorporated area of the county. By resolution, the board may divide residential properties into two areas: the universal area and the non-universal area.

(Ord. No. 93-19, § 3.01, 6-8-93; Ord. No. 97-4, § 3, 5-13-97; Ord. No. 11-06, § 3, 8-23-11)

**Sec. 75.301. Collection service for residential or institutional property.**

- (a) *Residential property owners within universal area.* For residential property owners within the universal area, the county shall provide or make available residential collection service, the cost of which shall be included within the solid waste assessment for residential property within the universal area.
- (1) An owner of residential property in the universal area shall provide for the disposal of solid waste generated on such property at a solid waste management facility either by using the residential collection service provided to such property by the contractor or by other lawful means.
  - (2) No residential property owner in the universal area who uses the residential collection service provided by a contractor shall use a receptacle for solid waste disposal other than a receptacle provided by such contractor. The residential property owner shall select a receptacle that is adequate in size to contain all solid waste that is normally generated on such property. The residential property owner shall dispose of solid waste that exceeds the capacity of the receptacle in the manner prescribed in the manual, "Let's Talk Trash," promulgated by the ~~division of waste management~~Department. The residential property owner or tenant shall pay an additional fee for the collection and disposal of the excess solid waste. Such fee shall be established by the board by resolution. In the event that the county determines that the receptacle selected by the property owner is not adequate in size to contain all solid waste that is normally generated on such property, the county may replace the receptacle with the next larger size and assess the property owner for the larger receptacle and any related expenses incurred by the County for delivering the larger receptacle.
  - (3) Waste material that is placed in a receptacle for collection by a contractor must be secured by the resident to ensure that the waste will not be scattered by the elements prior to, or during, collection. The resident shall not overfill, and shall close the lid on, any such receptacle.
  - (4) An owner of residential property in the universal area shall provide for the disposal of yard trash consisting of vegetative matter exceeding contractor specifications at a solid waste disposal facility either by entering into an agreement with a contractor or by other lawful means.
  - (5) The County may require the owner of residential property in the universal area to remove any solid waste, yard waste, or bulk items that the owner or the owner's agent placed at the curbside or roadside in violation of the requirements in this Chapter 75. The County may remove such materials if the owner fails to remove them within 7 days after receiving written notice of non-compliance from

<sup>2</sup>Cross reference(s)—Concurrency, ch. 365.

the County. The owner shall pay, and the County shall recover, all expenses incurred by the County for the removal and disposal of such material.

- (b) *Residential property in non-universal area.* For residential property within the non-universal area, the county (1) shall provide or make available residential collection service, the cost of which shall be billed and collected by the contractor, and (2) shall provide rural collection centers. The cost of providing rural collection centers to residential property in the non-universal area may be included within the solid waste assessment for such property. An owner of residential property in the non-universal area shall provide for the disposal of solid waste generated on such property at a solid waste management facility either by entering into an agreement with a contractor, by depositing it into a rural collection center, or by other lawful means. The owner of such property shall place their garbage, refuse, and similar wastes in a bag, receptacle, or other container and otherwise ensure that the waste materials are not scattered by the elements prior to, or during, collection by a contractor, depositing it into a rural collection center, or by other lawful means of disposal.
- (c) *Institutional property.* An owner of institutional property shall provide for the disposal of solid waste generated on such property at a solid waste disposal facility, either by entering into an agreement with a contractor or by other lawful means.
- (d) *Placement of receptacles.* No earlier than 5:00 p.m. on the day preceding the scheduled collection day, an owner or occupant of residential property in the universal area or in the non-universal area shall place such solid waste receptacles and recycling containers at the curbside/roadside, but shall not place the receptacles or containers where they obstruct a road, alley, thoroughfare, bike lane, or sidewalk, unless prior written approval is provided by the Department on the road or street. No later than 9:00 p.m. of the day of collection, the owner or occupant of residential property in the universal area or in the non-universal area shall remove the solid waste receptacles and recycling containers and shall place them at least 15 feet away from the curbside/roadside or out of the public right-of-way, whichever is a greater distance from the edge of the road.
- (e) *Bulk items.* No earlier than 24 hours preceding the scheduled collection day, an owner or occupant of residential property in the universal area shall place bulk items at the curbside/roadside in a manner that separates the bulk items from garbage and recyclable materials. Bulk items shall not be placed where they obstruct a road, alley, thoroughfare, bike lane, or sidewalk, unless prior written approval is provided by the Department.

(Ord. No. 93-19, § 3.02, 6-8-93; Ord. No. 96-7, § 5, 4-23-96; Ord. No. 98-26, §§ 7—9, 7-28-98; Ord. No. 00-23, § 4, 12-12-00; Ord. No. 11-06, § 3, 8-23-11)

#### **Sec. 75.302. Collection service and recycling requirements for commercial property and commercially collected residential property.**

For commercial property within the unincorporated area, the county shall make available commercial collection service, the cost of which shall be billed and collected by the contractor or permit holder.

- (a) An owner of commercial property shall provide for the disposal of solid waste and proper recycling of recyclable material generated on such property at a solid waste management facility either by entering into an agreement with a contractor or permit holder or by other lawful means. The owner and the tenant of commercial property shall provide for the "source-separation" of the designated recyclable materials from its solid waste. The owner and tenant of industrial property shall also provide for the source-separation of metals and packaging materials. The owner and the tenant of commercial property shall provide for the proper recycling of such recyclable material at a materials processing facility either by entering into an agreement with a permit holder or certified recycler, or by other lawful means. Every property owner shall ensure that all recovered materials shall be placed in a

recycling container and to minimize contaminating the recovered materials with solid waste so that no more than 25 percent of the weight or volume in the recycling container is solid waste.

- (b) Commercially collected residential property. The owner of all commercially collected residential property shall establish a recycling program that is convenient and accessible to the residents for recycling of designated recyclable materials. The owner shall provide recycling containers of at least 90 gallon capacity and shall provide a sufficient number of containers for capacity to equal or be greater than 90 gallons for each 20 dwelling units on the property. Any disagreements concerning the adequacy of the recycling program shall be resolved by the Department.
- (c) Location of containers. Every property owner shall keep all recycling containers in a safe, accessible location as agreed to by the permit holder and customer. Recycling containers on parcels consisting of multi-family dwelling units shall be placed adjacent to the commercial service container for the collection of solid waste, or at an alternate location approved by the county manager and shall be convenient to the residents' use thereof. In the event an appropriate location cannot be agreed upon, or is not convenient to residents' use, the county manager shall designate the location.
- (d) Maintenance of containers. If a contractor, permit holder, or certified recycler provides recycling containers to its customers, the contractor, permit holder, or certified recycler shall be responsible for the proper maintenance of the container. Customers who acquire their own containers from any other source are responsible for ensuring that the container can be serviced by the equipment used by the contractor, permit holder, or certified recycler ~~s equipment~~ and for the proper maintenance of the container, except that any damage done by the contractor, permit holder, or certified recycler shall be the responsibility of the contractor, permit holder, or certified recycler. Each recycling container shall prominently display a County approved message concerning the items that are accepted for recycling in such container.

(Ord. No. 93-19, § 3.03, 6-8-93; Ord. No. 01-81, § 3, 7-24-01; Ord. No. 02-35, § 5, 12-10-02; Ord. No. 06-37, § 2, 12-12-06; Ord. No. 11-06, § 5, 8-23-11)

#### **Sec. 75.303. Requirements for contractors and permit holders providing collection service.**

- (a) *Authorization.* A person who wishes to provide commercial collection service or residential collection services in the unincorporated area of the county shall first receive authorization from the board. A recovered materials dealer shall register with the county manager or designee prior to engaging in business in the county.
- (b) *Procedure.* The board shall by resolution adopt a procedure for the issuance of such authorization. In addition to, or in lieu of, the procedures established by resolution, the procedures may be established in a competitive procurement process published by the County. The Board's authorization may be granted following the successful completion of an application process, a competitive procurement process, or negotiations. A fee may be established by the board by resolution.
- (c) *Qualifications; standards.* The board shall by resolution establish qualifications and standards for contractors, and permit holders providing commercial collection service and contractors providing residential collection service. In addition to, or in lieu of, the qualifications and standards established by resolution, the qualifications and standards may be established in a competitive procurement process published by the County. At a minimum, the following qualifications and standards must be met:
  - (1) The contractor and permit holder must provide evidence that they, at their own expense, have obtained all permits and licenses required by law or ordinance and will maintain the same in full force and effect.

- 
- (2) The applicant shall maintain in full force and effect insurance as specified herein and shall furnish a comprehensive general liability policy to the county manager or designee and also file with the county manager or designee a certificate of insurance for all policies written in the applicant's name. The applicant shall carry in its own name a policy for commercial general liability. Coverage must be afforded under a per occurrence form policy for limits not less than \$1,000,000 general aggregate, \$1,000,000 products/completed operations aggregate, \$1,000,000 personal and advertising injury liability, \$1,000,000 each occurrence, \$50,000 fire damage liability and \$5,000 medical expense. The applicant must carry automobile liability and coverage must be afforded including coverage for all owned vehicles, hired and non-owned vehicles for bodily injury and property damage of not less than \$1,000,000 combined single limit each accident. The applicant shall carry workers' compensation insurance as required by the State of Florida.
  - (3) The contractor and permit holder must provide a list of vehicles by size and type that will be used to provide the services. The name and office telephone number of the contractor and permit holder shall be prominently displayed on all solid waste collection vehicles.
  - (4) The contractor and permit holder will sign a sworn affidavit that all solid waste shall be hauled to a solid waste management facility and disposed of at those sites at the expense of the contractor or permit holder. The affidavit shall also provide that commercial property's source separated recovered materials shall be kept separate from solid waste and shall be properly deposited at a recovered materials processing facility. Other recyclable materials not defined as "recovered materials" shall be properly deposited at an appropriate facility as approved by the county manager or designee.
  - (5) The contractor and permit holder will sign an affidavit agreeing not to litter or cause any spillage to occur upon the premises where the collection shall occur on the public right-of-way. During hauling, all solid waste shall be contained, tied, or enclosed so that leaking, spilling, or blowing is prevented. In the event of any spillage, the contractor or permit holder shall promptly clean up all spillage.
  - (6) The contractor and permit holder will agree that collection shall begin no earlier than 7:00 a.m. and shall cease at sunset with the exception of those areas where the county has agreed in writing to permit the contractor or permit holder to collect at an earlier or later time and which will not disturb any residential area. The county also reserves the right to further regulate these hours should it deem it to be in the public's interest. In the case of an emergency, the contractor and permit holder may receive prior approval from the county manager, to be later evidenced by a written memorandum confirming the approval, that collection may be permitted at a time not allowed by this paragraph. Should the contractor or permit holder not confirm and obtain in writing the approval to operate on an emergency basis, it shall be conclusively presumed that it had not obtained such an approval. No collection shall occur on ~~s~~undays or holidays except in time of an emergency or to maintain a regular schedule due to holidays.
  - (7) The contractor and permit holder will defend, indemnify, save harmless, and exempt the county, its officers, agents, servants, and employees from and against any and all suits, actions, legal proceedings, claims, demands, damages, costs, expenses, and attorneys' fees resulting from injury to persons or damage to property arising out of work done in performance of this chapter. The county reserves the right to retain counsel of its choice at its own expense or, in the alternative, approve counsel obtained by the contractor or permit holder.

(Ord. No. 93-19, § 3.04, 6-8-93; Ord. No. 01-81, §§ 4, 5, 7-24-01; Ord. No. 02-35, §§ 6, 7, 12-10-02; Ord. No. 04-16, § 2, 8-24-04)

---

**Sec. 75.304. Recycling program; title to solid waste and recyclable material; temporary use special event recycling.**

- (a) At a minimum; the county shall comply with the state goal for reducing the disposal of solid waste at solid waste management facilities through the establishment of a recycling program and through the encouragement of recycling by residential property, commercial property, government property and institutional property.
- (b) The county reserves the right at all times to hold title and ownership of all solid waste and recyclable material collected by a contractor.
- (c) Proof of participation in recycling program. The owner of commercial property or owner of a commercially collected residential property shall produce proof of a valid and current contract with a [contractor](#), permit holder, or certified recycler or receipts for delivery of recovered materials to an approved site, upon request of the County Manager.
- (d) An applicant to the department of growth management for a temporary use permit for a special event shall provide a plan for recycling of recyclable materials.

(Ord. No. 93-19, § 3.05, 6-8-93; Ord. No. 01-81, § 6, 7-24-01; Ord. No. 02-35, § 8, 12-10-02; Ord. No. 06-37, § 3, 12-12-06; Ord. No. 11-06, § 6, 8-23-11)

**Sec. 75.305. Requirement for state certification of recovered materials dealers.**

No person shall collect, transport, convey, or process recovered materials within the unincorporated area of the county without a certification from the Florida Department of Environmental Protection as a certified recovered materials dealer as provided in section 403.7046, Florida Statutes, unless such person is exempt from the state certification requirements.

(Ord. No. 02-35, § 9, 12-10-02)

**ARTICLE IV. SOLID WASTE ASSESSMENTS AND FEES<sup>3</sup>**

**Sec. 75.400. General authority; basis of assessments.**

- (a) Pursuant to F.S. § 125.01 and other applicable provisions of law, there is hereby created a municipal service benefit unit within the unincorporated area of the county and within the incorporated area of the designated municipalities, which shall be known as the solid waste unit. The board is hereby authorized to impose solid waste assessments against all assessed property within the solid waste unit at a rate of assessment based on the special benefit accruing to such property from the county's provision of solid waste management and disposal services. Solid waste assessments shall be imposed in conformity with the procedures set forth in this article IV.
- (b) The amount of the solid waste assessment imposed each fiscal year against each lot or parcel of assessed property shall be determined pursuant to an apportionment methodology based upon a classification of property designed to provide a fair and reasonable apportionment of the solid waste cost among properties on a basis reasonably related to the special benefit provided by solid waste facilities, services and programs

---

<sup>3</sup>Cross reference(s)—Revenue and finance generally, tit. 3; special acts pertaining to revenue and finance, tit. 23.



---

funded with assessment proceeds, provided, however, that the factor or combination of factors employed to compute the solid waste assessment shall result in a rate of assessment not in excess of the special benefit accruing to such lot or parcel of assessed property. Nothing contained in this section shall be construed to require the imposition of solid waste assessments against government property.

(Ord. No. 93-19, § 4.01, 6-8-93; Ord. No. 96-7, § 6, 4-23-96; Ord. No. 97-4, § 4, 5-13-97)

#### **Sec. 75.401. Initial proceedings.**

The initial proceedings for imposition of a solid waste assessment shall be as follows:

- (1) At a public hearing held prior to January 1, or, if the property appraiser and tax collector agree, by March 1, the board shall adopt a resolution of intent to use the Uniform Assessment Collection Act. Such resolution shall state the need for the levy and shall include a legal description of the real property subject to the levy. The solid waste assessment coordinator shall cause the publication of a notice of intent to use the Uniform Assessment Collection Act in a newspaper of general circulation within the county for four consecutive weeks preceding the public hearing. If the resolution is adopted, the solid waste assessment coordinator shall send a copy of it by United States mail to the property appraiser, the tax collector and the Florida Department of Revenue by January 10, or, if the property appraiser and tax collector agree, by March 10.
- (2) Subsequent to June 1, the board shall consider the passage of an initial assessment resolution (1) containing a brief and general description of the solid waste management and disposal facilities and services to be provided, (2) describing the method of apportioning the solid waste cost to compute the solid waste assessment for specific properties, (3) designating a rate of assessment and (4) directing the solid waste assessment coordinator to (i) prepare the initial solid waste assessment roll, as required by section 75.402 hereof, (ii) publish the notice required by section 75.403 hereof, and (iii) mail the notice required by section 75.404 hereof.

(Ord. No. 93-19, § 4.02, 6-8-93)

#### **Sec. 75.402. Solid waste assessment roll.**

- (a) The solid waste assessment coordinator shall prepare, or cause to be prepared, the initial solid waste assessment roll, which roll shall contain the following:
  - (1) A summary description of all assessed property in the county, conforming to the description contained on the tax roll.
  - (2) The name of the owner of record of each lot or parcel of assessed property as shown on the tax roll.
  - (3) The amount of the initial solid waste assessment to be imposed against each such lot or parcel of assessed property.
- (b) The initial solid waste assessment roll shall be retained by the solid waste assessment coordinator and shall be open to public inspection. The foregoing shall not be construed to require that the solid waste assessment roll be in printed form if the amount of the solid waste assessment for each parcel of assessed property can be determined by use of a computer terminal available to the public.

(Ord. No. 93-19, § 4.03, 6-8-93; Ord. No. 97-4, § 5, 5-13-97)

---

**Sec. 75.403. Notice by publication.**

The solid waste assessment coordinator, upon completion of the initial solid waste assessment roll, shall publish once in a newspaper of general circulation, published and circulating in the county, a notice stating that at a meeting of the board on a certain day and hour, not earlier than 20 calendar days from such publication, which meeting shall be a regular, adjourned or special meeting, the board will hear objections of all interested persons to the final assessment resolution which shall establish the rate of assessment and approve the aforementioned initial solid waste assessment roll. The published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Such notice shall include:

- (1) A geographic depiction of the property subject to the solid waste assessment;
- (2) A brief and general description of the solid waste management and disposal facilities and services to be provided;
- (3) The rate of assessment;
- (4) The procedure for objecting provided in section 74.405 hereof;
- (5) The method by which the solid waste assessments will be collected; and
- (6) A statement that the initial solid waste assessment roll is available for inspection at the county manager's office and all interested persons may ascertain the amount to be assessed against a lot or parcel of property at such office.

(Ord. No. 93-19, § 4.04, 6-8-93)

**Sec. 75.404. Notice by mail.**

- (a) In addition to the published notice required by section 75.403, the solid waste assessment coordinator shall provide notice by first class mail to each owner of assessed property proposed to be assessed. Such notice, which may be included on the notice of proposed property taxes, shall include:
  - (1) The purpose of the solid waste assessments;
  - (2) The total amount to be levied against each parcel of property;
  - (3) The unit of measurement applied to determine the solid waste assessment;
  - (4) The number of such units contained in each parcel of property;
  - (5) The total revenue to be collected by the county from the solid waste assessments;
  - (6) A statement that all affected owners have a right to appear at the hearing and to file written objections with the board within 20 days of the notice; and
  - (7) The date, time and place of the hearing.
- (b) For the first fiscal year in which a solid waste assessment is imposed against assessed property, and when the proposed rate of assessment exceeds the rate included in any notice previously provided pursuant to this section, and when the method of apportionment is changed from that represented by any notice previously provided by this section, the notice shall conform to the requirements set forth in the Uniform Assessment Collection Act and include a statement that failure to pay the solid waste assessment will cause a tax certificate to be issued against the property or foreclosure proceedings to be instituted, either of which may result in a loss of title to the property. Such notice may be included with the notice of proposed property taxes.

- 
- (c) Notice shall be mailed at least 20 calendar days prior to the hearing to each owner at such address as is shown on the tax roll. Notice shall be deemed mailed upon delivery thereof to the possession of the United States Postal Service. The solid waste assessment coordinator may provide proof of such notice by affidavit.

(Ord. No. 93-19, § 4.05, 6-8-93; Ord. No. 96-18, § 3, 8-13-96; Ord. No. 97-4, § 6, 5-13-97)

#### **Sec. 75.405. Adoption of final assessment resolution.**

At the time named in such notice, or to which an adjournment or continuance may be taken by the board, the board shall receive any written objections of interested persons and may then or at any subsequent meeting of the board adopt the final assessment resolution, which shall (a) repeal or confirm the initial assessment resolution with such amendments, if any, as may be deemed appropriate by the board; (b) establish the rate of assessment; and (c) approve the initial solid waste assessment roll, with such amendments as it deems just and right. The solid waste assessments so approved shall be in proportion to the special benefits. All objections to the final assessment resolution shall be made in writing, and filed with the solid waste assessment coordinator at or before the time or adjourned time of such hearing.

(Ord. No. 93-19, § 4.06, 6-8-93)

#### **Sec. 75.406. Effect of final assessment resolution.**

The solid waste assessments for the fiscal year shall be established upon adoption of the final assessment resolution. The adoption of the final assessment resolution shall be the final adjudication of the issues presented (including, but not limited to, the method of apportionment, the rate of assessment, the solid waste assessment roll and the levy and lien of the solid waste assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of board action on the final assessment resolution. The solid waste assessment roll, as approved by the final assessment resolution, shall be delivered to the tax collector as required by the Uniform Assessment Collection Act, or, if the alternative method described in section 75.415 hereof is used to collect the solid waste assessments, such other official as the board by resolution shall designate. If the solid waste assessment against any property shall be sustained or reduced or abated by the court, an adjustment shall be made on the solid waste assessment roll.

(Ord. No. 93-19, § 4.07, 6-8-93)

#### **Sec. 75.407. Lien for assessments.**

All solid waste assessments shall constitute a lien against such property equal in rank and dignity with the liens of all state, county, district or municipal taxes and special assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid.

(Ord. No. 93-19, § 4.08, 6-8-93)

#### **Sec. 75.408. Annual reclassification of property.**

- (a) On an annual basis by July 1, the owner may request the county to reclassify residential property in the universal area as commercial property if the owner has contracted for commercial collection service and for the collection of recyclable materials for the entire portion of the fiscal year during which such property is to be reclassified, provided that (1) the residential property consists of either a condominium complex or a subdivision or contiguous section of a subdivision containing multifamily dwelling units or a mobile home park; (2) or that such extraordinary circumstances exist that it would be unfair to require such residential

property to utilize residential collection service. To qualify for designation as commercially collected residential property, the property owner shall provide for the use of dumpster type container of a capacity of 2 cubic yards or more for the collection of solid waste. The owner shall file an application for reclassification under oath to the director of waste management on forms provided by the county which shall contain, at a minimum, the following:

- (1) The name and address of the owner;
- (2) If applicable, the address and legal description of each dwelling unit and total number of dwelling units within the residential property requesting reclassification as commercial property; and
- (3) Evidence of an agreement to provide commercial collection service for solid waste and designated recyclable materials to the property for the entire portion of the fiscal year during which such property is to be reclassified.

The director shall review the application and, if it meets the foregoing requirements, ~~shall~~may approve the request for reclassification as commercial property. A decision by the director to deny the reclassification shall be made in writing and shall include the reasons for denial.

- (b) If the solid waste assessment for a parcel of residential property reclassified as commercial property pursuant to subsection (a) has not been paid for the fiscal year during which such property has been reclassified, the solid waste assessment may be reduced by an amount equal to 1/12 of the solid waste assessment imposed in respect of such property for each full month during which the property was or will be provided with commercial collection service.
- (c) If the solid waste assessment for a parcel of residential property reclassified as commercial property pursuant to subsection (a) has been paid for the fiscal year during which such property has been reclassified and if proof of payment is provided to the director, the owner shall be entitled to a refund in an amount equal to 1/12 of the solid waste assessment imposed in respect of such property for each full month during which the property was or will be provided with commercial collection service. Refunds shall be made within 30 days of the date the application is made by the owner to the director. A written decision to deny a refund shall be made by the director within 30 days of the application date and shall include the reasons for the denial.
- (d) Any owner who is denied a request:
  - (1) To have his or her residential property reclassified as commercial property pursuant to subsection (a);
  - (2) To have his or her solid waste assessment reduced pursuant to subsection (b); or
  - (3) To receive a refund pursuant to subsection (c);

may request review of such denial pursuant to the process provided in section 75.418, Alachua County Code.

- (e) The board may, by resolution, adopt a fee schedule in order to defray the administrative costs of considering and processing applications made pursuant to this section.

(f) The County may revoke a reclassification of property if the reclassification results in a violation of Chapter 75 or if the property owner uses residential collection services after the reclassification is approved.

(Ord. No. 93-19, § 4.09, 6-8-93; Ord. No. 98-26, § 10, 7-28-98; Ord. No. 11-06, § 7, 8-23-11)

#### **Sec. 75.409. Hardship exemption for solid waste assessments for residential property.**

- (a) To qualify for a hardship exemption, the owner of residential property shall meet the following criteria:
  - (1) The owner shall occupy the residential property and be entitled to a homestead exemption pursuant to F.S. ch. 196;

Created: 2023-01-23 15:24:18 [EST]

(Supp. No. 57)

- 
- (2) For the 12 months immediately prior to the date the application for a hardship exemption is filed, the owner and all other occupants of the residential property on the date of such application shall have a combined income less than the income exemption standard for the number of occupants of the residential property or the owner is an eligible participant in the WAGES program, or a recipient of food stamps, or Supplemental Security Income, or be currently certified for any service offered by the office of social services, within the 12-month period preceding the adoption of the annual assessment resolution; and
- (3) The owner shall have the present intent to maintain the residential property as his/her permanent place of residence during the entire fiscal year for which the solid waste assessment to be imposed is exempted.
- (b) On an annual basis, an owner seeking the hardship exemption shall file an application with the director of the office of social services to obtain a hardship exemption for the next fiscal year. Such application shall contain, at a minimum, the following:
- (1) The name and address of the owner;
  - (2) The address and legal description of the residential property for which the exemption is sought;
  - (3) The names of all occupants of the property;
  - (4) Certification from the Florida Department of Children and Family Services, or such other satisfactory proof, indicating that the owner is an eligible participant in the WAGES program, or a recipient of food stamps or Supplemental Security Income, within the preceding 12 months, is currently certified to receive any social services offered by the office of social services, or that the owner and all other persons residing on such residential property have had a combined gross income which has been within the income exemption standards for the 12 months immediately prior to filing of the application; and
  - (5) An agreement by the owner to immediately notify the county if the owner vacates the property or if the property is sold or conveyed.
- (c) The director of the office of social services shall render his/her decision in writing with copies to the ~~Director of the office of waste management~~ and the tax collector. If the owner qualifies for a hardship exemption, the exemption shall be granted and the director of the office of social services shall so specify and direct the payment of such owner's solid waste assessment from funds appropriated by the board for such purpose. The owner may request review of the denial of a hardship exemption pursuant to the process provided in section 75.418, Alachua County Code.
- (d) The hardship exemption shall be for no more than one year. Each hardship exemption shall expire on September 30, only and The owner shall be required to file a new application to obtain a hardship exemption for each subsequent fiscal year.
- (e) An interim solid waste assessment shall be imposed against residential property that has received a hardship exemption in the event the owner during the fiscal year in which the hardship exemption was granted sells or conveys the residential property to a person not qualified for hardship exemption or permanently ceases to occupy the residential property. The interim solid waste assessment shall be calculated on a monthly rate which shall be 1/12 of the solid waste assessment imposed during such fiscal year. The interim solid waste assessment shall be equal to the product of multiplying the monthly rate by the number of full calendar months remaining in the fiscal year. Each interim solid waste assessment shall be deemed delinquent on the last day of the second full calendar month subsequent to the month of conveyance or vacation, or the last day of the fiscal year, whichever date occurs first, and shall constitute a lien on the affected property. The lien shall be equal in rank and dignity with the liens of all state, county, district or municipal taxes and special assessments, and superior in rank and dignity to all other liens, encumbrances, titles and claims in and to or against the affected real property.

- 
- (f) The county manager shall administer and provide for the collection of all interim solid waste assessments.  
(Ord. No. 93-19, § 4.10, 6-8-93; Ord. No. 97-4, § 7, 5-13-97)

**Sec. 75.410. Refunds for vacancy.**

- (a) Assessed property which for a period of three consecutive months has been vacant may apply for a refund of a portion of the solid waste assessment paid, provided that such property has generated no solid waste.
- (b) An owner who seeks a refund for assessed property which was vacant shall apply within three years following the end of the fiscal year for which the refund is sought ~~and pay an administrative fee as established by the board~~. Such application shall be filed by the owner with the director. The application shall contain, at a minimum, the following:
- (1) The name and address of the owner;
  - (2) The address and legal description of the property for which the refund is sought;
  - (3) Proof of payment of the solid waste assessment for the fiscal year in which the refund is sought;
  - (4) The period for which such property was vacant; and
  - (5) Documentation indicating that no electrical service was provided to such assessed property during the period of vacancy or, in the alternative, evidence satisfactory to the director that such property was vacant and verification that no solid waste was generated from such assessed property during the period of vacancy. Failure to file the application within the time permitted shall be deemed to be a waiver of the right to a refund.
- (c) The director shall review the application and refund to the owner 1/12 of the cost of the solid waste assessment for such assessed property, minus the cost of administration, for each full month during which the property was vacant.
- (d) An owner may request review of the denial of a refund or dispute the amount of the refund pursuant to the process provided in section 75.418, Alachua County Code.

(Ord. No. 93-19, § 4.11, 6-8-93; Ord. No. 97-4, § 8, 5-13-97)

**Sec. 75.411. Exemption for inaccessibility.**

- (a) Residential property in the mandatory area which is inaccessible to a contractor may apply for a partial exemption from the solid waste assessment. Such residential property may be subject to a special assessment, pursuant to section 75.400, based on the special benefit accruing to such property from the county's provision of solid waste management and disposal services.
- (b) On an annual basis, an owner seeking an exemption for inaccessibility shall file an application with the director ~~of the office of waste management~~ to obtain an inaccessibility exemption for the next fiscal year. The application shall contain, at a minimum, the following:
- (1) The name and address of the owner;
  - (2) The address and legal description of the residential property for which the exemption is sought; and
  - (3) Evidence that the property is inaccessible to a contractor.
- (c) The director ~~of the office of waste management~~ shall render his or her decision in writing with a copy to the tax collector.

- 
- (d) The owner may request review of the denial of an exemption for inaccessibility pursuant to the process provided in section 75.418, Alachua County Code.

(Ord. No. 93-19, § 4.12, 6-8-93)

#### **Sec. 75.412. Procedural irregularities.**

Any informality or irregularity in the proceedings in connection with the levy of any solid waste assessment under the provisions of this chapter shall not affect the validity of the same after the approval thereof, and any solid waste assessment as finally approved shall be competent and sufficient evidence that such solid waste assessment was duly levied, that the solid waste assessment was duly made and adopted, and that all other proceedings adequate to such solid waste assessment were duly had, taken and performed as required by this chapter; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby. Notwithstanding the provisions of this section, any party objecting to a solid waste assessment imposed pursuant to this chapter must file an objection with a court of competent jurisdiction within the time periods described herein.

(Ord. No. 93-19, § 4.13, 6-8-93)

#### **Sec. 75.413. Correction of errors and omissions.**

- (a) No act of error or omission on the part of the property appraiser, tax collector, solid waste assessment coordinator, board or their deputies or employees shall operate to release or discharge any obligation for payment of a solid waste assessment imposed by the board under the provisions of this chapter.
- (b) When it shall appear that any solid waste assessment should have been imposed under this chapter against a lot or parcel of property specially benefitted by the solid waste management and disposal facilities and services, but that such property was omitted from the solid waste assessment roll, the board may, upon provision of appropriate notice as set forth in this article IV, impose the applicable solid waste assessment for the fiscal year in which such error is discovered, in addition to the applicable solid waste assessment due for the prior two fiscal years. Such total solid waste assessments shall become delinquent if not fully paid upon the expiration of 90 days from the date of the adoption of such resolution. The solid waste assessment so imposed shall constitute a lien against such property equal in rank and dignity with the liens of all state, county, district or municipal taxes and special assessments, and superior in rank and dignity to all other liens, encumbrances, titles and claims in and to or against the real property involved and may be collected as provided in article IV hereof.
- (c) The solid waste assessment coordinator shall have the authority at any time, upon his or her own initiative or in response to a timely filed petition from the owner of any property subject to a solid waste assessment, to correct any error in applying the solid waste assessment apportionment method to any particular parcel of property not otherwise requiring the provision of notice pursuant to the Uniform Assessment Collection Act. Any such correction shall be considered valid ab initio and shall in no way affect the enforcement of the solid waste assessment imposed under the provisions of this chapter.
- (d) After the solid waste assessment roll has been delivered to the tax collector in accordance with the Uniform Assessment Collection Act, any changes, modifications or corrections thereto shall be made in accordance with the procedures applicable to errors and insolvencies.

(Ord. No. 93-19, § 4.14, 6-8-93)

---

**Sec. 75.414. Method of collection.**

The solid waste assessments shall be collected pursuant to the uniform method provided in the Uniform Assessment Collection Act. The board shall comply with all applicable provisions of the Uniform Assessment Collection Act. Any hearing or notice required by this chapter may be combined with any other hearing or notice required to collect the solid waste assessments on the same bill as ad valorem taxes. The county manager is authorized to act as the designee of the chair of the Board in taking any action authorized or required of the chair or his or her designee by the Uniform Assessment Collection Act.

(Ord. No. 93-19, § 4.15, 6-8-93; Ord. No. 06-37, § 4, 12-12-06)

**Sec. 75.4145. Revisions to solid waste assessments.**

If any solid waste assessment made under the provisions of this chapter is either in whole or in part annulled, vacated or set aside by the judgement of any court, or if the board is satisfied that any such solid waste assessment is so irregular or defective that the same cannot be enforced or collected, or if the board has omitted any property on the assessment roll which property should have been so included, the board may take all necessary steps to impose a new solid waste assessment against any property benefitted by the solid waste costs, following as nearly as may be practical, the provisions of this chapter and, in case such second solid waste assessment is annulled, vacated or set aside, the board may obtain and impose other solid waste assessments until a valid solid waste assessment is imposed.

(Ord. No. 97-4, § 9, 5-13-97)

**Sec. 75.415. Alternative method of collection.**

In lieu of utilizing the Uniform Assessment Collection Act, the county may elect to collect the solid waste assessments in accordance with this section 75.415.

- (1) Notice of the lien resulting from imposition of the solid waste assessment shall be recorded in the official records of the county.
- (2) The county shall have the right to appoint or retain an agent to foreclose and collect all delinquent solid waste assessments in the manner provided by law. A solid waste assessment shall become delinquent if it is not paid within 30 days from the date any installment is due. The county or its agent shall cause notice to be sent to any property owner who is delinquent in payment of his or her solid waste assessment installment within 60 days from the date such installment was due. Such notice shall state in effect that the county or its agent shall initiate a foreclosure action within 90 days of the date of the installment due date if it is not paid. Between the 75th and 90th day after the due date of the delinquent installment, the county or its agent may declare the entire unpaid balance of the delinquent solid waste assessment to be in default and cause such delinquent property to be foreclosed in the method now or hereafter provided by law for foreclosure of mortgages on real estate, or otherwise as provided by law. Commencing on the 90th day after the due date of the delinquent installment, the county or its agent shall declare the entire unpaid balance of the solid waste assessment to be in default and cause the delinquent property to be foreclosed as described above. Any board action required in the collection of solid waste assessments may be by resolution. All costs, fees and expenses, including reasonable attorney fees, related to any foreclosure action as described herein shall be included in any judgment or decree rendered therein. At the sale pursuant to decree in any such action, the county may be the purchaser to the same extent as an individual person or corporation.



- 
- (3) The county may join in one action the collection of solid waste assessments against any or all property assessed in accordance with the provisions hereof. All delinquent property owners whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the county and its agents, including reasonable attorney fees, on collection of such delinquent solid waste assessments and any other costs incurred by the county as a result of such delinquent solid waste assessments, including, but not limited to, costs paid for draws on a credit facility, and the same shall be collectible as a part of, or in addition to, the costs of the action.

(Ord. No. 93-19, § 4.16, 6-8-93)

#### **Sec. 75.416. Responsibility for enforcement.**

It shall be the duty of the county and its agent, if any, to enforce the prompt collection of solid waste assessments by the means herein provided. The duties related to collection of solid waste assessments may be enforced at the suit of any holder of obligations secured by such solid waste assessments in a court of competent jurisdiction by mandamus or other appropriate proceedings or action.

(Ord. No. 93-19, § 4.17, 6-8-93)

#### **Sec. 74.4165. Government property.**

- (a) If a solid waste assessment is imposed against government property, the solid waste coordinator shall provide solid waste assessment bills by first class mail to the owner of each affected parcel of government property. The bill or accompanying explanatory material shall include:
- (1) A brief explanation of the solid waste assessment;
  - (2) A description of the unit of measurement used to determine the amount of the solid waste assessment;
  - (3) The number of units contained within the parcel;
  - (4) The total amount of the parcel's solid waste assessment for the appropriate period;
  - (5) The location at which payment will be accepted; and
  - (6) The date on which the solid waste assessment is due.
- (b) Solid waste assessments imposed against government property shall be due on the same date as all other solid waste agreements and, if applicable, shall be subject to the same discounts for early payment.
- (c) A solid waste assessment shall become delinquent if it is not paid within 30 days from the date any installment is due. The solid waste coordinator shall notify the owner of any government property that is delinquent in payment of its solid waste assessment within 60 days from the date such assessment was due. Such notice shall state that the board will initiate a mandamus or other appropriate judicial action to compel payment.
- (d) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any mandamus or other action as described herein, shall be included in any judgement or decree rendered therein. All delinquent owners of government property against which a mandamus or other appropriate action is filed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the county, including reasonable attorney fees, in collection of such delinquent solid waste assessments and any other costs incurred by the county as a result of such delinquent solid waste assessments and the same shall be collectible, as part of or in addition to, the costs of the action.

---

(Supp. No. 57)

Created: 2023-01-23 15:24:18 [EST]

- 
- (e) As an alternative to the foregoing, a solid waste assessment imposed against government property may be collected as a surcharge on a utility bill provided to such government property in periodic installments with a remedy of a mandamus action in the event of nonpayment. The board may contract for such billing services with any utility.

(Ord. No. 97-4, § 10, 5-13-97)

**Sec. 74.4166. Government property—Solid waste fee.**

- (a) *Legislative declarations as to solid waste fee on government property.* It is hereby ascertained and declared that the solid waste fee as authorized herein is reasonably related to the cost of providing solid waste services, facilities and programs to government property. The solid waste fee is not a special assessment; it is a fee for services available and rendered to government property.
- (b) *General authority.*
- (1) The board is hereby authorized to impose a solid waste fee on all government property that is improved by the existence or construction of a building to fund all or any portion of the solid waste cost for government property at a fair, just, reasonable and equitable rate based upon such property's historical demand and reasonable cost of providing solid waste services to such property.
  - (2) The rate of the solid waste fee for each classification of government property shall be determined by a subsequently adopted solid waste fee rate resolution. The solid waste fee rate resolution shall determine the solid waste cost for government property and allocate such cost in a fair, reasonable, just and equitable manner among all government property. The solid waste fee rate resolution shall also establish the method by which the solid waste fee will be calculated for each classification of government property.

(Ord. No. 02-35, § 12, 12-10-02)

**Sec. 75.417. Interim assessments on residential property.**

- (a) An interim solid waste assessment may be imposed against property for which a certificate of occupancy is issued by the county. The amount of the interim solid waste assessment shall be calculated upon a monthly rate, which shall be 1/12 of the annual rate for such property computed in accordance with the annual rate resolution for the fiscal year in which the certificate of occupancy is issued. Such monthly rate shall be imposed for each full calendar month remaining in the fiscal year. For certificates of occupancy issued on or after June 1 of the fiscal year, the interim solid waste assessment shall be for each month remaining in the current fiscal year and for the 12 months of the following fiscal year, and shall be at the current fiscal year rate. No certificate of occupancy shall be issued until full payment of the interim solid waste assessment is received by the county. Issuance of a certificate of occupancy by mistake or inadvertence, and without the payment in full of the interim solid waste assessment, shall not relieve the property of the obligation of full payment. For the purpose of this provision, such interim solid waste assessment shall be deemed delinquent on the date the certificate of occupancy was issued and shall constitute a lien against such property as of that date. Such lien shall be equal in rank and dignity with the liens of all state, county, district or municipal taxes and special assessments, and superior in rank and dignity to all other liens, encumbrances, titles and claims in and to or against the real property involved, and may be enforced in accordance with the provisions of section 75.415 hereof.
- (b) An interim solid waste assessment may also be imposed against property which for any reason was not listed on the tax roll as an individual parcel of property on the date the annual rate resolution is prepared, and which did not pay an interim solid waste assessment at the issuance of certificate of occupancy by the

---

Created: 2023-01-23 15:24:18 [EST]

(Supp. No. 57)

---

county. The amount of the interim solid waste assessment shall be equal to that imposed against comparable property for the same fiscal year. For the purpose of this provision, such interim solid waste assessment shall be deemed delinquent on the date those shown on the solid waste assessment roll become delinquent and shall constitute a lien against such property as of that date. Such lien shall be equal in rank and dignity with the liens of all state, county, district or municipal taxes and special assessments, and superior in rank and dignity to all other liens, encumbrances, titles and claims in and to or against the real property involved, and may be enforced in accordance with the provisions of section 75.415 hereof.

- (c) Upon request of a subdivision developer or owner of residential property in the non-universal area, the solid waste coordinator may deem residential property to be within the universal area for the purposes of the interim assessment and for providing universal refuse collection service.
  - (d) The county manager shall administer and provide for the collection of all interim solid waste assessments.
- (Ord. No. 93-19, § 4.18, 6-8-93; Ord. No. 97-4, § 11, 5-13-97; Ord. No. 11-06, § 7, 8-23-11)

#### **Sec. 75.418. Review process.**

- (a) This section provides a review process for an owner that was denied:
    - (1) A reclassification of property or an appropriate refund of reduction pursuant to section 75.408, Alachua County Code;
    - (2) A hardship exemption pursuant to section 75.409, Alachua County Code;
    - (3) A refund for vacancy pursuant to section 75.410, Alachua County Code; or
    - (4) A refund for inaccessibility pursuant to section 75.411, Alachua County Code.
  - (b) The owner may request a review of any such denial by filing a petition with the county manager within 30 days of notification of the denial. The county manager shall review the denial within 30 days of the filing of the request for review, and issue a decision in writing. If the county manager upholds the denial, the owner shall have a further right of review by the board. An owner shall file a request for review by the board with the county manager within 30 days of the notification of the county manager's decision. The board shall review the matter within 90 days of the filing of the request for review.
  - (c) Failure to request a review within the time permitted shall be deemed a waiver of any right of review.
- (Ord. No. 93-19, § 4.19, 6-8-93)

### **ARTICLE V. PENALTIES AND ENFORCEMENT**

#### **Sec. 75.501. Penalties and fines.**

Persons cited for a violation of this Chapter shall, upon conviction, be punished as provided in Section 10.08 of the Alachua County Code. A violation of this Chapter may be enforced pursuant to Chapter 24 of the Alachua County Code as may be amended from time to time. Violations include, for example, and not by way of limitation, persons failing to source separate recyclable material as provided in this Chapter. Penalties and fines imposed by any code enforcement mechanism pursuant to Chapter 24 of Alachua County Code, as amended from time to time, shall accrue to the ~~division of waste management~~[Alachua County Office of Code Administration](#).

(Ord. No. 93-19, § 5.01, 6-8-93; Ord. No. 01-81, § 7, 7-24-01; Ord. No. 02-35, § 10, 12-10-02; Ord. No. 06-37, § 5, 12-12-06; Ord. No. 2020-22, § 16, 10-13-20)

---

**Sec. 75.502. Responsibility for enforcement.**

- (1) The ~~division of waste management within the public works department~~ [Alachua County Office of Code Administration](#) shall be responsible for the regulation of solid waste consistent with this chapter.
- (2) The ~~division~~ [Department](#) shall be responsible for the issuance of solid waste collection permits.
- (3) The ~~division~~ [Department](#) shall be responsible for meeting the solid waste reporting requirements of ch. 403, Florida Statutes, including but not limited to the government agency report mandated in section 403.7032(3), and the construction and demolition debris recycling report required by section 403.707(9).

(Ord. No. 93-19, § 5.02, 6-8-93; Ord. No. 06-37, § 6, 12-12-06; Ord. No. 11-06, § 9, 8-23-21)

**Sec. 75.503. Interest income.**

Interest earned on solid waste assessments and fees shall not accrue to the county general fund, but shall remain with the accounts on which they are earned.

(Ord. No. 97-4, § 12, 5-13-97)

**Sec. 75.504. Emergency powers.**

In the event the declaration of local state of emergency has been declared for Alachua County by the county pursuant to section 27.07 of this code, or by the Governor of Florida or by the President of the United States of America and the nature of the emergency warrants it, the requirements of chapter 75 of this code, for the collection and disposal of solid waste may be suspended for the duration of the emergency and the period of time thereafter reasonably necessary to restore the county's usual process for collection and disposal of solid waste. In such event, the county shall take precautions reasonable under the circumstances to protect the health, safety and welfare of the residents of the county in the collection and disposal of solid waste.

(Ord. No. 98-26, § 11, 7-28-98)

*ARTICLE VI. FRANCHISES FOR COMMERCIAL COLLECTION SERVICE AND FOR  
PROVISION OF CONTAINERS FOR COMMERCIAL SERVICE.*

**Sec. 75.601. General provisions.**

- (a) It shall be unlawful to commence or engage in the business of providing commercial collection service or providing containers for commercial service to properties in the unincorporated area of the county without obtaining a franchise issued by the county in accordance with this article. For the purposes of this article, "commercial collection service" means the collection and transportation of recyclable material, ~~yard trash~~, and solid waste; ~~(excluding hazardous waste,~~ [yard trash](#)~~,~~ biomedical waste, and construction and demolition debris~~);~~ from commercial, institutional or government property by a commercial franchisee.
- (b) No franchise shall be awarded until the county determines that the franchisee is capable of complying with the requirements of this article.
- (c) The term of each franchise or renewal of a franchise issued on or after October 1, 2006 shall be for a term of no more than one year and shall expire on the next ensuing September 30th, unless [the franchise is forfeited or revoked sooner as provided herein, or the Board approves a longer term pursuant to a franchise contract.](#)

---

All franchises shall require the completion of an application, which shall be valid for the term of the franchise. A franchise, once granted, may not be assigned or transferred without written approval of the county manager.

- (d) Each franchise shall be subject to the Alachua County Code of Ordinances. Each franchise shall be subject to, and franchisees shall abide by, all present and future laws, regulations, orders of regulatory bodies, County Code provisions and administrative rules applicable to the performance of the collection services hereunder. Each franchisee shall obtain all licenses and permits presently required by federal, state and local governments, and as required from time to time.
- (e) All commercial franchises may be by contract, which may include, among other things, agreement on the disposal site for waste collected by the franchisee. [The specific requirements in a franchise contract approved by the Board shall supersede any conflicting requirements in this Chapter 75.](#)
- (f) Each commercial franchisee providing commercial collection service shall make waste collection available daily (except Sunday). Collection shall begin no earlier than 6:00 a.m. and shall cease no later than 9:00 p.m., Monday through Saturday, except in areas of mixed residential and commercial occupancy, where collections shall begin no earlier than 7:00 a.m. and cease no later than 9:00 p.m., Monday through Saturday. The county manager may authorize collection on Sunday where special needs of the customer make it necessary. In the event of an emergency, a franchisee may collect at times not allowed by this section, provided the county manager grants prior approval, to be later evidenced by a written memorandum. If no written memorandum is obtained, there shall be a presumption that the franchisee did not obtain prior approval.
- (g) The commercial franchisee shall not be relieved of the obligation to promptly comply with any provision of the franchise by failure of the county to enforce compliance with the franchise.
- (h) [The County may grant an exclusive franchise that authorizes one person or corporation to provide commercial collection services in part or all of the unincorporated area in the County.](#) The ~~County~~ also reserves ~~its~~ the right to grant similar ~~authorizations~~ rights or franchises to more than one person or corporation as well as the right in its own name to use its streets for purposes similar to or different from those allowed to franchisees hereunder.
- ~~(i) For all contracts between customers and commercial franchisees providing commercial collection service, the franchisee shall pass through to its customers any savings realized through reduced service levels that the commercial franchisee experiences due to the customers' participation in the mandatory recycling program.~~
- ~~(j)~~ If a commercial franchisee fails to perform its contract with any customer for longer than two weeks, the county may perform the work using its own equipment or assign the work to another franchisee, who shall be entitled to receive the revenue from the customer for work performed that would have gone to the defaulting franchisee.
- ~~(k)~~ The commercial franchisee providing commercial collection service shall submit to any load inspection program that the county may reasonably devise.
- ~~(l)~~ Yard waste from a commercial generator or commercial customer shall be collected separately from other waste. Each commercial franchisee providing commercial collection service shall inform all of its commercial customers of this requirement.
- ~~(m)~~ A commercial franchisee shall respond to and, if feasible, resolve all complaints received by 12:00 noon on any business day by 5:00 p.m. of the same day and shall respond to and, if feasible, resolve all complaints received after 12:00 noon on any business day by 12:00 noon the next business day. An emergency telephone number where the commercial franchisee can be reached shall be given to the county manager.

---

Created: 2023-01-23 15:24:18 [EST]

- 
- (a.m) A commercial franchisee shall handle commercial service containers with reasonable care and return them to the approximate location from which they were collected. A commercial franchisee providing commercial collection service shall clean up all waste spilled during the collection operation.
- (e.n) A commercial franchisee providing commercial collection service shall not be required to provide collection service when all appropriate disposal sites are closed or an emergency or imminent emergency exists, as determined by the county manager. Collections shall resume on the instruction of the county manager.
- (p.o) A commercial franchisee providing commercial collection service shall not be deemed to be an agent of the county and shall be responsible for any losses or damages of any kind arising from its performance or nonperformance under its franchise. The commercial franchisee shall defend at its own expense or reimburse the County for its defense, at the county's option, against any and all claims and suits brought against the county, its elected or appointed officers, employees, and agents resulting from the franchisee's performance or nonperformance of service pursuant to the franchise.
- (e.p) In order to ensure that the commercial franchisee provides a quality level of commercial collection services, the following standards and fines are set.
- (1) All complaints received by the county and reported to the commercial franchisee shall be promptly resolved. Any complaint received by the commercial franchisee shall be entered on a form approved by the county. All complaints received during the business day shall be transmitted on the approved form by 5:00 p.m. each business day. Any complaint received before noon shall be resolved the same business day. All other complaints shall be resolved by the end of the next business day.
  - ~~(2) In the event legitimate complaints shall exceed two percent of the total customers served by the commercial franchisee during any county fiscal year, or 0.5 percent of the total customers serviced by the commercial franchisee during any calendar month, the county may levy a \$100.00 fine per incident for the following incidents related to service by the franchisee:~~
    - ~~a. Commingling vegetative waste and/or recyclable materials with other waste.~~
    - ~~b. Failure to replace damaged container within seven days of notification (48 hours for commercially collected residential customers).~~
    - ~~c. Throwing of garbage cans or recycling containers.~~
    - ~~d. Failure to clean spillage.~~
    - ~~e. Failure to repair damage to customer's property.~~
  - (32) The county may levy fines of \$100.00 per day for the following violations of the franchise:
    - a. Failure to provide clean, safe, sanitary equipment.
    - b. Failure to maintain required office hours.
    - c. Failure to maintain proper licenses.
    - d. Failure to display franchisee name and phone number on equipment or containers.
    - e. Failure to collect waste upon notification by the county. The commercial franchisee will also be charged the cost incurred by the county if county personnel are required to collect the waste due to such failure.
    - f. Using improper truck to service commercial or commercially collected residential customers.
    - g. Failure to provide monthly recycling reports by the 30th day after each month in the format specified by the county.
    - h. Collection outside hours specified in section 75.601.

- i. Failure to provide a detailed account report electronically by the 30th day after each month in a format acceptable to the county as specified in section 75.603.
- j. Failure to provide a summary report by the due date established in section 75.603.
- k. Failure to provide an annual report by the due date established in section 75.603.

(43) Failure to clean up spillage of any substance required to be cleaned up by and in accordance with the county may result in a \$2,500.00 fine per day, per incident.

(54) Failure to maintain a vehicle so that it does not spill or leak fluids may result in a \$500.00 fine per day, per incident and may result in being required to remove the vehicle from service until satisfactory proof of repair is determined by the ~~division of waste management~~Department.

(Ord. No. 04-16, § 3, 8-24-04; Ord. No. 06-37, § 7, 12-12-06; Ord. No. 11-06, § 10, 8-23-11)

#### **Sec. 75.602. Franchise fees.**

- (a) Amount of fee. The commercial franchisee providing commercial service shall pay as compensation to the county, for the rights and benefits granted hereunder, a fee equal to ten percent of gross revenues from the providing of containers and the collection of waste from commercial properties under the franchise. For purposes of this calculation, gross revenues shall consist of all revenues received from the commercial franchisee's customers within the unincorporated area of the county. Gross revenues include, by way of example and not limitation, all revenues from the sale or lease of containers, all revenues from waste collection services, all disposals billed, late fees, bad debt recoveries and other fees collected from customers, such as, environmental fees and any other revenues received from a customer regardless of how they may be characterized by the commercial franchisee. Franchise fees shall not be included in gross revenues; provided, however, the commercial franchisee may take a deduction for bad debts written off in accordance with generally accepted accounting principles and promulgations issued by the Financial Accounting Standards Board.
- (b) Compensation payments for commercial service shall be due 30 days after the end of each month, accompanied by statements of gross revenues in a form prescribed by the county's finance and accounting office, and shall be paid directly to the county's finance and accounting office. Statements and remittances shall be accepted as timely if postmarked on or before the 30th day of the month; if the 30th day falls upon a Saturday, Sunday, or federal or state holiday, statements and remittances shall be accepted as timely if postmarked on the next succeeding workday. Payments not received by the due date shall be assessed interest at the rate of one percent per month compounded monthly from the due date.
- (c) All amounts paid shall be subject to confirmation and re-computation by the county. An acceptance of payment shall not be construed as an accord that the amount paid is the correct amount, nor shall acceptance of payment be construed as a release of any claim the county may have for further or additional sums payable.
- (d) Billing methods that have the effect of reducing or avoiding the payment of franchise fees are expressly prohibited and will be cause for termination of the franchise, as well as punishment as provided by section 10.08, Alachua County Code.
- (e) Payment of this franchise fee shall not exempt the commercial franchisee from the payment of any other license fee, tax or charge on the business, occupation, property or income of the franchisee that may be imposed by the county.
- (f) Franchisee shall post and maintain a security deposit with the county. The amount of the security deposit shall equal \$2,500.00 or the estimated amount of franchise fees for a three-month period, whichever sum is greater, to guarantee performance under this franchise.

Created: 2023-01-23 15:24:18 [EST]

(Supp. No. 57)

- 
- (1) The required security deposit shall be made with the clerk either by:
    - a. Cash deposit at no interest;
    - b. Irrevocable bank letter of credit;
    - c. Guaranteed payment bond; or
    - d. Collateralization of bank certificate of deposit.
  - (2) In the event the franchise fees are not paid within the prescribed time, the user's security deposit shall be debited for the amount of such charges.
    - a. For cash security deposits, the finance and accounting department shall apply the appropriate amount of the security deposit to the unpaid fees and will notify the owner of such action.
    - b. For other than cash security deposits, the finance and account department shall take appropriate action to apply the required security deposit to the unpaid fees and notify the user of such action.
    - c. Once the user's security deposit has been debited or applied, the user shall thereafter pay by cash, money order, cashiers check or credit card until the user credits or restores the security deposit to the minimum amount required.

(Ord. No. 04-16, § 3, 8-24-04; Ord. No. 11-06, § 11, 8-23-11)

#### **Sec. 75.603. Books, records and reporting requirements.**

- (a) The county shall have the right to review all records maintained by a franchisee providing commercial service concerning its franchise on 30 days written notice. These records shall be maintained for at least a three-year period and be readily accessible for review by the county.
- (b) Detailed account report. Each commercial franchisee providing commercial service shall electronically file a detailed account report monthly within 30 days after the end of each month with the county manager's email address designated by the ~~division of waste management~~Department. The detailed account report shall be prepared in a format acceptable to the county. The detailed account report shall contain an accurate list of customers, consisting of the name, physical address, container size, container type, (including whether the container is used for solid waste or recyclable materials), the frequency of pick-up and the parcel identification number of the customer's parcel as designated on the assessment role.
- (c) Summary report. In addition to the detailed account report, each commercial franchisee providing commercial service shall provide a written summary report specifying the total numbers of customers and total number of containers. The summary report shall be filed concurrently with the monthly franchise payment required pursuant to section 75.602. In addition, the commercial franchisee shall electronically submit a copy of the summary report and the franchise payment instrument to the address designated by the ~~division of waste management~~Department.
- (d) Annual report. Each commercial franchisee providing commercial service shall file an annual report including a schedule of total gross revenues as defined in section 75.602(a). This annual report shall be examined by an independent certified public accountant ("auditor") to certify that the computation of gross revenue used to calculate franchise fees remitted is in accordance with the terms of the franchise. The auditor's report shall state that the examination was performed in accordance with professional standards established by the American Institute of Certified Public Accountants or successor organization, and shall be filed with the county manager within 120 days of the franchisee's fiscal year end. The auditor's services shall be contracted by and paid by the franchisee.

---

Created: 2023-01-23 15:24:18 [EST]

(Supp. No. 57)



- (e) Each commercial franchisee shall promptly report to the [division of waste management](#) Department the location of property on which the recycling containers are regularly contaminated with solid waste. For purposes of this subsection, a recycling container is contaminated with solid waste when more than 25 percent of the weight or volume in the container is solid waste.

(Ord. No. 04-16, § 3, 8-24-04; Ord. No. 06-37, § 8, 12-12-06; Ord. No. 11-06, § 12, 8-23-11)

#### **Sec. 75.604. Application requirements.**

- (a) An application for a franchise or renewal thereof shall be made to the county manager on such forms and in such manner as prescribed by the County, [unless the County adopts a different procedure pursuant to Section 75.303\(b\)](#). Application may be made for:
- (1) Commercial franchise, i.e., limited to collection of waste from commercially-collected residential dwellings and collection or processing of waste from commercial generators; or
  - (2) The provision of containers only for commercially-collected service.
- (b) Application forms will require, at a minimum, the following information and supporting documents:
- (1) If the applicant is a partnership or corporation, the name(s) and business address(es) of the principal officers and stockholders and other persons having financial or controlling interest in the partnership or corporation; provided, however, that if the corporation is a publicly owned corporation having more than 25 shareholders, then only the names and business addresses of the local managing officers shall be required.
  - (2) Criminal convictions, withheld adjudications and pleas of nolo contendere for any felonies of the applicant if an individual, or any person having any controlling interest in a firm, corporation, partnership, association or organization making application.
  - (3) A statement of whether such applicant operates or has operated a waste collection business in this or any other state or territory under a franchise, permit or license; and if so, where and whether such franchise, permit or license has ever been revoked or suspended and the reasons therefore.
  - (4) Proof that corporation is in good standing in the state of corporation, if applicant is a corporation, and, if not a Florida corporation, certification that applicant is qualified to do business in the State of Florida. If applicant is other than a corporation and is operating under a fictitious name, applicant shall be required to submit information that such fictitious name is registered and held by applicant.
  - (5) A list of the type, number and complete description of all equipment, in a form prescribed by the County, to be used by the applicant for providing service pursuant to this Article. The County Manager may conduct an inspection of all equipment utilized in providing the services as outlined in the franchise to determine that the franchise possesses equipment capable of providing safe and efficient services.
  - (6) A valid and current certificate of insurance, of the types and in the amounts described in Subsection 75.604(b)(7), which shall remain on file in the office of the County Manager as long as the franchisee operates a franchise.
  - (7) The applicant shall maintain in full force and effect insurance as specified herein and shall furnish a comprehensive general liability policy to the County Manager and also file with the county manager a certificate of insurance for all policies written in the applicant's name. The applicant shall carry in its own name a policy for commercial general liability. Coverage must be afforded under a per occurrence form policy for limits not less than \$1,000,000 general aggregate, \$1,000,000 products/completed operations aggregate, \$1,000,000 personal and advertising injury liability, \$1,000,000 each occurrence,

---

\$50,000 fire damage liability and \$5,000 medical expense. The applicant must carry automobile liability and coverage must be afforded including coverage for all owned vehicles, hired and non-owned vehicles for bodily injury and property damage of not less than \$1,000,000 combined single limit each accident. The applicant shall carry workers' compensation insurance as required by the State of Florida.

- (8) The applicant shall pay the County a non-refundable application fee, as specified in the Alachua County Fee Schedule, at the time application is filed.

(Ord. No. 04-10, § 6, 8-24-04; Ord. No. 06-37, § 9, 12-12-06)

**Sec. 75.605. Denial of application; suspension or revocation of license; right of appeal.**

- (a) Upon a finding of just cause, the county manager or designee shall deny a franchise in the case of applications for new or renewed franchises, and suspend or revoke a franchise for a specified period of time in the case of previously issued franchises. Just cause shall include, but not be limited to, a failure to meet the requirements of this Article; violation of any of the provisions of this Article or any of the ordinances of the County, or the laws of the United States or the State of Florida, the violations of which reflect unfavorably on the fitness of the holder to offer waste collection services to the public.
- (b) Prior to denial, suspension or revocation, the applicant or holder shall be given reasonable notice of the proposed action to be taken and shall have an opportunity to present to the County Manager or designee evidence as to why the franchise should not be denied, revoked or suspended. The notice of intention shall be served upon the applicant or franchisee by registered mail or personal service.
- (c) Any commercial franchise applicant or commercial franchisee whose franchise is denied, suspended or revoked by the County Manager or designee may appeal the decision to the County Commission. The appeal shall be taken by filing written notice thereof, in duplicate, with the Clerk of the Commission within ten days after the decision of the County Manager or designee. The Clerk of the Commission shall notify the County Manager of the appeal and the County Manager or designee shall forthwith transmit to the Clerk copies of all papers constituting the record upon which the action appealed is based. The Clerk of the Commission shall place the appeal on the agenda of the next regularly scheduled County Commission meeting which is not less than ten days from the date of the filing of the appeal. The County Commission shall review the record and decide whether the decision of the County Manager was based on competent, substantial evidence. If the Commission finds competent, substantial evidence for the County Manager's decision, it will uphold the Manager's decision; otherwise, it will reverse the Manager's decision. The decision of the County Commission shall constitute final administrative action.

(Ord. No. 04-10, § 6, 8-24-04)

**Sec. 75.606. Penalties for violation.**

Except as otherwise provided, any person violating or failing to comply with any of the provisions of this Article shall be punished as provided in Section 10.08, Alachua County Code.

(Ord. No. 04-10, § 6, 8-24-04)