

## SOLID WASTE COLLECTION AND DISPOSAL

### § 112.55 TITLE OF SUBCHAPTER.

This subchapter shall be cited as the "City Solid Waste Franchise Subchapter."

(Ord. 975, passed 11-6-91)

### § 112.56 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning, provided, however, that excluded from the definitions contained herein are **UNACCEPTABLE WASTE** such as white goods and hazardous or toxic materials as defined in the Solid Waste Disposal Agreement which is more particularly described in § 94.22.

**COMMERCIAL TRASH.** Every waste accumulation of dust, paper, paper cartons, cardboard cartons, excelsior, rags or other accumulations which are usually attendant to the operations of a business commercial establishment.

**CONSTRUCTION AND DEMOLITION DEBRIS.** All waste, garbage, refuse, and debris resulting from the construction or demolition of buildings, and which includes such materials as sand, stone, brick, wood, concrete, or plaster block, paving, roofing, pipe shingles, lawn renovating debris, sod, dead sod, and tree stumps.

**CUSTOMER.** Any person, firm, corporation, association, or other entity which contracts with a hauler for the collection and disposal of solid waste from any real property located within the city.

**FRANCHISE AUTHORITY.** The City of Pembroke Pines, Florida, a municipal corporation organized and existing under the laws of the State of Florida.

**FRANCHISE FEE.** The fee charged by the franchise authority to haulers operating within the city for the privilege of operating and conducting business in the city.

**GARBAGE.** Every waste accumulation of animal or vegetable matter which attends the preparation, use, handling or storage of meats, fish, fowl, fruits, vegetables or other matter which is subject to decomposition, decay, putrefaction or the generation of noxious or offensive gasses or odors, or which during or after decay may serve as breeding or feeding material for flies, insects, or animals.

**HAULERS.** Any person, firm, corporation, or other entity which is engaged in the business of collecting and/or disposing of solid waste.

**RESIDENTIAL TRASH.** Every waste accumulation of paper, sweepings, dust, rags, bottles, cans or other material of any kind which is usually attendant to housekeeping.

**SOLID WASTE.** All waste accumulations consisting of garbage, residential/household trash, commercial/business trash and construction and demolition debris.

(Ord. 975, passed 11-6-91)

### § 112.57 FRANCHISE REQUIRED TO OPERATE; RESTRICTIONS ON OPERATING IN THE CITY.

(A) It shall be unlawful to commence or engage in the business of collecting and disposing of solid waste originating in the city without a franchise issued by the franchising authority in accordance with the provisions of this subchapter.

(B) It shall be unlawful for any hauler operating in the city to dispose of solid waste collected in the city at any location other than to the Resource Recovery System transfer station or facilities designated in the plan of operation under the Solid Waste Disposal Agreement, as defined in § 94.22, the City's Flow Control Ordinance.

(C) All haulers operating in the city on the effective date of this subchapter shall be permitted to continue to operate in the city, provided the hauler pays the franchise fee as required by this subchapter, delivers to the city the necessary customer account information (more particularly described in § 112.58) and complies with the City's Flow Control Ordinance (§ 94.22).

(D) The franchise authority may award a franchise to any hauler, whether operating under an existing franchise or not, which complies with the terms and conditions of this subchapter, provided, however, any provision to the contrary notwithstanding, nothing in this subchapter shall be deemed to require the grant of a franchise to any particular hauler or to prohibit the franchise authority from restricting the number of grantees. The franchise authority has by virtue of Resolution 1210, as amended from time to time, has heretofore determined that such a restriction is in the public interest.

(Ord. 975, passed 11-6-91) Penalty, see § 112.99

#### **§ 112.58 FRANCHISE APPLICATION AND FEE SCHEDULE.**

(A) On and after the date of this subchapter all haulers operating in the city shall pay the following franchise fee to city for the privilege of conducting and operating solid waste collection and disposal services on the public streets, roads, alleys, and other thoroughfares of the city. This fee shall be based on the below stated percentage of the hauler's annual gross receipts for all customers located within the city, as reflected in the hauler's financial books and records, and in the agreements between the hauler and all of its customers in the city. This fee shall be paid to the city in monthly installments, by the 15th day of the month.

<i><b>Type of Hauling</b></i>	<i><b>Percentage</b></i>
Commercial trash	20
Residential trash	20
Construction and demolition debris	20

(B) Annually on the 30th business day of the calendar year each hauler operating in the city shall file with the City Manager, or his designee, an application, in the form provided by the city, which shall set forth all of the hauler's gross receipts for the previous year for collection and disposal of solid waste originating in the city, and permits the city to inspect and audit the financial books and records of the hauler to ensure proper payment of the franchise fee amount to the city. Any shortfall or overage discovered by the city during any inspection of the hauler's records shall be paid by the party owing same within 30 days of written notice from the city.

(Ord. 975, passed 11-6-91; Am. Ord. 1394, passed 1-16-02; Am. Ord. 1749, passed 3-6-13)  
Penalty, see § 112.99