Agenda Item No. R - 4

VILLAGE OF ROYAL PALM BEACH
Agenda Item Summary

AGENDA ITEM: First reading and approval of Ordinance No. 806 amending Chapter 12 Garbage, Trash and Litter. at Section 12-10 Recycling. to clarify the collection procedures and responsibilities for recyclable materials. Second reading and adoption is scheduled on May 1, 2008.

ISSUE: Section 403.706, *Florida Statutes* currently encourages local government to separate plastics, glass, metal, and all manner of paper for recycling prior to disposal of solid waste and the Village has provided for the collection of recyclable materials through the adoption of regulations in the Village Code of Ordinances at Chapter 12. and also through the granting of an exclusive franchise agreement for its solid waste and recycling services. Residential units utilizing residential dumpster service contract directly with the Village's franchise contractor for the collection of their recyclable materials and the rates for such recycling collection services are set forth, on a per unit basis, under the current franchise agreement. The code provisions are being clarified regarding mandatory billing and collection under the franchise which includes a recycling charge for residential units collected curbside, as well as for those utilizing residential containerized service for multifamily units, to encourage participation in the nationwide recycling effort.

RECOMMENDED ACTION: Motion to Approve

Initiator	**Village Manager Approval**	**Agenda Date**	**Village Council Action**
Village Manager		**04/17/08**	

ORDINANCE NO. 806

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, AMENDING CHAPTER 12. GARBAGE, TRASH AND LITTER. AT ARTICLE I. GARBAGE AND TRASH. BY REPEALING SUB-SECTION (a) AT SECTION 12-10. RECYCLING. AND READOPTING IT TO CLARIFY THE COLLECTION PROCEDURES AND RESPONSIBILITIES FOR RECYCLABLE MATERIALS WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF ROYAL PALM BEACH; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 12. GARBAGE, TRASH AND LITTER. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ENACTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Sec.403.706, *Florida Statutes*, currently encourages local governments to separate plastics, glass, metal, and all manner of paper for recycling prior to disposal of solid waste and the Village has provided for the collection of recyclable materials through the adoption of regulations in the Village Code of Ordinances at Chapter 12. and also through the granting of an exclusive franchise agreement for its solid waste and recycling services; and

WHEREAS, Chapter 12. of the Village Code of Ordinances should be amended to clarify the requirements for recycling set forth at Section 12-10. Recycling. to be consistent with the responsibilities and procedures for recycling as provided in the "Solid Waste and Recycling Collection Services Agreement" entered into by and between the Village of Royal Palm Beach and Republic Services of Florida, L.P. effective October 1, 2007 as may be amended or restated from time to time; and

WHEREAS, the Village Council believes it to be in the best interests of the health safety and welfare of its citizens to adopt this ordinance to provide for such clarification.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, THAT:

Section 1: Chapter 12. Garbage, Trash and Litter. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article I. Garbage and Trash. by repealing Sub-section (a) at Section 12-10. Recycling. and readopting it to clarify recycling procedures and responsibilities; providing that Section 12-10. shall hereafter read as follows:

Sec. 12-10. Recycling.

(a) *Duties of collector.* The collector shall collect all newspaper, glass, aluminum cans, polyethylene terephthalate (PET) and high density polyethylene (HDPE) bottles set out for the purpose of recycling from all single-family homes, multifamily units within the village limits. The collection of recyclables shall be conducted utilizing two containers. Glass bottles and jars (green, brown and clear), plastic containers, ~~with a "1" or "2" on the bottom, and~~ drink boxes and milk/juice cartons in the blue container. Newspapers (including inserts), magazines and catalogs, brown paper grocery bags, and corrugated cardboard boxes in the yellow container. Additionally, the collector shall provide adequate mechanical containers to facilitate a village-wide recycling program for all condominium and apartment complexes receiving containerized service. Multifamily containerized services shall utilize ninety-six (96) gallon mechanical containers to collect recyclable materials. Residential units utilizing residential dumpster service shall contract directly with the Village's franchise contractor for the collection of their recyclable materials and the rates for such recycling collection services shall be as set forth, on a per unit basis, under the current franchise agreement. The payment for garbage and trash collection shall include a mandatory recycling charge for residential units collected curbside as well as for those utilizing residential containerized service for multifamily collection to encourage participation in the nationwide recycling effort.

(b) — (k) (Shall remain the same as previously adopted.)

Section 2: Each and every other section and subsection of Chapter 12. Garbage, Trash and Litter. shall remain in full force and effect as previously enacted.

Section 3: All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

Section 4: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 5: Specific authority is hereby granted to codify this Ordinance.

Section 6: This Ordinance shall take effect immediately upon passage.

FIRST READING this 17th day of April, 2008.

SECOND AND FINAL READING this 1st day of May, 2008.

VILLAGE OF ROYAL PALM BEACH

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DAVID A. LODWICK, MAYOR

ATTEST: (SEAL)

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DIANE DISANTO, VILLAGE CLERK

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