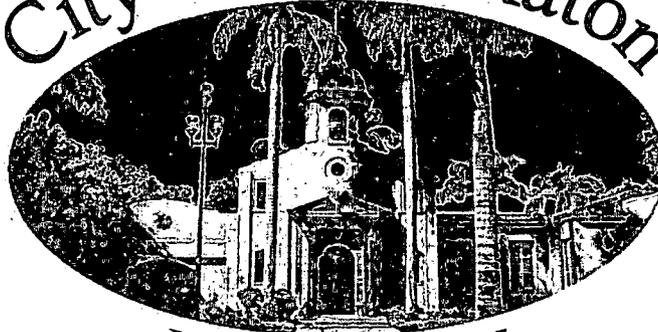


City of Boca Raton



Incorporated 1925

ORDINANCE

5119

1
2 AN ORDINANCE OF THE CITY OF BOCA RATON
3 RELATED TO CONSTRUCTION AND DEMOLITION DEBRIS
4 AND COMMERCIAL SOLID WASTE COLLECTION
5 FRANCHISE REQUIREMENTS; AMENDING SECTIONS 14-
6 21 AND 14-22, CODE OF ORDINANCES, TO CLARIFY
7 REQUIREMENTS AND REFERENCES WITH REGARD TO
8 CONTAINER MARKINGS, REPORTING FORMATS, BONDS
9 AND FINANCIAL STATEMENTS AND OTHER PROVISIONS;
10 PROVIDING FOR SEVERABILITY; PROVIDING FOR
11 REPEALER; PROVIDING FOR CODIFICATION; PROVIDING
12 AN EFFECTIVE DATE

13
14 WHEREAS, the City of Boca Raton desires to amend Chapter 14, Sections 21 and
15 22, Code of Ordinances, to clarify requirements with regard to section numbers, container
16 markings, reporting formats, bonds and financial statements, and other provisions of the
17 construction and demolition debris and commercial solid waste franchise requirements; now
18 therefore

1 THE CITY OF BOCA RATON HEREBY ORDAINS:

2
3 Section 1. Chapter 14-21., Code of Ordinances, is hereby amended as follows:

4 * * *

5 Section 14-21(6) Franchise period. No franchise shall be issued for more than 5 years,
6 and all franchises shall expire on September 30 of the applicable year. Application for renewal is
7 required on or before September 30 in accordance with section 14-~~21~~47(8).

8 * * *

9 Section 14-21 (8)(c) Equipment and method of operation. The applicant for a franchise
10 shall possess equipment capable of providing safe and efficient service. In making such a
11 determination and approving the method of operation for each applicant, the city shall require
12 the following information:

13 1. The type, description, and estimated number of all equipment to be used by the
14 applicant for providing service.

15 ~~2. The number of employees to be used in providing services.~~

16 23. A sworn and notarized statement that the applicant will use only disposal sites
17 approved by the appropriate county/state/federal regulatory agencies for disposing of all C&D
18 debris.

19 * * *

20 Section 14-21 (8)(d) Insurance requirements.

21 1. The applicant for a franchise shall be required to maintain at all times, and provide
22 appropriate certificates of insurance to the city for, a commercial general liability insurance
23 policy to cover liability for damages because of bodily injury to any person or persons, and to
24 cover liability damage of property of any person arising from or ~~ef-~~in connection with C&D debris
25 roll-off container service within the city. Such insurance shall be carried with the minimum limits
26 of coverage being of not less than \$300,000.00 for bodily injury in any 1 occurrence, and not

1 less than \$50,000.00 in any occurrence and \$50,000.00 in the aggregate for damage to
2 property. Such insurance shall be valid for the first year ending September 30 and for all
3 subsequent years for the annual period of October 1 through September 30.

4 2. A performance bond, cash or a letter of credit in an amount of \$15,000.00 shall be
5 required for the initial franchise period ending September 30 of that year. In subsequent
6 franchise periods the amount shall be equal to the applicant's previous 12-month franchise
7 fee(s) paid to the city or \$15,000.00, whichever is lesser, greater, as security for any fee(s) due
8 to the city under the franchise agreement(s) conditioned upon the compliance of the terms of
9 this section in such form as acceptable to the city attorney. The performance bond, cash or a
10 letter of credit described in this section must be submitted to the city prior to the initial franchise
11 being granted, for the first year ending September 30 and for all subsequent years for the
12 annual period of October 1 through September 30, prior to the beginning of the renewal period.

13 * * *

14 Section 14-21 (12) Identification of equipment. All equipment utilized to collect and
15 transport C&D debris in the city must be conspicuously marked on both sides of the automotive
16 unit with the name of the franchisee, and roll-off containers shall be conspicuously marked with
17 the name of the franchisee, ~~tare weight and cubic yard capacity~~. All markings must be in letters
18 and numerals at least two inches in height. ~~All containers shall display the city's franchise sticker~~
19 ~~provided by the city at the issuance of a franchise. These markings~~ This sticker shall be in a
20 position to be seen from the abutting street at all times.

21 (13) Placement and maintenance of containers. Roll off containers may only be placed,
22 or allowed to remain, on a property that has a valid agreement with the franchisee ~~for which a~~
23 ~~building permit has been issued, has not expired, and otherwise remains in full force and effect.~~
24 Roll off containers shall not be placed in the public right-of-way. Equipment and other franchisee
25 property shall be maintained, and all operations shall be conducted, in compliance with section
26 10-1. The city, in its discretion, may require a change in the location of, or replacement of, a

1 container if it becomes an unsightly nuisance, causes a code violation to occur, poses a threat
2 to the surrounding environment, threatens the health and/or safety of the city's population, or
3 becomes unsanitary and/or inoperable.

4 (14) Information required of franchisees.

5 (a) Monthly filings. Within 10 days from the first day of each month, franchisees shall
6 deliver to the city via U.S. Mail, as well as an electronic format approved by the city, a true and
7 correct monthly report of gross receipts generated during the previous month from accounts
8 within the city. This detailed monthly report shall include the customer names, service
9 addresses, account numbers and the actual amount billed to each customer. In the event that
10 there are no reportable receipts generated within the City, the franchisee is required to submit a
11 report indicating such.

12 * * *

13 Section 14-21(18)(c)1. The cash or letter of credit funds posted pursuant to section 14-
14 2117(8) shall be forfeited; and

15 * * *

16 Section 2. Chapter 14-22., Code of Ordinances, is hereby amended as follows:

17 * * *

18 Section 14-22 (6) Franchise period. No franchise shall be issued for more than 5 years
19 and all franchises shall expire on September 30 of the applicable year. Application for renewal is
20 required on or before September 30 in accordance with section 14-22(8)~~188~~.

21 * * *

22 Section 14-22 (8)(c) Equipment and method of operation. The applicant for a franchise
23 shall possess equipment capable of providing safe and efficient service. In making such a
24 determination and approving the method of operation for each applicant, the city shall require
25 the following information:

1 Section 14-22 (12) Identification of equipment. All equipment utilized to collect and
2 transport commercial solid waste in the city must be conspicuously marked on both sides of the
3 automotive unit with the name of the franchisee, and dumpsters and roll-off containers shall be
4 conspicuously marked with the name of the franchisee ~~and cubic yard capacity~~. All markings
5 must be in letters and numerals at least 2 inches in height. In addition, all vehicles utilized in the
6 provision of services within the city must comply with federal and state department of
7 transportation regulations pertaining to the operation of commercial vehicles. All drivers must be
8 appropriately licensed.

9 * * *

10 Section 14-22 (14) Information required of franchisees.

11 (a) Monthly filings. Within ten days from the first day of each month, franchisees shall
12 deliver to the city via U.S. Mail, as well as an electronic format approved by the city, a true and
13 correct monthly report of gross receipts generated during the previous month from accounts
14 within the city. This detailed monthly report shall include the customer names, service
15 addresses, account numbers and the actual amount billed to each customer. In the event that
16 there are no reportable receipts generated within the City, the franchisee is required to submit a
17 report indicating such.

18 (b) Annual filings. Franchisees shall, on or before November ~~February~~ 1 of every year,
19 deliver to the city a statement reflecting annual gross receipts generated from accounts within
20 the corporate limits of the city, compiled by an independent certified public accountant, for the
21 preceding October 1 ~~January 1~~ through September 30 ~~December 31~~. This report shall include the
22 customer names, service addresses, account numbers and the actual amount billed to each
23 customer.

24 * * *

25 Section 14-22 (19)(c)1. The cash or letter of credit funds posted pursuant to section 14-
26 2218(8) shall be forfeited; and

* * *

Section 3. If any section, subsection, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

Section 4. All ordinances and resolutions or parts of ordinances and resolutions and all sections and parts of sections in conflict herewith shall be and hereby are repealed.

Section 5. Codification of this ordinance in the City Code of Ordinances is hereby authorized and directed.

Section 6. This ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Boca Raton this 8th day of December, 2009.

CITY OF BOCA RATON, FLORIDA

ATTEST:

Susan S. Saxton
Susan S. Saxton, City Clerk

Susan Whelchel
Susan Whelchel, Mayor

Approved as to form:

Diana Grub Frieser
Diana Grub Frieser
City Attorney

COUNCIL VOTE			
	YES	NO	ABSTAINED
MAYOR SUSAN WHELCHEL	✓		
DEPUTY MAYOR SUSAN HAYNIE	✓		
COUNCIL MEMBER ANTHONY MAJHESS	✓		
COUNCIL MEMBER MICHAEL MULLAUGH	✓		
COUNCIL MEMBER CONSTANCE J. SCOTT	✓		