

ORDINANCE NO. 56



AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2004-50, THE "COLLIER COUNTY NON-RESIDENTIAL RECYCLING ORDINANCE," BY AMENDING SECTION ONE "INTENT AND PURPOSE", SECTION TWO "TITLE AND CITATION" TO "THE COLLIER COUNTY RECYCLING ORDINANCE", SECTION THREE "APPLICABILITY", SECTION FIVE "DEFINITIONS", SECTION SEVEN "MINIMUM STANDARDS FOR RECYCLING ON NON-RESIDENTIAL PROPERTY"; CREATING SECTION EIGHT "MINIMUM STANDARDS FOR RECYCLING ON MULTI-FAMILY PROPERTY", SECTION NINE "MINIMUM STANDARDS FOR RECYCLING AT TEMPORARY EVENTS", SECTION TEN "MINIMUM STANDARDS FOR RECYCLING AT VENUE FACILITIES"; AMENDING SECTION ELEVEN "EXEMPTIONS FROM RECYCLING STANDARDS", SECTION TWELVE "EXTRAORDINARY AND INNOVATIVE RECYCLING", SECTION THIRTEEN "AWARDS PROGRAM FOR RECYCLING ON NON-RESIDENTIAL PROPERTY, MULTI-FAMILY PROPERTY, TEMPORARY EVENTS AND AT VENUE FACILITIES", SECTION FOURTEEN "RECYCLING EDUCATION AND PROMOTION PROGRAM", SECTION FIFTEEN "EVALUATION OF NON-RESIDENTIAL, MULTI-FAMILY, TEMPORARY, EVENT AND VENUE FACILITY RECYCLING PROGRAMS"; CREATING SECTION SEVENTEEN "TEMPORARY EVENT AND VENUE FACILITY COLLECTION SERVICE AGREEMENTS"; AMENDING SECTION EIGHTEEN "STANDARDS FOR RECYCLING CONTRACTORS", SECTION NINETEEN "SELF-HAULING", SECTION TWENTY "COUNTY RECYCLING CENTERS AND HAZARDOUS WASTE COLLECTIONS", SECTION TWENTY-ONE "VARIANCES", SECTION TWENTY-TWO "INSPECTIONS, ENFORCEMENT, AND PENALTIES", DELETING SECTION TWENTY-THREE "APPEALS"; PROVIDING FOR "CONFLICT AND SEVERABILITY"; PROVIDING FOR INCLUSION IN THE COUNTY'S CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 403.706(21), Florida Statutes, authorizes local governments to enact ordinances that require the separation and collection of Recyclable Materials; and

WHEREAS, the Board of County Commissioners (Board) enacted the Collier County Non-Residential Recycling Ordinance No. 2004-50, which provides for the collection of recyclable materials generated on non-residential property; and

WHEREAS, on December 5, 2006 the Board of County Commissioners adopted the Integrated Solid Waste

Management Strategy, which includes source reduction, material reuse and recycling options; and

WHEREAS, the Board of County Commissioners wishes to increase recycling in Collier County because recycling will save energy and natural resources, provide useful products, and prove economically beneficial; and

WHEREAS, the Board also wishes to continue to increase recycling in Collier County because recycling will help ensure that the valuable and limited disposal capacity of the Collier County Landfill is conserved; and

WHEREAS, the Board wishes to implement a more extensive recycling program; and

WHEREAS, the Ordinance 2004-50 does not specifically address recycling on multi-family property; at temporary events; or at venue facilities where temporary events may be held; and

WHEREAS, the Board wishes to further promote the conservation of valuable landfill disposal capacity by requiring the availability of recycling on multi-family property, at temporary events and at venue facilities; and

WHEREAS, the Board finds it necessary for the protection of public health, safety and welfare of Collier County residents to require the recycling of recyclable materials generated on non-residential property, at temporary events and venue facilities.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, as follows:

SECTION ONE: Intent and Purpose.

It is the intent and purpose of this Ordinance to promote ~~R~~recycling by: (a) requiring businesses, temporary events, venue facilities, and institutions in ~~unincorporated~~ Collier County to segregate and recycle as many designated ~~R~~recyclable ~~M~~materials as possible-practicable; (b) requiring multi-family properties to provide collection containers and recycling services to residents; (c) ~~-~~establishing educational programs concerning ~~R~~recycling; (e) ~~(d)~~ providing incentives and awards programs that will make ~~R~~recycling more attractive to the businesses, multi-family properties, temporary events, venue facilities, and institutions in ~~unincorporated~~ Collier County; (d) ~~(e)~~ ~~limiting the regulatory impact of this Ordinance on business~~; and (e) ~~(f)~~ eliminating potential conflicts between the requirements of this Ordinance and the requirements of the County's Land Development Code. By utilizing a balanced combination of incentives and regulations, the Board intends to accomplish its ~~R~~recycling goals while minimizing the regulatory requirements in this Ordinance. The Board also intends to provide sufficient time for ~~the businesses, multi-family properties, temporary events, and venue facilities,~~ and institutions in Collier County to comply with the County's new programs.

SECTION TWO: Title and Citation.

This Ordinance shall be known and may be cited as the "Collier County ~~Non-Residential~~ Recycling Ordinance".

SECTION THREE: Applicability.

The provisions of This Ordinance shall apply to, and be enforced in, be applicable only within the unincorporated areas of Collier County, and in any municipalities within Collier County that agree to such application and enforcement, by inter-local agreement between the governing bodies of the municipality and the County.

SECTION FOUR: Construction and Interpretation.

This Ordinance shall be liberally construed in order to effectively carry out the intent and purpose of the Ordinance. Where any provision of this Ordinance refers to or incorporates another provision, statute, rule, regulation or other authority, this Ordinance refers to the most current version, including and incorporating any amendments thereto or renumbering thereof.

SECTION FIVE: Definitions.

For the purposes of this Ordinance, the definitions contained in this ~~Section 5~~ shall apply unless otherwise specifically stated. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular, and words in the singular number include the plural. The word "shall" is always mandatory and not merely discretionary.

Pursuant to Section 403.7031, Florida Statutes, all definitions in this ~~Section 5~~ shall be construed in a manner that is consistent with the definitions contained in Section 403.703, Florida Statutes. In the case of any apparent conflict or inconsistency with the definitions contained in Section 403.703, Florida Statutes, the statutory definition shall apply.

- A. Board means the Board of County Commissioners of Collier County, Florida.
- B. Certificate of Operation means the license that a ~~C~~contractor must obtain from the County before it can ~~C~~collect ~~R~~recyclable ~~M~~materials in the County.
- C. Code Enforcement Board means the Collier County Code Enforcement Board, which may act as the Collier County nuisance abatement board from time to time, and which is authorized to hear and decide cases involving violations of any County Code or Ordinance. ~~entity that is responsible for enforcing the County's ordinances pursuant to Chapter 2, Division 11, of the Code of Laws and Ordinances of Collier County, Florida.~~
- D. Code Enforcement Officer means any authorized agent or employee of the County whose duty it is to assure code and ordinance compliance.

~~DE.~~ Collect means to gather or pick up ~~R~~recyclable ~~M~~materials for transport and delivery to a ~~R~~recycling ~~F~~facility.

~~EF.~~ Contractor means a ~~P~~person who ~~C~~ollects or transports ~~R~~recyclable ~~M~~materials, ~~from Non-Residential Property for profit.~~

~~F.G.~~ County means Collier County, Florida.

~~G.H.~~ County Manager means the County Manager of Collier County or the County Manager's designee.

~~HI.~~ Customer means an ~~O~~wner or ~~G~~enerator that enters into a ~~S~~ervice ~~A~~greement with a ~~C~~ontractor for ~~R~~ecycling services.

~~IJ.~~ De Minimis Amount means the amount of ~~s~~Solid ~~w~~Waste which lawfully may be included in separated ~~R~~ecyclable ~~M~~materials. A De Minimis Amount of Solid Waste is 10 percent, by volume or weight, whichever is more restrictive, as determined by a measurement or a visual inspection by the County Manager.

~~JK.~~ Dwelling means any building, or part thereof, intended, designed, used, or occupied in whole or in part as the residence or living quarters of one or more persons, permanently or transiently, with cooking and sanitary facilities. Such term shall not mean a room in a motel or hotel.

~~KL.~~ 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.

~~LM.~~ Generator means each business, multi-family property, temporary event organizer, venue facility, not-for-profit organization and institution (i.e., all Ppersons except individuals) that generates one or more ~~R~~ecyclable ~~M~~materials as a result of its activities, ~~on Non-Residential Property.~~

~~N.~~ Hazardous Waste means solid waste, or a combination of solid wastes, which, because of its quantity, concentration, chemical or physical 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. Hazardous waste includes any material or substance identified as a hazardous waste or hazardous substance in the Florida Administrative Code, Florida Statutes, or other applicable laws.

~~MO~~ Materials Recovery Facility means a ~~S~~olid ~~W~~aste management facility that provides for the extraction from ~~s~~Solid ~~w~~Waste of ~~R~~ecyclable ~~M~~materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

~~NP.~~ Multi-Family Property means a group of three or more dwelling units within a single conventional building, attached side by side, or one above another, and wherein each dwelling unit may be individually owned or leased initially on land which is under common or single ownership.

~~EQ.~~ Non-Residential Property means real property ~~that is located in an unincorporated area of Collier County and used primarily for: (1) commerce, including but not limited to offices, stores, Rrestaurants, motels, hotels, recreational vehicle parks, theaters, and service stations; (2) not-for-profit organizations; and (3) institutional uses, including but not limited to governmental facilities, churches, hospitals and schools. The term Non-Residential Property shall not include any Residential Units or undeveloped land.~~

~~PR.~~ Ordinance means this County Ordinance No. 2004 -50, as amended.

~~QS.~~ Organic Waste means ~~G~~garbage ~~and~~ other similar putrescible ~~S~~solid ~~W~~waste, including source separated food waste and food-soiled paper. Organic ~~W~~waste does not include yard trash.

~~RT.~~ Owner means a ~~P~~person who owns ~~N~~non-~~R~~residential ~~P~~property, multi-family property, or a venue facility. An ~~O~~owner also may be a ~~G~~generator.

~~SU.~~ Person means any and all persons, natural or artificial, including any individual, firm, partnership, joint venture, public or private corporation, or other association, or any combination thereof, however organized; any county; and any local, state or federal governmental agency.

~~TV.~~ Primary Recyclable Material means a ~~R~~recyclable ~~M~~material that is ~~a Person generated on Non-Residential Property in an~~ amounts greater than 96 gallons per month.

~~UW.~~ Recovered Materials means metal, paper, glass, plastic, textile, or rubber materials that have a known ~~R~~recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the ~~S~~solid ~~W~~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. ~~R~~Recovered ~~M~~materials as described above are not ~~S~~solid ~~W~~waste.

~~VX.~~ Recovered Materials Processing Facility means a facility engaged solely in the storage, processing, resale, or reuse of ~~R~~recovered ~~M~~materials.

~~WY.~~ Recyclable Materials means those materials that are capable of being ~~R~~recycled, which would otherwise be processed as ~~S~~solid ~~W~~waste, and are designated by the Board pursuant to Section Six 6 of this Ordinance.

~~XZ.~~ Recyclable Materials Container means any container for the collection of recyclables, including but not limited to, recycling bins, recycling carts, dumpsters, roll-offs, or compactors, ~~box, tub, or other container that is made of metal, hard plastic or other similar material. Containers must be constructed in a manner that protects property and the environment from leakage, spillage, and overflow of any type of recyclable materials, and is suitable for the collection of~~ Recyclable Materials.

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

~~ZBB.~~ Recycling Facility means any facility that recycles ~~R~~recyclable ~~M~~materials, including but not limited to buy back centers, drop-off centers (both permanent and mobile), designated County ~~R~~recycling ~~c~~centers, ~~M~~materials ~~R~~recovery ~~F~~facilities and ~~R~~recovered ~~M~~materials ~~P~~rocessing ~~F~~facilities.

~~AACC.~~ Residential Unit means a single-family residence, or duplex residence, ~~and a Multi-Family Residence.~~

~~BBDD.~~ Restaurant means any bar, tavern or other eating or drinking establishment where food or beverages are prepared, served, or sold for profit, either for immediate consumption on or in the vicinity of the premises, or called for or taken out by customers, or prepared prior to being delivered to another location for consumption.

~~CCEE.~~ Self-Hauling Certificate means a written certification by an ~~O~~owner or ~~g~~generator that attests ~~confirming~~ that the ~~O~~owner or ~~G~~generator is collecting and transporting ~~R~~recyclable ~~M~~materials to a ~~R~~recycling ~~F~~facility.

~~DDFF.~~ Service Agreement means a written agreement between a ~~C~~contractor and an ~~O~~owner or ~~G~~generator concerning the collection of ~~R~~recyclable ~~M~~materials.

~~EEGG.~~ 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 ~~G~~garbage, rubbish, refuse, special waste, or other discarded materials, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. Solid waste includes but is not limited to biological waste, biomedical waste, bulk waste, C&D debris, commercial waste, disaster debris, electronic equipment, garbage, hazardous waste, land clearing debris, organic waste, radioactive waste, recyclable materials (until they are recycled), rejects, residential waste, residue, rubbish, special waste, tires, white goods, and yard trash.

~~FFHH.~~ Special Magistrate means a person authorized by the Board to hear and decide cases involving violations of any County codes and /or ordinances.

~~II~~ Substantial Hardship means a demonstrated economic, technological, legal, or other type of hardship.

~~JJ~~ Temporary Event means any event requiring (1) a permit or license pursuant to Chapter 10 of the Code of Laws and Ordinances of Collier County, Florida; or (2) a permit pursuant to Section 5.04.05 or 5.04.06 of the Collier County Land Development Code; or (3) any event requiring a permit or license from the Health or Fire Departments.

~~KK~~ Venue Facility means any building or other permanent facility used for temporary events. A venue facility may be owned by the government, a person, or a non-profit organization.

SECTION SIX: Designation of Recyclable Materials.

For the purposes of this Ordinance, ~~R~~recyclable ~~M~~materials means paper, cardboard, glass, plastic (~~N~~numbers 1 through 7), aluminum, and ferrous metal. The Board may designate other materials (e.g., ~~O~~organic ~~W~~waste) as ~~R~~recyclable ~~M~~materials if the Board determines that a market exists for such materials and a cost-effective system is in

place for Recycling such materials. Materials shall be deleted from this list of Recyclable Materials if the Board determines that a market no longer exists or a cost-effective system is no longer in place for Recycling such materials.

SECTION SEVEN: Minimum Standards for Recycling on Non-Residential Property.

A. Each Owner shall: (1) provide Recyclable Materials Containers on the Owner's Non-Residential Property so the Generators located on the Owner's Non-Residential Property may recycle all of the Recyclable Materials that the Generators have designated pursuant to Subsection 7Seven -B, below; and (2) arrange for Collection services of recycling the materials placed in the Recyclable Materials Containers or self-haul and transport those materials to a Recycling Facility.

B. Each Generator shall ~~diligently attempt to~~ recycle all of the Primary Recyclable Materials that it produces. At least once each year, each Generator shall: (1) consider the list of Recyclable Materials designated by the County pursuant to Section 6Six of this Ordinance; ~~-(2) consider the types of~~ Recyclable Materials generated by its activities on Non-Residential Property; (3) identify the Primary Recyclable Materials that the Generator produces; and (4) identify (i.e., designate) the Primary Recyclable Materials that the Generator will must recycle. Thereafter, each Generator shall separate the designated Primary Recyclable Materials from the Generator's Solid Waste, ~~and the Generator shall~~ place the designated Primary Recyclable Materials in Recyclable Materials Containers provided for collection.

C. If a Generator's activities do not produce any Primary Recyclable Materials, the Generator shall designate and recycle one or more Recyclable Materials in the manner described in Subsection 7Seven -B, above, unless the Generator is exempt pursuant to Subsection 8Eleven -A, below.

D. Each Generator shall coordinate with the Owner of the Non-Residential Property where the Generator's activities occur, and each Owner shall coordinate with the Generator son its Non-Residential Property, to ensure that the Generator's Recyclable Materials are taken to a Recycling Facility.

E. No Person shall dispose of Recyclable Materials that have been separated from Solid Waste pursuant to ~~the provisions of~~ Subsections 7Seven -B or 7Seven -C, above.

F. No Person shall place Solid Waste, or hazardous waste in a Recyclable Materials Container.

G. No Person shall cause litter or a nuisance. Each Person shall take all necessary steps to ensure that their own Recycling activities do not cause litter or a nuisance. Each Person shall immediately pick up any litter and eliminate any nuisance caused by their ~~own~~ activities.

H. Each Owner shall, upon request, provide the County Manager with a copy of a Service Agreement, or Self-Hauling Certificate with receipts from a recycling facility, ~~or other document (e.g., receipt from a Recycling~~

Facility) demonstrating that the Pprimary Rrecyclable Mmaterials generated on the Oowner's Nnon-Rresidential Pproperty are being taken to a Rrecycling Ffacility. The Sservice Agreement, or Sself-Hhauling Ccertificate, or other document shall be available for inspection by the County Manager at the Oowner's Nnon-Rresidential Pproperty during normal business hours. The Oowner also shall mail or deliver these documents to any Ggenerator located on the Oowner's Nnon-Rresidential Pproperty, within fourteen (14) days, if the Ggenerator requests the documents.

I. Each Ggenerator shall, upon request, provide the County Manager with a copy of a Sservice Agreement, or a Sself-Hhauling Ccertificate with receipts from a recycling facility, or other document (e.g., receipt from a Rrecycling Ffacility) demonstrating that the Ggenerator's Pprimary Rrecyclable Mmaterials are being taken to a Rrecycling Ffacility. The Sservice Agreement, or Sself-Hhauling Ccertificate, and or other documents shall be available for inspection by the County Manager at the Ggenerator's Nnon-Rresidential Pproperty during the Ggenerator's normal business hours.

J. An Oowner may satisfy its obligations under this Ordinance by performing the required activities itself or by using the services of a Ccontractor or other Pperson who complies with the requirements of this Ordinance. However, notwithstanding anything else contained herein, the Oowner shall be responsible for ensuring and demonstrating its compliance with the requirements of this Ordinance.

K. A Ggenerator may satisfy its obligations under this Ordinance by performing the required activities itself or by using the services of a Ccontractor or other Pperson who complies with the requirements of this Ordinance. However, notwithstanding anything else contained herein, each Ggenerator shall be responsible for ensuring and demonstrating its compliance with the requirements of this Ordinance.

SECTION EIGHT: Minimum Standards for Recycling on Multi-Family Property.

A. Each owner shall: (1) provide recyclable materials collection containers on the owner's multi-family property; and (2) arrange for recycling collection services.

B. Each owner shall display prominent signage indicating the location of recycling collection container locations.

C. Each owner shall provide printed recycling education informational materials to residents at a minimum of two times per year.

D. No person shall dispose of recyclable materials that have been separated from solid waste.

E. No person shall place solid or hazardous waste in a recycling collection container.

F. Each owner shall take all necessary steps to ensure that recycling activities do not cause litter or a nuisance. Each owner shall immediately pick-up any litter and eliminate any nuisance caused by any recycling activity.

G. Each owner shall annually provide the Collier County Solid Waste Management Department current contact information for all multi-family property.

H. The County's exclusive franchised contractor for the collection of residential program recyclables includes the collection of program recyclables generated by those customers that occupy multi-family residences, even if the customers receive non-curbside residential collection service.

SECTION NINE: Minimum Standards for Recycling at Temporary Events.

A. Any person seeking a permit for a temporary event within Collier County shall complete and submit with their permit application the Solid Waste Management Department's Temporary Special Event Recycling Plan. In addition, promotional literature, signage and temporary event announcements shall contain information about recycling at the temporary event.

B. The Solid Waste Management Department shall review the Temporary Special Event Recycling Plan and determine whether the plan includes reasonable measures to promote recycling, especially for paper, cardboard, and beverage containers made of plastic, glass and aluminum.

C. The County Manager shall be allowed to attend the temporary event at no charge, solely for the purpose of assisting with and verifying the recycling efforts.

A-D. If the temporary event will not generate more than one ninety-six (96) gallon container of non-separated solid waste for disposal, a administrative variance may be requested from the requirements to collect recyclable materials. The County Manager will establish a procedure for the consideration of an administrative variance from the requirements in this section if the County Manager concludes a good faith effort has been made to satisfy the requirements herein.

E. The permittee shall provide at least one recyclable materials collection container for each solid waste container provided at the temporary event. The recyclable materials collection containers shall be clearly labeled and placed in the same locations as each solid waste container. The permittee shall arrange for the contents of the recyclable

materials collection containers to be delivered to a recycling center or similar facility.

G. If the permittee self-hauls recyclables from temporary events to a recycling center or similar facility, the permittee shall deliver a copy of the recycling center/facility receipt to the Solid Waste Management Department by fax, email or mail within 30 days of the event.

H. All temporary event organizers are encouraged to hold a pre-event recycling workshop for vendors and volunteers.

SECTION TEN: Minimum Standards for Recycling at Venue Facilities.

A. The owner of each venue facility shall prepare and implement a Temporary Special Events Recycling Plan. The Temporary Special Events Recycling Plan shall require recycling during each temporary event and other lawful uses of the venue facility. The Temporary Special Events Recycling Plan must be submitted annually to the Solid Waste Management Department. The County Manager shall review the Temporary Special Event Recycling Plan to determine whether the plan includes reasonable measures to encourage recycling. At a minimum, the Temporary Special Event Recycling Plan shall be designed to promote recycling of paper, cardboard, and beverage containers made of plastic, glass, or aluminum. The owner of a venue facility shall be responsible for ensuring that the Temporary Special Event Recycling Plan is implemented when the venue facility is used.

B. Venue facility managers are encouraged to hold a pre-event recycling workshop for vendors and volunteers.

SECTION EIGHT ELEVEN: Exemptions from Recycling Standards.

A. Notwithstanding any other provision herein, a Generator shall be exempt from the requirements in Section 7 of this Ordinance if the Generator uses no more than one container for the disposal of its Solid Waste, the container's capacity is no greater than ninety-six (96) gallons, and the contents of the container are collected no more than two (2) times per week. An exemption may be allowed where compliance with the ordinance would result in unnecessary hardship to the business and the need for an exemption would not be shared generally by other businesses. All exemptions are to be construed as temporary, for a period of one (1) year, and shall be considered withdrawn on the first to occur of (a) a change in the condition(s) which prompted the exemption, or (b) the expiration of the time period granted in the exemption. Should an exemption be withdrawn because the time period has expired, an applicant may apply for renewal of the exemption.

B. Notwithstanding any other provision herein, an owner shall be exempt from the requirements of this Ordinance if: (1) all of the generators on the owner's non-residential property are exempt from or not required to comply

with the provisions of this ordinance or (2) primary recyclable materials are not being generated by any activities occurring on the owner's non-residential property.

~~BC.~~ Notwithstanding any other provision herein, a ~~G~~generator shall not be required to recycle a ~~R~~recyclable ~~M~~material if the ~~G~~generator demonstrates to the County Manager that there is no collection service ~~or other cost-effective system~~ available for ~~R~~recycling such material.

~~C.~~ ~~Notwithstanding any other provision herein, an Owner shall be exempt from the requirements in Section 7 of this Ordinance if: (1) all of the Generators on the Owner's Non-Residential Property are exempt from or not required to comply with the provisions of Section 7; or (2) Primary Recyclable Materials are not being generated by any activities occurring on the Owner's Non-Residential Property.~~

SECTION NINETWELVE: Extraordinary and Innovative Recycling.

A. All ~~O~~owners, ~~and G~~generators, and any person organizing a temporary event, including those who are exempt from some or all of the requirements in this Ordinance, are encouraged to recycle all of their ~~R~~recyclable ~~M~~materials, ~~especially aluminum cans, paper, and cardboard.~~

B. Owners, ~~and G~~generators, and any person organizing a temporary event are encouraged to work with the County to develop new and innovative methods to recycle other ~~R~~recyclable ~~M~~materials, such as ~~O~~rganic ~~W~~waste.

C. All municipalities in Collier County are encouraged to adopt and implement ~~R~~recycling programs for the ~~businesses and institutions~~non-residential properties, multi-family properties, temporary events, and venue facilities located within the incorporated areas of the County municipalities' corporate boundaries. If requested, the County Manager shall provide advice and technical assistance with the development of the ~~R~~recycling programs for these municipalities.

SECTION TENTHIRTEEN: Awards Program for Recycling on Non-Residential Property, Multi-Family Property, Temporary Events and at Venue Facilities.

The County Manager is hereby authorized to establish and implement an awards program to recognize ~~O~~owners, ~~and G~~generators, and any person organizing a temporary event ~~in the County who that~~ implements exceptional or innovative ~~R~~recycling programs for ~~N~~non-~~R~~residential ~~P~~roperty, multi-family property, at temporary events and at venue facilities.

SECTION ELEVENFOURTEEN: Recycling Education and Promotion Program.

The County Manager is hereby authorized to establish and implement a ~~R~~recycling education and promotion program for ~~O~~owners, ~~and G~~generators, and any person organizing a temporary event ~~in the County.~~ The education and

promotion program may include, but is not limited to, public workshops, public service announcements, multi-media advertising, and direct mailings concerning the methods and benefits of Recycling on Non-Residential Property, multi-family property, temporary events and venue facilities.

SECTION TWELVEFIFTEEN: Evaluation of Non-Residential, Multi-Family, Temporary Event, and Venue Facility Recycling Programs.

As needed, the County Manager shall provide a report to the Board concerning the County's Recycling program for Non-Residential Property, multi-family property, temporary events and venue facilities. -The report shall address the effectiveness of the County's Recycling programs for Non-Residential Property, multi-family property, temporary events and venue facilities, the general costs and benefits associated with thiese -programs, and any changes that should be implemented to improve the effectiveness of the programs.

SECTION THIRTEENSIXTEEN: Recycling Service Agreements.

A Contractor shall provide a written Service Agreement to a Customer before the Contractor begins to collect that Customer's Recyclable Materials. The Service Agreement shall describe the services to be provided by the Contractor, the fees to be paid by the Customer, and the other terms of the parties' agreement.

SECTION SEVENTEEN: Temporary Event, and Venue Facility Collection Service Agreements.

Any contractor engaged by the organizer of a temporary event to provide solid waste and/or recycling collection service is required to submit a copy of the invoice to the Solid Waste Management Department within thirty (30) days after submittal of the invoice to the contracting party. Each invoice will contain an estimate of the municipal solid waste and/or recyclables generated at the event.

SECTION FOURTEENEIGHTEEN: Standards for Recycling Contractors.

A. The County Manager shall approve a standard form that will be used as the County's Certificate of Operation. The Certificate of Operation shall contain the conditions and limitations that are deemed appropriate by the County Manager. The Certificate of Operation shall remain in effect for a period of one (1) year, and must be submitted annually from the date of submission unless the Board approves a longer duration by resolution.

AB. No Person may Collect or transport Recyclable Materials in the County for profit unless such Person has obtained a Certificate of Operation from the County's Solid Waste Management Department. However, a certified Recovered Materials dealer, as defined in Section 403.7046, Florida Statutes, is not required to obtain a Certificate of Operation before engaging in business in the County.

~~BC.~~ A not-for-profit ~~P~~person is not required to obtain a Certificate of Operation before collecting or transporting ~~R~~recyclable ~~M~~materials in the County.

~~CD.~~ Any ~~P~~person may file an application with the Solid Waste Management Department County Manager for a Certificate of Operation. The application shall be submitted on athe form prepared by the County Manager. The applicant shall provide all of the information and documentation ~~that is~~ requested by the County Manager, including but not limited to the following:

1. The name, address and telephone number of the applicant;
2. A description of the vehicles that the applicant will use to ~~C~~collect ~~R~~recyclable ~~M~~materials, including the make, model, and serial number of each vehicle; and

- ~~3. Certificates of insurance demonstrating that the applicant has the following minimum insurance coverage: commercial general liability insurance of at least \$1,000,000; business automobile liability insurance of at least \$1,000,000; workers' compensation insurance of at least the statutory limits, unless otherwise provided by state law; and umbrella liability insurance of at least \$2,000,000. The certificates of insurance shall state that the County will receive at least 30 days' written notice before cancellation or reduction of coverage. The certificates of insurance shall indicate that the Board is a named insured in all of the insurance policies required by this Ordinance, with the exception of workers compensation.~~

- 4~~3~~. A written statement certifying that the applicant has reviewed and will comply with all of the requirements in the Certificate of Operation and this Ordinance.

~~DE.~~ If the County Manager determines that the applicant complies with the terms of this Ordinance and all applicable laws, the County Manager shall grant a Certificate of Operation. The County Manager shall deny an application for a Certificate of Operation if the County Manager determines that the applicant does not comply with the terms of this Ordinance or other applicable law. The County Manager may revoke a Certificate of Operation if the County Manager determines, after providing notice and an opportunity for a hearing, that a ~~C~~contractor has violated the provisions in a Certificate of Operation or any applicable law.

~~EF.~~ ~~The County Manager shall approve a standard form that will be used as the County's Certificate of Operation. The Certificate of Operation shall contain the conditions and limitations that are deemed appropriate by the Board. The Certificate of Operation shall remain in effect for a period of one (1) year, unless the Board approves a longer duration by resolution.~~

F. A ~~C~~contractor shall provide each of its ~~C~~customers with ~~R~~recyclable ~~M~~materials ~~C~~containers that are sufficient to accommodate the quantity and types of ~~R~~recyclable ~~M~~materials that will be recycled by the ~~C~~customer.

G. A ~~C~~contractor shall conduct all of its activities in accordance with all applicable laws and best

management practices. A Contractor's vehicles, equipment, and collection containers shall be kept in a clean and well-maintained condition.

H. A Contractor shall not take a Customer's Recyclable Materials to a landfill or other site for disposal, unless the Contractor has received a variance pursuant to Section ~~46~~21 of this Ordinance.

I. Unless exempt from this requirement pursuant to Chapter 62-722, Florida Administrative Code, a Contractor shall provide quarterly reports to the County identifying, at a minimum, the types and amounts of Recyclable Material it collected, and each Recycling Facility to which the Recyclable Material was taken. The County Manager may require the Contractor to provide such other information as the County Manager reasonably determines is necessary, provided such request is consistent with the provisions of Chapter 62-722, Florida Administrative Code.

J. A contractor shall not provide collection services prior to 6:00a.m. or after 6:00 p.m. for a property located within two hundred (200) feet of a dwelling unless otherwise authorized by the County Manager. Contractors may provide services at other locations at any reasonable time, subject to approval by the County Manager. Contractors shall not provide collection services on Sundays unless otherwise authorized by the County Manager.

SECTION FIFTEENNINETEEN: Self-Hauling.

A. If an Owner Collects the Recyclable Materials generated on its Non-Residential Property, at temporary events, or at venue facilities and transports those materials to a Recycling Facility, without using a Contractor, the Owner shall, ~~upon request~~, prepare a Self-Hauling Certificate for the County Manager.

B. If a Generator Collects and transports its Recyclable Materials to a Recycling Facility, without using a Contractor, the Generator shall, ~~upon request~~, prepare a Self-Hauling Certificate for the County Manager.

C. The County Manager shall approve a standard form that shall be used as a Self-Hauling Certificate. At a minimum, the Owner or Generator shall provide the following information in the Self-Hauling Certificate:

1. The name, address, ~~and~~ telephone number and email address of the Owner or Generator that is signing the Self-Hauling Certificate;
2. The address of the Non-Residential Property, temporary event or venue facility where the Recyclable Materials are generated;
3. The names of the Generators that are transporting Recyclable Materials pursuant to the Self-Hauling Certificate;
4. A brief description of the activities or businesses that are generating the Recyclable Materials;
5. A list of the types of Recyclable Materials that are being transported and an estimated

tonnage or yardage value for each type of recyclable material being taken from the non-residential property, temporary event, or venue facility to a recycling center;

~~6. For each type of Recyclable Material, the amount that is being taken from the Non-Residential Property to a Recycling Facility each month;~~

~~7.6. The name and address of the Recycling Facility; and~~

~~8.7. The Occupational License number(s) for the Non-Residential Property or venue facility, and/or event permit number(s) for temporary events.~~

D. The Self-Hauling Certificate shall contain a written statement, signed by the Owner or Generator, certifying that the Owner or Generator is in compliance with the requirements of this Ordinance.

E. The County Manager may restrict or prohibit self-hauling by a Person if the County Manager determines, after providing notice and an opportunity for a hearing, that the Person's self-hauling activities violate the provisions of this Ordinance or any other applicable law.

SECTION SIXTEENTWENTY: County Recycling Centers and Hazardous Waste Collections.

A. The County has established recycling centers for the benefit of the community. The County may impose conditions and limitations upon any Person that wishes to use the County's recycling centers, including limitations on the types and amounts of Recyclable Materials that will be accepted at the recycling centers. The County also may charge fees for the use of its recycling centers. The conditions, limitations, and fees applicable to the recycling centers shall be established by resolution of the Board.

~~B. The County may maintain Hazardous Waste Collection Centers and may, periodically, host special roundups to accept hazardous materials from residents, including pharmaceuticals for Operation Medicine Cabinet for proper disposal.~~

~~C. Conditionally exempt and small quantity generators may bring hazardous materials to the recycling centers upon appointment with the hazardous materials collection and/or disposal company. Acceptance of the hazardous materials and payment for this service will be the responsibility of the hazardous material collection and/or disposal company and the generator.~~

~~BD. A Contractor shall not deliver Recyclable Materials or Solid Waste to the County's recycling centers, unless the deliveries are approved in advance by the County Manager.~~

SECTION SEVENTEENTWENTY-ONE: Variances.

A. The County Manager shall grant an administrative variance from the requirements in this Ordinance

when an Owner, Generator or other Person demonstrates that the application of the Ordinance would create a Substantial Hardship.

B. Any Owner or Generator who demonstrates that, due to site specific conditions, the Owner or Generator cannot simultaneously comply with this Ordinance and the provision of any section of the Collier County Land Development Code or the provision of a duly adopted planned unit development, may seek a variance pursuant to Section 9.04.00 of the Land Development Code. In the alternative, the County Manager may grant an administrative variance from the requirements of this Ordinance.

C. An application for an administrative variance pursuant to this Ordinance Subsections 17.A or 17.B, above, shall be submitted to the County Manager on a form prescribed by the County Manager. An application for a variance from the County's Land Development Code pursuant to Subsection 17.B this Ordinance, above, shall be governed by Section 9.04.00 of the Collier County Land Development Code. The fee for a variance shall be established by resolution of the Board.

D. Pursuant to Section Five of the 2004 Land Development Code adopting Ordinance (Ordinance No. 2004 - 50), the requirements of Section 4.05.04 (minimum requirements for parking spaces) and Section 4.06.00 (minimum requirements for visual screening) of the Land Development Code do not apply to a Person that filed an application for a site plan approval before July 29, 2005 the effective enforcement date of this Ordinance, but only if and only to the extent that the Person's compliance with this Ordinance precludes the Person from complying with the requirements in Sections 4.05.04 and 4.06.00 of the Land Development Code.

SECTION EIGHTEENTWENTY-TWO: Inspections, Enforcement and Penalties.

A. The County Manager is authorized to conduct inspections on Non-Residential Property, multi-family property, at temporary events and at venue facilities for the purpose of determining whether a Person is in compliance with the requirements of this Ordinance. The County Manager also is authorized to inspect any vehicle, equipment or collection container used to Collect or transport Recyclable Materials in the County for the purpose of ensuring that the vehicle, equipment or container is not producing litter or leaking liquids or other residuals during transport.

B. It shall be prima facie evidence of a violation of this Ordinance if an Owner or Generator fails to have a Recyclable Materials collection Container in use on their Non-Residential Property, multi-family property, temporary event or venue facility.

C. To provide the public with a reasonable opportunity to comply with this Ordinance, the County shall not seek any penalties for violations of this Ordinance amendment that occur within twelvesix months of the effective date

of this Ordinance amendment. The deadline for compliance with this Ordinance may be postponed by resolution of the Board.

D. The County Manager shall have the power to enforce the provisions of this Ordinance through the County's Code Enforcement Board or Special Magistrate using the enforcement process and penalties established by the Collier County Consolidated Code Enforcement Ordinance, as it may be amended or replaced. The County Manager also may enforce this Ordinance by using any other enforcement procedure that is approved by the Board in the future pursuant to a County ~~o~~Ordinance.

SECTION NINETEEN: Appeals.

~~_____ A. _____ The County Manager is hereby granted the authority to resolve any questions concerning the proper interpretation and application of this Ordinance.~~

~~_____ B. _____ Any decision of the County Manager under this Ordinance may be appealed to the Board. Any appeal shall be initiated by filing a written petition with the County Manager within ten (10) days after the County Manager issues a written decision concerning the matter in dispute. The petition shall describe the facts and issues in dispute and shall explain why the petitioner is entitled to relief. The petition shall be presented to the Board for its consideration as expeditiously as possible, but the petitioner shall be given at least ten (10) days advance notice of the Board's meeting concerning the petition. At the Board's meeting, the petitioner shall have the burden of proving that it is entitled to the relief requested.~~

SECTION TWENTY: Severability.

~~_____ If any clause, section or provision of this Ordinance shall be declared to be unconstitutional or invalid for any cause or reason, the same shall be eliminated from this Ordinance and the remaining portion of this Ordinance shall be in full force and effect and be as valid as if such invalid portion thereof had not been incorporated therein.~~

SECTION TWENTY-ONETHREE: Conflict and Severability.

In the event this Ordinance conflicts with any other ordinance of Collier County, the more restrictive shall apply. If any phrase or portion of this Ordinance, or the particular application thereof, shall be held invalid or unconstitutional by any court, administration agency or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases and their application shall not be affected thereby. The provisions of any other Collier County Ordinance that are inconsistent or in conflict with the provisions of this Ordinance are superseded to the extent of such inconsistency or conflict, or waived when the subject of a variance granted pursuant to Section 16 of this Ordinance.

SECTION TWENTY-TWO FOUR: Inclusion in the County's Code of Laws and Ordinances.

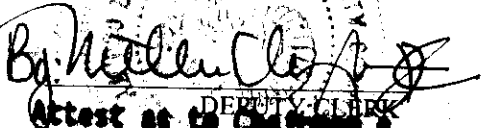
The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinance may be renumbered or relettered to accomplish this goal, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

SECTION TWENTY-THREE FIVE: Effective Date.

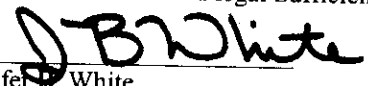
This Ordinance shall become effective upon receipt of notice of its filing from the office of the Secretary of State of the State of Florida.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this day of

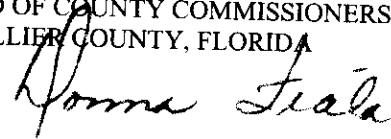
ATTESTED
DWIGHT E. BROCK, CLERK

By: 
DEPUTY CLERK
Attest as to Chairman's
signature on 11/3/09

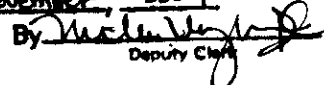
Approval as to form and legal Sufficiency:


Jennifer D. White
Assistant County Attorney

BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA

By: 
DONNA FIALA, CHAIRMAN

This ordinance filed with the
Secretary of State's Office the
3rd day of November, 2009
and acknowledgement of that
filing received this 10th day
of November, 2009

By: 
Deputy Clerk

STATE OF FLORIDA)

COUNTY OF COLLIER)

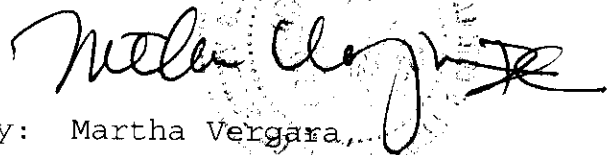
I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true and correct copy of:

ORDINANCE 2009-56

Which was adopted by the Board of County Commissioners on the 27th day of October, 2009, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 30th day of October, 2009.

DWIGHT E. BROCK
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners



By: Martha Vergara,
Deputy Clerk