

DIVISION 4. - SPECIALTY CONTRACTORS

Subdivision I. - Generally

Secs. 90-256—90-275. - Reserved.

Subdivision II. - Rolloff/Portable Waste Container Contractors

Sec. 90-276. - Permit required.

Except as provided elsewhere in this chapter, no person shall engage in the business of removing or disposing of construction and demolition debris or large quantities of trash from any premises within the city limits without first securing a permit for such activities from the city by paying the business tax receipt amount as set forth in chapter 18, and without showing proof of insurance, as required in section 90-191 et seq. However, franchise waste contractors shall not be required to obtain a separate business tax receipt to service rollofs or portable containers within the city.

(Ord. No. 2010-3679, § 1, 4-14-10)

Sec. 90-277. - Permits required.

No rolloff container, dumpster or portable container shall be placed or located within the city without a permit from the city. Failure to obtain a permit will result in a penalty of \$100.00 per location.

(Ord. No. 2010-3679, § 1, 4-14-10)

Sec. 90-278. - Fees and requirements; penalties for non-payment.

The permit fees and requirements for rolloff container and grapple service contractors shall be as follows:

- (1) *On-street permit fee.* When the rolloff container is to be located on the street, the permit fee shall be 20 percent of the contractor's total monthly gross receipts for the month in which the permit was issued and every month thereafter that the permit is valid. Four barricades with flashing lights shall be posted. In addition, when the rolloff container is to be located in parking meter spaces, an additional fee shall be due, as set forth in appendix A, per meter, per day.
- (2) *Off-street permit fee.* When the rolloff container is to be located on private property, the permit fee shall be 20 percent of the contractor's total monthly gross receipts for the month in which the permit was issued and every month thereafter that the permit is valid.
- (3) *List of accounts.* Each contractor shall provide the city manager with a current list of the names and addresses of each account, upon initial application, and upon any application for renewal, of its permit, the frequency of service, and the permit number and capacity of each rolloff container or dumpster as per account and the address serviced by each rolloff container or dumpster. No property owner may share an account with another property owner.
- (4) *Monthly report.* Each contractor shall deliver to the city's finance department a true and correct monthly report of gross receipts generated during the previous month (from accounts within the city) on or before the last day of each month. This monthly report shall include the customer names, service addresses, account numbers, and the actual amount collected from each customer. Payments of any fees required in this section shall be made monthly to the finance department, on or before the last day of each month, for gross receipts of the previous month. Contractors having annual gross receipts reported to the city over \$200,000.00 shall, on or before 60 days following the close of their fiscal year, deliver to the finance department a statement of

annual gross receipts (generated from accounts within the city) certified by an independent certified public accountant, reflecting gross receipts within the city for the preceding fiscal year.

- (5) *Audit or inspection of contractor's books and records.* Each contractor shall allow the city auditors, upon reasonable notice and during normal business hours, to audit, inspect and examine the contractor's books and records, and state and federal tax returns, insofar as they relate to city accounts, to confirm the contractor's compliance with this section. This information shall include, but not be limited to, the following: billing rates, billing amounts, sequentially pre-numbered invoices, signed receipts, trip tickets, computer records, general ledgers and accounts receivable sorted by service address. Additionally, the city auditors may communicate directly with customers of the contractor for the purpose of confirming compliance with this section. Failure to provide requested and complete records in a timely manner shall be cause for revocation of the permit pursuant to ch. 18.
- (6) Failure to pay permit fee; penalties for late payment. If the contractor fails to timely pay the full permit fee as set forth in subsections (1) and (2) of this section, the contractor shall pay any and all of the city's expenses for collection of such fees, including, but not limited to, court costs, audit costs and reasonable attorney fees. If the contractor fails to pay the full permit fee on or before the last day of each month, penalty fees for specialty contractors shall be as follows:
 - (a) *Original delinquency.* Any specialty contractor who fails to remit any permit fee imposed by this division within the time required shall pay a penalty of ten percent of the amount of the delinquent fee in addition to the amount of the fee.
 - (b) *Continued delinquency.* Any specialty contractor who fails to remit the permit fee on or before the 30th day following the date on which the fee first became delinquent shall pay a second delinquency penalty of ten percent of the amount of the fee in addition to the amount of the fee and the ten percent penalty imposed pursuant to subsection (1). An additional penalty of ten percent of the amount of the delinquent fee shall be paid for each additional 30-day period, or part thereof, during which the permit fee is delinquent, provided that the total penalty imposed by subsection (a) and this subsection (b) shall not exceed 50 percent of the amount of the permit fee. This penalty shall be in addition to the permit fee and interest imposed by this division.
 - (c) *Interest.* In addition to the penalties imposed in subsections (a) and (b), any specialty contractor who fails to remit any permit fee imposed by this division shall pay interest at the, highest legal rate of interest permitted by law on the amount of fee, exclusive of penalties, from the date on which the permit fee first became delinquent until paid.
 - (d) *Penalties merged with permit fee.* Every penalty imposed and all interest accrued under the provisions of this section shall become a part of the permit fee required to be paid.
- (7) *Evidence of payment.* In order to effectively provide for the collection of the permit fee by the contractor to the city, any person seeking to renew his/her annual business tax receipt pursuant to the provisions of chapter 102, article V, in addition to the requirements contained therein, shall provide to the finance director evidence of payment of all outstanding permit fees, fines and other charges as a condition to reissuance or renewal of the business license.
- (8) *Identification of equipment.* All equipment utilized to collect and transport solid waste in the city must be conspicuously marked on both sides of the automotive unit with the name of the hauler, tare weight and cubic yard capacity. Identification information must also be marked on all trailer and container units. All markings must be in letters and numerals at least two inches in height.

(Ord. No. 2010-3679, § 1, 4-14-10; Ord. No. 2015-3969, § 1, 10-14-15; Ord. No. 2109-4298, § 1, 9-25-19)

Sec. 90-279. - Location restrictions.

The city has the right to restrict the location of any rolloff, portable containers, or dumpsters in order to ensure the public's safety and to prevent traffic hazards. It is prohibited to place rollofs and portable containers in the following locations and areas:

- (1) Alleys, lanes, bridges.
- (2) Ocean Drive, from Biscayne Street to 15th Street.
- (3) Collins Avenue, from Biscayne Street to 87th Terrace.
- (4) Washington Avenue, from Biscayne Street to 17th Street.
- (5) 41st Street, from Collins Avenue to Alton Road.
- (6) 71st Street, from Collins Avenue to Bay Drive.

(Ord. No. 2010-3679, § 1, 4-14-10)

Sec. 90-280. - Use restrictions.

Rolloff, portable containers, or dumpsters are to be used for the removal of construction and demolition debris or for the removal of large quantities of bulky waste. Construction and demolition debris, and bulky waste, is never to be stored directly on the ground, as rolloff and portable containers must be used at all times. Rolloff and portable containers shall not be used for the removal of garbage or commercial waste.

(Ord. No. 2010-3679, § 1, 4-14-10)

Sec. 90-281. - Overflowing rollofs and portable containers.

Overflowing rollofs and portable containers and dumpsters are prohibited. The city manager shall have the authority to order the removal by the property owner of any such overflowing rolloff or portable container or dumpster.

(Ord. No. 2010-3679, § 1, 4-14-10)

Secs. 90-282—90-305. - Reserved.

Subdivision III. - Recycling Waste Contractors

Sec. 90-306. - License required.

No person shall engage in the business of removing, disposing of, or collecting any recycling materials from any property and/or premises within the city limits without first having secured a business tax receipt for such activities from the city by paying the fee set forth in chapter 18, and by showing proof of insurance, as required in section 90-191 et seq.

(Ord. No. 2010-3679, § 1, 4-14-10)

Sec. 90-307. - Expiration of licenses.

Effective October 1, 2008, permits issued to recycling contractors shall be for a term of one year, unless such recycling is pursuant to a franchise agreement, in which case, the permit shall be for the term of the franchise agreement. The city may at any time approve and implement a citywide recycling program, and may then cease permitting individual recycling contractors. Recycling contractors operating

under a valid business tax receipt at the time of commencement of such city-wide program may continue operation until the expiration date of said receipt, but will thereafter cease operation within the city.

(Ord. No. 2010-3679, § 1, 4-14-10)

Sec. 90-308. - Monthly report.

Each recycling contractor shall deliver monthly to the city manager or his authorized designee, an accurate report regarding the nature and disposition and volume of recyclable materials collected by it from each account in the city. Upon request by the city manager or his authorized designee, each contractor shall also furnish the city with verifiable information regarding the method and place of final disposal or distribution of said materials.

(Ord. No. 2010-3679, § 1, 4-14-10)

Sec. 90-309. - Exemption for interlocal agreements.

Activities of recycling contractors within the city shall be subject to and may not interfere with recycling activities conducted within the city pursuant to interlocal agreements existing at the time of issuance of the recycling contractor's permit and/or business tax receipt.

(Ord. No. 2010-3679, § 1, 4-14-10)

Sec. 90-310. - Regulations applicable.

All recycling contractors must comply with all of the requirements set forth in sections 90-98, 90-99, 90-227, and 90-228 of the City Code.

(Ord. No. 2010-3679, § 1, 4-14-10)

Secs. 90-311—90-330. - Reserved.

Subdivision IV. - Hazardous, Biohazardous Waste Contractors

Sec. 90-331. - Permit required.

Except as provided elsewhere in this division, no person shall engage in the business of removing, disposing or collecting any hazardous or biohazardous wastes from any premises within the city without first having secured a business tax receipt for such activities from the city by paying the fee set forth in chapter 18, and by showing proof of insurance, as required in section 90-191 et seq., and proof of required state licenses and fee.

(Ord. No. 2010-3679, § 1, 4-14-10)

Sec. 90-332. - Requirements and fees.

- (a) *List of accounts.* To obtain the permit required by section 90-331, each contractor must provide the city manager or his authorized representative with a list of all of his accounts within the city, expressly stating whether there is hand collection of bags or collection by dumpsters; frequency of service per week; and a description of services.

- (b) *Permit and approval of location required.* After an inspection of the location where the account is going to be serviced and approval of the location by the city manager or his authorized designee, a biohazardous waste permit, valid for one city fiscal year, will be issued by the city. The fee for each permit will be as specified in appendix A. This permit is not transferable.
- (c) *Disposal restrictions.* Disposal of hazardous or biohazardous wastes shall be done only in accordance with section 90-103.

(Ord. No. 2010-3679, § 1, 4-14-10)

Secs. 90-333—90-339. - Reserved.