

August 10, 2010

SUBJECT:**ORIGINATING DEPARTMENT:****Solid Waste Collection Regulation****Public Works**

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POLICY:

The following outlines the procedures for implementing administering and regulating the Citrus County Solid Waste Collection and Disposal regulations (Chapter 82 of the Citrus County Code). Included within the A.R. are the procedures used for qualifying and regulating collectors affected by Ordinance.

PROCEDURES:

The administration of this A.R. will be by the Director of the Division of Solid Waste Management or designee acting as the Coordinator.

The Coordinator will be responsible for:

- a. Reviewing all applications for Collector Certification.
- b. Issuing Certification.
- c. Conducting investigations, hearings and provide recommendations on certification revocation and/or suspension proceedings.
- d. Reviewing all routes submitted.
- e. Reviewing annual information submitted by Collector on July 1st of each calendar year.
- f. Approving Collector Complaint Forms and reviewing the disposition of complaints.
- g. Reviewing collector Certificate of Insurance for compliance with County requirements.
- h. Providing adequate personnel to assure Collector compliance with the applicable standards, provisions, laws and Ordinances(s).
- i. Reviewing security deposit amounts for tipping fee charge agreements.

CERTIFICATION OF COLLECTORS:

A collector shall be required to obtain a Certification Letter and shall have a copy in the collection vehicles at all times prior to providing residential or commercial solid waste collection services in the unincorporated areas of Citrus County.

1. Any person who desires to obtain a Certification from the Coordinator must be at least 18 years of age.
2. The applicant shall have the burden of establishing they are of good moral character. Good moral character means a personal history of honesty, fairness and respect for the rights of others and for the laws of this County, State and Nation. An applicant is found to be unqualified for Certification because of a lack of good moral character; the Coordinator shall furnish the applicant a statement containing the findings of the Coordinator, a complete record of the evidence upon which their determination was based, and a notice of the rights of the applicant to a rehearing and appeal. If the applicant has been placed on the "convicted vendor list" pursuant to FL Statute 287.133, within the last three years, this fact shall be prima facie evidence of lacking good moral character. Evidence supporting denial may include:
 - (a) Evidence of making misrepresentations in connection with a business;
 - (b) Evidence that they committed a felony in connection within a trade, or;

- (c) Evidence that they defrauded the general public in practicing a trade.
3. The applicant must provide evidence that that they obtained all permits and licenses required by law and/or Ordinance(s) and will maintain the same in full force and effect. Acquisitions of these approvals shall be at the applicant's expense.
 4. The applicant shall provide a list of vehicles by size and type including the vehicle identification number that will be used to provide services. The display of the identification number shall conform to Ordinance No. 2009-A30 Division 2 (5). The Collector's name and office telephone number shall be prominently displayed on all solid waste collection vehicles.
 5. The applicant must sign a sworn affidavit that all solid waste shall be hauled to a site or facility approved by the Board and disposed of at that;
 - a. site at the expense of the Collector
 - b. agreeing to comply with all standards and provisions of the Ordinance
 - c. affidavit that the vehicles used on all collection routes comply with posted and/or established load limits.
 6. The applicant must sign a sworn affidavit agreeing to comply with all standards and provisions of the Ordinance, as well as all other county ordinances dealing with solid waste.
 7. The applicant must sign a sworn affidavit that the vehicles used on all collection routes comply with posted and/or established load limits.
 8. The applicants for Certification- must demonstrate that they are fiscally responsible. The applicant shall provide a sworn statement to the Coordinator:
 - (a) that he has no unsatisfied judgements against the corporate officer(s) or the company in connection with the practice of this trade for which he is applying for Certification;
 - (b) that there are no unpaid past due bills or claims of labor, materials, or services as a result of construction operations of any person in the organization which he has or is qualifying;
 - (c) that there are not any liens, suits, or judgements of record or pending as a result of the operations of the business he is operating or of the business qualifying;
 - (d) that there are no liens of record by the Internal Revenue Service or the State of Florida Corporate Tax Division against any business or any organization the corporate officer(s) is qualifying.
 9. Upon application and annually thereafter, applicant shall complete and execute a solid waste disposal agreement or renewal.
 10. The applicant shall furnish proof that he has liability insurance coverage as required by the county office of risk management maintain the required insurance coverage during the certification period in accordance with the limits outlined in Ordinance No. 2009-A30 Division 2 (9).

11. The applicant may not assign his Certification unless the Assignee meets all the requirements of the County's Solid Waste regulations and is so certified by the Coordinator, and provided the Board adopts a resolution approving the assignment.
12. The applicant shall not serve on the board of directors of two or more collectors providing residential or commercial collection services within the unincorporated area of the county. Each collector shall annually certify in writing to the board the collector is in compliance with this subsection.
13. The applicant shall be required to establish a secured waste disposal account at the time of certification. Acceptable forms of security include cash, cashiers' check, bond, or letter of credit in the county format only. The required minimum amount of security shall be determined by the coordinator at the time of application and at least annually thereafter. The intent of the security is to cover two months' charges.

HEARING PROCEDURES:

- A. Upon sworn complaint of any interested party, the Coordinator may conduct a public hearing on the question of whether a collector may be subject to fines, payment of lost revenue and/or whether the Certification shall be suspended or revoked. Prior to a public hearing, at least ten (10) working days notice shall be given by registered or certified mail, to the Certification holder at his or her last known address. After a public hearing, the County Administrator may levy fines up to \$500 per violation, require payment of revenue lost to the county due to such acts of the collector, suspend or revoke any such Certification for
 1. gross incompetency or negligence in conducting work in the trade,
 2. misrepresentations of any sort,
 3. financial irresponsibility,
 4. conviction of a felony,
 5. or for permitting a Certification to be used by any other person, firm or corporation for the purpose of conducting business pursuant to this Ordinance.

The severity of any such suspension or revocation shall bear a reasonable relation to the gravity of the offense. Upon petition of the aggrieved Certification holder, the Board of County Commissioners shall review any order issued by the County Administrator levying fines, requiring payment of lost revenue, suspending or revoking any Certification, and the evidence submitted in support thereof. Notice of petition must be filed within thirty (30) days after the entry by the County Administrator of the order of penalties. Failure to petition for review within the thirty (30) day limit imposed by this Section shall forever bar the review action. If the suspension or revocation should be affirmed by the Board of County Commissioners, the aggrieved Certification holder may appeal from any such order of affirmance to the Circuit Court of Citrus County within thirty (30) days after entry of such order of affirmance. Failure to petition for review within the thirty (30) day limits imposed by this Section shall forever bar the cause of action.

INSPECTION:

- A. Inspection of vehicles and facilities will be conducted before Certification is issued to a Collector. The inspection will be conducted by personnel assigned by the Coordinator.
 - 1. Vehicles shall conform to the standards contained within the County's Solid Waste regulations.
 - 2. Inspection will be conducted on vehicles and facilities periodically to insure compliance with the standards contained within the County's Solid Waste regulations.
 - 3. Collectors will provide assistance and access at all times to the Inspector.

ROUTES AND SCHEDULES:

- A. The Collectors will file a copy of the operational routes utilized in providing services. The Coordinator will review the routes submitted by the Collectors to determine if it is in the public interest to use the roads, bridges, and alleyways on the proposed collection routes. Notice shall be given by the Coordinator prior to any denial so as not to unduly interfere with the Collector's normal operations.
- B. Consideration will be given to all features to include:
 - 1. Routes which consider back door service for the handicapped and as requested by the customer.
 - 2. Routes which consider efficiency of service.
 - 3. Routes which consider traffic flow patterns, volume in relation to the service area.
 - 4. Routes which utilize vehicles of a type and size which do not violate posted and/or established load limits.
- C. Collector shall annually supply all customers with printed information cards containing information regarding amounts and types of refuse which will be collected, complaint procedures, rates, regulations and days of collection. Customers shall be notified of any alteration in the collection schedule at least ten days prior to such alteration.

HOURS AND DAYS OF COLLECTION:

- A. Collection hours shall be in accordance with subsection 21-27 (10). In case of emergency, as designated by the Coordinator, to be later evidenced by a written memorandum confirming the approval, collections shall be permitted at times outside those allowed in Chapter 21.
- B. No collection shall occur on Sundays except in the time of emergency.
- C. No collection shall occur on county-designated holidays or other days wherein the sanitary landfill is closed.

- D. At least ten days prior to such collection holiday, the collector shall notify all customers whose normal collection day falls upon such holidays that no collection services will be provided on such holiday and the date of the next scheduled collection day.

BUSINESS OFFICE AND COMPLAINTS:

Prior to Certification, a Collector shall state the location phone number and web address if applicable of the business office located in Citrus County, where customers may apply for service and register Complaints or in the alternative, a toll-free telephone number. All complaints shall be resolved within 48 hours of their being brought to the attention of the collector.

TRANSPORTATION OF SOLID WASTE OUT OF COUNTY FOR DISPOSAL:

It shall be unlawful to dispose of solid waste generated within the county outside of the county. All solid waste shall be disposed of at a sanitary landfill, except that construction and land-clearing debris may be disposed of at a C & D landfill. A collector, with prior approval of the Board of County Commissioners, may be allowed to transport solid waste outside of the county to a state-approved solid waste management facility, as defined in FL Statute 403.703.

IMPORTATION OF SOLID WASTE INTO COUNTY FOR DISPOSAL:

Except as provided in Ordinance 2009-A30, subparagraphs (b) and (c) of Division 3 Section 82-123, it is unlawful and a violation of Division 3 for any collector to dispose of solid waste in the county's solid waste disposal facility if said solid waste was generated and/or collected outside the boundaries of the county.

FOOTNOTES & REFERENCES TO RELATED AR's: Supersedes AR 11.05 dated April 7, 1992.