

ORDINANCE 25-28

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, RELATING TO SOLID WASTE AND RECYCLABLE MATERIALS; AMENDING CHAPTER 2-16 OF THE MANATEE CODE REGARDING SOLID WASTE AND RECYCLABLE MATERIALS; MAKING CERTAIN FINDINGS; PROVIDING FOR SEVERABILITY; SUPERSEDING CONFLICTING ORDINANCES OR RESOLUTIONS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 2000-403, Laws of Florida, authorizes and empowers the Board of County Commissioners of Manatee County to provide for the collection and disposal of solid waste; and

WHEREAS, Section 403.706, Florida Statutes, authorizes and empowers local governments to enact ordinances that require and direct certain properties to establish programs for the separation of recyclable materials designated by the local governments; and

WHEREAS, Manatee County has codified its regulations relating to solid waste and recyclable materials in Chapter 2-16 of the Manatee County Code; and

WHEREAS, Manatee County wishes to amend Chapter 2-16 to address changes in services, definitions, and fees; and

WHEREAS, the Board of County Commissioners of Manatee County finds that the provisions of this Ordinance are in the best interests of the County, its citizens, taxpayers, and the business community.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County:

Section 1. FINDINGS. The above recitals are correct and true and are hereby adopted as findings of the Board and are incorporated herein by this reference.

Section 2. AMENDING CHAPTER 2-16 SOLID WASTE AND RECYCLABLE MATERIALS. Chapter 2-16 Solid Waste and Recyclable Materials of the Manatee County Code of Ordinances (Code) is hereby amended as outlined in Exhibit A and existing provisions are renumbered as indicated in Exhibit A.

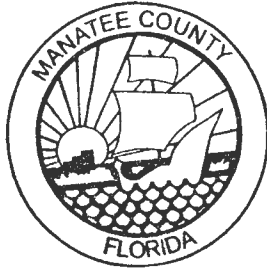
Section 3. SEVERABILITY. It is hereby declared to be the intention of the Board of County Commissioners that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance, inclusive of exhibits, be deemed severable, and if any phrase, clause, sentence, paragraph, or section hereof is declared unconstitutional or otherwise invalid by the valid judgment of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance.

Section 4. SUPERSEDING CONFLICTING ORDINANCES. Any existing Ordinance or portion thereof which contains terms or provisions which are in direct conflict with and cannot be harmonized with the provisions of this Ordinance shall, as to such terms or provisions, be deemed as superseded by this Ordinance.

Section 5. CODIFICATION. Pursuant to Section 125.68(1), Florida Statutes, the publisher of the County's Code is hereby directed to codify the substantive amendments to the Code contained in Exhibit A of this Ordinance as provided therein and shall not codify any other sections not designated for codification. For purposes of codification of any section of the Code herein amended, words underlined indicate additions to the original text, and words ~~stricken~~ indicate deletions from the original text.

Section 6. EFFECTIVE DATE. This Ordinance shall take effect on the 6th day of October 2025.

DULY ADOPTED with a quorum present and voting this 2nd day of September 2025.



BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: _____
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: Paul Bisbee
Deputy Clerk

Exhibit A

Sec. 2-16-2. Definitions.

For the purpose of this chapter, the definitions contained in this section shall apply unless otherwise specifically stated. When not inconsistent to the context, words used in the present tense include the future, words in plural numbers include the singular, and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

Apartment or condominium apartment shall mean a building under one roof, housing four (4) or more living units.

Authorized collector shall mean the person who has executed a franchise agreement with the county for a specified service area and who is required to perform collection services under the provisions of the franchise agreement.

Board shall mean the Board of County Commissioners of Manatee County, Florida.

Bonds shall mean any bonds, notes or other evidences of indebtedness issued pursuant to article VII.

Bulk service shall mean collection service for commercial solid waste, residential solid waste, and/or industrial solid waste placed out in approved manner, and which must be estimated by cubic yard measurement.

Clerk shall mean the clerk of the Circuit Court of Manatee County, Florida.

Collection services shall mean the provision of service to remove solid waste (including yard waste) and/or program recyclables from a designated storage point for disposal or processing at a separate location utilizing persons and specially designed equipment for such purpose. Collection services include commercial collection service, residential collection service, and construction and demolition debris collection service.

Commercial collection service shall mean the provision of collection services to commercial improved real property, in unincorporated Manatee County identified under the terms of the franchise agreement.

Commercial collection service charge shall mean the fee or payment to be paid to the department by the owner or occupant of commercial improved real property for the provision of commercial collection service.

Commercial improved real property shall mean improved real property utilized by commercial establishments, whether such establishments are profit or not-for-profit

establishments, including, but not limited to: motels, hotels, stores, office buildings, restaurants, service stations and garages, laundries and cleaning establishments, manufacturing and other industrial establishments.

Commercial solid waste means all types of solid waste generated by stores, offices, restaurants, warehouses, multi-family developments, and other nonmanufacturing activities, excluding residential solid waste and industrial solid waste.

Commercial special waste (bulk) service shall mean collection service that requires additional time, effort, and expense because the solid waste is not placed in authorized containers as set forth in this chapter. For commercial solid waste and industrial solid waste which will be estimated and charged per cubic yard.

Compactor shall mean a machine or mechanism used to reduce the size of solid waste.

Construction and demolition debris means discarded materials generally considered to be not water soluble and non-hazardous in nature, including but not limited to steel, glass, brick, concrete, asphalt material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure, including such debris from construction of structures at a site remote from the construction or demolition project site. The term includes rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing or land development operations for a construction project; clean cardboard, paper, plastic, wood, and metal scraps from a construction project; except as provided in Section 403.707(9)(j), Florida Statutes, yard waste and unpainted, non-treated wood scraps from sources other than construction or demolition projects; scrap from manufacturing facilities that is the type of material generally used in construction projects and that would meet the definition of construction and demolition debris if it were generated as part of a construction or demolition project, including debris from the construction of manufactured homes and scrap shingles, wallboard, siding concrete, and similar materials from industrial or commercial facilities and de minimis amounts of other non-hazardous wastes that are generated at construction or demolition projects, provided such amounts are consistent with best management practices of the construction and demolition industries. Mixing of construction and demolition debris with other types of solid waste will cause it to be classified as other than construction and demolition debris.

Container shall mean any container including, but not limited to dumpster, bin, cart, compactor, roll-off, or equipment approved by the director to be used for the collection of materials. Containers utilized for residential collection services of yard waste shall not exceed 40 pounds in weight and not include materials in plastic bags, as set forth in this chapter.

County shall mean Manatee County, Florida.

Customer shall mean the recipient or beneficiary of the county's collection services.

Department shall mean the Utilities Department, Manatee County, Florida.

Director shall mean the director of the Utilities Department, Manatee County, Florida, or his or her designee.

Extraordinary services shall mean residential collection services that require additional time, effort, and expense because the solid waste is not placed in authorized receptacles, or is not bundled properly as set forth in this chapter. Extraordinary services shall also mean residential collection services which are not collected at curbside. Necessarily, extraordinary services will include, but not be limited to, back door collection, purchase and tipping of additional carts, side door collection, and the removal of large quantities of loose yard waste, and special waste that includes, bulk service, improperly prepared solid waste not fitting within county issued cart, and any construction and demolition debris.

Franchise agreement shall mean the contractual agreement between the county and the authorized collectors containing, but not limited to, a description of the service area; name of the person to perform commercial collection services and residential collection services in the service area; the term of the agreement; the consideration to be paid for such agreement, if any, and the method of payment; the service to be furnished; performance bond and the conditions thereof; insurance provisions; responsibilities and obligations of the parties thereto; and such reasonable rules and regulations governing performance as are deemed necessary to implement the provisions of this chapter.

Garbage shall mean 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.

Hazardous waste shall mean 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, and any material substance identified in Florida Administrative Code Rule 62-730, and 40 Code of Federal Regulations, Part 261. The term does not include human remains that are disposed of by persons licensed under Chapter 497, Florida Statutes.

Improved real property shall mean all residential, commercial or other property that generates or is capable of generating solid waste.

Industrial solid waste shall mean solid waste generated by manufacturing or industrial processes that is not a hazardous waste. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products or byproducts; inorganic chemicals;

iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing or foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

Landfill shall mean any solid waste land disposal area owned and operated by the county for which a permit, other than a general permit, is required by Section 403.707, Florida Statutes, and which receives solid waste for disposal in or upon land, and all facilities relating thereto. The term does not include a land-spreading site, an injection well, a surface impoundment, or a facility for the disposal of construction and demolition debris.

Mobile home park shall mean improved real property containing five (5) or more trailers, mobile homes, and/or recreational vehicles (RVs) used as a residence in close proximity to one another. Mobile home parks shall include RV parks and travel trailer parks. Such mobile home parks may be under one ownership or consist of individually owned lots.

Multi-family developments shall be a customer classified under residential customer but identified by the county as a multi-family development. Multi-family developments may receive either residential collection service or commercial collection service and determination shall be made by the director. Multi-family developments are those with 10 or more dwelling units.

Nonputrescible matter shall mean solid waste which does not characteristically decay, become putrid, noxious or otherwise exude an odor.

Not-for-profit organization shall mean a private organization, group, or association whose work or activity is not conducted or maintained for the purpose of making a profit.

Owner shall mean the person designated on the real property tax roll maintained by the property appraiser for each parcel of improved real property.

Person shall mean any individual, firm, partnership, corporation, association, executor, administrator, trustee, or other legal entity, whether singular or plural, masculine or feminine, as the context may require.

Program recyclables shall mean recovered materials or recyclable materials designated by the director as recyclable materials for residential customers in the residential collection service which are segregated from other materials.

Putrescible matter shall mean waste that contains organic matter capable of being decomposed by microorganisms and of such a character and proportion as to be capable of attracting or providing food for birds. The term does not include uncontaminated yard ~~wastetrash~~ or clean wood.

Recovered materials shall mean metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but the term does not include materials destined for any use that constitutes disposal. Recovered materials as described in this subsection are not solid waste.

Recyclable materials shall mean those materials that are capable of being recycled, including, but not limited to the list of program recyclables, and those that would otherwise be processed or disposed of as solid waste. Recyclable materials shall not include any materials once they have been placed in a refuse bin used for solid waste collection.

Refuse bin or cart shall mean a county-approved or county provided watertight plastic receptacle equipped with wheels and an attached tight-fitting lid designed to be mechanically dumped into a collection truck for solid waste (including yard waste) or recyclable materials.

Residence or residential shall mean and refer to single-family dwellings, duplexes, ~~and~~ triplexes, quadplexes, mobile homes, and all other living units not otherwise coming within the definitions set out herein, where each such structure is located on a separate lot or parcel of land. Apartments, townhomes, condominium apartments, and mobile home parks are not included. Each living unit of a duplex, triplex, or quadruplex shall be deemed a separate residence. A residence shall include a single-family dwelling, a duplex, triplex, quadruplex, mobile home or other living unit not otherwise defined in which a portion, but not a majority of the dwelling is used for an office or business. Notwithstanding anything herein to the contrary, a residence shall not include a structure that generates a majority of its solid waste or program recyclables from the operation of the office or business.

Residential collection service shall mean the provision of collection services to residential improved real property.

Residential collection service charge shall mean the monthly fee or payment due the department by the owner or occupant of residential improved real property for the provision of residential collection service.

Roll-off shall mean an open top dumpster characterized by a rectangular footprint, utilizing wheels to facilitate rolling the dumpster in place, which is designed to be transported by special roll-off trucks. Roll-offs are used to contain large quantities of nonputrescible matter, such as construction and demolition debris or yard waste.

Service area shall mean a portion of unincorporated Manatee County with specific designated boundaries with one authorized collector providing collection services under a franchise agreement.

Service charge shall mean commercial and/or residential collection service charges.

Solid waste shall mean sludge or biosolids, that is not regulated under the federal Clean Water Act or Clean Air Act, generated from a facility owned and operated by the county, sludge or biosolids from a waste treatment works, water supply treatment plant, or air pollution control facility owned and operated by the county, or garbage, yard waste, refuse, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. Recovered materials as defined herein are not solid waste.

Solid waste facility shall mean any solid waste disposal area, volume reduction plant, transfer station, materials recovery facility, or other facility, the purpose of which is resource recovery or the disposal, recycling, processing, or storage of solid waste, and any solid waste management facility that is the final resting place for solid waste, including landfills and incineration facilities that produce ash from the process of incinerating municipal solid waste, a transfer station, resource recovery facility, processing facility, or sanitary landfill in the county licensed and permitted under all applicable rules and regulations to receive solid waste.

Solid waste system or *county solid waste system* shall mean the unified solid waste collection, disposal and recycling system of the county, including any plant, equipment, facility, the landfill and any other landfill site or property (real, personal and intangible) disposal of solid waste acquired or constructed by the county pursuant to this chapter or heretofore or hereafter acquired or constructed by the county from any other source whatsoever. Such county solid waste system shall also include but not be limited to franchise agreements, management systems, billing systems and all revenues received by the county relating to the collection and disposal of solid waste.

Special waste shall mean solid waste that can require special handling and management, including but not limited to, white goods, waste tires, used oil, lead-acid batteries, construction and demolition debris, ash residue, yard waste, biological wastes, and mercury-containing devices and lamps.

Townhouse or *townhome* means a single-family dwelling unit not exceeding three stories in height which is constructed in a series or group of attached units with property lines separating such units.

Yard waste shall mean vegetative matter resulting from landscaping maintenance, including, but not limited to grass clippings, leaves, palm fronds, tree branches, tree limbs, and other similar matter not contained in plastic bags.

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Sec. 2-16-4. Mandatory collection of solid waste and program recyclables.

(a) Solid waste and program recyclables produced in the unincorporated county (and incorporated areas within the county to extent permitted by applicable law) shall be removed exclusively under the direction of the department pursuant to the terms and provisions of this chapter and such rules and regulations as the director shall prescribe for the removal, transportation, disposal and processing of such solid waste and program recyclables.

(b) Residential collection service. All solid waste and program recyclables, other than construction and demolition debris material, generated and accumulated within the unincorporated county (and incorporated areas within the county to the extent permitted by applicable law) by residential improved real property shall be collected and removed by an authorized collector, except as otherwise provided herein.

(c) Commercial collection service. All solid waste, other than construction and demolition debris material, generated and accumulated within the unincorporated county (and incorporated areas within the county to the extent permitted by applicable law) by commercial improved real property shall be collected and removed by an authorized collector, except as otherwise provided herein. Recyclable materials generated and accumulated by commercial improved real property are not required to be collected and removed by an authorized collector.

(d) Notwithstanding the foregoing, residential and commercial customers are permitted to collect and transport recyclable materials and program recyclables generated by them to an appropriate solid waste facility for processing and recovery.

(e) Notwithstanding the open market status of commercial recycling and/or solid waste services in the State of Florida, all Manatee County-owned or operated facilities shall be allowed to utilize the County's designated franchise hauler(s) for the provision of solid waste and recycling services.

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Sec. 2-16-22. Franchise agreements with authorized collectors for collection service.

The board may enter into a franchise agreement with any person to provide for collection service within specified portions of the unincorporated county (and the incorporated areas within the county to the extent permitted by applicable law). Such franchise agreement shall contain a description of the service area; the name of the authorized collector to collect the solid waste, program recyclables, and recyclable materials generated within the service area; the length of the franchise agreement; the consideration to be paid for such franchise agreement and the method of payment; the service to be furnished; the amount and method of payment to the authorized collector for his performance under the franchise agreement; the performance bond and the

conditions thereof to be furnished by the authorized collector; and such reasonable rules and regulations governing the performance by the authorized collectors as are deemed necessary to implement the provisions of this chapter. Such franchise agreement shall be exclusive and the term may be for up to fifteen (15) years; provided, however, that such agreement may provide for renewal for up to an additional fifteen-year period following a full public hearing during which the authorized collector's performance and all terms and conditions of the agreement may be reviewed, altered or amended by the county.

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Sec. 2-16-25. Duties of authorized collector.

The authorized collector shall perform, at a minimum, the following:

- (1) Collect and remove all properly contained or bundled solid waste, program recyclables, yard waste, and special waste generated by residential improved real property and commercial improved real property within the service area of the authorized collector.
- (2) Carry out and perform all applicable provisions of the franchise agreement.
- (3) The county shall have the right to conduct a financial audit performed by a certified public accountant in accordance with generally accepted accounting principles whenever determined necessary.
- (4) Provide the director, upon reasonable notice, full access to all records with respect to the franchise agreement.
- (5) Provide the director, on or prior to March 31 of each year, or other date specified in the franchise agreement, a financial audit performed by a certified public accountant, performed in accordance with generally accepted accounting principles.

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Sec. 2-16-28. Identification.

All solid waste and program_recyclables collection vehicles operating in the county under a franchise agreement shall be clearly marked with the name of the authorized collector, telephone number, and other identifying information as may be required by the county.

Sec. 2-16-29. Prohibition of collection.

No person shall collect solid waste, yard waste, special waste, or program_recyclables, except as provided herein, in the unincorporated county without having obtained a franchise agreement.

Sec. 2-16-30. Mobile home parks, apartments, townhomes, and condominium apartments.

Mobile home parks, apartments, townhomes, and condominium apartments may be considered either residential improved real property or commercial improved real property for the purpose of this chapter. All such improved real property consisting of ten (10) or more dwelling units shall be considered commercial improved real property. Property with less than ten (10) dwelling units will be considered residential improved real property and provided with residential collection service and will be billed for such service as provided herein, as defined in this chapter, unless approved otherwise by the director to be considered as commercial improved real property. The director shall make such a determination only if the following conditions are met:

- (1) The mobile home park, apartment, townhome, or condominium apartment must be under single ownership or have a single management entity or association which will act as the only entity for the purposes of making arrangements for commercial collection service and for paying the department for collection services. Such entity shall also make the application to the director.
- (2) Such commercial collection service is to be provided through the use of one or more refuse bins placed conveniently to serve the property. Residential collection service to individual residences shall not be provided.
- (3) Once the director has made a determination, it may not be changed unless the entity changes ownership and the new owner submits a request to the director. However, the property classification shall be reviewed annually by the County to ensure that its status remains consistent with current rules and regulations.

Sec. 2-16-31. Residential collection service.

(a) The county shall provide residential collection service to all residential improved real property in the unincorporated county except for property excluded under the provisions of this chapter.

(b) In no case shall solid waste be commingled or mixed with program recyclables and/or yard waste. Commingled or mixed loads of solid waste, program recyclables and yard waste will not be collected.

(c) Residential collection service shall include:

(1) One (1) pickup per week solid waste collection in county provided carts collected from customer on the same day as yard waste and program recyclables.

(2) One (1) pickup per week for yard waste.

(3) One (1) pickup per week for program recyclables in county provided carts.

(4) Special waste collected by appointment as provided in section 2-16-35.

The specific collection days for each service area or portion of a service area shall be established by the authorized collector and approved by the director and may be changed from time to time.

(d) Extraordinary services such as non-medical back door collection and the removal of large quantities of loose yard waste are not a part of the residential collection service charge. Such services must be arranged for with the county on an individual basis and the excess charge will be billed by the department. Back door collection service will be limited to the collection of garbage or program recyclables. All other solid waste and yard waste must be placed curbside or in some other place allowed by the director or authorized by this chapter. Loose yard waste will be billed at the residential service rate; however, the Customer is entitled to an estimate prior to such service.

(e) All solid waste and program recyclables placed out in conformance with the provisions herein shall be collected.

(f) Residential collection service customers may change their bin/cart size one (1) time per year, with a minimum of three (3) months in between any requests for a change in service level.

(g) ADA Accommodation – Door Service Collection. Residents who are physically unable to transport solid waste or recycling containers to the curb for collection may request door service collection as a reasonable accommodation. This service shall be provided at no additional cost beyond the standard monthly service fee. To qualify, the resident must complete and submit an

application form provided by the County, along with documentation demonstrating that no one residing at the property is physically able to move the containers to the curb. The County may require a physician's certification or other appropriate documentation as part of the application process. Upon approval, the County or its authorized solid waste service provider will collect solid waste and/or recycling containers from an accessible and designated location near the residence. Eligibility for this accommodation may be subject to periodic review and re-verification, and the County reserves the right to require updated documentation to continue providing this service.

Sec. 2-16-32. Commercial collection service.

(a) The county shall provide commercial collection service to all commercial improved real property in the unincorporated county except for property excluded under the provisions of this chapter. Commercial collection service shall include the collection of commercial solid waste and industrial solid waste.

(b) In no case shall solid waste be commingled or mixed with recyclable materials and/or yard waste. Commingled or mixed loads of solid waste, recyclable materials and yard waste will not be collected.

(c) The frequency, type and nature of the commercial collection service shall be established individually between each commercial improved real property owner and the authorized collector, within the provisions of this chapter.

(d) Commercial collection service customers may change the level of service at an additional charge up to two (2) times per year, with a minimum of three (3) months in between any requests for a change in service level.

(e) Any refuse bin, cart or container utilized for the purpose of storage and transportation of recyclable materials shall not be considered part of commercial collection service and is not regulated by this chapter or the franchise agreements. Any arrangement for bins or the transportation of such shall be at the discretion of the owner of the recyclable materials.

(f) Special waste is collected by appointment as provided in section 2-16-35 and is subject to a special waste collection fee.

(g) Improperly prepared solid waste and yard waste is collected by appointment as provided in section 2-16-34 and is subject to an improperly prepared collection fee.

(h) All commercial can customers shall receive a 96-gallon county provided cart for commercial collection services and receive one (1) pickup per week. Additional carts shall incur an additional monthly service charge per cart.

Sec. 2-16-33. Container or refuse bins required.

(a) Residential collection service. Solid waste and program recyclables shall be collected in county or authorized collector provided carts. The owner or occupant of every residential improved property parcel shall use the container or refuse bin provided by the county for the collection of solid waste and program recyclables by authorized collectors. The owner or occupant shall maintain the containers, carts, or refuse bins and the area of their location in a clean and sanitary condition. Spillage from overfilled containers, carts, or refuse bins will not be picked up by the authorized collector.

(b) Commercial collection service. The owner or occupant of every commercial improved real property parcel shall use county-provided 96-gallon carts or provide or arrange for containers or refuse bins with proper, well-fitting covers (if applicable) adequate to contain the solid waste generated or produced by such establishment, compatible with the collection equipment used by the authorized collector, and shall place all such solid waste therein. The owner or occupant shall maintain the containers, carts, or refuse bins and the area of their location in a clean and sanitary condition. Spillage from overfilled containers or refuse bins will not be picked up by the authorized collector. Acceptable refuse bins or carts for commercial solid waste shall be county-provided 96-gallon carts, county-provided carts for multi-family developments receiving commercial collection service, closed top containers, roll-offs and compactors.

(c) Any privately-owned container or refuse bin which is in disrepair due to the lack of a well-fitting cover or the presence of holes, cracks or tears in the bottom or sides may be condemned and so marked by the authorized collector. Any container so marked must be immediately replaced by the owner or occupant with acceptable containers as specified herein. Such condemned containers or refuse bins may be picked up and removed by the authorized collector's collection crews at any scheduled collection following the marking of the container or refuse bin with the condemnation card if not replaced as specified herein. Customers shall be responsible for contacting the county for replacement or repair of all county-owned containers or refuse bins in need of repair.

(d) No service is required to be provided to any residential improved real property or commercial improved real property which permits persons, objects, obstructions, or vehicles to hinder in any way whatsoever the servicing in a routine manner of the container or refuse bin by the authorized collector's vehicles or personnel.

(e) However, in situations where the container or refuse bin is located behind a locked gate, or where the container or refuse bin is located in a building or other structure, and consequently needs to be rolled out by the authorized collector's personnel to the authorized collector's vehicle, a roll-out fee is authorized to be charged. Among the factors to be considered in setting the fee are

the distance the container or refuse bin is moved, and the number of times the container or refuse bin is rolled out in a week.

(f) Additionally, in situations where a customer requests a lock-bar on any container or refuse bin, a fee is authorized to be charged.

Sec. 2-16-34. Placement and proper containing and bundling.

(a) All residential solid waste, program recyclables, yard waste, special waste set outs and containers shall be set out for collection in front of the residence adjacent to and within three (3) feet of the curb serviced by the authorized collector or such other place as may be designated by the department for removal by curbside collection. No such containers shall be placed in any street or public way or upon any sidewalk. Each container must be set three (3) feet apart to accommodate operational needs of collection vehicles.

(b) Residential containers may be placed out for collection after sunset of the day prior to a scheduled collection, but no later than 6:00 a.m. on the day of collection; and shall be removed from curbside not later than sunset of the day of collection.

(c) Yard waste shall be placed in separate containers and shall not be mixed or commingled with other types of solid waste or program recyclables. All logs, tree limbs, brush, and palm fronds shall not exceed six (6) inches in diameter and shall be cut in four-foot lengths or less and placed in containers or tightly bundled for collection. Non-containerized and bundled yard waste may only be placed in craft paper, non-plastic bags for collection. Each container, bag or bundle shall not exceed forty (40) pounds in weight. Any yard waste which by reason of its bulk, weight or shape cannot be placed within a container, or cannot be bundled as required herein, may be collected as extraordinary services.

Sec. 2-16-35. Special waste collection by appointment.

Commercial special waste and residential special waste collection of items meeting the definition of special waste shall be collected by appointment only. The owner or occupant of any residential improved real property desiring to place such special waste out for collection shall first call the department to make an appointment. The department shall give the owner or occupant a date upon which the special waste shall be collected, such date not exceeding one week from the date of the call for service from the owner. On the scheduled date, the owner shall place the special waste out for collection in the normal collection location. Special waste collection by appointment is subject to a special waste collection fee.

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Sec. 2-16-37. Scavenging.

It shall be unlawful and an offense against the county for any person who is not authorized by the county to remove or cause to be removed any solid waste, yard waste, program recyclables, or other materials from a refuse bin, cart, container at a collection location, or from a curbside.

Sec. 2-16-38. Ownership of solid waste; yard waste; program recyclables.

All solid waste, yard waste, and program recyclables, excluding hazardous wastes, once placed at a collection location, in a container at a collection location, or curbside, becomes the exclusive property of the county. Recovery of recyclable materials from any solid waste generated or brought within the county must occur prior to the placing of such recyclable materials in a refuse bin at a collection location, in a container at a collection location, or at curbside, and such recovery shall be subject to state and local public health and safety laws.

Sec. 2-16-39. Curbside placement of program recyclables; ownership.

(a) All residential program recyclables containers shall be set out for collection in front of the residence, adjacent to and within three (3) feet of the curb or such other place designated by the department for curbside collection by authorized collector. Program recyclables shall be placed in containers which are approved and distributed by the county with container lids closed.

(b) Program recyclables collected through residential collection services or commercial collection services to multi-family developments shall become the sole, unencumbered property of county once placed at or near the curbside in accordance with subsection (a) of this section, or once placed in any county-designated central recycling container. Authorized collector(s) shall deliver all collected program recyclables to the county's designated material recovery facility as defined within the county's recycling processing agreement.

(c) Prohibited acts.

- (1) No person, other than an employee of an authorized collector, shall remove or transport any program recyclables, which have been placed at or near the curbside in accordance with subsection (a) of this section.
- (2) No person shall place program recyclables out for collection any earlier than sunset on the day prior to a scheduled collection, or later than 6:00 a.m. on the day of collection; nor shall any person allow empty containers to remain adjacent to the curb any later than sunset on the day of collection.

(3) No person shall place recyclable materials out for collection in any location not serviced by an authorized collector.

(4) No person shall place any materials other than designated recyclable materials in any curbside recycling or centralized recycling containers.

(d) Right to dispose of recyclables preserved. Nothing within this section shall be construed to limit the right of any person, corporation or other entity to donate, sell or otherwise properly dispose of program recyclables.

...

Sec. 2-16-52. License to transport certain solid waste, program recyclables, and recyclable materials.

(a) No person may transport solid waste (other than construction and demolition debris) or residential program recyclables within unincorporated County (and the incorporated areas within the county to the extent permitted by applicable law) who has not first obtained a license from the director, or has been granted an individual exemption, as provided herein. This provision applies to all persons except authorized collectors and those utilizing their personal passenger cars, station wagons, or pickup trucks of three-quarter tons or less capacity to transport solid waste and/or program recyclables from a residence owned by them to an appropriate solid waste facility designated by the director. All persons operating other trucks, vehicles, and trailers shall be required to obtain a license.

(b) Certain persons who own businesses for which the transportation of certain yard waste is a part of the performance of that occupation may obtain a license to transport such yard waste to a disposal area designated by the director. Examples of such occupations include, but are not limited to, land clearing contractors, lawn care services, and tree surgeons.

(c) Certain persons who own businesses for which the transportation of construction and demolition debris (associated with the construction, demolition, excavation, or alteration of buildings, structures, streets or the like) is a part of the performance of that occupation may obtain a license to transport such solid waste to a solid waste facility designated by the director. Examples of such occupations include, but are not limited to, roofers, plumbers, electricians, demolition contractors, tiling or polypebble services, swimming pool and tennis court contractors.

(d) Not-for-profit organizations wishing to transport solid waste generated as a sidestream of a recycling or reconditioning process which uses donated goods as the exclusive source of material may also obtain a license to transport that type of solid waste or recyclable materials to a solid waste facility designated by the director.

(e) Each such person shall make application for a license to the director. The board may establish, by resolution, a license fee which shall accompany the application. The application shall be made on forms provided by the director and shall provide, at a minimum, the following:

- (1) Name and address of owner or principal officers making up the business or corporation applying for license.
- (2) Description of the occupation, business, or activity.
- (3) Description of the solid waste and recyclable materials, and estimated volume that the occupation, business, or activity produces.
- (4) Description of owned equipment to be utilized.
- (5) Verification of driver being employed by business.
- (6) Agreement to comply with all conditions of the license and provisions of this chapter.

(f) The director shall review the application for a license. If the application meets the criteria under this chapter, the director shall grant a license to transport certain occupational solid waste and recyclable materials.

(g) If the director denies the application for a license to transport certain occupational solid waste and recyclable materials, then within ten (10) working days of the denial, the applicant may make a formal written appeal to the board. Administrative guidelines shall be developed in order to timely address an applicant's appeal. However, at a minimum, such procedure should include allowing each affected authorized collector the opportunity to comment on the potential impact, if any, that granting a license to transport certain occupational solid waste and recyclable materials would create.

(h) Except as otherwise provided herein, no person shall collect solid waste (other than construction and demolition debris) and yard waste from any property used as a residence, including any person that in the course of business rents, leases, or sells individual apartments, townhomes, condominium apartments or mobile homes.

Sec. 2-16-53. Term of license.

The director, upon issuance of a license to transport solid waste and recyclable materials, may restrict the license to a specific time period which shall not exceed one year. A license may be renewed after the expiration of the term, if the licensee is current on all debts owed to the county and otherwise continues to meet the applicable criteria for obtaining a license.

...

Sec. 2-16-62. Billing and deposit for residential and commercial collection services.

(a) Billing for collection services shall be accomplished by the inclusion of a line item for service charges on the monthly utility bills as prepared by the department, which is hereby established as the billing agency. A separate line will be included for any extraordinary service or special waste collection by appointment service rendered.

(b) A deposit shall be collected by the department from all customers to whom solid waste and/or program recyclables collection service is provided. Such deposit shall be applied to the payment of delinquent accounts if the customer fails to pay the service charge when account closes if customer is still delinquent, provided that such deposit shall not constitute liquidated damages and the customer shall remain liable to the county for any deficiency.

(c) A security bond may be accepted in lieu of cash security deposits exceeding the amount established by resolution, as may be amended from time to time.

Sec. 2-16-63. Service charge.

(a) There is hereby imposed a monthly residential collection service charge for the collection of solid waste, yard waste, and program_recyclables on all residential improved real property within the unincorporated county. The amount of such residential collection service charge for residential improved real property shall be the rate established by resolution, as may be amended from time to time, as provided herein.

(b) The residential collection service charge shall be imposed against the owners of all residential improved real property in the unincorporated county, unless granted an exemption from residential collection services. If such property has metered water service, the residential collection service charge may, upon request, be imposed against the occupant of the improved real property, if different from the owner. In no event, however, will the owner be relieved of the responsibility to pay the residential collection service charge. The owner and description of each parcel of residential improved real property shall be that designated on the real property tax roll maintained by the property appraiser.

(c) The residential collection service charge shall be imposed on new residences beginning in the month following the issuance of a certificate of occupancy by the county building department, when a water meter has been installed or a sewer connection made.

(d) There is hereby imposed a commercial collection service charge for the commercial collection service provided by the authorized collector to all commercial improved real property within the unincorporated county for which such service is provided. The amount of such

commercial collection service charge for commercial improved real property shall be the rate established by resolution, as may be amended from time to time, as provided herein.

(e) The commercial collection service charge shall be the responsibility of the owner of the commercial improved real property. If such property does not have metered water service, the commercial collection service charge may, upon request, be imposed against the occupant of the improved real property, if different from the owner. In no event however, will the owner be relieved of the responsibility to pay the commercial collection service charge.

...

Sec. 2-16-65. Impact fee.

There is hereby imposed a solid waste, program recyclables, and yard waste impact fee on the development of all real property in the unincorporated county. No building permit shall be issued without certification from the department that such impact fee has been paid. The amount of the impact fee, if any, shall be the rate established by resolution as may be amended from time to time, as provided herein.

Sec. 2-16-66. Rates, fees and charges established.

(a) If it is necessary to establish or change any of the rates, fees or charges, the board shall hold a public hearing in accordance with the law to adopt a rate resolution. Such rate resolution shall include:

- (1) Monthly residential collection service charge;
- (2) Monthly residential collection service charge for each additional bin;
- (3) Residential special waste charge per item;
- (4) Monthly residential rear door service non-medical service charge per unit;
- (5) Residential and commercial improperly prepared yard waste and solid waste service charge per cubic yard;
- (6) Commercial collection service charge per compacted cubic yard of refuse bin;
- (7) Commercial collection service charge per uncompacted cubic yard of refuse bin;
- (8) Commercial improperly prepared material collection charged per cubic yard;

- (9) Schedule of solid waste, program recyclables, and recyclable materials impact fees based upon the type and nature of the proposed improvements, if any;
- (10) Commercial collection service charge priced per pickup multiplied by number of carts collected;
- (11) Landfill tipping fees; and
- (12) Other rates, fees or charges deemed necessary and appropriate, if any.

(b) The rates, fees or charges established by resolution shall provide sufficient revenues to fund the collection, disposal and processing of solid waste, yard waste, program recyclables, and recyclable materials including all direct and indirect administrative costs as well as such other costs attributable to the provision of solid waste, yard waste, program recyclables, and recyclable materials services within the county. Rates, fees or charges shall be established in accordance with any applicable provisions of the franchise agreements.

(c) There shall be no free services rendered for the collection, transportation or disposal or processing of solid waste, yard waste, program recyclables, and recyclable materials except as expressly provided by the authorized collectors in each authorized collector's franchise agreement.

(d) For any premises owned, leased, or occupied by the United States of America or any agency thereof, the State of Florida or any political subdivision thereof, including any governmental entity created under the laws of the United States of America or of the State of Florida, the county may enter into contracts, negotiated by the board, with any such body or agency for the collection, transportation, disposal or processing of solid waste, yard waste, program recyclables, and recyclable materials prescribing rates, fees and charges to be paid by such governmental entity in lieu of the rates prescribed above; provided, however, that the rate, fees or charges to be paid by such governmental entity shall not be less than an amount which is fair and equitable taking into account the cost to the county of such collection, transportation, disposal or processing.

(e) For extraordinary services and special waste collection by appointment services as described in sections 2-16-31(d) and 2-16-35, the owner of the improved real property must make arrangements with the department to provide such services, if desired. The department, with prior notice and written approval of such service, shall be responsible for billing and collecting such charges.

...

Sec. 2-16-68. Delinquent payments; penalty.

(a) Any service charges not paid within twenty-one (21) days after the billing date shall be considered delinquent; there shall be added to such delinquent service charges a penalty equal to the greater of two (2) percent of such charges for any commercial customer service charge or five dollars (\$5.00) for any residential customer service charge, to cover the additional administrative costs incurred by the county by reason of failure of the customer to pay the charges when due and payable. While there will be no discontinuance of collection service for a delinquent service charge, nonpayment of the collection service portion of the utility bill will result in the termination of water service where applicable and authorized, until such delinquent service charge and penalty shall be paid. The director may decrease commercial solid waste collection to a minimum for delinquent payment of service charge.

(b) Pursuant to Chapter 2015-187, Laws of Florida, if the fees, rates or charges for the services of the county's solid waste system are not paid when due, and remain in default for sixty (60) days or more, the unpaid balance thereof shall constitute a lien on any parcel of property for which solid waste collection services were provided. The director may cause a notice of lien to be filed in the office of the clerk of the circuit court and recorded as other liens are recorded. The notice of lien shall contain:

- (1) The amount of the delinquent fees, rates or charges;
- (2) The name of the property owner, as indicated by the real property assessment roll maintained by the county property appraiser; and
- (3) A legal description of the real property against which the lien is imposed.

...

Sec. 2-16-82. Exemptions from service charges for recyclable materials collection.

No new exemptions from service charges for the collection of recyclable materials may be granted to apartments, townhomes, condominium apartments and mobile home parks after the effective date of this ordinance. Any such exemption granted prior to the effective date of this ordinance shall remain in effect, unless or until such exemption expires, is voluntarily relinquished by the owner, or is automatically revoked because the apartment, condominium apartment or mobile home park no longer meets the conditions for an exemption from service charges for recyclable materials set forth in the applicable rate resolution.

Sec. 2-16-83. Exemptions—Review and revocation.

(a) The director shall, annually, or more often, if necessary, review all individual exemptions granted for residential improved real property and exemptions from service charges for recyclable

materials granted for certain apartments or condominium apartments, townhomes, and mobile home parks. If the conditions under which an individual exemption was issued have changed, such that the owner no longer qualifies for such exemption, the director shall revoke the individual exemption and upon thirty (30) days' notice to the owner(s) of residential improved real property affected, shall institute collection service and impose the residential collection service charge. If the apartment or condominium apartment, townhome, or mobile home park no longer meets the conditions for an exemption from service charges for recyclable materials set forth in the applicable rate resolution, the exemption shall be revoked immediately and the director shall institute a service charge for the collection of recyclable materials.

(b) If at any time the director has reason to believe that solid waste is not being collected and disposed of in a proper, sanitary and effective manner from any residential improved real property for which an individual exemption has been issued, the director shall revoke the individual exemption, and upon thirty (30) days' notice to the owner of residential improved real property, shall institute collection service and impose the residential collection service charge.

...

Sec. 2-16-101. Prohibited acts.

It shall be unlawful and an offense against the county for any person to do any of the following:

(a) To place out for collection any mixed or commingled loads of solid waste, yard waste, program recyclables, and recyclable materials in a manner that conflicts with this chapter;

(b) To convey or cause to be conveyed over and upon any of the streets and alleys of the county any solid waste, yard waste, program recyclables, and recyclable materials without a franchise or license, or both such franchise and license, as may be required by the regulations affecting the collection and disposal of solid waste, yard waste, program recyclables, and recyclable materials;

(c) To place or dispose of any solid waste, yard waste, program recyclables, and recyclable materials in or upon any public street, sidewalk, right-of-way, or alleyway, or any stream, ditch, river, pond, creek, park or public place in the county. However, where the director determines that due to either the size or structure of the solid waste, yard waste, program recyclables, and recyclable materials collection vehicle, or width or condition of the road in front of the residential improved real property or commercial improved real property, said residential improved real property or commercial improved real property cannot be served by such a solid waste, yard waste, program recyclables, and recyclable materials vehicle, then any person shall place the solid waste, yard waste, program recyclables, and recyclable materials in a container within the right-of-way to the nearest accessible road or in any other manner approved by the director;

(d) To burn any solid waste, yard waste, program recyclables, and recyclable materials generated or brought within the county, except certain trees and brush allowed to be burned in rural areas where all applicable permits have been obtained;

(e) To place solid waste, yard waste, program recyclables, and recyclable materials out for collection earlier than sunset of the day prior to a scheduled collection or to leave containers adjacent to the street later than sunset on the day of collection;

(f) To place solid waste, yard waste, program recyclables, and recyclable materials out for collection in any location not serviced by the authorized collector;

(g) To do any act prohibited or to fail to do any act required by the regulations affecting solid waste, yard waste, program recyclables, and recyclable materials within the county;

(h) To collect, remove or dispose of any solid waste, yard waste, program recyclables, and recyclable materials generated on a property granted an individual exemption, that is different from the manner proposed in the application for the individual exemption;

(i) To remove solid waste, yard waste, program recyclables, and recyclable materials from any refuse bin or container, or from a collection location, or from curbside; or

(j) To accumulate, cause to be accumulated, or allow to be accumulated any solid waste, yard waste, program recyclables, and recyclable materials in or upon any premises or lot.

...

MANATEE COUNTY GOVERNMENT

STATE OF FLORIDA

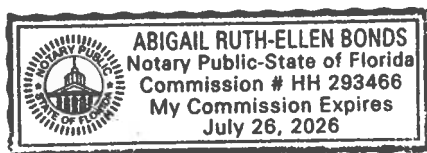
COUNTY OF MANATEE

Before the undersigned authority personally appeared Quantana Acevedo, who on oath says that she is a County Employee of Manatee County Government, Manatee County, Florida; that the attached copy of advertisement, being a public notice in the matters of Notice of Ordinance 25-28 with Business Impact Estimate for the Manatee County Board of County Commissioners Regular Meeting on September 2, 2025, in Manatee County Florida, was published on the publicly accessible website of Manatee County Government, Manatee County, Florida, of www.mymanatee.org on August 20, 2025.

Affiant further says that the website complies with all legal requirements for publication in Chapter 50, Florida Statutes.

By: [Signature]
Quantana Acevedo
Planning and Zoning Tech III

Sworn to and subscribed before me this 20th day of August 2025, by Quantana Acevedo, who is personally known to me or who has produced (type of identification) as identification.



[Signature]
(Signature of Notary Public)
Abigail Bonds
(Print Name of Notary Public)
Notary public
(Title)

My Commission Expires: JULY 26, 2026
Commission Number: HH 293466

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to Section 125.66(2)(a), Florida Statutes, that the Board of County Commissioners of Manatee County, Florida, will conduct a public hearing on September 2, 2025, beginning at 9:00 a.m., or as soon thereafter as possible, in the Commission Chambers, located on the first floor of the Manatee County Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, to consider the following ordinance:

ORDINANCE NO. 25-28

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, RELATING TO SOLID WASTE AND RECYCLABLE MATERIALS; AMENDING CHAPTER 2-16 OF THE MANATEE CODE REGARDING SOLID WASTE AND RECYCLABLE MATERIALS; MAKING CERTAIN FINDINGS; PROVIDING FOR SEVERABILITY; SUPERSEDING CONFLICTING ORDINANCES OR RESOLUTIONS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Copies of the proposed ordinance may be inspected by the public during normal business hours in the Utilities Department, 3647 Cortez Rd. W., Bradenton, Florida. A reasonable charge may be made for the provision of copies. Interested parties may appear at the meeting or public hearing and be heard with respect to the proposed ordinance.

Americans with Disabilities: The Board of County Commissioners does not discriminate upon the basis of any individual's disability. Manatee County is committed to providing full access to facilities, programs, and services to all, as well as supporting the employment of qualified individuals with disabilities in its workforce in accordance with federal and state laws and regulations, including the Americans with Disabilities Acts of 1990 (ADA) and as amended ("ADAA"), and 503 and 504 of the Rehabilitation Act of 1973. Anyone requiring reasonable accommodation for this meeting as provided for in the Americans with Disabilities Act (ADA), or assistance with accessing any of these documents, should contact Carmine DeMilio, ADA Compliance Coordinator, at (941)792-4501 ext. 6016 or carmine.demilio@mymanatee.org, as least 3 business days prior to the scheduled meeting. If you are deaf/hard of hearing and require the services of an interpreter, please contact the Florida Relay Service at 711.

According to Section 286.0105, Florida Statutes, any person desiring to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the above referenced meeting or public hearing will need a record of the proceedings, and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Date Published: August 20, 2025

Utilities Department

Solid Waste Division
3647 Cortez Road West, Bradenton, FL 34210
Phone number: (941) 792-8811



BUSINESS IMPACT ESTIMATE

In accordance with Section 125.66(3)(a), Florida Statutes, a Business Impact Estimate (BIE) is required to be prepared before enacting certain ordinances and posted on Manatee County's website no later than the date the notice of intent to consider the proposed ordinance is published (which, per Section 125.66, Florida Statutes, is 10 days before the public hearing).

Proposed Ordinance Title

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, RELATING TO SOLID WASTE AND RECYCLABLE MATERIALS; AMENDING CHAPTER 2-16 OF THE MANATEE CODE REGARDING SOLID WASTE AND RECYCLABLE MATERIALS; MAKING CERTAIN FINDINGS; PROVIDING FOR SEVERABILITY; SUPERSEDING CONFLICTING ORDINANCES OR RESOLUTIONS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE

The following types of ordinances are exempt from the BIE requirement under Section 125.66(3)(c), Florida Statutes. As such, if one or more boxes are checked below, Manatee County believes that a BIE is not required by state law for the proposed ordinance referenced above. Manatee County reserves the right to revise this BIE following an initial posting. Notwithstanding, Manatee County is preparing this BIE to prevent an inadvertent procedural issue from impacting the enactment of this proposed Ordinance. Manatee County reserves the right to revise this BIE following its initial posting and to discontinue providing this information for proposed ordinances believed to be exempt under state law.

- The proposed ordinance is required for compliance with Federal or State law or regulation.
- The proposed ordinance relates to the issuance or refinancing of debt.
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget.
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the local government.
- The proposed ordinance is an emergency ordinance.
- The ordinance relates to procurement.

CAROL ANN
FELTS
District 1

AMANDA
BALLARD
District 2

TAL
SIDDIQUE
District 3

MIKE
RAHN
District 4

DR. BOB
MCCANN
District 5

JASON
BEARDEN
At Large

GEORGE W.
KRUSE
At Large

- The proposed ordinance is enacted to implement the following:
- a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

Consistent with the posting requirement set forth in Section 125.66(3)(a), Florida Statutes, the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this 20th day of August 2025:

1. Summary of Proposed Ordinance, Including a Statement of the Public Purpose to be Served by the Proposed Ordinance, Such as Serving the Public Health, Safety, Morals, and Welfare of the County:

The purpose of this ordinance is to protect the public health, safety, and welfare of Manatee County residents by establishing comprehensive and consistent regulations for the storage, collection, and disposal of solid waste. These regulations are intended to:

- *Minimize the potential for the spread of disease and the creation of unsanitary conditions.*
- *Promote a clean, safe, and healthy environment for all residents.*
- *Ensure the efficient and orderly management of solid waste throughout the County.*
- *Support sustainable waste management practices.*

This ordinance reflects updates to the County's solid waste management framework, including revised rules for the collection and disposal of garbage, yard waste, and recyclables. It also introduces updated definitions and authorizes the imposition of fees for supplemental and extraordinary services provided to residential and commercial customers.

2. Estimate of Direct Economic Impact of Proposed Ordinance on Private, For-Profit Businesses in the County, Including the Following (if any):

- a. An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted:

The direct compliance costs for private, for-profit businesses are currently uncertain. However, any financial impact will primarily relate to rate adjustments for supplemental and extraordinary services provided under the ordinance.

- b. Any new charge or fee on businesses subject to the proposed ordinance or for which businesses will be financially responsible:

New or revised charges may include monthly fees for additional County-provided garbage bins, as well as fees for the collection of bulk items and/or improperly prepared materials.

- c. An estimate of the County's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs:

There is no change to the County's regulatory costs as a result of this ordinance. While new or adjusted service charges may apply, they are not intended to recover regulatory costs. Depending on the service configuration chosen by businesses—such as multiple 96-gallon carts or a transition to a larger shared container—some businesses may see a decrease in their overall monthly costs.

3. A Good Faith Estimate of the Number of Businesses Likely to be Impacted by the Ordinance: 10,000

4. Additional Information the Board Determines May be Useful:

This ordinance is to address issues and needs specific to keep the solid waste sustainable in the future. The provision of solid waste collection and management in Manatee County operates as an enterprise, meaning it requires careful financial stewardship to ensure its long-term viability. To maintain affordable and effective services for our residents, adjustments and updates are periodically necessary. These changes address evolving operational costs, technological advancements, and the increasing demands of our growing community. By proactively

implementing strategic modifications, the aim is to guarantee the continued sustainability of our solid waste services, ensuring they remain reliable, environmentally responsible, and financially sound for the benefit of all residents of Manatee County, now and in the future.

Utilities Department

Solid Waste Division
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AN ORDINANCE OF MANATEE COUNTY, FLORIDA, RELATING TO SOLID WASTE AND RECYCLABLE MATERIALS; AMENDING CHAPTER 2-16 OF THE MANATEE CODE REGARDING SOLID WASTE AND RECYCLABLE MATERIALS; MAKING CERTAIN FINDINGS; PROVIDING FOR SEVERABILITY; SUPERSEDING CONFLICTING ORDINANCES OR RESOLUTIONS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE

The following types of ordinances are exempt from the BIE requirement under Section 125.66(3)(c), Florida Statutes. As such, if one or more boxes are checked below, Manatee County believes that a BIE is not required by state law for the proposed ordinance referenced above. Manatee County reserves the right to revise this BIE following an initial posting. Notwithstanding, Manatee County is preparing this BIE to prevent an inadvertent procedural issue from impacting the enactment of this proposed Ordinance. Manatee County reserves the right to revise this BIE following its initial posting and to discontinue providing this information for proposed ordinances believed to be exempt under state law.

- The proposed ordinance is required for compliance with Federal or State law or regulation.
- The proposed ordinance relates to the issuance or refinancing of debt.
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget.
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- *Minimize the potential for the spread of disease and the creation of unsanitary conditions.*
- *Promote a clean, safe, and healthy environment for all residents.*
- *Ensure the efficient and orderly management of solid waste throughout the County.*
- *Support sustainable waste management practices.*

This ordinance reflects updates to the County's solid waste management framework, including revised rules for the collection and disposal of garbage, yard waste, and recyclables. It also introduces updated definitions and authorizes the imposition of fees for supplemental and extraordinary services provided to residential and commercial customers.

2. Estimate of Direct Economic Impact of Proposed Ordinance on Private, For-Profit Businesses in the County, Including the Following (if any):

- a. An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted:

The direct compliance costs for private, for-profit businesses are currently uncertain. However, any financial impact will primarily relate to rate adjustments for supplemental and extraordinary services provided under the ordinance.

- b. Any new charge or fee on businesses subject to the proposed ordinance or for which businesses will be financially responsible:

New or revised charges may include monthly fees for additional County-provided garbage bins, as well as fees for the collection of bulk items and/or improperly prepared materials.

- c. An estimate of the County's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs:

There is no change to the County's regulatory costs as a result of this ordinance. While new or adjusted service charges may apply, they are not intended to recover regulatory costs. Depending on the service configuration chosen by businesses—such as multiple 96-gallon carts or a transition to a larger shared container—some businesses may see a decrease in their overall monthly costs.

3. A Good Faith Estimate of the Number of Businesses Likely to be Impacted by the Ordinance: 10,000

4. Additional Information the Board Determines May be Useful:

This ordinance is to address issues and needs specific to keep the solid waste sustainable in the future. The provision of solid waste collection and management in Manatee County operates as an enterprise, meaning it requires careful financial stewardship to ensure its long-term viability. To maintain affordable and effective services for our residents, adjustments and updates are periodically necessary. These changes address evolving operational costs, technological advancements, and the increasing demands of our growing community. By proactively

implementing strategic modifications, the aim is to guarantee the continued sustainability of our solid waste services, ensuring they remain reliable, environmentally responsible, and financially sound for the benefit of all residents of Manatee County, now and in the future.

APPROVED in Open Session
9/2/2025
Manatee County Board of County
Commissioners



September 2, 2025 - Regular Meeting

Subject

Adoption of Ordinance 25-28, amending Chapter 2-16 of the Manatee Code regarding Solid Waste and Recyclable Materials, Chris Collins, Deputy Director of Utilities

Category

REGULAR

Briefings

Briefing Provided Upon Request

Contact and/or Presenter Information

Chris Collins, Deputy Director of Solid Waste, ext. 5275

Action Requested

Adoption of Ordinance 25-28, including Exhibit A which amends Chapter 2-16 of the Manatee County Code of Ordinances regarding Solid Waste and Recyclable Materials.

Enabling/Regulating Authority

Code of Ordinances

Applicable Advisory Board

N/A

Background Discussion

On May 14, 2024, The Board of County Commissioners approved Amended and Restated Solid Waste Franchise Agreements for Unincorporated Manatee County Collection Service Ares 1 and 2 (Amendment No. 3).

The approved Amended and Restated Agreements require that the Solid Waste Ordinance be updated to reflect the changes made to those agreements.

Implementation of the Amended and Restated Agreements necessitated corresponding amendments to the Solid Waste Ordinance to ensure consistency with the terms and provisions set forth in those agreements.

Attorney Review

Formal Written Review (Opinion memo must be attached) Monahan

Instructions to Board Records [Emailed 9/3/2025](#)

Please send a copy of the approved Solid Waste Ordinance 25-28 to Chris Collins at chris.collins@mymanatee.org.

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A



OFFICE OF THE COUNTY ATTORNEY

COUNTY ATTORNEY

Pamela J. D'Agostino

DEPUTY COUNTY ATTORNEY

Christopher M. De Carlo

CHIEF ASSISTANT COUNTY ATTORNEY

Sarah A. Schenk*

ASSISTANT COUNTY ATTORNEYS

Douglas E. Polk

Camilo A. Soto

Whitni M. Hodges

Deanne C. Fields

Katherine H. Welch

Rebecca E. Waterman

Angelina L. Stratton

Jared M. Monahan

MEMORANDUM

DATE: August 1, 2025

TO: Christian Collins, Deputy Director, Utilities Department

THROUGH: Pamela J. D'Agostino, County Attorney *Approved by PSD 7/31/2025*

FROM: Jared M. Monahan, Assistant County Attorney *Approved by JMM 7/31/2025*

RE: **Solid Waste Ordinance Review; RLS No. FY24/25-0506**

Issue Presented:

In this Request for Legal Services (RLS) you asked the County Attorney's Office (CAO) to rereview an updated draft solid waste ordinance proposing certain amendments to Chapter 2-16 of the Manatee County Code of Ordinances (Code).

Brief Answer:

Attached is draft Ordinance 25-28 with its Exhibit A, and a redlined BIE for staff's review and consideration which contains my redlined changes, comments and advice to staff on this updated draft solid waste ordinance. Provided the legal concerns and issues identified herein, attached, and within my prior advice given in RLS No. FY24/25-0276 (also attached) are addressed consistently with my advice, I have no objection from a legal standpoint to this matter being presented to the Board for review and consideration.

*Florida Bar Board Certified in City, County and Local Government Law

Recommendation:

Staff should review the revised ordinance and its Exhibit A and all comments within them to ensure they include all staff's recommended changes to the Code. Several of my prior comments do not appear to be addressed in Exhibit A. Please pay special attention to the comments regarding the definition of Solid Waste on page 6 of Exhibit A, the comments related to Sec. 2-16-4 regarding authorization of County non-designated franchise haulers, and the comments related to Sec. 2-16-31(g) relating to ADA Accommodations as they have significant legal implications. ***Again, to ensure appropriate codification, staff should accept all tracked changes and remove all comments once the document is deemed to be in final form. Any revisions to Exhibit A should not utilize the track changes feature as that will cause codification errors. Edits to Exhibit A should only be made using the underline and strikethrough font tools. It is important to make sure the Ordinance is clean and in final form prior to placement on the Agenda. The underlined and strikethrough text within Exhibit A must remain for the codifiers to properly change the Code.*** Should you like for it to be reviewed once more when staff is finished with it, please do not hesitate to contact me.

Discussion:

According to this RLS and RLS No. FY24/25-0276, the major proposed changes involve, reducing regular trash pickup from two days to one day per week, providing new trash carts to all residential customers, changing bulk pickups, changing fees, and changing how yard waste must be prepared.

My prior advice in RLS No. FY24/25-0276 regarding preparing a notice of intent, preparing a BIE, publication/advertising of both of the foregoing remains and therefore will not be repeated here. Please do not hesitate to contact me if you have questions on these matters.

Conclusion:

The attached revised draft Ordinance 25-28 and its Exhibit A contain my new advice and comments to staff. Except as otherwise indicated, I have not reviewed or revised the Ordinance or its Exhibit for thoroughness, accuracy, typographical errors or ADA accessibility. I express no opinion as to the business judgment or policy decision of amending Chapter 2-16 of the Code in the manner proposed. Provided the legal concerns and issues identified herein and attached are addressed consistently with my advice, I have no objection from a legal standpoint to this matter being presented to the Board for review and consideration.

This completes my response to your RLS. Please contact me if you have any questions or if I can be of further assistance.

Attachments:

Redlined Ordinance 25-28

Exhibit A to Ordinance

Memorandum from CAO to Utilities Department (April 10, 2025); RLS No. FY24/25-0276

Redlined BIE

Copies with attachments to:

Courtney DePol, Deputy County Administrator, County Administration

Patrick Shea, Director, Utilities Department

Sue Dunn, Compliance Coordinator, Utilities Department

Pam DeWalt-Stump, Senior Administrative Specialist, Utilities Department