

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING SECTION 58-1 ARTICLE I OF CHAPTER 58 "SOLID WASTE", AND CREATING ARTICLE IV SECTIONS 58-80, 58-81, 58-82, 58-83, 58-84, 58-85, 58-86, 58-87, 58-88, 58-89; 58-90 PROVIDING FOR THE CREATION OF A RESIDENTIAL RECYCLING PROGRAM ~~AND PENALTIES~~; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in order to implement a more effective solid waste management plan that includes decreasing the amount of recyclable materials deposited into incinerators and landfills, and

WHEREAS, the City of Key West has determined that this ordinance is in the public's best interest and necessity, promotes the public health, safety, welfare and promotes the efficient, economical and environmentally friendly sound management of solid waste and solid waste disposal, within the City and is in furtherance of the City of Key West's plan that recyclable materials should be collected and recycled to minimize the consumption of resources,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That section 58-1 of the Code of Ordinances is hereby amended as follows:

ARTICLE I- IN GENERAL

Sec. 58-1 Definitions

"Aluminum" means aluminum cans, aluminum foil, and aluminum containers or trays used in packing, preparation or cooking food.

"Authorized refuse receptacles" means any city authorized recycling receptacles and city authorized rubbish receptacles.

"Cans" means all containers composed in whole of iron or steel (so called tin cans) used as containers in the packing or storage of various food and non-food items, except containers that contain paint or petroleum-based solvents, and any pressurized aerosol cans.

"Commercial establishment" means any non-residential building, including, but not limited to, those used for retail, wholesale, industrial, manufacturing, dining,

offices, professional services, automobile service, hotels and motels, restaurants, or shipping and receiving areas.

"Corrugated cardboard" means paper in which a portion has been made to have a wavy surface (alternating ridges and grooves) and is placed between two flat surfaces for the sake of strength, and which is commonly used to form cartons or boxes.

"Glass containers" means bottles and jars, made of silica, sand, soda ash, and limestone, being transparent or translucent, and used for packaging or bottling various materials. This does not include plastics or glass products such as window glass, blue glass flat glass, mirrors, plate glass, light bulbs, dishes or ceramics.

"Household recycling receptacle" means a container designed for use by one household to store recyclable materials between pickups.

"Magazines" means publications printed on glossy, clay-coated paper.

"Newspaper" means newsprint-grade paper, the common, inexpensive machine-finished paper made chiefly from wood pulp, which is printed and distributed, and includes all newspaper advertisement, comics and enclosures. This does not include newspaper soiled by food, paint, petroleum products, oil or oil solvents, or other solid wastes that are not recyclable.

"Owner" add:

or refers to the person who has charge, care or control of any private property as agent or as executor, administrator, trustee or guardian of the estate of the owner or any other person in a representative capacity.

"Plastic" means clear and color coated bottles and jugs made from high-density polyethylene (HDPE) and polyethylene terephthalate (PET) plastics, excluding caps and lids.

"Recyclable materials" means any type of refuse designated by the Recycling Coordinator for the City of Key West through the rules and regulations issued under this chapter to be separated for recycling.

Section 2: That Article IV of the Code of Ordinances is hereby created as follows:

ARTICLE IV- RESIDENTIAL RECYCLING PROGRAM

Sec. 58-80: Objective:

This ordinance has been created due to the growing environmental concerns of our island and its fragile ecosystem. It shall be the policy of the City of Key West to reduce the amount of solid waste generated and to require the recycling of recyclable materials to the fullest extent possible to reduce the amount of refuse sent to landfills and incinerators.

Sec. 58-81: Recycling Coordinator

There shall be a person appointed by the City Manager or his or her designee to be the Recycling Coordinator. The Recycling Coordinator shall organize and direct policy, determine appropriate recycling materials, develop marketing plans, set target dates and goals regarding the designation and collection of recycling materials with the assistance of any boards or committees so directed by the City Manager.

Sec. 58-82: Residential Recyclable Materials

The following materials shall be subject to the City of Key West's Residential Recycling Program including but not limited to:

- (a) aluminum (cans, foils, trays and containers)
- (b) corrugated cardboard
- (c) glass containers (clear, green and brown)
- (d) ferrous cans (steel or tin)
- (e) magazines
- (f) newspapers
- (g) office paper, thin cardboard and cardstock
- (h) plastic containers marked "1", "2" or "3" (including but not limited to: milk, soda and water bottles)

Sec. 58-83: Mandatory Separation of Residential Recyclable Materials

Each owner, occupier, caretaker or tenant of a residential dwelling unit in the City of Key West shall separate all designated recyclable materials from other refuse in accordance with the provisions of this section irrespective of whether or not said dwelling unit receives paid solid waste services.

Sec. 58-84: Collection Containers of Residential Recyclable
Materials

The City of Key West or its designee shall provide each
single family dwelling unit, duplexes and multifamily units
with up to 10 units with one recyclable materials container
per unit. The container shall only be used to transport
recyclable materials from the residential dwelling unit to
the curbside for pickup. The containers shall remain at all
times the property of The City of Key West and the
resident, caretaker, owner or tenant of the unit shall take
proper care to protect such container from loss, theft,
damage or misuse. So long as they are available, each
residential dwelling unit will be entitled to one
replacement container. Subsequent replacement containers
shall be provided at the expense of the dwelling owner,
occupier, tenant or caretaker or whomever is listed on the
waste management bills or tax rolls. Any replacement
containers provided by anyone other than the City of Key
West shall be of the same or similar type construction,
capacity and size of the City-issued container or any city
authorized recycling receptacle less than 50 pounds at full
capacity. Replacement containers shall have consistent
markings identifying it as a recyclable materials
container. Collection containers shall be placed on the

outer edge of the sidewalk, so as not to obstruct the free passage of pedestrians, or in such other place and on days specified by the Recycling Coordinator.

Section 58-85: Multi-family residences and dwelling units

The owner or manager(s) of any units described as a multi-family dwelling herein (excluding residences with less than 11 units) shall submit to the Recycling Coordinator a written recycling plan within 30 days of enactment of this ordinance. The recycling plan shall contain steps that the manager or owner shall take to ensure compliance with this Article such as providing an area on the grounds for residents to deposit their recyclable materials, whether or not the owner or manager(s) will provide a recyclable materials-only dumpster and submit an affidavit that all unit owners, occupiers, tenants or caretakers of the building have been provided a written notice of the building's city-approved policy and the City of Key West's recycling ordinance.

Sec. 58-86: Anti-Scavenger Clause

All recyclable materials placed at the curbside for pickup shall be property of the City of Key West or its authorized agent. It is a violation of this section for any person not

authorized by the City of Key West to collect or pick up or
cause to be collected or picked up any such recyclables.
Any and each such collection in violation hereof shall
constitute a separate and distinct offense punishable as
hereinafter provided in Section 58-90(b)1-15.

Sec. 58-87: Sale and Donation of Material

Any person who is an owner, occupier, tenant or caretaker
may donate or sell recyclable materials to any person,
partnership or corporation as long as the recycling
individual or company submits documentation to the
municipal recycling coordinator as described in Section 58-
81.

Sec. 58-88: Reporting of Recycling transportation tonnages

All non franchised recycling haulers removing recycling
from the city of Key West shall report the tonnage of
recycling hauled from the city on a quarterly basis.
Report shall be submitted to the Recycling Coordinator.

Sec. 58-89: Enforcement

~~The City of Key West's Code Compliance Department or the~~
~~City Manager's designee shall be responsible for the~~
~~inspection of solid waste and/or recyclables in all sectors~~

~~in order to determine any non-compliance with this ordinance. These inspections shall be made on a random basis, at a frequency determined by the Recycle Coordinator.~~

After one year from the effective date of this ordinance, the City Commission will re-visit this ordinance. At such time it will determine and decide and measure the effectiveness of recycling in Key West and may amend this ordinance to effectuate reasonable and workable enforcement and/or penalties, in any, to achieve compliance.

Sec. 58-90: ~~Penalties~~ Education

(a) Education will be conducted by city staff and a designated volunteer recycling education committee. City and/or the volunteer committee shall report monthly to the City Commission during the first year of implementation.

~~Violation of Sections 58-82, 58-83, 58-84, 58-85, 58-87 shall be punishable by a written warning for the first offense. The second offense shall be punishable by a \$50.00 fine and a one-time non-collection of all refuse. Third and subsequent offenses shall be punishable by a \$100.00 fine, a one-time non-collection of all refuse and a mandatory appearance before the Code Compliance Special Magistrate.~~

~~(b) Violations of Sections 58-86 shall be punishable by section 1-15 and shall require an appearance before the Code Compliance Special Magistrate.~~

Section 3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

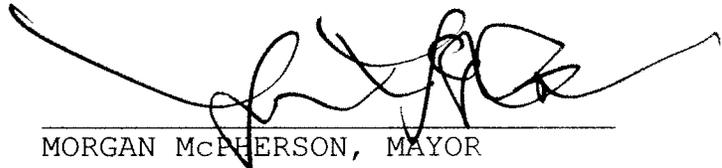
Section 4: This Ordinance shall go into effect on February 15, 2009 upon and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission. ~~There shall be a one year grace period of the enforcement of penalties from the effective date to achieve voluntary compliance through education.~~

Read and passed on first reading at a regular meeting held this 6th day of January, 2009.

Read and passed on final reading at a regular meeting held this 21st day of January, 2009.

Authenticated by the presiding officer and Clerk of the Commission on 4th day of February, 2009.

Filed with the Clerk February 4, 2009.


MORGAN McPHERSON, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33011-1409 (305) 854-3700

MEMORANDUM

To: Jim Scholl, City Manager
Via: David Fernandez, Assistant City Manager
Gary Bowman, Director of General Service

From: Annalise Mannix, P.E., Manager of Engineering Services and Environmental Programs

Date: December 17, 2008

Reference: Executive Summary – Resolution approving modifications to the existing solid waste ordinance to include provision for mandatory residential recycling.

ACTION STATEMENT: An ordinance of the City of Key West, Florida, amending section 58-1 article I of chapter 58 “Solid Waste”, and creating article IV sections 58-80, 58-81, 58-82, 58-83, 58-84, 58-85, 58-86, 58-87, 58-88, 58-89, 58-90, providing for the creation of a mandatory residential recycling program and penalties; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date

STRATEGIC PLAN INITIATIVES:

Economic development with the goal of seeking to maintain quality service levels and a strong financial position by proactively working to better balance the residential and tourism components of the City’s tax base, **increase the value of City services**, and diversify the City’s revenue base is one of seven strategic goals of the City.

Environmental Management seeking to preserve, maintain and when possible enhance the physical environment of Key West and its nearshore waters and is another strategic plan initiative. One specific goal the City Commission resolved is to reduce carbon emission in the city by 15% by 2015.

This project attempts to manage our solid waste in a more cost effective manner which will reduce haul-out costs by up to \$759,000 next year if our goal is met. The program will also reduce negative environmental impacts caused by carbon emissions by reducing carbon and methane emissions by diverting waste to recycling facilities.

BACKGROUND:

Coordinated efforts of citizens of Key West in 1989 created a drop off recycling program in Key West. At that time state law required a 30% recycling rate for all counties in the state. That program was improved by the City by creating residential recycling pick up weekly.



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 894-3700

MEMORANDUM

The City of Key West's curbside pick up program annual average now hovers in the 5% range of the waste stream (5% of the total tonnage of waste collected is sent to a recycling facility). The cost to each resident is \$2.26 per month. If residents do not use the service, the citizen still is charged \$2.28 per month and Waste Management has less pickups to perform.

New House Bill H 7135 sets the state goal for each county to recycle 75% of the waste stream by 2020, just 12 years from now. The law states that local governments are required to recycle a substantial amount to their waste stream in the 4 main recyclable commodities as of this year. In addition, by 2010 counties are required to compost a minimum of 5% of the waste stream. Currently, we do not meet any of the goals set by the state.

For many years the Key West Clean and Green Committee, a group of citizens concerned with litter, the solid waste program, landscaping and other "green" issues, has been meeting with city staff to improve the city's recycling program. They have found that many people are shy to recycle do to beliefs that recycling placed curbside was not actually being recycled. City staff and the community have worked with Waste Management to understand where recycling goes and how it is picked up to ensure it is properly recycled. The group has initiated education programs and worked with Waste Management staff to improve the public's view of the program so they are confident recycling is indeed being recycled. Although we had a 10% jump in recycling in the first and second quarters of last fiscal year during a heavy promotional period our average quarterly rate remains below 6%.

The Mayors' Green Coalition approached the City Commission with recommendations for improving the City's waste and environmental programs on January 15, 2008. The presentation was a success with the Mayor recommending adoption of all goals. It and two other community groups worked steadily at investigating recycling program alternatives, seeking input from residents and businesses, and analyzed Key West's program to make further recommendations. The groups concurred that creating a mandatory residential program, while improving confidence in the city's solid waste program and enhancing education, was the only way to ensure our goal of increasing the recycling rate to 30% by 2010.

The 30% goal was initiated because it is a rigorous but achievable goal. Many cities with mandatory recycling programs do recycle at or near those rates. They city has budgeted to haul 48,000 tons or waste from the city. If citizens recycled 30% of our total haul-out that would be 14,400 tons of recyclables. Last year we recycled 3,012 tons. If the residential program can increase our rates to 30% the city can save the cost of hauling 11,388 tons of waste from the city which correlates to a \$759,124 savings in haul our costs. This savings occurs because the City pays Waste Management to haul waste from Key West at the rate



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

MEMORANDUM

of \$66.66 per ton, but recycling haul-out is absorbed by Waste Management so the city has no haul-out expense.

The proposed ordinances have been routed through a variety of community groups with all comments addressed. We invited all the condo-hotel managers, large apartment complex managers, including (Manual Castillo of the housing Authority), and timeshare and condo managers to special meetings to discuss the implementation of this program. The feedback we received was positive. The only concerns anyone seemed to have were code enforcement issues raised by the complex managers. This was satisfied by brainstorming with fellow managers who had great ideas on recycling already implemented. We also discussed that the larger multi unit requirements are different from single family residences. Each large facility is to submit a plan that they believe can work, and we will work with them to monitor it and make suggestions for improvements.

The ordinance calls for compulsory recycling but allows for a 12 month education program prior to enforcement. We will initiate a year long education campaign in person, in schools, at community groups, on radio, TV and in print. The City's partnership with community groups and schools has opened the door to make a comprehensive coordinated educational effort. When the enforcement date approaches (Feb, 2010) volunteers or a solid waste code officer will drive by the neighborhoods and see who has trash put out but not recycling. These folks will get a flyer explaining the program and asking if they need a bin we will deliver it if requested. It will be a very upbeat description with great reasons to recycle and suggestions on recycling. The next week, we'll do the same thing saying we really need their cooperation, it is mandatory and if they don't put out recyclables we'll have to look toward enforcement which will be a \$50 fine. The handout will have the enforcement strategy highlighted. If staff does not see compliance (a recycle bin out) after significant educational opportunities were provided the code officer will examine the trash and if there is recyclables the officer will tape the trash pail closed and WM will not pick up the trash. This then kicks in the code enforcement action - they have a few days to comply and if they don't by the time the next pick up occurs they will be cited.

The initial plan will have virtually no new costs. There will be no additional staff required. The existing code officer whose salary is funded from the solid waste fund will provide for enforcement and in person educational contact will be made by volunteers and existing city staff. The solid waste fund has an existing \$20,000 promotional budget which will be used for flyers to inset in utility bills and for door hangers and any print ads or radio ads. TV commercials will be produced by City staff and run on City channel 77 and other venues as needed. Staff will make every effort to obtain free public service announcements on radio and TV.



THE CITY OF KEY WEST

Post Office Box 1109 Key West, FL 33041-1109 (305) 894-3700

MEMORANDUM

OPTIONS:

Option 1: Approve ordinance to require residents to recycle. The advantage to this ordinance is that we will increase our recycling rates, reduce our solid waste costs, reduces carbon emissions, and provides the customers the services that they already pay for. The disadvantage is that some residents may not want to recycle and complaint calls to the city may increase. Additionally, the code compliance officer will have added work especially during the initial stages.

Option 2: Approve ordinance to require residents and businesses to recycle. Although many citizens feel that commercial recycling should be mandatory, staff does not feel that this is a vital time to consider commercial recycling. The start up program for commercial recycling will be very arduous and at this time we do not have staff to assist vendors in this program. It will be more effective to get people at home used to it and the natural consequence will be that commercial recycling will increase.

Option 3: No not modify the existing ordinance. This option, although easy, does not assist us in meeting our stated goals in our strategic plan or climate action plan.

FINANCIAL IMPACT:

The current solid waste budget has a \$20,000 promotional line item specifically for the Clean and Green initiatives. There are limited costs for this program. The initial education program (\$3,000) will be funded from the existing budgeted solid waste budget as itemized in the rate study. The use of existing code officer salary is already funded from the solid waste account and will not add costs to the city however, the cost of enforcement during year 2 is estimated at along with vehicle usage rates will be \$700. per week for the first 8 weeks (\$5,600) and spot checking thereafter will cost \$300 per week (\$13,200) for a total yearly cost of \$18,800. The cost of purchasing additional recycle bins is budgeted in the current budget at \$6.00 per bin). Any additional needs can be funded through the \$66.66 per ton savings that we will accrue throughout the year. If recycling increases even up to 7% the cost savings in haul out fees will be over \$23,000 which will recoup the cost of enforcement and education.

RECOMMENDATION:

Staff recommends approval of the ordinance. The ordinance will assist the city in meeting its climate change goals and reduce the cost of the solid waste program.

Education for Residential Recycling

In Person

- Block Party
- Saturday canvassing-door hanger
- School Program (Art in Schools for youngsters and presentation)
- Meeting with Community Groups
- Signs on the Boulevard
- Realtors
- Vacation Rental managers
- Peter Ilchuk, 1800 Atlantic
- Work with multi-family unit managers
- Real Estate- Transient rental managers

Radio

- PSA's
- Paid Advertising
(30 sec commercial is \$11.00 on average for Clear-channel Advertising)
- Ed Scales Show
- Bill Becker
- Rude Girl
- Jerry Coleman
- Hoebee in the morning
- Richard Grusin

Television

- Paid Advertisements (we have some taped)
(Advertising costs one week on channel 5, CNN, Fox News, and the Weather Channel (84 commercials) is \$1005.00)
- 24 LPT Channel
- 15 Mary Grossi
- Channel 77
- Weather Station Channel
- Comcast 11:30 News for the Day

Newspaper Articles

- Shirley Freemans talk to editor RE: tip of the day (educational)
- Letters to the Editor
- News stories from every event (Flyers on average cost \$350.00/12,000 flyers)

Email

- Send out news info
- Email Blasts from every organization

Paid Advertising Publications

- Insert in Citizen
- Military Jim Brook in ambassadors
- Ads in every paper/ book

- Page in phone book

Websites – Place web pages on each website.

- GLEE
- KW
- Love Your Island
- Navy
- Last Stand
- Waste Management

Signage

- New planned signs (Erika's project)
- Bill Boards at bus stops
- Magnets for residents and transient rentals
- Ad's on trash pails

Inserts in Bills (English, Spanish and Creole)

- Monthly tip (Inserts cost on average \$520.00 for 12,000/ inserts)
- FKAA
- Keys Energy
- First State Bank
- Keys Federal Credit Union

Busses

- Inside
- Outside