

**TEMPLE TERRACE CODE
CHAPTER 11 – HEALTH AND SANITATION**

Section 11.110 STATE SANITARY CODE – ADOPTION.

The rules and regulations promulgated by the Florida State Board of Health, known as “**The Sanitary Code of the State of Florida 1956 Revision**” is hereby adopted as the Sanitary Code of the City of Temple Terrace.

Section 11.110.1 SAME – PERMIT FEES.

Whenever the Sanitary Code adopted in Section 11.110 provides for the issuance of a permit and inspection services, the applicant shall pay to the City the sum of two dollars and fifty cents (\$2.50).

Section 11.110.2 PENALTY FOR VIOLATION OF SECTIONS 11.110, 11.110.1 AND 11.115.

Any person violating, within the corporate limits of the City, any provisions of this Chapter or State Sanitary Code adopted by Section 11.110 shall be punished, upon conviction thereof, as provided in Section 1.145 of this Code.

Section 11.115 SEPTIC TANKS.

Section 11.115.1 DEFINITIONS.

The following words and terms as used in this Section are defined as follows:

(a) **Septic tank.** A watertight receptacle for use in rural, farm or sparsely developed urban areas with adequate size tracts providing for installation and maintenance and so designed as to accomplish the partial removal and digestion of the suspended solid matter in sewage, and constructed in accordance with the specifications hereinafter outlined.

(b) **House sewer.** The pipe line conveying from the house or building to the septic tank.

(c) **Septic tank absorption bed.** An underground system of pipe leading from the outlet tee of the septic tank, consisting of open-jointed or perforated pipe so distributed that the effluent from a septic tank is oxidized and absorbed by the soil.

(d) **Septic tank – effective capacity.** The actual liquid capacity of a septic tank as contained below the level of said tank.

(e) **Same – effective depth of a septic tank.** The actual liquid depth of a septic tank is measured from the inside bottom of the septic tank to the liquid level line.

(f) **Same – freeboard or air space of a septic tank.** The distance as measured from the liquid level line to the inside top of the septic tank.

(g) **Same – distribution box.** A small concrete receptacle between the septic tank and the drain from which each line of drain tile extends and which acts as a surge tank to distribute the flow of sewage equally to each line of drain tile. Brick, concrete or concrete block must be used where practical and said construction has been approved.

(h) **Same – approved installation.** A septic tank and drain field constructed and installed in accordance with the technical requirements of this Chapter. Approved installation does not imply that the disposal system will perform satisfactorily for any specified period of time. (*Ord. No. 68, 3-1-60*)

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Section 11.115.2 SEPTIC TANKS TO BE PROVIDED; EFFLUENT NOT TO BE DEPOSITED IN WATERS.

Where a public or private sewerage system is not available, private sewer outfalls from residences, schools, apartments, and other private buildings intended for human occupancy or use must discharge into a septic tank constructed in accordance with the provisions and the Sanitary Code of the State of Florida as adopted by Section 11.110. The effluent from such septic tanks must not be discharged into the waters of the Hillsborough River or other streams, ponds, ditches, storm sewers or other bodies of water or water courses in or contiguous to the corporate limits of Temple Terrace, without further treatment and then only after approval is granted by the City of Temple Terrace and the Florida State Board of Health. (*Ord. No. 68, 3-1-60*)

Section 11.115.3 DISPOSAL OF SEPTIC TANK EFFLUENT.

The effluent from septic tanks, except as otherwise provided for in Section 11.115.2 shall be discharged into subsurface soil absorption beds, as hereinafter provided or shall be treated with some type of sewage filter, or other purification device, the plans for which have been approved by the City and the Florida State Board of Health, and the effluent approved by these agencies for discharge into a stream, river, other body of water, or water carrying facility. Septic tanks, treatment plants, or their related facilities shall be contained on private properties or within approved City of Temple Terrace easements. Septic tanks, treatment plants or their related facilities shall be so designated, located and constructed, to assure that no effects or damages shall be incurred to adjacent properties of other ownership. (*Ord. No. 68, 3-1-60*)

Section 11.115.4 MINIMUM REQUIREMENTS OF SEPTIC TANKS.

Septic tanks for the treatment of sewage from residences, apartments, hotels, schools and other buildings as hereinbefore designated when used in the City of Temple Terrace shall conform to the following minimum requirements:

(a) Septic tanks shall be generally rectangular in shape or of a shape approved by the Florida State Board of Health. Where tanks having more than one compartment are used, the first compartment shall have the capacity as heretofore and hereinafter set forth.

(b) Septic tanks shall be built of concrete either precast or poured in place; the concrete used for the construction of septic tanks shall be designed by mix and water cement ratio to have a unit compressive strength of three thousand (3,000) pounds per square inch after twenty-eight (28) days curing. Brick or eight by eight by sixteen inches (8"x8"x16") concrete building block may be used where practical; said septic tanks shall be plastered inside, be watertight and free of leaks, with walls not less than eight inches (8") thick. Tanks of any other type or material must have the approval of the Florida State Board of Health and the City of Temple Terrace before being installed. Information pertaining to the design of concrete mixes to produce concrete of the required unit compressive strength may be obtained from the City of Temple Terrace.

(c) Septic tanks constructed by precasting shall have a minimum wall thickness of two (2) inches, and shall be adequately reinforced to facilitate handling.

(d) Septic tanks constructed by pouring in place shall have a minimum wall and bottom thickness of four (4) inches.

(e) All septic tanks shall be of concrete. Precast tops shall have a minimum thickness of three (3) inches and shall be adequately reinforced usually consisting of three-eighth (3/8) inch reinforcing steel rods on six (6) inch centers in each direction to resist predicted loadings. One-piece tops poured in place shall have a minimum thickness of four (4) inches, reinforced as above mentioned and be provided with a twenty-two (22) inch manhole located over the inlet and over the outlet.

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(f) Tees extending five (5) inches above and eighteen (18) inches below the liquid level shall be installed at both the inlet and the outlet of the septic tank.

(g) The invert of the inlet and outlet may be at the same elevation but in no case shall the outlet be higher than the inlet.

(h) The length (inside measure) of a septic tank shall be at least twice, but not more than three times, the width of the tank.

(i) The effective depth of a septic tank shall be not less than four (4) feet for tanks up to one thousand two hundred (1,200) gallon-effective capacity. Effective depth for greater capacities shall be approved only by the Florida State Board of Health.

(j) Ventilation of tanks shall be only through vents in the building plumbing.

(k) A minimum "freeboard" or "air space" of eight (8) inches shall be provided between the liquid surface and the underside of the top of the tank on all tanks less than one thousand two hundred (1,200) gallon capacity and a minimum of twelve (12) inches on tanks of more than one thousand two hundred (1,200) gallon capacity.

(l) Septic tanks shall be located as far from a spring or well as possible, and at a lower elevation. No part of a septic tank and the drain field therefrom shall be located under any building, nor within five (5) feet thereof, nor within fifty (50) feet of any water supply well or cistern. (*Ord. No. 68, 3-1-60*)

Section 11.115.5 CAPACITY.

(a) The capacity of septic tanks shall be determined from estimated flow contained in Table 1, "Quantities of Sewage Flow" as found in Chapter 5, Florida State Sanitary Code based on an adequate detention time interval resulting in effective sedimentation. Daily flows from metered results may be used as estimated flow when available. However, the septic tank capacity shall be computed from the maximum daily flow.

(b) The minimum effective capacity flow of any septic tank installed in the City of Temple Terrace shall be five hundred (500) gallons to receive not more than two hundred (200) gallons of estimated sewage flow per twenty-four hour day. For sewage flow greater than two hundred (200) gallons and up to one thousand (1,000) gallons per day, the septic tank capacity shall equal the estimated daily flow plus three hundred (300) gallons sludge storage volume. For sewage flows exceeding one thousand (1,000) gallons per day the septic tank capacity shall be determined from Chart 1, "Septic Tank Capacities," Chapter 5, Florida State Sanitary Code.

(c) For residences, hotels motels, apartment houses and rooming houses the number of persons to be served shall be computed on the basis of the number of bedrooms, with each bedroom computed on the basis of two persons, or on the basis of the actual number of persons to be served by the tank, whichever number may be the greater. (*Ord. No. 68, 3-1-60*)

Section 11.115.6 HOUSE SEWER.

The house sewer shall meet requirements of Chapter 8 of the Florida State Sanitary Code. (*Ord. No. 68, 3-1-60*)

Section 11.115.7 GREASE INTERCEPTORS.

(a) Grease interceptors may be omitted for single-family residences but must be installed in the waste line leading from sinks, drains and other kitchen fixtures to the septic tank in the following establishments: restaurants, hotel kitchens or bars, factory cafeterias or restaurants, clubs, or other establishments when large quantities of grease can be introduced into the septic tank.

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(b) The grease interceptors shall be so constructed to permit access for cleaning and maintenance.

(c) For establishments preparing and handling food as listed in (a) above, the capacity of the grease interceptor shall be equivalent to the maximum three hours flow occurring during the average operating day from the connected fixtures and drains or, if the flow cannot be determined then the capacity shall be computed from the estimated number of meals expected to be served during a three-hour operating period of two and one-half gallons estimated flow per meal from connected fixtures and drains, but in no case shall be less than five hundred (500) gallons. The invert of the inlet shall discharge a minimum of two and one-half inches above the level liquid line. A tee extending to within eight (8) inches of the bottom of the grease interceptor shall be connected to the outlet end. Capacity for grease interceptors for other establishments preparing and handling food shall be obtained from the Florida State Board of Health. (*Ord. No. 68, 3-1-60*)

Section 11.115.8 ABSORPTION FIELD.

(a) All drain tile shall be laid in washed and screened gravel, slag, rock or similar material of such size as to be retained on a one-fourth inch screen. Broken shell if retained on a one-fourth inch screen may be used where practical. This pervious material shall extend from a minimum distance of four inches below the drain tile up to top of drain tile.

(b) The maximum depth from the bottom of the drain tile to the finished grade of the ground shall not exceed twenty-four inches and the drain fields shall be laid above the ground water table.

(c) The minimum width of the trench containing the drain tile shall be twelve (12) inches. The maximum width shall be eighteen (18) inches.

(d) Pipe used in the absorption field shall not be less than four inches inside diameter and shall be vitrified clay or perforated bituminized fibre. Vitrified clay drain pipe shall be laid with open joints not to exceed one-fourth inch. Perforated bituminized pipe shall have a minimum perforated area of 1.5 square inches per linear foot of pipe in the bottom half of the pipe. Perforated bituminized fibre pipe shall be laid with perforations on the bottom or within the lower permissible area of the circumference. All open joints shall be covered on top and down along the sides with heavy asphalt-treated building paper before careful backfilling of trench. Concrete drain tile pipe conforming to current specifications of the "American Society of Testing Materials" or current specifications of "Commercial Standards" may be used.

(e) All drain lines shall be graded from the outlet of the tank and distribution box with a downward slope of one-fourth inch to one-half inch per ten feet.

(f) Distance between laterals shall be no less than five feet with eight feet or more recommended.

(g) The maximum lateral length shall not exceed seventy-five feet and when more than one lateral is used, all trenches shall be the same length as near as practical with topographic conditions.

(h) Sumps, dry well, soakage pits or drain well shall not be used for disposal of septic tank effluent, grease and/or kitchen waste or laundry waste.

(i) Minimum area for absorption field shall be forty square feet per one hundred (100) gallons of liquid effluent flow per twenty-four hours.

(j) Distribution boxes shall be provided on all drain fields where two or more lines of drain pipe are required unless prior approval is obtained from the Florida State Board of Health. The distribution box shall be of sufficient size to accommodate the required number of drain field lines. Each drain field line shall be connected individually to the distribution box. The invert of the inlet to the box shall be at least one inch above the invert of the outlets. The invert of all outlets shall be level.

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(k) Areas for absorption beds or drain fields shall consist of comparatively uniform soils free of impervious clays, marl, hardpan or other impervious materials to a depth of six feet and shall be sufficiently pervious to give an adequate percolation time under saturated conditions. (*Ord. No. 68, 3-1-60*)

Section 11.115.9 SLUDGE DISPOSAL.

Sludge from septic tanks shall be disposed of by burial and not by being emptied into ditches or waters. (*Ord. No. 68, 3-1-60*)

Section 11.115.10 APPROVAL OF PLANS.

(a) For septic tanks of over one thousand two hundred (1,200) gallons capacity, sludge drying beds, filters, pumps, siphons, disposal plants for hospitals, large commercial institutions, schools and other installations not herein specified, plans and specifications shall be submitted to the Florida State Board of Health for approval prior to application to the City for permit or prior to construction.

(b) When the total estimated twenty-four hour flow from one establishment is in excess of one thousand two hundred (1,200) gallons, all flow shall be centrally collected for adequate treatment and plans and specifications shall be submitted to the Florida State Board of Health for approval prior to construction. (*Ord. No. 68, 3-1-60*)

Section 11.115.11 MANUFACTURE AND SALE OF SEPTIC TANKS

No person, persons, corporations, or firm shall manufacture or install within the City any septic tank or similar device that does not conform to the requirements for such devices as hereinbefore set forth. (*Ord. No. 68, 3-1-60*)

Section 11.115.12 PERMIT AND FINAL INSPECTION.

(a) *Construction permit.* A prerequisite to application for permit shall be that percolation tests will be performed under the direction of either of the agencies listed below in the area where the absorption field is to be installed, and said tests shall have given satisfactory evidence that the intended drain field will function under normal conditions. No septic tank and/or drain field shall be constructed or installed until a permit for such construction or installation has been obtained from both:

- (1) The County Health Department of Hillsborough County, Florida;
- (2) The City of Temple Terrace, Florida.

(b) *Nonissuance of permit.* A permit shall not be issued for an installation in an area determined to have unsuitable soil characteristics, a high water table during the wettest period of the year, inadequate drainage, or other influencing factors adversely affecting the operation to the extent that the system may not be expected to function satisfactorily as a temporary sewage treatment method.

(c) *Final inspection.* After the completion of construction or installation of a septic tank and drain field and before covering with earth and putting into service, the installation shall be inspected by a representative of the Hillsborough County Health Department and/or of the City of Temple Terrace. If installation meets the requirements of Chapter V, Florida State Sanitary Code and of this Chapter, a "final inspection certificate" will be issued. Permanent connection of City water will not be made to any dwelling or other building until final approval has been given to the installation. (*Ord. No. 68, 3-1-60*)

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Section 11.120 HEALTH AND SANITATION SERVICE.

Section 11.120.1 SHORT TITLE.

This Section shall be known and may be cited as “Health and Solid Waste Service Ordinance of Temple Terrace.”

Section 11.120.2 DEFINITIONS.

For the purpose of this Section, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- (a) *Ashes* are the residue from the burning of wood, coal, coke or other combustible material.
- (b) *Bio-hazardous/medical waste* shall be construed to mean all biological material that poses a threat to humans or their environment.
- (c) *Building/construction materials* is hereby defined to mean and include sand, wood, stone, brick, cement, concrete, construction blocks, roofing and other refuse building materials usually generated from a construction or remodeling project.
- (d) *City* is the City of Temple Terrace.
- (e) *Commercial type containers* is hereby defined to mean large containers, dumpsters, open-topped roll-off containers and compactors used for solid waste, trash/refuse, building/construction materials.
- (f) *Hazardous waste materials* shall be construed to mean all chemicals including but not limited to paints and solvents, automotive products and automotive batteries, household cleaners, hobby and craft supplies, pool chemicals, lawn and garden supplies, outdated medicines, tires, propane/gas cylinders, smoke detectors, and other potentially toxic substances or as may be modified in the future and/or outlined in the City “Residential Sanitation and Recycling Guidelines” brochure.
- (g) *Person* is any person, firm partnership, association corporation, company or organization of any kind.
- (h) *Recycling materials* shall be construed to mean all recyclable commodities including but not limited to aluminum drink cans, steel/tin food cans, green, brown and clear glass bottles/jars, cardboard, plastic household bottles or containers, and mixed paper or as may be modified in the future and/or outlined in the City “Residential Sanitation and Recycling Guidelines” brochure.
- (i) *Special Trash Pick Up* shall be construed to mean collection of larger items that do not meet regular collection requirements.
- (j) *Solid waste* shall be construed to mean any and all animal, fruit and vegetable refuse matter whether cooked or raw or other material from which any animal, fruit or vegetable matter has been removed which might become sour, spoiled, rotten or putrid and from which obnoxious odors are liable to be emitted or to which flies, other insects, or rodents are liable to be attracted, as well as any other items not as bio-hazardous/medical waste, hazardous water, building/construction materials or recyclables.

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(k) *Trash/refuse* shall be construed to mean all larger items that do not meet regular solid waste or recycling collection requirements as outlined in the City "Residential Sanitation and Recycling Guidelines" brochure.

(l) *Yardwaste* shall be construed to mean any yard clippings, leaves, tree limbs, tree trunks, palm fronds, mulch, and shrubbery/brush materials.

Section 11.120.3 PENALTIES.

Any person violating any provision of this Chapter upon conviction thereof shall be subject to a fine not to exceed one hundred (\$100.00) dollars or imprisonment for a period not to exceed thirty (30) days or both. Each day a violation of this Chapter continues after conviction hereof shall constitute a separate offense.

Section 11.120.4 SUPERINTENDENT OF SANITATION.

The Director of Public Works (Director) shall be the Superintendent of Sanitation in the City of Temple Terrace.

Section 11.120.5 DUTIES OF SUPERINTENDENT OF SANITATION.

It shall be the duty of the Superintendent of Sanitation to see that the streets are kept clean, and that solid waste and recyclables, and street sweepings are gathered up and disposed of, and that all provisions of this Chapter are enforced.

Section 11.120.6 EXCAVATION, FILLING.

No person shall permit any excavation, made for the purpose of mining, quarrying, building or for other purposes, of more than ten (10) feet of superficial area and more than four (4) feet in depth to remain open in the City on land belonging to such person for more than ninety days. Such owner shall cause such excavation to be filled in with clean sand or dirt or covered over in such a manner and within such time as the Superintendent of Sanitation may direct.

Section 11.120.7 SAND, FILLING, ETC., ARE PREJUDICIAL TO HEALTH.

Any hole, low-lying ground, pit, or excavation, likely to be or become prejudicial to the health of the community, shall upon order of the Superintendent of Sanitation be filled, drained or otherwise placed in sanitary or salubrious condition by the owner thereof.

Section 11.120.8 CITY NOT TO PICK UP BUILDING/CONSTRUCTION MATERIALS.

The City shall not collect building/construction materials, as defined in Section 11.120.2, created, collected or disposed of either by contractors, occupant or owner as part of ordinary solid waste collection service. Building/construction waste will be picked up and disposed of via commercial type container service.

Section 11.120.9 DUTY TO KEEP PREMISES CLEAN.

It shall be unlawful for the occupant, or if there be no occupant, then the owner of any house, yard, store or lot of land to refuse to keep the same clean, or to permit any trash, weeds or any offensive matter of any kind to accumulate in or upon such premises.

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Section 11.120.10 OCCUPANTS AND OWNERS OF ABUTTING PROPERTY TO KEEP RIGHTS-OF-WAY CLEAN AND SANITARY.

All tenants or occupants of any real property abutting upon any street in the City, or if no tenant or occupant, then the owner thereof, shall be required to keep that part of the street between such property lines and the curb lines including the gutter of the street on which such property abuts, in a clean and sanitary condition at all times.

Section 11.120.11 UNLAWFUL PRACTICES GENERALLY.

It is hereby declared unlawful and a violation of this Section for any person to do or permit to be done any of the following acts or practices:

(a) To deposit on or bury in, or cause to be deposited on or buried in any land, public property, street, alley, vacant lot or area, unoccupied lot or area, the waters of the Hillsborough River, or any other river, watercourse or ditch within the corporate limits of the City, any solid waste/trash/refuse or other noxious, malodorous or offensive matter.

(b) To fail or neglect to keep or cause to be kept clean and sanitary or tightly covered and in good state of repair all containers and solid waste receptacles.

(c) To place or allow to be placed upon the streets, alleys, curbs or sidewalks of the City any solid waste, sweepings, trash/refuse or hazardous waste materials of any kind which might be a menace to traffic both vehicular and pedestrian, or which might endanger the proper operation of the City's sewer or drainage system.

(d) To collect or permit to be collected by anyone the solid waste or recyclables from any solid waste or recycling bin, can, container or dumpster other than by persons regularly employed by the City for that purpose or by persons working under contract with the City by a special written permit from the Director of Public Works or his authorized agent.

(e) To place or allow to be placed any solid waste/trash/refuse in any solid waste and/or recycling container by person or persons not authorized to do so.

(f) To place or allow to be placed any solid waste, trash/refuse, and/or recyclables not generated within the City in any solid waste and/or recycling containers for collection by the City.

(g) To start or to maintain any bonfire or trash fire; to burn off any area for clearing; or to knowingly furnish materials for or to authorize any such fire to be started or maintained on any street, alley, road, public land or ground or upon any private property in the City; provided, however, campfires, bonfires, practice burns by the Fire Department, and land clearing by means of air curtain incineration may be allowed with special permit approved by the Fire Chief and City Manager with special conditions as deemed necessary.

(h) To violate any of the provisions or sections of this Chapter or any reasonable interpretation of the same.

(Ord. No. 144, 2-16-65; Ord. No. 162, 5-3-66; Ord. No. 660, 7-5-8; Ord No. 1091,6-3-03)

Section 11.125 FOOD ESTABLISHMENTS AND FOOD HANDLERS.

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Section 11.125.1 COUNTY HEALTH PERMIT REQUIRED.

It shall be unlawful for any person to conduct or operate a factory or shop handling, or preparing or manufacturing foods, refreshments, or to conduct or operate any store, establishment, conveyance, or market, for the sale or gift of any foods, or refreshments, without first obtaining from the County Health Officer a permit to do so. *(Ord. No. 144, 2-16-65)*

Section 11.125.2 COUNTY HEALTH PERMITS; ISSUANCE, REVOCATION.

The County Health Officer shall issue such permit when the applicant therefor has provided means equipment and facilities for the fulfillment of the requirements of these regulations, and compliance with health laws. The County Health Officer shall revoke any permit when violation of health laws or regulations warrant such actions. Any permit shall be valid only for the fiscal year issued. *(Ord. No. 144, 2-16-65)*

Section 11.125.3 LICENSE TO BE REFUSED WHERE HEALTH PERMIT DENIED.

The City Treasurer shall refuse to issue a license to engage in any business or occupation above mentioned if the County Health Officer shall certify to the City Treasurer not later than September fifteenth preceding the beginning of the licensing year that the applicant has been inspected by the County Health Officer and denied a health permit. *(Ord. No. 144, 2-16-65)*

Section 11.125.4 PHYSICAL EXAMINATION REQUIRED FOR FOOD HANDLERS; PRESENTATION OF CERTIFICATE.

The owner, agent, manager or other person owning or operating any food establishment, canning factory, or other place where food of any kind is prepared for sale for human consumption shall not himself handle any food nor employ, retain or continue in his employment any food handlers unless he and/or such food handlers can show at all times his Certificate of Physical Examination signed by the Health Officer or his duly appointed deputy, declaring such person to be free from any contagious, infectious, or communicable diseases. Such examination shall have been made and a Certificate issued within the preceding one hundred eighty (180) days. *(Ord. No. 144, 2-16-65)*

Section 11.125.5 VIOLATION OF STATE SANITARY CODE.

It shall be unlawful for any person to commit within the limits of the City any act which is a violation of the Sanitary Code of the State of Florida and the commission of such act or acts is hereby prohibited. *(Ord. No. 144, 2-16-65)*

Section 11.130 SOLID WASTE AND RECYCLING.

Section 11.130.1 COLLECTION BY CITY.

All solid waste and recyclables generated in the City shall be collected, conveyed and disposed of by the City. No person shall collect, convey over any City streets or alleys, or dispose of, any solid waste or recyclables generated in the City without a written contract or permit approved by the Director of Public Works in accordance with the standards, terms and conditions provided in this Chapter; provided, however, that nothing herein contained shall, in any way, alter, impair or restrict the exclusive right of the City Council to issue franchises and other such contracts concerning the collection of solid waste in the City of Temple Terrace.

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(a) *Exception for actual producers.* This Chapter shall not prohibit the actual producers of building/construction materials, trash/refuse, or recyclables, or the owners of premises upon which building/construction materials, trash/refuse or recyclables have been generated, from personally collecting, conveying and disposing of such, provided such producers or owners comply with the provisions of this Chapter and with all other governing laws and ordinances.

(b) *Exception for outside collectors.* This Chapter shall not prohibit collectors of building/construction materials, trash/refuse or recyclables from outside the City from hauling such over City streets prescribed by the Director provided that such collectors shall comply with the provisions of this Chapter and with all other governing laws and ordinances.

(c) *Exception for haulers of source separated recyclables.* Nothing in this Code prohibits private haulers from services related to source separated recyclables, providing they meet the permit requirements of this Code.

(d) *Requirements for vehicles used by actual producers and/or outside collectors:* Vehicles must be designed to prevent spillage of liquids or items from being blown, dropped or spilled. The Director shall have the authority to approve all vehicles used to transport/convey materials.

(e) *Disposal of building/construction materials, trash/refuse and/or recyclables by actual producers and/or outside collectors:* Disposal by persons so permitted shall be made at an approved disposal site, unless otherwise specifically authorized by the Director.

(f) *Rules and regulations:* The Director shall have the authority to make such other reasonable regulations concerning individual collection and disposal and relating to the hauling of refuse over City streets by outside collectors as he shall find necessary subject to the right of appeal as set forth in Section 11.130.2 of the Code of the City of Temple Terrace.

(g) *Private incinerator:* Owners or lessees of premises desiring to incinerate their refuse on their respective premises shall be permitted to do so subject to the incinerator and its operation meeting all City regulations and having the written approval of the City Fire Marshal. A refuse incinerator to be operated within the City shall cause no smoke, no offensive odors, no sparks and no nuisance.

Section 11.130.2 COLLECTION SUPERVISED BY DIRECTOR OF PUBLIC WORKS; APPEAL TO CITY MANAGER.

All solid waste and recyclables generated in the City shall, unless otherwise permitted, be collected conveyed and disposed of by the City under the supervision of the Director. The Director shall have authority to make regulations concerning the days of collection, type and location of waste containers and such other matters pertaining to the collection, conveyance and disposal as he shall find necessary, and to change and modify the same after notice as required by law provided that such regulations are not contrary to the provisions hereof.

Any person aggrieved by a regulation or fee charged by the Director shall have the right to appeal to the City Manager who shall have the authority to confirm, modify or revoke any such regulation or fee.

Section 11.130.3 COLLECTION PRACTICES FOR SOLID WASTE.

The following practices for curbside collection of solid waste are hereby established:

(a) *Solid waste:* Solid waste shall be drained and wrapped before placing in containers or bags.

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(b) *Solid waste containers:* Solid waste containers shall be made of metal or plastic and equipped with suitable handles and with tight fitting covers. Containers shall not have a capacity of more than thirty-two (32) gallons and shall not exceed fifty (50) pounds in weight when collected. Plastic garbage bags of 1.5 mil thickness (minimum) and suitably tied are acceptable.

(c) *Duty to provide and maintain in a sanitary condition:* Solid waste containers shall be provided by the owner, tenant, lessee or occupant of the premises. Solid waste containers shall be maintained in good condition at all times. Any container which does not conform to the provisions of this Section or which may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof shall be replaced promptly upon notice. The Director shall have the authority to refuse collection service for failure to comply herewith.

(d) *Hazardous waste:* Hazardous waste shall not be placed in containers for regular collection nor collected by the City for disposal.

(e) *Bio-hazardous/medical waste:* Bio-hazardous/medical waste shall not be placed in containers for regular collection nor collected by the City for disposal.

(f) *Solid waste removal:* It shall be the City's policy to collect all solid waste two (2) times each week with the exception of weeks in which a City holiday falls. Containers and bags should be at curbside by 7:00 a.m. on collection day.

(g) *Exceptions:* Exceptions to these requirements due to age, health, physical infirmity, handicap or similar incapacity shall be approved by the Director.

Section 11.130.4 COLLECTION PRACTICES FOR YARD WASTE.

The following practices for curbside collection of yardwaste recycling are hereby established.

(a) *Yardwaste:* Any leaves, yard or hedge clippings, tree trimmings, shrubbery should be bagged or containerized.

(b) *Tree branches/limbs:* Tree branches should be bundled or containerized. Tree limbs should be shorter than 3 feet in length and less than 5 inches in diameter.

(c) *Yardwaste removal:* Yardwaste that is bagged, containerized or bundled should be placed at curbside by 7:00 a.m. on yardwaste recycling collection day only. Disposal regulations prohibit the City from collecting yardwaste with normal household solid waste.

(d) *Exceptions:* Exceptions to these requirements due to age, health, physical infirmity, handicap or similar incapacity shall be approved by the Director.

Section 11.130.5 COLLECTION PRACTICES FOR RECYCLABLES.

The following practices for curbside collection of recyclables are hereby established.

(a) *Recyclables:* All recyclables including but not limited to aluminum drink cans, steel/tin food cans, green, brown and clear glass bottles/jars, cardboard, plastic household bottles or containers, and mixed paper should be placed in a City-issued recycling bin/container or as may be modified in the future and/or outlined in the City "Residential Sanitation and Recycling Guidelines" brochure.

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(b) *Recyclables removal:* City-issued recycling bins/containers should be placed at curbside by 7:00 a.m. on recycling bin/container day only.

(c) *Exceptions:* Exceptions to these requirements due to age, health, physical infirmity, handicap or similar incapacity shall be approved by the Director.

Section 11.130.6 COLLECTION PRACTICES FOR COMMERCIAL COLLECTION SERVICES.

The following collection practices for commercial collection services are hereby established:

(a) *Solid waste:* Solid waste shall be drained and wrapped before placing in containers.

(b) *Commercial type or larger containers:* Commercial type containers shall be located in such a manner that the City's collection vehicle may service them safely and efficiently.

(c) *List of containers; commercial type containers:* The Director shall at all times keep a complete list of illustrations, specifications, diagrams and sizes of such containers acceptable to the City for refuse collection purposes. Each commercial type container shall have the approval of the Director before its contents are collected.

(d) *Solid waste removal:* Commercial type containers will be serviced by the City based on a pre-established servicing schedule.

Section 11.130.7 STORING OF SOLID WASTE/TRASH/REFUSE.

The following practices regarding storing of solid waste/trash/refuse are hereby established:

(a) *Public places:* No person shall place any refuse in any street, alley or other public place, or upon any private property whether owned by such person or not, unless it is in proper containers for collection or under express approval granted by the Director. No person shall place any solid waste/trash/refuse at the curb for collection except on his own property, at the front and behind the curb line, except that on a corner lot the owner or tenant may use the side rather than the front, subject to the approval of the Director. No person shall throw or deposit any solid waste/trash/refuse in any stream or body of water.

(b) *Unauthorized accumulation:* Any unauthorized accumulation of solid waste/trash/refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any accumulation of refuse shall be deemed a violation of this Chapter.

(c) *Scattering of solid waste/trash/refuse:* No person shall cast, place, sweep or deposit anywhere within the City any solid waste/trash/refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises within the City.

(d) *Shopping carts, shopping baskets and related items:* Any shopping carts, shopping baskets and related items abandoned on public property, including but not limited to streets, rights-of-way, bus stops and park areas, creating a public nuisance and/or traffic and safety hazards, shall be removed and returned to the appropriate owner(s) of said items by the City's Sanitation Division. The cost for removal and return of said items, not to exceed the operational cost per hour of the Sanitation Division, shall be assessed against the owner(s) of said items.

Section 11.130.8 SPECIAL SOLID WASTE/TRASH/REFUSE.

The following practices regarding special solid waste/trash/refuse disposal are hereby established:

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(a) *Contagious disease refuse:* The removal of clothing, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of the proper County Health Officer. Such refuse shall not be placed in containers for regular collections and shall not be a municipal collection.

(b) *Inflammable or explosive refuse:* Highly inflammable or explosive materials and ashes shall not be placed in containers for regular collections but shall be disposed of as directed by the Director at the expense of the owner or possessor thereof.

(c) *Bio-hazardous/medical waste:* Bio-hazardous/medical waste shall not be placed in containers for regular collections but shall be disposed of by a properly permitted bio-hazardous/medical waste collection service.

(d) *Hazardous waste materials:* Hazardous waste materials shall not be placed in containers for regular collections but shall be disposed of at a properly permitted hazardous waste collection site.

Section 11.130.9 FEES.

(a) Residential charges: The following monthly charges shall be made:

- (1) The monthly fee of \$23.29 shall be applicable for residential dwellings receiving curbside collection, except for those qualifying for a discounted rate related to the senior exemption allowed under Section 11.130.9(a)(2) below. (*Ord. No. 1212, 11-6-07, Ord. No. 1236, 9-3-08*)
- (2) The monthly fee of \$14.85 shall be applicable for residential dwellings receiving curbside collection whose resident(s) have qualified, applied for, and been granted an additional senior homestead exemption for Temple Terrace ad valorem taxes determined on an annual basis as defined by City Code, except for tax year 2003, in which those qualifying for the additional senior homestead exemption are eligible for the discounted rate even though the homestead exemption itself is not yet available to qualifying seniors. Said reduced rate shall be determined and applied on a basis coinciding with the City's fiscal year, except for fiscal year 2003-2004, in which the reduced rates will become effective January 1, 2004. (*Ord. No. 1105, 12-2-03*)

(b) Commercial charges: The following monthly charges shall be made:

- (1) Collections based on trash or garbage cans - \$23.29 monthly minimum, based on two (2) collections per week for two (2) thirty-two (32) gallon capacity receptacles for each unit. Any extra garbage collection shall be charged at the rate of \$1.50 per thirty-two (32) gallon capacity can per pickup for each occupied unit. (*Ord. No. 1236, 9-3-08*)
- (2) Collections from commercial containers – Based on size of container and frequency of pickup as detailed below:

<u>Size (cubic yard)</u>	<u>Times Per Week Service</u>				
	1	2	3	4	5
2	\$ 57	\$100	\$140	\$180	\$225
4	98	180	265	345	430
6	141	265	390	515	635
8	184	350	515	680	845

Special charges: Any hydraulically or otherwise compacted refuse shall be paid for at a rate established by the Director.
(*Ord. No. 1236, 9-3-08*)

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(3) Collections from roll-off containers:

Compactor containers – charge for servicing container shall be \$165 plus the prevailing County disposal fee for the type of refuse contained therein.

a. Open (construction) containers – charge for servicing containers shall be: 20 cubic yards-\$168 and 30 cubic yards -\$180 plus the prevailing County disposal fee for the type of refuse contained therein.

b. Other charges:

Deposit 20 yard open (construction container)	\$250
Deposit 30 yard open (construction container)	300
Delivery/setup	50
Wash container	50
Show-up (unable to service)	50

(Ord. No. 1236, 9-0-08)

(c) Special Trash Pick Ups: Refuse not in prescribed containers, such as trash rooms or refuse loose on the ground, shall be charged by the hour or fraction thereof and said charge shall be as determined by the Director and shall not exceed the operational cost per hour of the Sanitation Division. If the above described conditions exist constantly, the City may make a survey for thirty (30) days, after which an average monthly charge will be established.

(d) Accounts payable. All refuse accounts are payable monthly along with other payments for municipally operated utilities. Delinquent accounts shall be treated the same as for other municipally operated utilities.

(e) Basis for determination of charges. All charges are based on maximum number of cans and/or cubic yard capacity of commercial type containers retained on premises from day to day; and each dwelling or occupied unit and/or business and/or collection time required.

(f) Containers for mechanical lifting. Containers rigged for mechanical lifting are to fit municipal refuse units, and shall be approved by the Director.

Section 11.130.10 RATES AND CHARGES – DELINQUENT DATE; PENALTY.

If any charges for solid waste and/or trash/refuse collection service are not paid within thirty (30) days after an invoice has been rendered therefor, the City may cease service to the premises or parcel of land for which such delinquent charges are due and payable until such charges and penalty shall be paid; and, if such premises or parcel of land for which such charges shall be delinquent are served by the City's water system, the City may cease to serve such premises with water until such delinquent charges and penalty shall be paid. These are cumulative and nonexclusive remedies and the City may enforce this Section by any and all other means provided by law.

Section 11.130.11 SAME – CHARGE TO CONSTITUTE DEBT.

The service charges hereinabove prescribed shall be and constitute a debt to the City for which the owner, tenant or occupant shall be jointly and severally liable. The records of the City shall be kept open for inspection by the owner, tenant or occupant and it shall be the responsibility of each of them to ascertain that the prescribed service charges are paid or being paid.

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Section 11.130.12 OCCUPATION OF PREMISES PRIMA FACIE EVIDENCE OF GARBAGE, TRASH, ETC.

The fact that municipal utilities and/or electrical services are connected and being used shall be prima facie evidence that solid waste is being produced and accumulated upon such premises and that service charges for the collection and disposal thereof are due the City.

Section 11.130.13 APPEAL FROM CHARGES; RESURVEY OF PREMISES.

Any person paying or who shall be responsible for paying the service charges, computed under Section 11.130.9 of this Chapter, and amendments thereto, for service to any commercial premises who feels that the volume of garbage and trash, or either, for which he is being charged is incorrect, may file a written application with the Director, not more than once each year requesting a resurvey and computation of the volume of garbage and trash, or either, produced upon such premises.

Upon receipt of such application, it shall be the duty of the Director to promptly resurvey such premises at such time as the Director shall select, and to ascertain the average monthly production of garbage and trash upon said premises; provided, however, no refund or extra charge shall be made for the month in which such application is filed. The Director shall have the right at any time on his own motion to recheck or resurvey any premises and to reduce or increase the charge for the following months according to the volume of garbage or trash found to be produced or accumulated upon such premises.

Section 11.130.14 SERVICE BY PRIVATE HAULER CONTRACTORS.

- (a) A private hauler contractor may provide services within the City under the following conditions:
- (1) The Director determines that the City is unable to collect, remove, or dispose of certain solid wastes, garbage, or other accumulations; or
 - (2) The private hauler contractor performs services related to source-separated recyclables; AND
 - (3) The private hauler contractor obtains a City permit as a condition of providing the services.

(b) Permit Requirements. Every person requesting to procure a permit pursuant to Subsection (a) above, shall submit an application for such permit to the Director of Public Works. The application shall include:

- (1) A signed, sworn written statement, including an affidavit, upon forms provided by the City; and
- (2) Disclosure of all information the City deems necessary to assure compliance with this Section; and
- (3) Payment of the fifty dollar (\$50) fee chargeable for such permit; and
- (4) A complete record of all arrests and convictions against the applicant and every partner, officer or director of the applicant; and

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- (5) The name(s) of all management, administrative and supervisory employee(s) responsible for operation of applicant's business including the amount of experience possessed by each such employee. If such employee(s) are not partners officers or directors of the applicant, then each such employee(s) must complete a City Police Department background information report, executed under oath and must submit background investigation, photograph and fingerprints; and
- (6) The following additional information:
- a. Number, type and size of waste collection vehicles to be used; and
 - b. Number of employees to be assigned to each waste collection vehicle; and
 - c. Name and location of commercial and industrial establishments where containers are to be placed and serviced.
- (7) **Prerequisites to issuance.** In determining whether to issue a permit, the Director shall consider and base his decision on the following:
- a. A review of the material submitted pursuant to this Section; and
 - b. A review of all convictions of the applicant and its partners, officers, directors and employees, the reasons therefor and the conduct of such persons subsequent to the convictions and release; and
 - c. The license history of each such applicant; and
 - d. The adequacy of the equipment to be used; and
 - e. The applicant's agreement to remit the City each month a fee equal to fifteen (15%) percent of the gross revenue, excluding disposal fees and all service fees related to source separated recyclables, received by the applicant for the preceding calendar month, supported by a duplicate copy of the applicant's monthly billings; and
 - f. The applicant's agreement to make all books and records applicable to business conducted under the permit available to the City for inspection and audit; and
 - g. The applicant's provision of a certificate of insurance demonstrating that all of the applicant's employees performing work pursuant to the permit are covered by workers' compensation insurance.
- (8) **Bond.** No permit required by this Chapter shall be issued until the applicant therefor shall have filed with the City a good and sufficient bond in the sum of fifty thousand (\$50,000) dollars conditioned upon indemnifying the City from any and all claims and damages that may be occasioned or suffered by the City in any manner by reason of the issuance of the permit, the use of City streets and the negligence of the permit holder or any of its agents or employees. The bond shall be in the form and substance as shall be approved by the City Attorney.

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- (9) **Liability insurance.** The holder of a permit issued under this Section shall maintain in effect at all times public liability insurance in the minimum amounts of one hundred thousand (\$100,000) dollars for injuries to any one person; three hundred thousand (\$300,000) dollars aggregate for personal injury arising out of one occurrence and fifty thousand (\$50,000) dollars property damage, and shall furnish the City a certificate evidencing such insurance and naming the City as an additional named insured.
- (10) Termination, denial and renewal; restrictions on issuance or renewal.
- a. All permits issued under this Section shall be expressly made terminable at will and without cause by the City and shall provide that the permits shall terminate on the earlier of the last day of the City's current fiscal year, or on thirty (30) days' written notice by the City.
- b. Each permit holder shall make a written application for renewal on forms provided by the Director on or before October first of each calendar year, which application shall contain substantially the same information as the initial application and shall be accompanied by the required fee.
- c. Applications for renewal shall be processed in the same manner as an initial application.

(Ord. No. 144, 2-16-65; Ord. No. 169, 10-4-66; Ord. No. 182, 6-6-67; Ord. No. 207, 11-5-68; Ord. No. 218, 10-7-69; Ord. No. 311, 3-18-75; Ord. No. 368, 9-19-78; Ord. No. 395, 10-4-79; Ord. No. 405, 5-20-80; Ord. No. 413, 11-18-80; Ord. No. 418, 2-24-81; Ord. No. 595, 9-16-86; Ord. No. 630, 9-22-87; Ord. No. 705, 10-3-89; Ord. No. 829, 3-2-93; Ord. No. 883, 9-27-94; Ord. No. 1091, 6-3-03)

Section 11.135 WEEDS, GRASS, UNDERBRUSH.

Section 11.135.1 ACCUMULATION OF WEEDS, GRASS AND UNDERBRUSH PROHIBITED.

The accumulation of weeds, grass and underbrush ("weeds") within one hundred fifty (150) feet of any building, structure, recreational area or street right-of-way upon real property within the City is prohibited. *(Ord. No. 616, 4-28-87)*

Section 11.135.2 DUTY OF PROPERTY OWNER; REMEDY AVAILABLE TO CITY.

(a) In accordance with the requirements set forth in Section 11.135.1 above, all owners, agents, custodians, lessees and occupants of real property within the City ("property owners") shall cut and keep cut all grass, weeds and underbrush to a height of not exceeding eighteen (18) inches or, when all such grass, weeds and underbrush under eighteen (18) inches in height create a health hazard in the harboring of snakes, rodents etc., shall remove all such grass, weeds and underbrush from said property. *(Ord. No. 616, 4-28-87)*

(b) Upon failure of any property owner to cut, keep cut and remove grass, weeds and underbrush in accordance with provisions of paragraph (a) above, the Code Inspector may initiate enforcement actions in accordance with the procedures set forth in Section 25.315, Temple Terrace Code of Ordinances. *(Ord. No. 616, 4-28-87)*

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