

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA
AMENDING SEC. 58-31 CONTAINER AND RECEPTACLE
REQUIREMENTS AND SEC. 58-32 DUMPSTERS ON PUBLIC
RIGHT-OF-WAY, ARTICLE II COLLECTION AND
DISPOSAL, CHAPTER 58 - SOLID WASTE TO PROVIDE
CLARITY; PROVIDING FOR SEVERABILITY; PROVIDING
FOR REPEAL OF INCONSISTENT PROVISIONS;
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of Key West finds it necessary to amend certain sections of Chapter 58. *Solid Waste* of the City's Code of Ordinances to provide clarity and promote the health, safety and welfare of the citizens and visitors of Key West, Florida; and

WHEREAS, in some locations, solid waste receptacles are perpetually occupying space on the public right-of-way creating potential hazards such as blocking pedestrian traffic and occupying parking spaces; and

WHEREAS, commercial businesses are invoiced for provided receptacles and services. Residential units receive receptacles and services as part of the annual assessment based. The industry standard volume of waste generated by single-family residential units indicates each residential unit needs one garbage receptacle and one recycling receptacle; and

WHEREAS, the makeup of residential housing in Key West is encompassing of an increasing amount of short and long-term rentals. It has been determined through monthly and annual data

that rentals generate greater volumes of waste and therefore need to pay additional fees cover collection and disposal; and

WHEREAS, it is necessary to codify limitations on receptacles on the right-of-way to improve community safety and aesthetics of the City of Key West; and

WHEREAS, the proposed amendments to Sec. 58.31 *Container and Receptacle Requirements.* and Sec. 58-32 *Dumpsters on Public Right-of-Way.* of the City's Code of Ordinances are intended to provide clarity for the community and code enforcement regarding solid waste containers, containerization of solid waste, fiscal responsibility for high volume generating residential units and addressing the permanent placement of routinely serviced solid waste containers on the public right-of-way;

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

Section 1: That Section 58-31. of the Code of Ordinances of the City of Key West, Florida is hereby amended to read as follows*:

"Sec. 58-31. - *Container and receptacle requirements.*

(a) All premises occupied as a dwelling, store or other place of business in the city shall have and maintain a proper watertight metal garbage container or plastic container for receiving garbage. It shall be provided with a good, tight and closely fitting metal or plastic cover, which ~~cover~~ shall be so constructed as to shed all rainwater and to prevent the access of flies to the

contents of the can. Such cover shall be kept ~~on~~ closed at all times except when removed for the purpose of disposing of or removing garbage or for securing, cleaning or airing the garbage can immediately after it has been emptied or before fresh garbage has been deposited in it.

(b) Residential and commercial receptacles for storage of garbage, rubbish or refuse may not exceed 50 pounds unless the receptacles can be mechanically dumped.

c) Garbage and rubbish may be placed in the same containers. Residential yard waste and single stream recyclables must be placed in their own separate containers. Containers shall not exceed 50 pounds in capacity ~~unless they are designed to be mechanically dumped~~. Any waste not containerized, with the exception of scheduled bulk waste and ~~excess~~ bulk yard waste, shall not be placed out on city property (including the right-of-way).

(d) Garbage and Recycling containers shall remain the property of the City of Key West, and the owner, agent operator, lessee or manager of the unit shall take proper care to protect such container from loss, theft, damage or misuse. The container shall not be removed from the assigned site unless done so by the franchise contractor.

(e) Containers for yard waste are not provided as part of annual services. Provided garbage and recycling containers shall not be used for yard waste containerization.

~~(d)~~ It shall be unlawful for a property owner or customer to fail to ~~provide~~ obtain sufficient containers to contain all refuse between collections. No refuse will be collected unless placed in proper containers or unless it meets the requirements set forth for bulk and excess yard waste pickup in section 58-35.

(~~eg~~) Infectious, inflammable and explosive materials and human wastes shall not be placed in containers for regular collection. Refuse, clothing, bedding, or other refuse from homes or other places where highly infectious or contagious diseases have prevailed should be disposed of under the supervision and direction of the county health officer. Carcasses of nuisance wildlife may be disposed of in containers for regular collection provided the carcass is sealed within two plastic bags as per Florida Fish and Wildlife Conservation Commission and franchise contractor recommendations.

(~~fh~~) All containers, including recycling and yard waste containers, placed upon city property, including the right-of-way, for pickup by the city's franchise hauler must not be placed on city property before 4:00 p.m. of the night before scheduled pickup and must be removed from city property by 8:00 p.m. of the day of such pickup. Bulk waste for pickup by the city's franchise hauler or by a non-franchised licensed hauler must not be placed on city property before 4:00 p.m. of the night before scheduled pickup.

(~~gi~~) Any business or property owner ~~person~~ placing for pickup on his property or city property, including the right-of-way, construction and demolition (C & D) debris shall contact the city's franchise hauler or a non-franchised licensed hauler to arrange for special pickup and disposal of such items. Items may not be placed upon city property, including the right-of-way, before 4:00 p.m. of the night before the scheduled pickup.

(j) All commercial containers and dumpsters placed upon city property including the right-of-way, for pickup by the city's franchise hauler shall not be placed on city property before the latter of, close of business, and no earlier than 4:00 PM, the night before scheduled services. And shall be removed from city

property including the right-of-way by the earlier of, opening of business, or upon the containers being serviced but no later than 10:00 AM the day of such pickup."

*Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language is double underlined and ~~double struck through~~ at second reading.

Section 2: That Section 58-32. of the Code of Ordinances of the City of Key West, Florida is hereby amended to read as follows*:

"Sec. 58-32. - Dumpsters on public right-of-way.

(a) Any person or firm intending to place a dumpster on the public right-of-way shall apply to the city parking department and comply with all requirements for a dumpster permit. A permitted dumpster located on the right-of-way shall bear a notice, to city specifications, identifying the address of the property using the dumpster and the expiration date of the permit. An applicant for a dumpster permit or renewal of permit shall pay a fee, as set forth in section 62-3.

(b) The permit issued under subsection (a) of this section shall be valid for 15 days from the date of issuance. The permit may be renewed for up to ~~an~~ one additional 15-day period. If use of the dumpster on the public right-of-way is not complete by the expiration of the renewal period, the permittee may apply for a new permit. The city may deny a permit or permit renewal if the applicant has an outstanding ~~charge or fine related to dumpster use~~ city fee. The city may also deny a permit or permit renewal if the location of the proposed dumpster would be intrusive upon, or disruptive to, the neighborhood, its traffic flow or parking. In such event, the applicant may appeal the denial to the city

manager. The applicant shall be entitled to notice and hearing by the city manager.

(c) The placement of a permitted dumpster in the public right-of-way shall not substantially interfere with either pedestrian or vehicular traffic flow. A permitted dumpster located in the right-of-way shall bear the permit or a copy of the permit in plain view on the street side of the dumpster, near the top of the dumpster.

(d) If a temporary dumpster is to be placed in a public parking space, the permittee shall pay the fees assessed by the parking department ~~sum of \$20.00 per day~~ for each obstructed parking ~~meter~~ space. Payment shall be made in advance to the ~~building~~ parking department.

(e) Permits will not be granted to any firm intending permanently to place a dumpster on the right-of-way. Any dumpster scheduled for regular solid waste service shall not be permanently placed on the right-of-way and must comply with requirements for placement set forth in subsection 58-31(~~fk~~).

(f) Any firm failing to obtain a permit or failing to display a valid permit shall be subject to a fine of up to \$500.00 pursuant to section 1-15 of this Code."

*Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language is double underlined and ~~double struck through~~ at second reading.

Section 3: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable

therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 4: 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 5: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

*** REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK ***

Read and passed on first reading at a regular meeting held
this _____ day of _____, 2025.

Read and passed on final reading at a regular meeting held
this _____ day of _____, 2025.

Authenticated by the presiding officer and Clerk of the
Commission on _____ day of _____, 2025.

Filed with the Clerk _____, 2025.

Mayor Danise Henriquez	_____
Vice Mayor Donald "Donie" Lee	_____
Commissioner Lisette Carey	_____
Commissioner Aaron Castillo	_____
Commissioner Monica Haskell	_____
Commissioner Mary Lou Hoover	_____
Commissioner Sam Kaufman	_____

Danise Henriquez, MAYOR

ATTEST:

Keri O'Brien, City Clerk