

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA AMENDING CHAPTER 58. SOLID WASTE. OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA AMENDING SEC.58-1. - DEFINITIONS., ARTICLE I. IN GENERAL.; ADDING SEC. 58-31.(k). - CONTAINER AND RECEPTACLE REQUIREMENTS. AND AMENDING SEC. 58-35. -REQUIREMENTS FOR BULK AND EXCESS YARD WASTE PICKUP., ARTICLE II. COLLECTION AND DISPOSAL.; AND AMENDING SEC. 58-68.- COMMERCIAL SOLID WASTE ACCOUNTS., ARTICLE III. SERVICE RATES AND CHARGES., TO UPDATE AND PROVIDE CLARITY FOR PROPERTY OWNERS, BUSINESS OWNERS AND ENFORCEMENT OFFICERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, this amended ordinance is being brought forward to provide clarity to members of the community and enforcement officers by updating and amending definitions utilized throughout Chapter 58. *Solid Waste*. of the Code of Ordinances of the City of Key West, Florida; and

WHEREAS, definitions and industry best management practices evolve, necessitating ordinance amendments to meet sustainability goals of the community and ensure fiscal responsibility to rate payers regarding residential receptacle requirements, bulk household waste and bulk yard waste scheduling requirements and commercial solid waste account establishments; and

WHEREAS, bulk household and bulk yard waste create unpleasant aesthetics and public safety concerns that impede pedestrian and

vehicular traffic for extended periods of time when not appropriately scheduled by the generator; and

WHEREAS, properties that generate excessive bulk wastes need to be financially accountable and follow scheduling guidelines to limit the impact on the community. Commercial business accountability for proper handling of solid waste begins with the establishment of clear and standardized guidelines for commercial waste generators; and

WHEREAS, with nearly fifty percent (50%) of the properties in Key West being used for commercial purposes, either as storefront businesses or income generating rental properties, it is necessary for such entities to obtain and directly finance adequate waste management services and expenses incurred are expected to be minimal; and

WHEREAS, officers will continue to provide enforcement of the City's Code with the strategic goal to prioritize improving the cleanliness of streets, buildings and public spaces and ensure accountability by residents, businesses and visitors;

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

Section 1: That Section 58-1. - *Definitions.*, Article I. *In General.*, Chapter 58. *Solid Waste.* of the Code of Ordinances of the City of Key West, Florida is hereby amended to read in its entirety as follows*:

"Sec. 58-1.- *Definitions.*

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

Annual rate resolution means the resolution establishing the rate at which a solid waste service assessment for a specific fiscal year will be computed. The final assessment resolution shall constitute the annual rate resolution for the initial fiscal year in which a solid waste service assessment is imposed or reimposed.

Assessed property means all parcels of land included on the assessment roll that receive a special benefit from the delivery of the solid waste collection and disposal services, programs or facilities identified in the initial assessment resolution or a subsequent preliminary rate resolution.

Assessment roll means the special assessment roll relating to a solid waste service assessment approved by a final assessment resolution or an annual rate resolution.

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

Bulk waste means any tangible item not containerized for collection such as furniture, appliances, bicycles, or similar property not having a useful purpose to the owner and placed on the right-of-way for disposal ~~or abandoned by the owner and not included within the definitions of garbage, yard waste, or rubbish.~~

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 nonfood items, except containers that contain paint or petroleum-based solvents, and any pressurized aerosol cans.

Certificate of occupancy means the written certification issued by the city that a building is ready for occupancy for its intended use.

Collector refers to a person authorized by the city commission, under the provisions of a franchise agreement, to collect and transport solid waste within his respective service area.

Commercial means all nonresidential and industrial establishments, including but not limited to, and without regard to whether they are profit or nonprofit organizations, retail and/or wholesale establishments, motels, hotels, guesthouses, timeshares, multifamily properties with four or more dwelling units, properties with transient rental licenses, properties offered on vacation rental platforms and on-line marketplaces, stores, schools, churches, hospitals, office buildings, restaurants, automotive service stations, garages, laundries, cleaning establishments, public or private institutions of all types, and all other businesses required to obtain a business tax receipt. Where a building is mixed use of ~~and~~ both nonresidential and residential uses share the premises, the ~~nonresidential residential~~ use may be ~~is~~ deemed ~~commercial~~ nonresidential for the purposes of this chapter.

Commercial property shall mean any hotel, motel, rooming house, boardinghouse, trailer park, apartment building with rental apartments, cooperative apartments, multifamily properties with five or more dwelling units, properties with transient rental licenses, properties offered on vacation rental platforms and on-line lodging marketplaces, multiple-story condominium buildings and any other business or establishment of any nature or kind whatsoever other than a residential unit as defined in this section.

Commercial solid waste shall mean every waste accumulation, including but not limited to, dust, paper, paper cartons, cardboard cartons, excelsior, rags, garbage, plastics, metal containers, recyclable material, garden and yard clippings and cuttings, bulky waste and other waste which is usually attendant to the operations of commercial businesses or multifamily residences.

Condominiums or condominium buildings shall be deemed to mean any building or structure that evidences that form of ownership of real property which is created pursuant to the State of Florida Condominium Act, which is comprised of units that may be owned by one or more persons, and in which there is appurtenant to each unit an undivided share in common elements. Any condominiums with three or more dwelling units therein may be classified as commercial establishments for purposes of this chapter.

~~Commercial establishment means any nonresidential 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.~~

Construction and demolition debris or C & D means materials generally considered to be not water soluble and non-hazardous in nature, including, but not limited to, steel, glass, brick, concrete, or asphalt roofing material, pipe, gypsum wallboard, and lumber from the construction or destruction of a structure as part of a construction demolition or remodeling project.

Container means receptacle for containing garbage, recycling or yard waste.

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.

Dumpster means any waste container or receptacle with a tightfitting top or foldable dumpster bag, including WM Bagster, The Bull Bag or similar approved by the waste industry whose capacity exceeds 96 gallons and is designed to be mechanically dumped.

Dwelling unit means a building, or a portion thereof, which is located upon residential property and lawfully used for residential purposes, consisting of one or more rooms arranged, designed, used, or intended to be used as living quarters for one family only.

Excess or bulk yard waste means any vegetative waste that because of its size cannot be broken down

easily, to fit into a container, causes a container to weigh more than 40lbs or fills a container more than twelve inches above the rim. This includes including tree limbs and logs too large for a residential or commercial receptacle. Tree limbs and logs which shall not exceed four feet in length, and must exceed six inches in diameter.

Final assessment resolution means the resolution which shall confirm, modify, or repeal the initial assessment resolution and which shall be the final proceeding for the initial imposition of solid waste service assessments.

Garbage means materials resulting from the preparation, cooking and serving of food, market wastes, trimmings and other discarded matter from meat or produce, including containers in which packaged and any other matter, of any nature whatsoever, which is subject to decay, putrefaction and the generation of noxious or offensive gases or odors or which, during or after decay, may serve as breeding or feeding material for flies or other germ-carrying insects, or any containers of the material defined in this chapter.

Garbage receptacle shall mean—s—any commonly available light gauge steel, plastic, or a galvanized receptacle of a non-absorbent material, closed at one end and open at the other, furnished with a closely fitted top or lid and handle(s) metal, durable plastic or other suitable material container approved by the waste industry, of a capacity not less than 20 gallons and not to exceed 96 gallons and Any receptacle including waste materials serving a single dwelling unit shall not exceed 50 pounds in weight unless the container is designed to be used with a mechanical device. It shall be constructed sufficiently strong to be emptied conveniently furnished with a closely fitted top or lid and handle(s), without inside structures to prevent the free discharge of contents and free of jagged or sharp edges. Any receptacle including waste materials serving a single dwelling unit shall not exceed 50 pounds in weight unless the container is designed to be used with a mechanical device.

Glass containers mean 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.

Hazardous waste means any solid waste that is required to be accompanied by a written manifest or shipping document describing the waste as "hazardous" pursuant to any state or federal law including, but not limited to, RCRA, 42 USC 7901; TSCA, 15 USC 2601; and CERCLA, 42 USC 9601.

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

Improved property refers to all residential, commercial or industrial property that generates, or is capable of generating, solid waste.

Industrial wastes means the waste products of canneries, slaughterhouses or packing plants; condemned food products; agricultural waste products; waste and debris from brick, concrete block, roofing shingle or tile pieces; debris and wastes accumulated from land clearing, excavating, building, rebuilding, and altering of buildings, structures, roads, streets, sidewalks or parkways; and other solid waste products generated from industrial processing or manufacturing.

Initial assessment resolution means the resolution hereof which shall be the initial proceeding for the identification of the solid waste cost for which an assessment is to be made and for the imposition of a solid waste service assessment.

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

Minimum service as it applies to commercial units is defined as having adequate containers to store all waste in a manner which prevents nuisance odors between service days with a minimum of one pick up per week is required. Businesses should work with the franchise hauler to right size services for the business type and size one 32-gallon container pickup per week.

Multifamily residence refers to a building or structure containing four or more contiguous living units that is where each unit is designed for residential

use and capable of housing conveniently two or more individuals or families in separate quarters.

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 refers to the person owning an interest in improved property 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.

Paperboard a single layer of thicker paper, often used for packaging items like cereal boxes, cake mix boxes, and toilet paper rolls.

~~*Plastic* means clear and color coated bottles and jugs made from high density polyethylene (HDPE) and polyethylene terephthalate (PET) plastics. This includes plastics #1 - # 7.~~

Plastic bag a polyethylene or other heavy-duty plastic bag meeting the National Sanitation Foundation standard of one and one-half mils and not exceeding a 32-gallon capacity with a securing twist tie.

Preliminary rate resolution means the resolution initiating the annual process for updating the assessment roll and directing the reimposition of solid waste service assessments pursuant to an annual rate resolution.

Property appraiser means the Monroe County Property Appraiser.

Public way means any and all streets, roads, alleys, piers, bulkheads, boardwalks, lanes, trails, waters, or other public ways, and any and all public parks, squares, beaches, parks and any and all recreational facilities operated by the state, county, federal government or special governmental district.

Receptacle means container for receiving and holding garbage, refuse, rubbish, single stream recycling or yard waste.

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

Recyclable Plastic means clear, and color bottles and jugs made from high-density polyethylene (HDPE) and polyethylene terephthalate (PET or PETE) plastics. This includes plastics #1 and #2 and may include #3 - #7.

Refuse means all solid wastes, including but not limited to, garbage, rubbish, ashes, street cleaning, ~~dead animals~~ deceased nuisance wildlife, bulk waste, industrial wastes and yard waste.

Residential property means any structure or shelter or any part thereof used or constructed for use as a residence for one or more families or individuals and includes the classification "multifamily residence" as defined in this section.

Residential unit means any structure used, constructed, modified or adopted for use as a single-family dwelling, ~~each living unit in a duplex, or condominium dwelling or apartment house, cluster housing, townhouse or multiple-family apartment building,~~ and each mobile home tie-down on a mobile home parcel ~~or on a condominium parcel/site~~ or other similar structure containing three or fewer residential units, and which is located on a single lot, parcel or tract of land. Each ~~living~~ dwelling unit ~~of~~ in a duplex, cluster housing, townhouse, or multiple-family building or other similar structure shall be deemed a separate residence.

Rubbish means refuse accumulations of paper, excelsior, rags or wooden or paper boxes or containers, sweepings, and all other accumulations of a nature other than garbage, which are usual to housekeeping and to operation of stores, offices and other business places, and any bottles, cans or other containers which, due to their ability to retain water, may serve as breeding places for mosquitoes or other water-breeding insects.

Single Stream Recycling also known as "fully commingled" or "single-sort" recycling, is a system where all recyclable materials, such as but not limited to paper, paperboard, cardboard, plastics #1-#5, glass and metal food containers are placed together in a single container for collection. These materials are then sorted at a Materials Recovery Facility (MRF).

Single Stream recycling receptable means a container of durable plastic or other suitable material including wheeled containers, of a capacity not less than 20 gallons and not to exceed 96 gallons, sufficiently strong to be emptied conveniently, with a tightfitting lid and handle, and so constructed without inside structures such as bands or reinforcing angles to prevent the free discharge of contents and shall be free of jagged or sharp edges.

Solid waste means garbage, rubbish, refuse, yard waste and other discarded solid or non-liquid materials, including materials resulting from industrial, commercial, agricultural and community activities. The term "waste" shall be synonymous with the term "solid waste".

Solid waste cost means the amount necessary to fund the solid waste collection, disposal and recycling activities of the city allocable to assessed property during a fiscal year and shall include, but not be limited to:

- (A) The cost, whether direct or indirect, of all services, programs or facilities provided by the city, or through contractual arrangements with the city relating to solid waste management and disposal activities;
- (B) The cost of any indemnity or surety bonds and premiums for insurance;
- (C) The cost of salaries, volunteer pay, workers' compensation insurance, or other employment benefits;
- (D) The cost of computer services, data processing, and communications;
- (E) The cost of training, travel and per diem;

- (F) The recovery of unpaid or delinquent fees or charges advanced by the city and due for solid waste management and disposal services, programs or facilities allocable to specific parcels;
- (G) The cost of engineering, financial, legal or other professional services;
- (H) All costs associated with the structure, implementation, collection, and enforcement of the solid waste service assessments or a prior year's assessment for a comparable service, facility or program, including any service charges of the tax collector or property appraiser;
- (I) All other costs and expenses necessary or incidental to the acquisition, provision, or delivery of the services, programs or facilities funded by the solid waste service assessment, and such other expenses as may be necessary or incidental to any related financing authorized by the city commission;
- (J) A reasonable amount for contingency and anticipated delinquencies and uncollectible solid waste service assessments; and
- (K) Reimbursement to the city or any other person or entity for any monies advanced for any costs incurred by the city or such person or entity in connection with any of the foregoing items of solid waste cost.

Solid waste disposal system refers to the total plan for the collection, billing and disposal of solid waste within the city.

Solid waste disposal facility and resource recovery facility shall mean—and includes any solid waste disposal area, volume reduction plant, transfer station or other facility, the purpose of which is resource recovery or the disposal, recycling, processing, transfer or storage of solid waste; and includes including, but not limited to, land, equipment and buildings, constructed and maintained by the city to transfer and/or dispose of solid waste within the city.

Special waste means any solid waste that requires special handling and management; is not accepted at a

landfill or other disposal facility or is accepted at a landfill or other disposal facility, but at a higher rate than is normally charged for refuse; or, is accepted at a landfill or other disposal facility, but with special delivery requirements. Special waste includes, but is not limited to, asbestos, refrigerant containing white goods, whole waste tires, used oil, lead-acid batteries, mercury-containing devices, contaminated soils, and bio-hazardous waste.

Tax collector means the Monroe County Tax Collector.

Tax roll means the real property ad valorem tax assessment roll maintained by the property appraiser for the purpose of the levy and collection of ad valorem taxes.

Transfer station means a site and equipment designated by the city for the purposes of transferring refuse from collection vehicles to long-haul transport vehicles.

Uniform Assessment Collection Act means sections 197.3632 and 197.3635, Florida Statutes, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

Waste Tires are tires that are no longer suitable for use on vehicles due to wear, damage, or other issues. They are considered a special waste due to their size, non-biodegradable nature, and potential environmental hazards and require specialized handling.

White goods means discarded washers, dryers, refrigerators, ranges, water heaters, freezers, small air conditioning units, and other similar domestic residential and commercial large appliances.

Yard waste means and includes all horticultural trimmings and all accumulations of grass, weeds, palm fronds, leaves, flowers, shrubs, vines, tree limbs, and other similar accumulations incidental to yard keeping.

Yard waste container shall mean an open top galvanized metal, durable plastic or other suitable material container approved by the waste industry, of a capacity not less than 20 gallons and not to exceed 96 gallons. It shall not be filled greater than 12 inches above the rim and shall not exceed 40 pounds in weight. Reusable

containers shall be constructed sufficiently strong to be emptied conveniently, with a handle, without inside structures to prevent the free discharge of contents and free of jagged or sharp edges. Industry standard paper yard waste bags are an acceptable means of yard waste containerization."

*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 58-31. *Container and receptacle requirements.*, Article II. *Collection and Disposal.*, Chapter 58. *Solid Waste.* is hereby amended to add Section 58-31(k) to the Code of Ordinances of the City of Key West, Florida to read as follows*:

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

- (k). Lawfully recognized residential units receiving weekly services through payment of the Solid Waste Assessment will be provided with one (1) garbage container and one (1) single stream recycling container through the franchise contractor. Containers are to be used for specified waste type only. Residential units requiring additional containers for wastes between service days shall obtain additional containers and will be responsible for paying container servicing fees. The annual service fee for each additional container will be equal to 75% of the annual solid waste assessment and will be prorated upon commencement of service the first year and included in the annual assessment for subsequent years. Only containers that have been paid for will be serviced."

*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: That Section 58-35. *Requirements for bulk and excess yard waste pickup.*, Article II. *Collection and Disposal*, Chapter 58. *Solid Waste.* of the Code of Ordinances of the City of Key West, Florida is hereby amended to read as follows*:

"Sec. 58-35. *Requirements for bulk household and excess yard waste pickup.*

- a) Bulk waste and excess or bulk yard waste will be collected by the city's franchise hauler on an as-scheduled basis and will not require containerization if the requirements set forth in the following subsections are met. ~~Customer~~ Property and business owners must ~~arrange to~~ schedule a pick-up with the city's franchise hauler and pay any applicable fees prior to placing the waste on the city right-of-way.
- (b) Bulk waste such as furniture, household appliances, and bicycles may be placed out for pickup as set forth in section 58-31(f) and (h). ~~Customer~~ Property and business owners must arrange ~~to schedule~~ a pick-up with the city's franchise hauler and pay any applicable fees prior to placing the waste on the city right-of-way.
- (c) Excess or bulk yard waste not in containers may be set out on the right-of-way for pickup consistent with the requirements of section 58-31. The property owner shall make arrangements directly with the franchise hauler for excess yard waste pickup and pay all collection and disposal fees to the service provider. ~~With the exception of~~ Except for any property upon which the land use activity is classified as residential pursuant to Code of Ordinances section 86-9, any yard waste that can fit in a container must be containerized and this container must not exceed 50 pounds. ~~Excess yard waste pickup is subject to a fee in the amount of the cost of collection and disposal or \$75.00, whichever is greater. Payment shall be made to the franchise hauler.~~
- (d) Nothing in this section shall be construed to prohibit nonfranchise—licensed haulers from hauling ~~excess~~ bulk yard waste or C & D."

Sec 58-36 Penalty

Violations of this article shall be subject to prosecution and fine under the civil citation procedures of sections 2-676 through 2-680, or section 1-15 of the Key West 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 4: That Section 58-68. *Commercial Solid Waste Accounts.*, Article III. *Service Rates and Charges.*, Chapter 58. *Solid Waste.* of the Code of Ordinances of the City of Key West, Florida is hereby amended to read as follows*:

"Sec. 58-68. Commercial Solid Waste Accounts.

- (a) All persons involved in a commercial use of property must ~~register for and hold~~ obtain and maintain in good standing, an active commercial solid waste account with the city or its franchisee contractor prior to commencement and for the duration of business activities ~~All commercial units regardless of size or type must subscribe to at least minimum service.~~
- (b) All commercial units regardless of size or type must subscribe to ~~at least minimum~~ service which meets the requirements set forth in subsection 58-31(f, g, j).

*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 5: 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 6: 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 7: 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.

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Read and passed on first reading at a regular meeting held this day of _____, 2026.

Read and passed on final reading at a regular meeting held this day of _____, 2026.

Authenticated by the presiding officer and Clerk of the Commission on the _____ day of _____, 2026.

Filed with the Clerk _____, 2026.

Mayor Danise Henriquez	_____
Vice Mayor Donald "Donie" Lee	_____
Commissioner Lissette Carey	_____
Commissioner Aaron Castillo	_____
Commissioner Monica Haskell	_____
Commissioner Sam Kaufman	_____
Commissioner Greg Veliz	_____

DANISE HENRIQUEZ, MAYOR

ATTEST:

KERI O'BRIEN, CITY CLERK