

**Sec. 14-31. Collection of residential yard waste.**

(a) *Definition.* For the purposes of this section, yard waste shall include grass clippings, leaves, shrub trimmings, palm fronds and tree limbs. Yard waste shall not include dirt, rocks and similar materials removed from property utilizing mechanical equipment or other waste resulting from land clearing activities.

(b) *Requirements for collection.*

(1) Loose yard waste. Loose yard waste, such as grass clippings and leaves, shall be placed in standard thirty-two (32) to fifty (50) gallon cans or sealed plastic bags, with each container weighing less than fifty (50) pounds.

(2) Branches, tree limbs, shrub clippings and palm fronds.

a. All branches, tree limbs, shrub clippings and palm fronds shall be cut into lengths not exceeding four (4) feet prior to being placed in the swale for collection. Each single item shall weigh less than fifty (50) pounds.

b. On any scheduled yard waste collection day, branches, tree limbs, shrub clippings and palm fronds shall be limited to one (1) pile not exceeding eight (8) cubic yards, measuring approximately four (4) feet wide by fifteen (15) feet long by four (4) feet tall.

(3) No property owner shall generate yard waste for collection once any portion of the village has been placed under a hurricane or tropical storm watch or warning by the national hurricane center of the national oceanic and atmospheric association (NOAA).

(4) All providers of commercial tree trimming and/or landscape maintenance services retained to perform services within the village shall be registered with the village's community development department and shall be required to remove all yard waste generated by such tree trimming and/or landscape maintenance activities. For the purpose of this section, a provider of commercial tree trimming and/or landscape maintenance services shall be defined as a person, group of persons, or entity that routinely engages in, and markets itself as a provider of, such services for a fee.

(c) *Violations.* The provisions of this section shall be enforced by the village's code compliance division or public safety department. Each performance of any act prohibited by this section or failure to perform an act required by this section shall constitute a separate offense.

(d) *Assessment of costs.*

(1) In addition to any fines imposed through the code enforcement process for violations of this section, property owners shall be required to pay the costs associated with the collection of: (i) yard waste in excess of the maximum amount set forth in subsection (b)(2) above; (ii) yard waste placed for collection as prohibited by subsection (b)(3) above; or (iii) yard waste placed for collection by persons, corporations or firms paid a fee to perform tree trimming or landscape maintenance activities as prohibited by subsection (b)(4) above. The village council shall establish a schedule of such costs by resolution.

(2) The village manager or village public works director shall certify the amount of the costs and mail such certification to the property owner via certified mail, return receipt requested, and regular U.S. mail. The property owner shall have fifteen (15) days from the date of mailing in which to pay the costs or challenge the imposition and amount of the costs by requesting a hearing before the village code enforcement board.

(3) If the property owner fails to pay the costs or if the property owner requests a hearing and the board decides adversely to the property owner, the village shall assess the costs against the property owner and record the assessment in the public records. The recording of the assessment shall create and constitute a lien against such property for the amount of the assessment, payable to the village.

(4) The assessment shall bear interest at the current legal rate of interest per annum as provided by law and shall constitute a lien upon the land from the date of the recording of the assessment. Lien assessments may be enforced by civil action in the appropriate court of competent jurisdiction. The lien shall continue in full force until discharged by payment or otherwise or until settled and released by the community development director or the village manager.

(Ord. No. 2009-01, § 2, 1-8-09; Ord. No. 2011-04, § 2, 2-10-11)