



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Agenda

City Commission Workshop

Mayor John C. Masiarczyk Sr.
Vice Mayor Chris Nabicht
Commissioner Heidi Herzberg
Commissioner Gary Mitch Honaker
Commissioner Nancy Schleicher
Commissioner Diane J. Smith
Commissioner Brian Soukup

Monday, April 25, 2016

5:30 PM

2nd Floor Conference Room

1. CALL TO ORDER:

2. ROLL CALL – CITY CLERK:

3. PLEDGE TO THE FLAG:

PUBLIC COMMENTS: – Citizen comments limited to items not on the agenda and comments on items listed on the agenda will take place after discussion of each item.

4. BUSINESS:

- A. [Discussion regarding Ordinance No. 16-2016, amending Sec. 38-116, “Notice to Correct Violation” providing for 24 hour posting before abatement of repeat nuisance - Becky Vose, Legal Department \(407\) 448-0111](#)

[Strategic Goal: Public Safety - strengthen code enforcement.](#)

Background:

There are a number of residences where there have historically been repeat violations of our nuisance ordinance, particularly relating to high grass. As the ordinance is written now, each time there is a notice of violation, the City has to go through a relatively cumbersome and lengthy process involving mailed notice to the owner. This ordinance allows a more streamlined process for abatement of nuisances when a nuisance is a repeat violation.

Attachments: [Ordinance 16-2016 \(Repeat Nuisance Violations\)](#)

- B. [Presentation and discussion of various health insurance models - Cara Burgess, Human Resources \(386\) 878-8753.](#)

[Strategic Goal: On-going projects & Other Priority Objectives Identified - Health](#)

[Insurance Alternative Access](#)

Background:

Staff will provide a presentation on different health insurance models. The goal is to reduce health insurance costs to the City and employees.

Upon completion of the presentation, staff is requesting discussion to provide direction in moving forward with health insurance for Plan Year 2017.

Attachments: [Health Insurance](#)

- C. [Discussion regarding possible ordinance regulating drivers of vehicles for hire. Becky Vose, Legal Department, \(407-448-0111\)](#)

[Strategic Goal: Public Safety](#)

Background:

Captain Eagan has indicated that he believes it to be in the best interest of the citizens of Deltona for the drivers of vehicles for hire to be screened through background checks. This ordinance would accomplish that goal.

Attachments: [Ordinance No. 22-2016](#)

- D. [Discussion regarding Ordinance No. 19-2016, amending Sec. 38-34 through 38-39, "Solid Waste Violation Notices" providing for Solid Waste Tickets and procedures - Becky Vose, Legal Department \(407\) 448-0111](#)

[Strategic Goal: Public Safety - strengthen code enforcement.](#)

Background:

As part of the beautification program and enforcing the changes to solid waste collection staff is recommending adding "Trash Tickets". This will provide an alternate way of enforcing the new changes. In addition it will save staff time not having to go through the regular code enforcement channels and in turn going to county court when issuing a regular code citation.

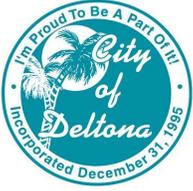
Attachments: [Solid Waste tickets](#)

5. CITY MANAGER COMMENTS:

6. ADJOURNMENT:

NOTE: If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk, Joyce Raftery 48 hours in advance of the meeting date and time at (386) 878-8500.



Agenda Memo

AGENDA ITEM: A.

TO: Mayor and Commission

AGENDA DATE: 4/25/2016

FROM: Jane K. Shang, City Manager

AGENDA ITEM: 4 - A

SUBJECT:

Discussion regarding Ordinance No. 16-2016, amending Sec. 38-116, "Notice to Correct Violation" providing for 24 hour posting before abatement of repeat nuisance - Becky Vose, Legal Department (407) 448-0111

Strategic Goal: Public Safety - strengthen code enforcement.

LOCATION:

City-wide

BACKGROUND:

There are a number of residences where there have historically been repeat violations of our nuisance ordinance, particularly relating to high grass. As the ordinance is written now, each time there is a notice of violation, the City has to go through a relatively cumbersome and lengthy process involving mailed notice to the owner. This ordinance allows a more streamlined process for abatement of nuisances when a nuisance is a repeat violation.

COST:

N/A

SOURCE OF FUNDS:

N/A

ORIGINATING DEPARTMENT:

Becky Vose, Legal Department

STAFF RECOMMENDATION PRESENTED BY:

Dale Baker, Building and Enforcement Services Director (386) 878-8702 - Staff recommends review of ordinance.

POTENTIAL MOTION:

N/A

ORDINANCE NO. 16-2016

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING SECTION 38-116, "NOTICE TO CORRECT VIOLATION," OF ARTICLE IV, "UNSIGHTLY, UNSANITARY OR UNSAFE CONDITIONS," OF CHAPTER 38, "ENVIRONMENT", OF THE CODE OF THE CITY OF DELTONA BY PROVIDING FOR A 24 HOUR POSTING BEFORE THE ABATEMENT OF A REPEAT NUISANCE; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA:

SECTION 1: Section 38-116, "Notice to Correct Violation," of Article IV, "Unsightly, Unsanitary or Unsafe Conditions," of Chapter 38, "Environment," of the Code of the City of Deltona, is hereby amended to read as follows:

Sec. 38-116. - Notice to correct violation.

The enforcement official is empowered to enter upon and inspect any lot on which a nuisance declared by this article is suspected to exist. If inspection reveals the presence of a nuisance, the enforcement official shall notify the record owners by registered or certified mail, return receipt requested, of such nuisance, or by hand delivery by the enforcement official or deputy sheriff. The notice shall be sent to the last available address of the owners of record as found in the county public records. At the same time, a notice of violation shall be posted on the property, which shall advise the owner that a nuisance exists on the owner's lot; and the nuisance shall be abated by the owner. The notice shall specify what corrective action shall be taken by the owner to abate the nuisance and that failure to abate the nuisance will result in the enforcement official abating the nuisance and that a lien for the costs of the abatement shall be recorded against the property for failure to abate the nuisance. The owner shall have seven days from the mailing or hand delivery of the notice and posting on the property to correct the nuisance except that an owner of a lot that is unimproved, undeveloped or in its natural state shall have 15 days to correct the nuisance. Such notice shall also state that if a similar condition constituting a nuisance occurs on the same lot within the following twelve (12) months, the City shall have the right, but not the obligation, to abate that nuisance with only a twenty-four (24) hour posting as notice and no mailed notice, and record a lien for the costs of that abatement which can occur no earlier than twenty-four (24) hours after such posting. The notice shall also state that the owner has the right to appeal the determination of the enforcement official to the city commission and that the appeal, upon payment of the fee in accordance with section 38-117, shall be filed within seven days of

the mailing or hand delivery of the notice from the enforcement official, and the posting of a notice on the property.

SECTION 2. CONFLICTS. All Ordinances or parts of Ordinances, insofar as they are inconsistent or in conflict with the provisions of this Ordinance, are hereby repealed to the extent of any conflict.

SECTION 3. CODIFICATION. The provisions of this Ordinance shall be codified as and become and be made a part of the Code of Ordinances of the City of Deltona. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention.

SECTION 4. SEVERABILITY. In the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance on which shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its final passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2016.

FIRST READING: _____

ADVERTISED: _____

SECOND READING: _____

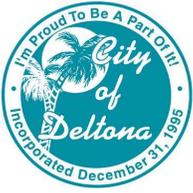
JOHN C. MASIARCZYK SR., MAYOR

ATTEST:

JOYCE RAFTERY, CITY CLERK

Approved as to form and legality for use
and reliance by the City of Deltona, Florida

GRETCHEN R. H. VOSE, CITY ATTORNEY



Agenda Memo

AGENDA ITEM: B.

TO: Mayor and Commission

AGENDA DATE: 4/25/2016

FROM: Jane K. Shang, City Manager

AGENDA ITEM: 4 - B

SUBJECT:

Presentation and discussion of various health insurance models - Cara Burgess, Human Resources (386) 878-8753.

Strategic Goal: On-going projects & Other Priority Objectives Identified - Health Insurance Alternative Access

LOCATION:

N/A

BACKGROUND:

Staff will provide a presentation on different health insurance models. The goal is to reduce health insurance costs to the City and employees.

Upon completion of the presentation, staff is requesting discussion to provide direction in moving forward with health insurance for Plan Year 2017.

COST:

TBD

SOURCE OF FUNDS:

Presentation/discussion only

ORIGINATING DEPARTMENT:

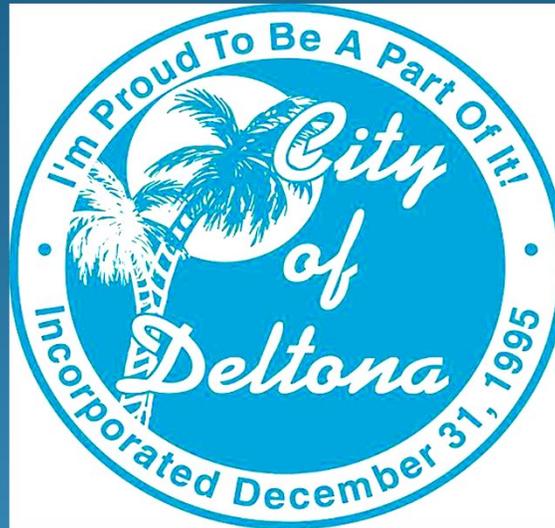
Human Resources

STAFF RECOMMENDATION PRESENTED BY:

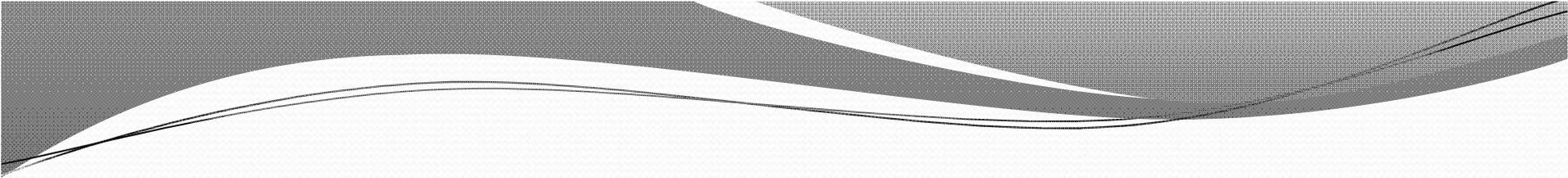
Gene Gizzi - Insurance broker of record

POTENTIAL MOTION:

N/A

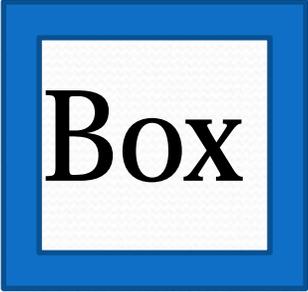


Deltona City Commission Health Insurance Workshop



Introduction

Health Care Plan Management

Thinking Outside the  Box

Discussion Topics

1. Overview of City's Health Plan
2. Self vs. Fully Insured Coverage
3. On / Off Site Clinics

Goals & Objectives

Short Term

- Review ALL aspects of health plan benefits and policies; research alternatives.
- Achieve a 0% increase, if not a cost reduction for plan year 2017.

Goals & Objectives

Long Term

- Maintain high quality, affordable and sustainable health care plan for employees.



City of Deltona

Where We Are Today

- Fully Insured Plan
- United Health Care
- (3) Employee Plan Options
- Core Plan / Buy Up / P.O.S.

Deltona Premium History

| <u>Plan Year</u> | <u>Trend</u> | <u>Renewal</u> | <u>EE Premium</u> |
|------------------|-----------------|-----------------|-------------------|
| 2008-09 | 12.6% | -3.11% | \$471.84 |
| 2009-10 | 12.5% | -0.98% | \$467.21 |
| 2010-11 | 12.5% | 6.00% | \$495.24 |
| 2011-12 | 11.5% | 6.00% | \$524.95 |
| 2012-13 | 13.0% | -1.00% | \$519.70 |
| 2013-14 | 13.0% | 9.00% | \$566.43 |
| 2014-15* | 10.2% | 16.00% | \$645.45 |
| 10/15-12/16** | <u>(11.25%)</u> | <u>(13.56%)</u> | \$733.02 |
| 10 Year Ave. | 12.19% | 7.16% | |

UNTIL OCT 1, 2015 CITY HAD \$250 DEDUCTIBLE

*93.7% PVC+ACA Out of Pocket Enhancement

**15 month rate + 96.2% PVC

Fully vs. Self Insurance

Fully Insured

Carrier assumes claims risks
and administrative duties;
Retains excess revenues.*

*Insurer rebates amounts that
exceed Medical Loss Ratio set
by Affordable Care Act (85%).

Self Insured

City assumes claims risk;
Purchases Stop/Loss
Insurance;
Pays Third Party
Administrator;
Maintains 25% reserves;
Legal & staffing costs;
Retains excess revenues.



Factors to Consider:

- Risk Tolerance
- Cash Flow
- Federal/State Compliance
- Plan Management
- Separation of plan & City
- Education

2013 Staff Review

Premium for self funding + stop loss + A.S.O. fees were only 1% less than fully insured option.

Staff concluded that minimum self funding premiums did not support the associated risk & administration.

2016 Staff Review

If Group Health was self insured from 2013 through 2015, the City of Deltona would have:

- Lost **\$75,028** in 2013;
- Lost **\$417,879** in 2014;
- Gained \$329,787 in 2015.
- Net loss of **\$163,120** 2013 - 2015

Workers Comp. plan would have lost an average **\$90,000** per year if self insured over last 8 years.

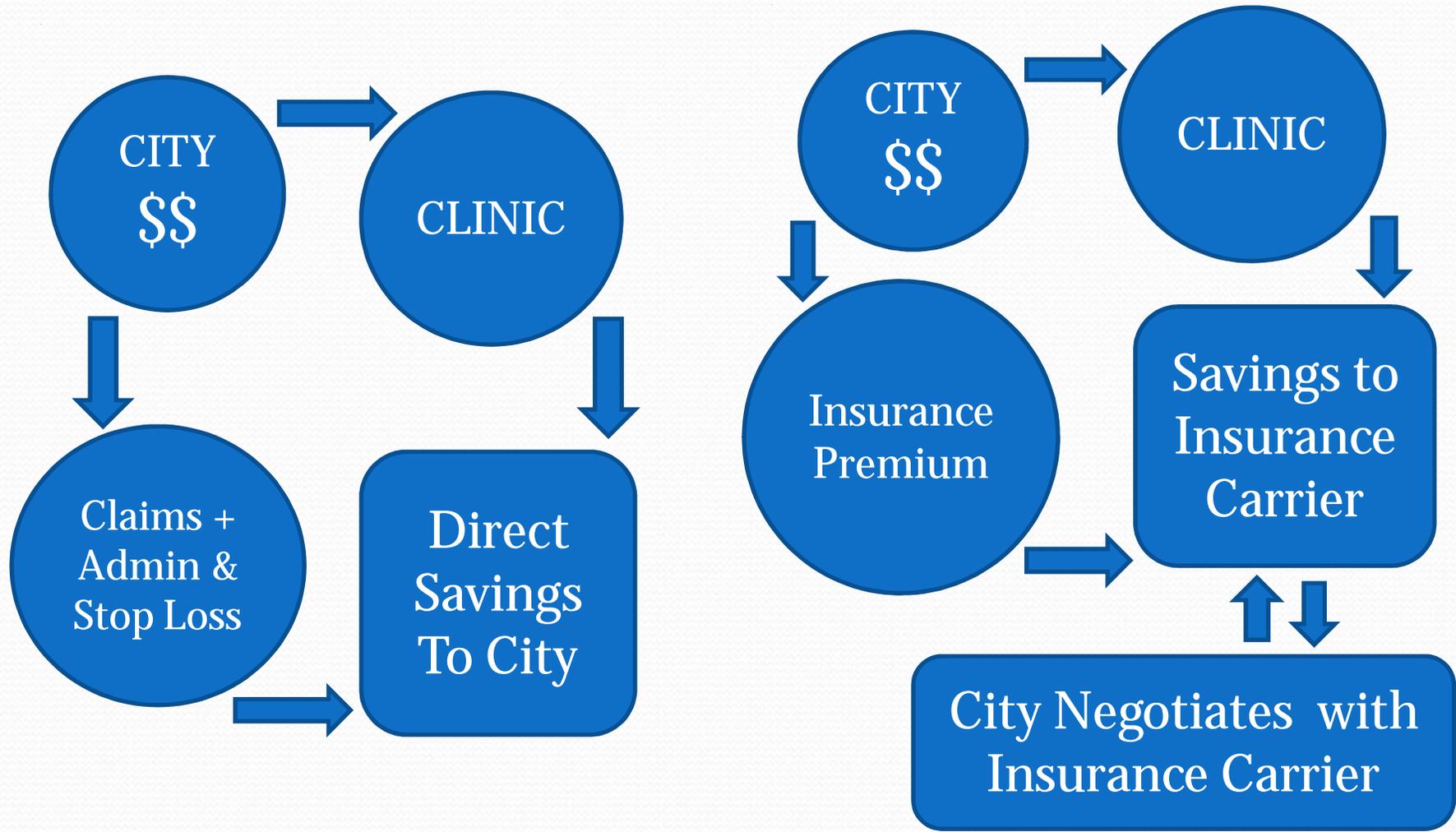
Recommendation

- Based on historical data, City would have lost revenue if self insured on Group Health and Workers Compensation plans.
- Staff continues to support fully insured Group Health plan funding with conditions as outlined in final summary.

A Tale of Two Cities

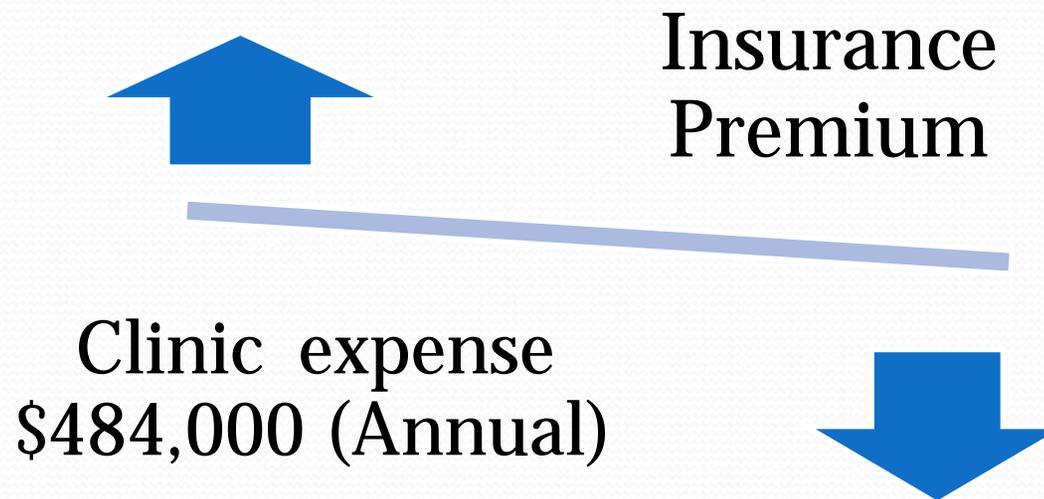
The City of Sanford and
The City of DeLand
Opened Off-Site Clinics

Sanford (Self-Insured) DeLand (Fully-Insured)



Clinic - DeLand

DeLand model carves PCP; Lab & common Rx from insurance claims, to gain leverage in negotiating premiums with the carrier.



Clinic Operating Cost

Sanford

DeLand

- \$602,000 Annual Budget – 2016
(\$1,267 / EE / Yr.)

- \$484,000 Annual Budget – 2016
(\$1,375 / EE / Yr.)

Deltona Primary Care Costs (2015) = \$87,090;
Lab+X-Ray = \$212,440; Tier 1 Rx = \$65,803;
TOTAL = \$365,333

On/Off Site Clinics

- Cadillac Tax Implications.
- Potential Inter-local Agreements.
 - DeLand / Sanford / Established
- Florida Hospital & Halifax Health planned expansions in Deltona.

Proposed Actions for 2016

- Complete Dependent Eligibility Verification Audit.
- RFP Group Health Plan.
- City contribution policy review.
- Review plan design & options.

Proposed Actions for 2016

Build on Wellness Program



Proposed Actions for 2016



| | <u>Fully Insured</u> | <u>Self Insured</u> | <u>Off Site Clinic</u> | <u>Established Clinics</u> |
|----------------------|----------------------|---------------------|------------------------|---|
| Premium: | \$3.2M | \$2.7M | \$3.2M | \$3.2M |
| Admin+Stop/Loss | -- | \$570K | -- | -- |
| Set-Up Costs | -- | -- | \$350K | -- |
| Annual Op/Expense | -- | -- | \$480K | -- |
| Reserves | -- | \$800K | -- | -- |
| Intangibles | -- | -- | -- | Fee for Service // Direct Contract |
| Total Expense | \$3.2M | \$3.2M+/- | \$4.03M | \$3.2M+ |

R.F.P.

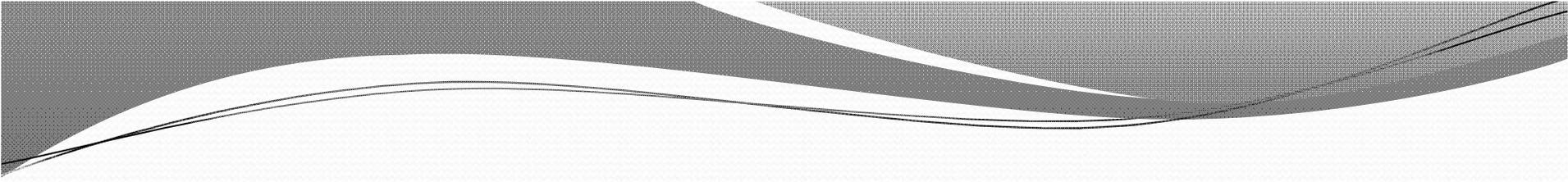
Dependent Eligibility Audit

Wellness Improvements

EE/ER Contribution Review

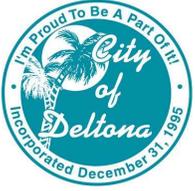
Modify Deductible/Copays

Employee Education



Q & A

Thank You For Your
Participation



Agenda Memo

AGENDA ITEM: C.

TO: Mayor and Commission

AGENDA DATE: 4/25/2016

FROM: Jane K. Shang, City Manager

AGENDA ITEM: 4 - C

SUBJECT:

Discussion regarding possible ordinance regulating drivers of vehicles for hire. Becky Vose, Legal Department, (407-448-0111)

Strategic Goal: Public Safety

LOCATION:

City wide

BACKGROUND:

Captain Eagan has indicated that he believes it to be in the best interest of the citizens of Deltona for the drivers of vehicles for hire to be screened through background checks. This ordinance would accomplish that goal.

COST:

N/A

SOURCE OF FUNDS:

N/A

ORIGINATING DEPARTMENT:

Legal Department

STAFF RECOMMENDATION PRESENTED BY:

Becky Vose - Recommend review possibility for adoption of ordinance regulating drivers of vehicles for hire.

POTENTIAL MOTION:

N/A

ORDINANCE NO. 22-2016

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, CREATING A NEW CHAPTER 43, "VEHICLES FOR HIRE" OF THE DELTONA CODE OF ORDINANCES; REQUIRING DRIVERS OF VEHICLES FOR HIRE TO HAVE A PERMIT UNLESS PERMITTED IN OTHER FLORIDA JURISDICTION; PROVIDING DEFINITIONS; PROVIDING FOR STANDARDS FOR ISSUANCE AND APPEAL OF DENIAL, SUSPENSION OR REVOCATION; REQUIRING PAYMENT OF FEES; PROVIDING FOR ENFORCEMENT; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA:

SECTION 1. A new Chapter 43, "Vehicles for Hire" of the Code of Ordinances of the City of Deltona is hereby created to read as follows:

VEHICLES FOR HIRE

Sec. 43-1. - Definitions.

Whenever the following words are used in this chapter, they shall have the meanings respectively ascribed to them in this section:

Applicant. A person who may make application for a permit to drive a vehicle for hire as provided in this chapter.

Driver. Any natural person who is in actual physical control of a vehicle for hire.

Driver's permit. The written permit granted by the city manager or designee to a person to drive any vehicle for hire upon the streets of the City of Deltona issued pursuant to the provisions of this ordinance.

Vehicle for hire. Any self-propelled vehicle engaged in the transportation of persons upon the streets of the City of Deltona with the intent to receive compensation for providing such transportation and shall include, but is not limited to, taxicabs, limousines, shuttles, or other vehicles used for similar services.

Sec. 43-2. - Vehicle for hire driver's permit required.

(a) No person shall operate a vehicle for hire, or allow a vehicle owned or controlled by them, to be operated as a vehicle for hire upon the streets of the City of Deltona unless the driver of the vehicle for hire has a driver's permit issued by the City of Deltona, or unless such driver has a vehicle for hire permit from another Florida jurisdiction. While driving a vehicle for hire

in the City of Deltona, the driver shall have a copy of his/her driver's permit, or copy of his/her driver's permit from another Florida jurisdiction.

(b) The permit requirement of this section shall not apply to any person who is temporarily in the city for the sole purpose of delivering passengers from the other jurisdiction. However, such out-of-city licensed vehicles for hire shall not pick up any other passengers in the city without complying with this chapter.

Sec. 43-3. - Application for vehicle for hire driver's permit.

A written application for a vehicle for hire driver's permit shall be filed with the city, and said application shall be verified under oath and shall furnish the following information:

- (a) The name and address of the applicant;
- (b) Florida Driver's License Number; and
- (c) Information deemed necessary by the city manager or designee to enable the city to conduct a criminal and driving background check on the applicant.

Sec. 43-4. – Standards for issuance of vehicle for hire driver's permit.

(a) To be issued a vehicle for hire driver's permit, an applicant must meet the following requirements:

1. Must be at least 18 years of age;
2. Must possess an appropriate license issued by the State of Florida for all vehicles driven;
3. Must be a careful and experienced driver. Must not have more than two moving violations in the last 24 months;
4. Must not have been convicted of a violent felony within the preceding ten (10) years, or a non-violent felony in the last five (5) years; and
5. Must not have been convicted of driving under the influence of intoxicating liquor or narcotic drugs or any other drug when affected to the extent that his normal faculties are impaired.

(b) The city manager or designee shall grant or deny a vehicle for hire driver's permit, but only on the basis of the provisions of this chapter and what can be fairly implied thereunder. If the city manager or designee is satisfied that the applicant is a suitable person to operate a vehicle for hire, such vehicle for hire driver's permit shall be issued, after payment of the permit fee in the amount as set by resolution, regardless of when the permit is issued. The applicant shall also have his/her fingerprints taken before the permit is granted.

(c) The City of Deltona recognizes the permits issued to drivers through a Florida jurisdiction other than the City of Deltona, and such drivers shall be exempted from the requirement to have a permit hereunder. This exemption shall not apply to any driver whose permit from another Florida jurisdiction is expired, suspended, or revoked by that other jurisdiction.

(d) Thirty days prior to the yearly expiration date of the driver's permit, the vehicle for hire driver shall request and submit upon forms provided by the city manager or designee a renewal form accompanied by a renewal fee in an amount as set by resolution. The city manager or designee shall renew the permit unless there is just cause to fail to renew the driver's permit. At all times, the driver must meet the qualifications listed in section 43-4(a). Failure to renew a driver's permit in a timely manner will result in the driver being required to submit a completely new application.

Sec. 43-4. - Issuance of vehicle for hire driver's permit.

(a) A vehicle for hire driver's permit shall state the name and the address of the applicant, and the date of issuance, and such other information as deemed appropriate by the city manager or designee.

(b) Upon approval of the application, the applicant shall remit an annual fee in an amount as set by resolution.

Sec. 43-5. - Transfer of driver's permit prohibited.

A driver's permit shall be personal to the applicant and shall not be transferable.

Sec. 43-6. - Duty to report

Any person with a driver's permit issued hereunder shall have an affirmative duty to report to the city manager or designee any incident which would cause such driver to be in non-compliance with the requirements as set forth in Sec. 43-4(a) hereunder within five (5) working days of the event of such incident.

Sec. 43-7. - Suspension or revocation of vehicle for hire driver's permit.

(a) A vehicle for hire driver's permit issued under the provisions of this chapter may be revoked or suspended for a specified period of time by the city manager or designee if the holder thereof has violated any of the provisions of this chapter or any of the ordinances of the City of Deltona, or the laws of the United States or the State of Florida, the violations of which reflect unfavorably on the fitness of the driver to offer public transportation.

(b) Prior to suspension or revocation, the driver shall be given 15 calendar days' notice of the proposed action to be taken and shall have an opportunity to present to the city manager or

designee evidence as to why the vehicle for hire driver's permit should not be revoked or suspended, unless otherwise provided by this chapter.

(c) Upon a finding of just cause and the determination of the city manager or designee to suspend or revoke a driver's permit, or after losing an appeal pursuant to the process outlined in section 43-9, the permittee must return the permit to the city within five (5) calendar days of the date of suspension or revocation. After revocation, a driver's permit may only be reissued by way of a new application.

Sec. 43-8. - Vehicle for hire currently operating.

A driver of a vehicle for hire operating on the effective date of this chapter shall have sixty (60) days from said date to comply with all provisions of this chapter.

Sec. 43-9. – Denial, suspension or revocation of driver's permit; right of appeal.

(a) Upon a finding of just cause therefor, the city manager or designee shall deny in the case of applications for new or renewed permits, and suspend or revoke in the case of previously issued permits. Just cause shall include, but not be limited to, a finding of any of the following: The applicant or driver holding such permit has violated any of the provisions of this chapter, or has been convicted of a felony, or has been convicted of driving a vehicle for hire or other motor vehicle while under the influence of intoxicating liquor or narcotic drugs or any other drugs when affected to the extent that his normal faculties are impaired, or if such applicant or driver is suffering from a contagious or communicable disease, or a defect or impairment of vision or hearing or other physical impairment which would render the driver incapable of safely driving a motor vehicle, or if such person has been twice convicted of a motor vehicle violation within any period of 12 months. Before such permit shall be denied, suspected or revoked, notice of intention thereof shall be served upon the driver either by registered mail or personal service; provided such notice shall not be necessary for a denial of an original permit. However, any such applicant or driver shall be given an opportunity to be heard by the city manager or designee.

(b) Any applicant or driver whose permit is revoked or suspended by the city manager or designee may appeal such decision to the city magistrate. Such appeal shall be taken by filing written notice thereof with the special magistrate's clerk within ten (10) days after the decision of the city manager or designee, and paying an appeal fee in an amount as set by resolution. The city clerk shall forthwith transmit copies of the appeal to the city magistrate along with all papers constituting the record upon which the action appealed from is based. The city clerk shall place the appeal on the agenda of the next regularly scheduled city magistrate hearing.

Sec. 43-10. - Penalty for noncompliance

Any person violating the provisions of this chapter shall, upon conviction thereof, be punished as provided for in section 2-144 of this Code of Ordinances. As an alternative, at the option of the enforcement official, violations of this chapter may be referred to the special magistrate for enforcement action pursuant to chapter II of chapter 2. In such cases, notice shall

be given to the violator by registered or certified mail, return receipt requested. Fines shall be assessed as deemed appropriate by the special magistrate.

SECTION 2. CONFLICTS. All Ordinances or parts of Ordinances insofar as they are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of any conflict.

SECTION 3. CODIFICATION. The provisions of this Ordinance shall be codified as and become and be made a part of the Code of Ordinances of the City of Deltona. The sections of this Ordinance may be renumbered or relettered to accomplish such intention.

SECTION 4. SEVERABILITY. In the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its final passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2016.

FIRST READING: _____

ADVERTISED: _____

SECOND READING: _____

JOHN C. MASIARCZYK SR., MAYOR

ATTEST:

JOYCE RAFTERY, CITY CLERK

Approved as to form and legality for use
and reliance by the City of Deltona, Florida

GRETCHEN R. H. VOSE, CITY ATTORNEY



Agenda Memo

AGENDA ITEM: D.

TO: Mayor and Commission

AGENDA DATE: 4/25/2016

FROM: Jane K. Shang, City Manager

AGENDA ITEM: 4 - D

SUBJECT:

Discussion regarding Ordinance No. 19-2016, amending Sec. 38-34 through 38-39, "Solid Waste Violation Notices" providing for Solid Waste Tickets and procedures - Becky Vose, Legal Department (407) 448-0111

Strategic Goal: Public Safety - strengthen code enforcement.

LOCATION:

City-wide

BACKGROUND:

As part of the beautification program and enforcing the changes to solid waste collection staff is recommending adding "Trash Tickets". This will provide an alternate way of enforcing the new changes. In addition it will save staff time not having to go through the regular code enforcement channels and in turn going to county court when issuing a regular code citation.

COST:

N/A

SOURCE OF FUNDS:

N/A

ORIGINATING DEPARTMENT:

Becky Vose, Legal Department

STAFF RECOMMENDATION PRESENTED BY:

Dale Baker, Building and Enforcement Services Director (386) 878-8702 - Staff recommends review of ordinance.

POTENTIAL MOTION:

N/A

ORDINANCE NO. 19 - 2016

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING ARTICLE III, “RATES, REGULATIONS AND MISCELLANEOUS PROVISIONS” OF CHAPTER 50, “SOLID WASTE,” OF THE CODE OF THE CITY OF DELTONA, BY ADDING PROVISIONS RELATING TO SOLID WASTE VIOLATION NOTICES; PROVIDING PROCEDURES; PROVIDING PENALTIES; AND PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, as follows:

Section 1. Article III, “Rates, Regulations and Miscellaneous Regulations, of Chapter 50, “Solid Waste”, of the City’s Code of Ordinances, is hereby amended to add Sections 50-34 through 50-39 to read as follows:

Sec. 50-34. – Solid waste violation notice.

(a) Any law enforcement officer, code enforcement officer or other designated official is empowered to issue a solid waste violation notice (solid waste ticket/citation) upon personal observation of a violation or violations of the solid waste regulations set forth in this chapter.

(b) The provisions of this chapter are an additional and supplemental means of enforcing this chapter, and code compliance officers may elect to enforce this chapter as provided in chapter 2 of the Deltona Code of Ordinances, or in any manner not otherwise prohibited by state law.

Sec. 50-35. - Procedure upon issuance; procedure upon non-compliance with solid waste violations notice.

(a) If any person, summoned by a solid waste violation notice posted on the door of the property where the violation took place, does not respond to such notice within the time period specified on such notice, then the code enforcement officer shall assess the appropriate delinquent fee per violation against the owner of the property where the violation took place as shown on the Volusia County Property Assessor’s website.

(1) Payment of the fine indicated on the citation may be remitted to the City of Deltona pursuant to the instructions on the citation; or

(2) A hearing before the city's special magistrate may be requested by the person receiving such citation or by the property's owner for the purpose of presenting evidence concerning a solid waste violation. Any person requesting a hearing shall execute, at Deltona City Hall, a form approved by the city indicating his or her willingness to appear at such hearing. Any person who requests a hearing will be summoned to appear at a hearing before the city's special magistrate. Any person who requests a hearing and does not appear in accordance with the summons shall waive the right to contest the solid waste violation.

(b) An election to request a hearing on the solid waste violation notice constitutes a waiver of the right to pay the civil penalty indicated on the solid waste violation notice; and the city's special magistrate, after said hearing, upon making a determination that a solid waste violation has been committed, may impose an additional administrative fee in the amount of \$25.00 for each violation.

(c) If there has been no response to the solid waste citation pursuant to subsection (a), the city shall cause the owner of the property where the violation took place to be notified of the issuance of said citation. Such notification shall be sent by regular U.S. mail to the address given on the Volusia County Property Appraiser's website for the owner of the property where the violation took place. Mailing the notice to the address constitutes notification. The notification shall inform the property owner of the date and location of the solid waste violation and the amount due. If the owner of the property has not paid the penalty after 30 days, the city shall undertake to collect the amount due by any means provided for by ordinance or by any other means provided for by law.

(d) Submission to collection agency. Solid waste tickets remaining unpaid after 60 days shall be forwarded to a collection agency. Such collection fees shall be added to the unpaid balance.

(e) The owner of the property where the violation took place shall be deemed the responsible party as to any and all fines assessed relating to solid waste violations at the property.

(f) A violation of this section 50-35 shall be deemed a separate and distinct violation and shall not be construed to be merged with or a part of the original solid waste violation.

Sec. 50-36. - Failure to obey notice; alteration or destruction of notice prohibited.

(a) It shall be unlawful for the responsible party, as defined in section 50-35 to neglect to answer to the charge set forth in a solid waste violation notice that has been issued by a law enforcement officer or a code enforcement officer.

(b) The notice referred to in subsection (a) of this section, a solid waste violation notice, is the property of the city before and after the serving, delivery and affixing thereof. All persons receiving any such notice in writing, whether by personal service or by affixing the same to a door, shall be and are hereby required to preserve such notice and to bring and present, or otherwise transmit the same to the code enforcement division when answering to the charge set forth in such notice.

Sec. 50-37. - Altering solid waste tickets.

No person, whether the recipient thereof or otherwise, shall willfully throw away, alter, mar, mutilate, destroy or discard the solid waste violation notice of the city.

Sec. 50-38. - Unlawful use of envelope accompanying notice.

It shall be unlawful for any person to place in the envelope, provided with and accompanying a solid waste violation notice, any non-paper item or object. Paper items include the written notice, currency and checks.

Sec. 50-39. - Schedule of penalties for solid waste violations.

(a) There is hereby adopted the following schedule of civil penalties for solid waste violations occurring within the city for which payment is to be made at the address listed on the solid waste violation.

| | |
|--|----------------|
| <u>Garbage bin not placed at curb correctly</u> | <u>\$20.00</u> |
| <u>Placing bulk trash out without prior call for pick-up</u> | <u>\$20.00</u> |
| <u>Garbage placed outside of bin</u> | <u>\$20.00</u> |
| <u>Garbage bin lid not properly closed</u> | <u>\$20.00</u> |
| <u>Garbage bin not properly stored on property</u> | <u>\$20.00</u> |
| <u>Excessive amount of material at the curb.</u> | <u>\$20.00</u> |

(b) The penalties are to be paid within seven (7) working days of the date of issuance of the solid waste violation notice by either hand delivery or by mailing the payment penalty in an envelope affixed with proper postage to the address listed on the solid waste violation notice.

(1) If such penalty is not paid within the seven (7) working days as above provided, the amount of the civil penalty shall be \$5.00 dollars greater than the amount specified for the solid waste violation as provided above, unless otherwise specified on the solid waste violation.

(2) If such penalty is not paid within thirty (30) calendar days as above provided, the amount of the civil penalty shall be \$10.00 greater than the amount specified for the solid waste violation as provided above, unless otherwise specified on the solid waste violation.

Section 2. Conflict. All Ordinances or parts of Ordinances insofar as they are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of any conflict.

Section 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this ordinance which can be given effect without the invalid provision or application.

Section 4. Effective Date. This Ordinance shall take effect immediately upon its final adoption by the City Commission.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA THIS _____ DAY OF _____, 2016.

First Reading: _____

Advertised: _____

Second Reading: _____

BY: _____
JOHN C. MASIARCZYK, SR., Mayor

ATTEST:

JOYCE RAFTERY, CMC, City Clerk

Approved as to form and legality
for use and reliance of the City of
Deltona, Florida

GRETCHEN R. H. VOSE, ESQ., City Attorney