

ORDINANCE NO. 210

AN ORDINANCE AMENDING SECTIONS 10-20 THROUGH 10-30, OF THE CODE OF THE City OF PORT ST. JOE, FLORIDA, PROVIDING FOR DEFINITIONS; PROVIDING FOR THE COLLECTION OF HOUSEHOLD GARBAGE AND TRASH; PROVIDING FOR SEPARATION OF HOUSEHOLD GARBAGE FROM RECYCLABLE ITEMS; PROVIDING FOR CONTAINERS FOR DEPOSITING HOUSEHOLD GARBAGE AND RECYCLABLES; PROVIDING FOR FEES FOR COLLECTION FOR HOUSEHOLD GARBAGE AND RECYCLABLES; PROVIDING FOR SURCHARGES FOR COLLECTION OF HOUSEHOLD GARBAGE AND RECYCLABLES WHEN THE SAME ARE NOT SEPARATED; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CERTAIN SECTIONS IN THE EXISTING CODE AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORT ST. JOE, FLORIDA,

Sections 10-20 through 10-29 of the Code of Ordinances of the City of Port St. Joe are hereby amended to read as follows:

**SECTION 10-20. DEFINITIONS.**

For the purpose of this chapter, certain words and terms are defined as follows:

**Recyclables.** The word "recyclables" shall consist of aluminum and metal cans, glass bottles and jars, plastic bottles, cardboard and newspapers.

**Household garbage.** The words "household garbage" shall be interpreted to include all waste; offal; all accumulations of animal, fruit or vegetable matter; meats, fish, fowl, small paper and such other refuse the usual of which would create an unsightly or unsanitary condition; but the words "household garbage" shall not include recyclables.

**Rubbish.** The word "rubbish" as distinguished from household garbage and recyclables, shall include all trimmings from plants and shrubs, and all plants and shrubs dug up and discarded with the intention of removing same from a yard or premises on which is situated permanent improvements, and other inert materials such as building materials, fallen trees, logs and limbs or other heavy debris.

**SECTION 10-21. GARBAGE CONTAINERS.**

City shall provide each residential occupant with a container and the proper bags to contain household garbage and recyclables.

The container shall be located at a point suitable to the occupant, but on collection days the occupant shall place the container in the right of way of the alley or roadway along the usual collection route. City shall notify all occupants of the collection days along the route. The occupant shall remove the container from the alley or roadway when empty, on the same day that it is emptied.

**SECTION 10-22. MAXIMUM TIME TRASH ALLOWED TO ACCUMULATE.**

It shall be unlawful to permit an accumulation of household garbage or trash upon any premises in the City for a period longer than four (4) days without having arranged for disposal of such accumulation by the garbage department of the City.

**SECTION 10-23. BURIAL OF HOUSEHOLD GARBAGE, RUBBISH, ETC., RESTRICTED.**

It shall be unlawful for any person to bury household garbage, rubbish or other material which is, or is reasonably likely to become, a nuisance, menace or threat to health within the city, except in such areas or confines of the City as may from time to time be set aside and designated for the burial and disposal of garbage by proper resolution of the City Commission.

**SECTION 10-24. BURNING HOUSEHOLD GARBAGE OR RUBBISH.**

No household garbage or rubbish shall be burned upon any premises in the City unless issued a burning permit by the fire department.

**SECTION 10-25. TRANSPORTATION OF GARBAGE.**

Unless a person shall have been specifically authorized and licensed by resolution of the City Commission to do so, it shall be unlawful to pick up household garbage, trash or other refuse and to transport or haul the same in the City.

**SECTION 10-26. UNLAWFUL DISPOSITION OF HOUSEHOLD GARBAGE, RECYCLABLES OR RUBBISH.**

(a) It shall be unlawful to deposit household garbage, recyclables or rubbish upon the premises of another or upon any street, alley or other public property or any canal, ditch, water, waterway, gulf, bay or the like within the city, or in the can or receptacle of another who has paid the collection service fee as provided in this chapter.

(b) It shall be unlawful to put household garbage into a recyclable container or recyclables into a household garbage container.

**SECTION 10-27. REMOVAL OF DEAD ANIMALS.**

It shall be the responsibility of any person occupying property within the City upon which a dead animal is found, to notify the City Auditor and Clerk within twelve (12) hours after such dead animal has been found. The City Auditor and Clerk shall provide for the dead animal to be picked up by the animal control officer of the city; and in no event shall any person having a dead animal on premises occupied or under the control of such person allow it to remain undisposed of for a period of longer than twelve (12) hours.

**SECTION 10-28. CITY TO PROVIDE FOR COLLECTION.**

(a) City shall provide household garbage, recyclables and rubbish collection services reasonably adequate and sufficient to take care of the reasonable needs of all improved property within the City by operating its own collection and disposal facilities.

(b) All residents, occupant or owners of premises in the City are required to have all accumulation of household garbage, recyclables and rubbish removed and disposed of by such collection services.

(c) City shall provide containers for recyclables and household garbage. Occupants are required to separate household garbage from recyclables. The recyclables are to be placed in a bag marked "Recyclable". The garbage is to be placed in a bag marked "Garbage". Only these bags are to be placed in the container. The container must be clean and free of any loose garbage or recyclables.

(d) The occupant shall notify City Hall when the container is no longer needed due to actions such as a household move, and City will pick up the container. If the container is not turned in, the current cost of a replacement container will be deducted from any deposit occupant has with City.

**SECTION 10-29. RATES AND CHARGES.**

The rates of charges for collecting or disposing of garbage, recyclables or yard rubbish in the City shall be as follows:

RESIDENTIAL

(a) For each occupied single-family dwelling, for collection and disposal of garbage, recyclables and yard rubbish, the charge shall be ten dollars (\$10.00) per month. If there is a special call or request by the owner or tenant of such single-family dwelling for a pickup other than the normal semi-weekly collections, an additional charge of twenty dollars (\$20.00) shall be made for such special collection of garbage, recyclables or yard rubbish. The owner, user or occupant shall be entitled for such payment to semi-weekly collection and disposal of garbage.

(b) For multiple-family dwellings and apartment houses, the charge for collecting garbage, recyclables and yard rubbish shall be ten dollars (\$10.00) per month or fraction thereof for each family or tenant in said multiple-family dwelling or apartment house. The owner, user or occupant shall be entitled for such payment to semi-weekly collection and disposal of garbage.

(c) If any owner or tenant fails to separate garbage from recyclables, such person shall be issued a citation requiring such separation. If such person does not thereafter begin compliance within 30 days, then the next ensuing statement shall include a surcharge of 50% of the original bill to defray city's costs for separation. The second and all subsequent statements shall include a surcharge of 100% of the regular bill to defray costs incurred by the City.

(d) For each occupied single family dwelling, for collection and disposal of both garbage recyclables and yard rubbish, where the annual household income is \$12,000 or less, there shall be a charge of six dollars (\$6.00) per month.

COMMERCIAL

(e) Business establishments and other establishments shall pay the sum of twenty dollars (\$20.00) per month and shall be entitled to three (3) collections per week. If more than three (3) collections per week are required, such establishment must make arrangements with the City and pay an additional fee as determined by the City for each additional collection.

(f) Users of commercial type garbage containers as provided by the City shall be charged four dollars (\$4.00) per yard per container as a rental fee.

(g) Special users of garbage collection services such as hotels, motels, eating places, etc., shall pay a monthly fee determined by the City on the basis of quantity,

and each shall be entitled to at least four (4) garbage pickups per week. These charges shall be established by motion or resolution of the City Commission after ascertaining the costs for these special businesses.

(h) Wholesale users of garbage and trash pickup and disposal services, which shall include supermarkets, shall pay a monthly fee determined by the City on the basis of quantity and shall be entitled to daily collections for five (5) days each week. These charges shall be established by motion or resolution of the City Commission after ascertaining the costs for these special users.

(i) Other special, temporary or transient users, such as circuses, tent shows, carnivals or other miscellaneous or transient users, which shall include building and construction sites, shall pay such fee for garbage and trash collection services as may be reasonably determined by the City Auditor and Clerk, based upon a reasonable estimate of the anticipated services required at the time the license for such business shall be issued or the services performed in the event such collection is for a building and construction site. The reasonable fee for such service shall be set in accordance with the estimated gallonage and yardage to be collected, plus an additional sum of ten (10) percent of the estimated fee to compensate for the extra duties imposed of a temporary nature.

SECTION 10-30. REPEAL.

Any section of the Code of Ordinances of the City of Port St. Joe, Florida, or portion thereof, in conflict with the provisions contained herein are hereby repealed upon adoption of this ordinance.

SEVERABILITY: If any provision of this ordinance is for any reason found to be invalid or inoperative or shall be declared unconstitutional by a court, such ruling or invalidity shall not affect any of the remaining provisions of this ordinance.

EFFECTIVE DATE: This ordinance shall become effective as provided by law.

THIS ORDINANCE ADOPTED this 6th day of October, 1992.

FLORIDA CITY COMMISSION OF PORT ST. JOE,

By: \_\_\_\_\_  
Mayor-Commissioner

Attest: \_\_\_\_\_  
Auditor-Clerk