

ORDINANCE NO. 347

AN ORDINANCE OF THE CITY OF PORT ST. JOE, FLORIDA, ESTABLISHING A CITY CODE FOR GARBAGE/TRASH REMOVAL, PROVIDING FOR METHODS OF OBTAINING COMPLIANCE WITH CODE OF ORDINANCES OF THE CITY, ESTABLISHING DEFINITIONS, COLLECTION AND DISPOSAL STANDARDS, ESTABLISHING/APPOINTING A DIRECTOR, SETTING FEES; PROVIDING FOR REPEAL OF ANY CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND, PROVIDING AN EFFECTIVE DATE

ARTICLE I. IN GENERAL

Sec. 54-1. Purpose.

This article, adopted under the provisions and authority of the general laws of Florida, and the provisions hereof and all sections contained herein, shall be construed as having been adopted in the interest of the public health, safety and general welfare of the people of the city

Sec. 54-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

Appliance. Some examples are, but not limited to: clothes washers and dryers, dishwashers, water heaters, residential furnaces, garbage disposals, trash compactors, conventional and microwave ovens, ranges and stoves, air conditioners, dehumidifiers, refrigerators, freezers, commodes and toilets.

Bulky waste.

(1) *Yard and garden waste:* Large tree or shrubbery cuttings, including but not limited to tree limbs and logs exceeding four inches in diameter and/or four feet in length, and all tree stumps regardless of size, but excluding debris from unimproved lots, soil and sod.

(2) *White goods waste:* Discarded appliances, including but not limited to stoves, refrigerators, washing machines, dryers, bathtubs, furniture, couches, tables, clothes, beds, mattresses, cabinets, and any other household goods.

Commercial establishment. Any public or private place, building and/or enterprise devoted in whole or in part to a business enterprise, whether nonprofit or profit-making in nature including, but not limited to, hotels, motels, office buildings, stores, markets, theatres, hospitals, or other institutional buildings, but excluding any structure which constitutes a single family dwelling unit as defined in this section. For the purposes of

this article, "commercial establishment" shall include structures including three or more dwelling units.

Commercial hauler. Any person who owns, operates, or leases vehicles for the purpose of contracting to collect or transport solid waste and/or source-separated materials from residential, commercial, or industrial properties.

Commercial bulk container. Commonly referred to as a dumpster. A container that is provided and/or authorized by the city for commercial garbage and trash disposal services.

Construction and demolition (C&D) waste. Building materials and rubble including but not limited to earth, stone, brick, flooring, lumber, plaster, roofing and any other waste resulting from construction, remodeling, repair or demolition of any building, pavement or other structure. Such waste materials include trees; tree limbs and tree stumps generated by tree surgeons, landscape, and lawn maintenance contactors.

Contaminated yard and garden waste pile. Any yard and garden waste pile containing material other than grass and leaves, tree limbs less than four inches in diameter and less than four feet in length, palm fronds, and shrubbery cuttings incident to the care of lawn and gardens. Collection of contaminated waste requires scheduling of a special pick up service.

Director. The Public Works Director of the City of Port St. Joe

Disposal. The discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste into or on any land or water so that the waste or any constituent thereof may enter the environment or be emitted into the air, or discharge into any waters, including ground waters.

Garbage. Every type of refuse accumulation, including animal, fruit, or vegetable matter which is subject to decay and production of noxious or offensive odors, or which, during or after decay, may serve as a breeding place or as feeding material for germ-carrying insects; specifically included are bottles, cans, or other containers or materials which, due to their ability to retain moisture, may serve as breeding places for water-breeding insects

Hazardous waste. Waste which requires special handling due to its acute or chronic effects on air and water quality, on fish, or wildlife, and on the health and welfare of the public, including but not limited to explosives, pathological wastes; radioactive materials, and acidic, caustic, toxic or highly flammable chemicals.

Industrial waste. All solid waste which results from industrial process and manufacturing operations such as factories, processing plants, repair and cleaning establishments, refineries and rendering plants.

Nuisance. A use of property or course of conduct that interferes with the legal rights of others by causing damage, annoyance, or inconvenience, and as further defined in Sec. 30-27, Code of Ordinance, City of Port St. Joe.

Property owner, occupant or manager. The person, who owns, manages and/or occupies real property on which garbage or trash is accumulated and placed for collection by the city.

Residential dwelling. Any detached single-family or duplex residential unit as defined in the zoning codes of the city. Condominiums, patio houses, apartments and other such facilities used for residential purposes are classified as commercial establishments unless declared otherwise by the city.

Residential garbage container. An approved watertight, leakproof and spillproof can of galvanized steel, aluminum or plastic having two handles or a bail by which it can be lifted and a tight-fitting lid which can be sealed, not exceeding 35 gallons capacity and not to exceed 50 pounds of weight when placed for collection.

Solid waste. Garbage, refuse, demolition waste, and other discarded waste materials and sludge, in solid, semi-solid, liquid, or contained gaseous form, resulting from industrial, commercial, mining and agricultural operations, and from community activities.

Solid waste collection. The gathering of solid waste from public or private places.

Special pickup material. Material other than normal trash and garbage, which requires scheduling a special pickup. Materials such as bulky waste and contaminated yard and garden waste piles (as defined herein) are specifically included and require a special pickup.

Unacceptable waste. Solid waste that does not have collection, processing, or disposal capabilities within the City of Port St. Joe. Such waste includes, but is not limited to: explosives; hospital, pathological, and biological waste; commercial and industrial hazardous waste, as regulated by federal, state, and local law; and chemicals and radioactive materials.

Yard Rubbish. Grass and leaves, tree limbs less than four inches in diameter and less than four (4ft.) feet in length, palm fronds, and shrubbery cuttings incident to the care of lawn and gardens.

Sec. 54-3. Collection and disposal standards of private collectors and outside collectors.

(a) *Requirements during construction.* Prior to the issuance of a building permit by the city building official for the extensive renovation or modification of a structure, or the construction of a new structure, provisions must be made for the on-site storage and

handling of refuse. [The Director shall make the determination for on-site refuse handling due to a structure renovation or modification.]

(b) *Procedures for removal of construction and demolition wastes.* Homeowner and/or property owners, builders, building contractors and construction tradesman and other contractors shall use city provided services for removing from the site all excavation, construction and demolition wastes as defined in Section 54 emanating from their work.

(c) *Responsibility for removal of waste by producer.* It shall be unlawful for any person upon vacating or moving from any dwelling, storeroom or any other building situated within the corporate limits to fail to remove all garbage, rubbish and debris from such building and premise and grounds appurtenant thereto or to fail to place said waste in an approved sanitary container for disposal in accordance herewith. Failure of a renter, lessee, and/or tenant to comply with this requirement shall obligate the property owner of record or his designee to fulfill the responsibility of compliance with this article.

(d) *Transportation over town streets.* Collectors of commercial refuse and collectors of refuse collected from outside the city desiring to haul over the streets of the city may do so provided they use vehicles designed or outfitted so as to prevent the refuse carried therein from being blown, dropped or spilled from said vehicle.

Sec. 54-4. Prohibitions.

(a) *Waste hazards.* Hazardous wastes, infectious wastes, septic tank wastes, or dead animals, shall not be placed in garbage cans, bags, or dumpsters for collection by the city.

(b) *Unauthorized placement.* The placement or scattering of yard clippings, tree limbs and/or other refuse in or upon street gutters and/or the street surface, or drainage canal banks is hereby declared a nuisance and a danger to storm drainage control and shall be prohibited.

(c) *Unauthorized accumulation.* Any accumulation of garbage, trash, and/or recyclable material on any premises in violation of this article is declared to be a nuisance and is prohibited. Failure to remove any such existing accumulation of garbage, trash, and/or recyclable material within 48 hours after due notice thereof shall be deemed a violation of this article.

(d) *Public places.* No garbage, trash, recyclable material and/or yard and garden waste shall be stored in any public place at any time. No garbage, trash, recyclable material, or lawn and garden waste shall be stored upon any private property other than that owned or occupied by the individual, except with the written consent of the owner or occupant.

(e) *Location of residential garbage or trash container.* No residential garbage, trash, and/or recyclable material container shall be placed or maintained upon or adjacent to any street, sidewalk, parkway, front yard, or other place within the reasonable view of

persons using the public streets or sidewalks, except as allowed by this article for the purposes of collection thereof.

(f) **Burying.** No refuse, waste matter, rubbish or garbage, including but not limited to old buildings and structures, whether or not such materials are biodegradable, shall be buried on any parcel of private property within the city unless properly permitted by required agencies and the City of Port St. Joe.

(g) **Burning.** No person shall burn or cause to be burned any refuse or waste anywhere within the city limits, except as otherwise provided by law.

(h) **Pilfering.** It shall be unlawful for any person not authorized to do so to open, remove, untie, or to interfere with the orderly and legitimate collection of any refuse container or to disturb or scatter refuse stored in containers placed for collection and disposal.

(i) **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 Director of Public Works immediately upon discovery of the dead animal. However, in no event will any person allow a dead animal to remain undisposed of on his/her premises for more than 12 hours.

Sec. 54-5. Waste collection fees set by resolution of city commission.

The monthly bill for utility services sent to each utilities consumer in the City for city water shall include a charge for solid waste removal. This service shall include trash and garbage removal and shall be charged to the consumer at a rate prescribed by resolution of the city commission. If the utilities customer is a lessee of the premises serviced, or one other than the record owner thereof, the property owner of record shall be jointly responsible for the payment of the fees for waste removal.

ARTICLE II. RESIDENTIAL COLLECTION SERVICES

Sec. 54-6. Exclusive collection by city.

The city exclusively shall provide for the collection and disposal of all residential solid waste, garbage, trash and yard rubbish.

Sec. 54-7. Mandatory service.

Every single-family dwelling, duplex, and multifamily dwelling and all commercial establishments within the town, as defined in this chapter, shall subscribe for garbage, trash, yard and garden waste collection and disposal services from the city.

Sec. 54-8. Collection scheduling and placement.

(a) **Garbage.** The city, or its designee, will collect garbage under the following conditions:

(1) Residential garbage will be collected two times per week on regular schedules. Pickups shall not be reduced by holidays but pickups normally scheduled to be made on a holiday may be rescheduled by the city.

(2) All residential garbage consisting of paper, boxes, crockery and biodegradable kitchen waste shall be bagged and placed for collection in approved containers as defined in this chapter. Garbage shall not be deposited directly into the containers, but shall be drained and wrapped in sanitary plastic bags. The total weight per full container shall not exceed 50 pounds. There can be no more than one (1) container per household. However, the property may contract for additional containers.

(3) All garbage containers shall be provided by the City or its designee.

(b) *Yard Rubbish.*

(1) The city will collect on a weekly basis one pile of yard rubbish, including limbs, trimmings, and cuttings, not to exceed the volume dimensions which measures four feet by four feet by eight feet. Limbs shall not exceed four feet in length and four inches in diameter. Bushy limbs shall be cut apart and trimmed to lay flat. Persons placing wastes yard rubbish for collection, which exceed these standards, shall coordinate with the public works director for proper removal as a "special service" pick up as provided herein.

(2) Yard rubbish shall be placed for collection immediately adjacent to the premises producing such wastes, but not upon the paved street, sidewalk, storm gutter or canal bank. The city will not be responsible for damage to sprinkler systems, sprinkler heads, water meters and other objects, including fences, gates and hedges, other plants and trees damaged due to yard trash being placed over or piled on or against such items as a result of being placed there for collection by the occupants and/or owner of the property.

(3) No rubbish or trash shall be placed for collection against a wall, fence, vehicle, electric pole, downguys, utility lines, traffic control device, telephone interface junction panel, water valve box, manhole, tree, or any other obstruction such that collection is impeded.

(4) No garbage, as defined in this article, shall be placed for collection with yard or rubbish.

(5) Yard rubbish or trash placed for collection in violation of any section of this chapter, including contaminated yard rubbish, shall be tagged with written notice stating that the occupant of the premises must remove same within 48 hours; if the occupant fails to remove the yard and garden wastes or trash, the city will pick up this accumulation which is in violation of this article and the occupant will be charged for a special pickup, including the cost of any sorting of materials/wastes which must be done. This special pickup fee will be added to the occupant's monthly utility bill.

(6) Storm Clean up: The City may collect yard rubbish following a storm or hurricane upon a schedule to be determined by the City.

(c) Bulky wastes (*white goods, yard and garden waste*).

(1) Bulky wastes shall be collected separately from all other wastes. It is the responsibility of the person or business disposing of bulky wastes to request a special pick-up. Bulky wastes may not be placed on the right-of-way for pick up more than 24 hours prior to scheduled special pick-up. Collection of bulky wastes is by special pick-up only.

(2) No refrigerator or freezer shall be placed for collection without removal of its door.

(d) *State of emergency*. If a state of emergency has been declared by a person authorized to make such declaration, residential garbage and trash collection shall be made in accordance with the emergency plans of the city, or as authorized by the city manager or his designee.

(e) *Special pickups*. Special pickups will be coordinated with the resident and the public works department as to time, place, date and items to be picked up. A reasonable fee, as determined by the Director of Public Works, or his designee, shall be charged for all special pickups, which fee shall bear a reasonable relationship to the volume, difficulty of collection, and other relevant factors.

ARTICLE III. COMMERCIAL COLLECTION SERVICES

Sec. 54-9. Service required.

The city exclusively shall provide for the collection and disposal of all solid wastes from commercial establishments, including multi-family dwellings of three or more units. Service arrangements shall be approved by the city and all commercial garbage shall be collected according to the city's approved category of service. It shall be unlawful for the owner or occupant of any commercial establishment in the city to dispose of any solid waste except by subscribing to the city's collection disposal service.

Sec. 54-10. Bulk containers, placement, contents, collection schedule.

(a) *Bulk containers*. Commercial businesses shall utilize a "city-provided" container. In those instances, no more than two 35-gallon containers may be utilized. Based on volume and frequency of pickup service, commercial businesses may elect a two-, four-, six- or eight-cubic-yard container. All dumpsters shall be obscured by a fence of shrubbery, or other material, so as to be hidden from streets, sidewalks and adjacent properties. In the event a compaction system is used the city will charge the equivalent of three dumps for every pick up performed.

(b) *Placement of containers.* It will be the responsibility of the property owner to provide a place for a dumpster to be located on the property at which the dumpster is assigned. This location shall be approved by the public works director to insure there is enough room to safely operate necessary equipment. At no time will a dumpster assigned to a business be set on any road right-of-way.

(c) *Contents of bulk containers.*

(1) Hazardous wastes, infectious wastes and/or septic tank wastes as defined in this chapter shall not be placed in commercial bulk containers for collection. Substances in this class shall be disposed of as prescribed by the director of public works.

(2) Dead animals shall not be placed in bulk containers for regularly scheduled collection, but shall be disposed of in a manner prescribed herein.

(3) It will be the responsibility of the business owner to keep the area around the dumpster clean at all times. The city is not responsible for any unauthorized garbage or debris placed in or around an assigned dumpster. Dumpster lids are to be kept close at all times. A lock may be installed on the container but the city will at no time be responsible for the key or the locking device.

(4) No bulk container shall be so filled as to render impossible its complete closure.

(d) *Collection schedule and place.*

(1) All commercial garbage and trash shall be collected according to the city's approved category of service as established by the public works director or his designee; however, putrescible garbage and trash shall be collected at least twice each week.

(2) Commercial garbage and trash shall be placed in such location that the container can be easily serviced by the manpower and equipment making the collection. Commercial bulk containers shall be located on private property unless otherwise provided by the director of public works.

REPEALER

All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SEVERABILITY

If any section, subsection or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

EFFECTIVE DATE

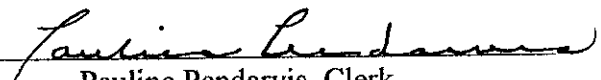
This Ordinance shall take effect upon its passage.

This Ordinance was adopted in open regular meeting after its second reading this 20th day of June, 2006, after due notice in accordance with Florida Law.

**THE CITY OF PORT ST. JOE
BOARD OF CITY COMMISSIONERS**



Frank Pate, Mayor

Attest: 

Pauline Pendarvis, Clerk