

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MEXICO BEACH FINDING THAT AN EMERGENCY EXISTS REQUIRING ACTION PRIOR TO THE INFLUX OF PEOPLE FOR THE INDEPENDENCE DAY HOLIDAY; DELETING THE REQUIREMENT FROM ORDINANCE 633 THAT TRASH CANS MUST BE TAKEN TO THE CURB ON THE SCHEDULED DAY OF PICKUP; REPEALING ORDINANCES IN CONFLICT TO THE EXTENT OF THAT CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN IMMEDIATELY EFFECTIVE DATE AS AN EMERGENCY MEASURE.

WITNESSETH:

WHEREAS, the City of Mexico Beach, Florida (the “City”) historically has not required trash cans to be taken to the curb for pick up and instead has picked up trash cans from side yards and back yards for many properties; and

WHEREAS, pursuant to Ordinance 633, effective June 1, 2016, the City began requiring trash cans to be taken to the curb on the scheduled day of pickup; and

WHEREAS, this portion of the ordinance has resulted in problems for the City and its residents and visitors, particularly due to widespread failure of the public to follow the requirement, either because people are unaware of the new requirement or have chosen to ignore it; and

WHEREAS, trash is accumulating and festering at many properties after weeks of trash cans not being picked up, resulting in offensive odors, unsightly conditions, and the potential for rodent and insect infestation; and

WHEREAS, it is impracticable to correct these problems through code enforcement in a quick, efficient manner, particularly prior to the Independence Day holiday influx of people; and

WHEREAS, under the current ordinance, the City’s authority to enter yards and other private property to collect trash cans is in doubt; and

WHEREAS, prior to the adoption of Ordinance 633, property owners and tenants did not object to the City’s collection trashcan pickup procedures, including entering private property, and it appears from public comments at Council meetings and comments to staff and elected officials, that the public preferred the prior trashcan pickup procedure; and

WHEREAS, reverting to the former trashcan pickup procedure would eliminate the current doubt over the City’s authority to enter private property to collect trash cans; and

WHEREAS, the City is an extremely active tourist destination which attracts large numbers of visitors and the days leading up to and following Independence Day are normally the most crowded time for the City, both in terms of the number of people in the City and the creation of trash; and

WHEREAS, given the large influx of people around Independence Day, if trash collection does not fully and effectively begin occurring immediately, the problems that have occurred with the accumulation of trash will become far worse rapidly and become a public nuisance to the extent that they have not already become a public nuisance; and

WHEREAS, the City Council finds that the predominate business and commerce in the City is tourism and failing to address this trash pickup issue prior to the Independence Day influx of people could have long-lasting negative impacts to tourism in the City; and

WHEREAS, the accumulation of trash at all properties in the City, but especially those properties visible from Highway 98, along the Gulf beachfront, or otherwise within or near scenic corridors of the City, is offensive, contrary to the aesthetic goals of the community, detrimental to business and commerce, detrimental to property values, and is therefore determined to be a public nuisance; and

WHEREAS, the City Council has received and considered extensive testimony from the public and the Council members have personally witnessed the problems described by these recitals and find that the testimony presented in support of this ordinance is consistent with their own, first-hand experience; and

WHEREAS, upon passage of this ordinance, City staff will begin picking up trash cans even if they have not been taken to the curb.

NOW THEREFORE, be it ordained by the City of Mexico Beach, Florida:

Section 1. The recitals above are incorporated in full.

Section 2. FINDING OF EMERGENCY: For the reasons set out in the above recitals and due to the rapidly approaching Independence Day holiday influx of people, and as described by numerous witnesses before the City Council, the Council finds and determines that emergency action is required to address accumulating trash and the procedures adopted by this ordinance are needed immediately to help address a pending public nuisance.

Section 3. Section 3(a) of Ordinance No. 633 of the City of Mexico Beach, Florida, is hereby amended to read as follows (deleted text ~~stricken~~, new text underlined):

Garbage and trash accumulated by residences and businesses shall be collected two times per week on regular schedules between March 1 and September 30 and once per week on regular schedules between October 1 and February 28. ~~Trash cans must be taken to the curb on the scheduled day of pickup unless arrangements are~~

~~made with City Hall.~~ Pickups may not occur on holidays but pickups normally scheduled to be made on a holiday may be rescheduled by the City.

Section 4. All Codes, Ordinances and/or Resolutions or parts of Codes, Ordinances and/or Resolutions in conflict herewith are hereby repealed to the extent of the conflict.

Section 5. If any section, subsection, sentence, clause, phrase of this Ordinance, or any particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses, or phrases under application shall not be affected thereby.

Section 6. This Ordinance shall become effective immediately upon its passage.

Passed, approved and adopted as of this ____ day of _____, 2016.

CITY OF MEXICO BEACH, FLORIDA

Tom Bailey, Mayor

ATTEST:

Adrian Welle, City Clerk