

ORDINANCE NO. 35

AN ORDINANCE ESTABLISHING A GARBAGE UTILITY IN THE TOWN OF MEXICO BEACH PROVIDING DEFINITIONS OF CERTAIN TERMS RELATING TO SAID GARBAGE UTILITY; PROHIBITING PRIVATE COLLECTION AND TRANSPORTATION OF GARBAGE; PROVIDING COLLECTION PRACTICES FOR SAID GARBAGE UTILITY; PROHIBITING CERTAIN ACTS WITH REGARD TO THE COLLECTION AND DISPOSAL OF GARBAGE; REQUIRING GARBAGE CANS TO BE EASILY ACCESSIBLE; PROHIBITING THE DEPOSITING OF GARBAGE OF TRASH UPON UNOCCUPIED PREMISES; PROHIBITING THE BURNING OF GARBAGE OR TRASH WITHOUT A PERMIT; PROVIDING FOR THE DISPOSAL OF BUILDING AND REMODELING REFUSE AND SPENT OILS OR GREASES: LIMITING THE ACCUMULATION OF GARBAGE OR TRASH; PROVIDING SERVICE CHARGES; PROVIDING PENALTIES FOR THE FAILURE TO PAY SERVICE CHARGES.

WHEREAS, The Town Council of the Town of Mexico Beach has determined that it is necessary for the immediate protection and preservation of the peace, safety, health and property of the Town and its inhabitants, and that this ordinance be enacted and take effect immediately as an emergency ordinance, therefore

BE IT ORDAINED BY THE PEOPLE OF THE TOWN OF MEXICO BEACH, FLORIDA:

Section 1. Establishment of garbage utility.

There is hereby established for the Town of Mexico Beach, Florida, pursuant to Section 180.04, Florida Statutes, a garbage utility as a municipal public works. It shall service the territory of the existing town limits as from time to time extended by law.

The purpose of said garbage utility is the healthful, sanitary, efficient and economical collection and disposal of garbage as herein defined.

Section 2. Definitions.

For the purposes of this ordinance the following words and terms are herewith defined:

(a) Refuse. The word "refuse" shall include garbage and trash, as hereinafter defined, and all trash, rubbish, paper, glass, metal and discarded matter which the last owner intends to abandon to the town for disposal.

(b) Garbage. The word "garbage" is hereby defined to mean every refuse accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking and dealing in, or storage of meats, fish, fowl, fruit or vegetables, and any other matter of any nature

whatsoever, which is subject to decay and the generation of noxious or offensive gases or odors, or which during or after decay, may serve as breeding or feeding material for flies or other germ-carrying insects; and any bottles, cans or other containers, utilized in normal household use, which due to their facility to retain water, may serve as breeding places for mosquitoes or other water-breeding insects.

(c) Trash. The word "trash" shall mean refuse, accumulation of paper, wooden or paper boxes or containers, sweepings, and all other accumulations of a nature other than garbage, which are usual to housekeeping and to the operation of stores, offices and other business places.

(d) Garden or lawn trash. The words "garden or lawn trash" shall mean all accumulations of grass, leaves, shrubbery, vines and trimmings.

(e) Garbage can. The words "garbage can" shall be defined to mean a watertight container, with suitable handles, and a tight fitting cover of the type commonly sold as a "garbage can" and of a capacity of not more than thirty-two (32) gallons nor less than fifteen (15) gallons.

### Section 3. Private collection, transportation prohibited.

The hauling or transportation of garbage from residences or places of business by private persons is hereby prohibited, it being the intent and purpose of this section to prohibit any agency other than the town from hauling or transporting garbage within the town.

### Section 4. Collection practice.

The following collection practice shall apply:

(a) Garbage and trash accumulated by residences shall be collected at such times as the Town Council shall decide.

(b) Commercial and industrial refuse shall be collected at such times as the Town Council shall decide.

(c) The removal of wearing apparel, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of the Town Council. Such refuse shall not be placed in containers for regular collection.

(d) Highly inflammable or explosive materials shall not be placed in containers for regular collection but shall be disposed of, in each case, as directed by the Town Council at the expense of the owner or possessor thereof. The producer of such refuse shall not take same to the town sanitary land fill without the approval of the Town Council.

### Section 5. Offenses defined.

It shall be unlawful for any person to:

(1) Place or cause to be placed upon the street,

alley or sidewalk of the town any garbage, trash, refuse, debris or like matter, except as provided by this ordinance.

(2) To throw, place or dispose of any trash, litter, refuse or like matter upon the property or premises of any person.

(3) To remove any trash, litter, garbage, refuse, or like matter from any container as provided herein except by order of the Town Council.

(4) To place any brick, rock, stone, iron, dirt or ashes in a garbage container.

(5) To sweep or throw trash, waste matter, garbage or like matter into the street, alley, sidewalk, or upon any property not his own or under his control.

(6) To allow garbage to remain exposed on his premises.

(7) To allow garbage to accumulate on his premises without disposal of it periodically in the manner prescribed by this ordinance.

Section 6. Garbage cans required; accessibility to Town employees.

The owner of each housing unit or business establishment in the Town shall provide therefor, a garbage can or cans as herein defined of sufficient capacity to hold accumulated garbage, and such cans shall be kept in a place accessible to the employees of the sanitation department. Such can or cans must not be placed in an inaccessible enclosure, such as, fenced yards, utility buildings, garages, or carports. Town sanitation department employees are prohibited from entering such inaccessible enclosures as listed above. Cans may be placed near the street permanently only when they are concealed by a structure that is not unsightly to the neighborhood and which is in keeping with the surrounding area.

Section 7. Accumulations of trash; disposition.

In areas of business, accumulations of trash shall be placed in suitable receptacles or dumpable metal refuse containers, placed in or near the rear of the business establishment at a place accessible to the employees and trucks of the town refuse collection department. Boxes shall be broken down and placed in receptacles or containers. In residential areas, accumulations of garden or lawn trash shall be placed at or near the street line behind the curb in order to facilitate its collection. No single item of garden or lawn trash shall exceed four (4) feet in length; no single piece of trash shall exceed fifty (50) pounds in weight. It shall be unlawful for any person to sweep or throw trash, refuse, or garbage into the streets, alleys, or sidewalks of the town. No person shall place or cause to be placed upon the public street, sidewalk or alleys of the Town any garbage, trash, refuse or like matter unless the same be placed in a trash can. It shall be unlawful for any person to allow garbage to remain exposed to flies on his premises.

Section 8. Deposit of garbage or trash upon unoccupied premises.

It shall be unlawful for any person to deposit garbage, or trash upon any vacant or unoccupied premises or in any waterway, pit or pool within the town, or upon the property or premises of another person, or on the property which is in the possession of another person, or on public property.

Section 9. Burning of garbage or trash; incinerators.

No person shall burn any trash or garbage within the corporate limits of the Town without first obtaining a permit from the chief of the Fire Department of the Town. No incinerators shall be installed without the permission of the Fire Department. Operation of incinerators shall be subject to periodic fire department inspections to assure that adequate fire and safety precautions are maintained.

Section 10. Building and remodeling refuse.

Building and remodeling refuse must be removed by the operator or contractor performing such work, as the case may be.

Section 11. Spent oils or greases.

Spent oils or greases accumulated at garages, filling stations and similar establishments will not be removed by the Town except for the convenience of the Town. Spent oils or greases will not be placed in storm sewers or sanitary sewers.

Section 12. Accumulations of garbage or trash limited.

No person is permitted an accumulation of garbage upon any premises in the Town for a period longer than four (4) days. No person shall permit an accumulation of trash upon any premises within the Town for a period longer than eight (8) days.

Section 13. Service charges.

(a) The Town shall provide garbage collection service to all business houses and establishments and garbage collection service to all residences within the Town for the monthly garbage collection fee as the Town Council shall from time to time provide by resolution. Any such resolution hereafter adopted changing said fee schedule shall be adopted only after intention to do so has been published one time in a local newspaper. Said publication shall state the date at which said resolution will be presented, which date shall be not less than five (5) days after said publication.

(b) Any owner of a business unit may rent from the town a two (2) yard container or containers at a monthly rental fee of \$5.00 for each container.

(c) The garbage service fee for any owner of a residential unit over the age of sixty-five (65) years shall be \$2.50 per month.

(d) Such fee shall be paid by the owner of such business house or establishment and/or residence on a quarterly basis in advance. Said fee shall be due and payable on or before the 15th day of January, April, July and October of each year. If any quarterly payment is not paid by said dates, a ten percent (10%) penalty shall be assessed to such quarterly payment. Any owner making a semi-annual payment in advance shall be entitled to a five percent (5%) discount of said semi-annual payment. Any owner making an annual payment in advance shall be entitled to a ten percent (10%) discount on said annual payment. If such owner fails or refuses to pay such garbage fee, said fee shall be assessed against and become a lien upon the lot, tract or parcel of land upon which the business or housing unit is situated.

(e) All sums collected pursuant to this article shall be appropriated to the general fund for general municipal functions.

Section 15. Liability for charges.

All persons owning business houses or establishments, and all persons owning any building or structure as a residence shall be liable for and shall pay the garbage collection fees herein provided for, whether or not such person makes use of such garbage collection service.

Section 16. Effective Date.

This ordinance shall take effect immediately upon adoption.

INTRODUCED at a Special meeting of the Town Council on the 19th day of June, A.D. 1973, and ADOPTED by the Town Council on the 19th day of June, A.D. 1973.

TOWN OF MEXICO BEACH, FLORIDA

By: Charles Telford  
Mayor-Councilman

ATTEST:  
Harry F. Coetz  
Town Clerk