

ORDINANCE NO. 502

AN ORDINANCE RE-ESTABLISHING A SANITATION SERVICE IN THE CITY OF MEXICO BEACH; PRESCRIBING CERTAIN USER FEE CHARGES IMPOSED FOR THE PURPOSE OF FUNDING SAID SERVICE; PROVIDING COLLECTION PRACTICES; AMENDING AND REPLACING ORDINANCE NO. 464 AND REPEALING ANY PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING PENALTIES FOR VIOLATIONS THEREFORE; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Mexico Beach, Florida has determined that it is necessary for the protection and preservation of the peace, health, property, and welfare of the City and its inhabitants, that this Ordinance be enacted, therefore.

BE IT ORDAINED BY THE PEOPLE OF THE City of Mexico Beach, Florida:

Section 1. Re-Establishment of Sanitation Service.

There is hereby established and re-established for the City of Mexico Beach, Florida a sanitation and debris collection service to serve the existing City limits and as from time to time may be extended by law. The purpose of the sanitation service is the healthful, efficient and economical collection, management, and disposal of garbage and debris as herein defined.

Section 2. Definitions.

For the purpose of this Ordinance the following words and terms are herein defined:

- (a) **“Lawn or Garden or Yard Debris”**: All accumulation of grass, leaves, shrubbery, vines, and trimmings. Tree logs or debris shall (not) be included. The diameter of the tree or limb must be less than 3 inches and cut to less than 3 feet in length.

- (b) **“Garbage”**: Every refuse accumulation of animal, fruit, vegetable matter that attends the preparation, use, cooking and eating in, or storage of all foods, meats, fish, fowl, fruit and 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 or paper products utilized in normal household use, which due to their facility to retain water, may serve as a breeding places for mosquitoes or other water-breeding insects.

- (c) **“Garbage/Trash Can”**: A watertight container, with suitable handles and a tight-fitting lid or 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.

(d) “Refuse”: Garbage and trash, as hereafter defined, and all trash, rubbish, paper, glass, metal and discarded matter which the last owner intends to abandon to the sanitation department for disposal. In order to be collected by the sanitation department, such “refuse” must be properly placed in a “trash can” as defined herein.

(e) “Trash” Refuse, accumulation of paper, wooded or paper boxes or containers, sweepings, and all other accumulations of a nature other than “garbage” or “debris”, as defined herein, which are usual to housekeeping and to the operations of stores, offices and other business places. In order to be collected by the sanitation department such “trash” must be placed in an approved container or dumpster. Cardboard boxes containing only packing materials may be placed adjacent to the trash can for collection.

Section 3. Collection Practices:

The following collection practices shall apply so long as the garbage, trash, refuse or debris is properly placed in an appropriate trash can or dumpster.

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

(b) Commercial and industrial refuse and garbage shall be collected at such times as the City Council shall determine.

(c) Debris removal by residences or businesses (when done for the business premises only) shall be collected at such times as determined by the City Council.

(d) Highly inflammable or explosive materials or chemicals shall not be placed in trash cans or containers, including dumpsters, for regular collection but shall be disposed of, in each case, as directed by the Fire Chief at the expense of the owner or possessor thereof.

(e) The removal of wearing apparel, bedding, or other refuse from homes or businesses where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of the Bay County Health Department. Such refuse shall not be placed in regular trash cans or containers for collection.

(f) Property owners or occupants requesting removal of household appliances, or “white goods”, containing refrigerant and fluorocarbons are required, prior to pickup, to remove the chemicals prior to pickup as may be directed by the City. Appropriate furniture may also be collected by the sanitation department for a fee upon prior arrangements by the customer. This fee established by the City as part of its rate schedule and may be performed by contract or otherwise.

(g) (1). The City will remove *lawn or garden or yard debris* during the scheduled yard debris collection periods. The use of trash cans or large plastic bags are encouraged.

(2). Upon the clearing of a lot(s) or portion of a lot(s), the owner is responsible for cleaning and removing all debris resulting from such activity within 30 days from the start date. The owner is responsible for removing such debris and may be cited for a violation of this ordinance should such debris remain un-removed on such lot(s) for more than 30 days. The City will not remove debris produced by persons or entities not the customer of the City.

(3). Customers may make arrangements with the City Sanitation Department to dump excess debris, garbage or refuse into the appropriate dumpsters at the City Yard at a determined price per pound. The City Yard will be open between the hours (7:30 am and 3:30 pm) except for holidays. Such arrangements should be made in advance by calling or in person at City Hall. Customers using this service shall obtain a City dump slip prior to dumping.

Section 4. Debris, Refuse, and Garbage Cans and Containers, Location, Screening and Containment.

1. Residential:

(a) Refuse, trash and garbage of any kind shall not be stored on the public right of way and shall be placed in a garbage or trash can or cans as defined herein. Except as set forth below for multifamily dwellings, residential trash, garbage or refuse shall be limited to three (3) 32 gallon trash cans per residential per collection cycle. (For example, if household garbage is collected twice per week, then a residence will be limited to 3 trash cans per collection day twice per week). Each residential unit is required to maintain a separate sanitation collection account and to pay the residential rate.

Refuse, trash and garbage not placed in a trash can(s) will not be collected by the City Sanitation Department and if such material is left outside of a trash can for more than five (5) days will be a violation of this Code Section. However, the City Sanitation Department will collect cardboard boxes left adjacent to the required trashcans during the regular collection periods so long as such boxes are empty except for yard debris or packing materials. Such boxes shall not contain additional trash, refuse, garbage or debris of any nature.

(b) Refuse containers and trash cans shall be designed, constructed and used in such a manner as to preclude offensive odors from disturbing adjacent property owners or occupants. All trash cans or containers for residential collection of garbage, refuse or trash shall be screened from the public view.

(c) Trash cans at multiple dwelling or business unit shall be marked to indicate the unit or apartment to which they belong or are assigned.

(d) Plastic garbage bags are not satisfactory outside storage containers for garbage, refuse or trash. All garbage, refuse, and trash shall be placed in a trash can as defined herein and screened from public view.

(e) Certain multifamily residences shall be required to use dumpster(s) instead of individual trashcans. Multifamily developments containing 6 or more units per building or in the entire development if built or developed as a unified development, in the discretion of the City, shall be required to use one dumpster per 18 units. The residential users will pay the standard residential collection rate per unit but use the dumpster(s) to deposit their trash, garbage or refuse.

2. Commercial:

(a) All commercial facilities shall pay the monthly commercial collection fee(s) as set forth in the Rate Schedule, unless specifically excluded. Unless expressly approved, refuse, garbage, trash, or debris shall not be stored on the public right of way and shall be placed in a garbage or trash can(s). No such materials shall be placed for collection by the City Sanitation Department by commercial customers where the materials to be collected were created from off-premises locations or work sites. This shall specifically include construction, landscraping, clearing, grading, demolition projects and related activities. Construction or renovation projects may obtain a temporary dumpster from a non-City entity for properly permitted construction and renovation projects. The City shall maintain the right to locate or re-locate such temporary dumpster(s).

Refuse, trash and garbage not placed in a trash can(s) will not be collected by the City Sanitation Department and if such material is left outside of a trash can for more than five (5) days will be a violation of this Code Section.

(b) All provisions set forth above, in Section 1., Residential, sub-sections (a) through (e) shall apply except as modified herein.

(c) Unless using the dumpster system, commercial businesses shall be limited to four (4) 32 gallon garbage cans per business per collection cycle. (For example, if commercial garbage is collected twice per week, then a commercial customer will be limited to 4 garbage cans per collection day twice per week). Each commercial Enterprise is required to maintain a separate sanitation collection account and to pay the commercial rate.

(d) Certain businesses shall be required to use dumpsters for the collection of its garbage, trash, refuse and debris. The following businesses are required to use a dumpster(s) for the collection of garbage, trash, refuse and debris.

- (1) Businesses that operate hotel/motel services with 8 or more rooms;
- (2) Businesses that operate restaurant and/or food and/or beverage preparation services and contain 10 or more tables or space for 40 or more patrons.
- (3) Convenience and grocery stores which exceed 1,200 square feet of gross usable space.

Dumpsters shall be located in an area convenient for City Sanitation Department collection and the City may require moving or re-location of the dumpster(s) by the customer. No roofing materials may be placed into a City dumpster.

3. Light Commercial:

(a) The City shall charge a separate rate for smaller businesses defined herein as “Light Commercial” businesses. The rate schedule shall establish a rate which is less than the Commercial rate for collection services.

(b) All provisions set forth above in the “2. Commercial” section shall apply to Light Commercial collections unless specifically excluded.

(c) “Light Commercial” entities shall include the following businesses, public and non-residential uses if such facilities contain less than 2,000 square feet of habitable space, which shall be space used for commercial or business occupancy by humans, and are listed herein, as follows:

- (1) Professional offices, including real estate businesses;
- (2) Gift shops;
- (3) Beauty/hair care facilities
- (4) Laundry/dry-cleaning facilities;
- (5) Hotel/ motels with less 9 rooms, apartments, or suites that may be used, or potentially used, for overnight occupancy.
- (6) Churches, government facilities and civic buildings.

All light commercial facilities must not exceed the minimal trash can(s) limits for its trash collection services and if such facility exceeds such requirements as set forth herein, it will be required to obtain a City dumpster services(s) and pay the appropriate fees.

Section 5, Initial Schedule of Fees and Charges:

(a) The following fees and charges shall be the initial fees and charges used by the City for sanitation services and such fees and charges altered, amended or increased by resolution or ordinance duly adopted by the City Council.

(b) Initial Schedule of Fees and Charges-Monthly:

Residential Unit	\$21.77 per residential unit
Commercial Unit	\$65.31 per commercial unit
Light Commercial	\$29.00 per light commercial unit
Dumpster Fee/Commercial	\$150.00 per dumpster (\$25.00 extra over a 2 day pickup)
Additional Dumpster Pickups Commercial	\$25.00 per additional pickup
Dumping at City Yard By Sanitation Customers	
0-25 lbs.	No Charge
25-100 lbs.	\$8.00

101-300 lbs.	\$12.00
301-1000 lbs.	\$14.00
1001 and over	\$14.00 plus \$3.00 for each add'l. 300 lbs. (limit of 4,000 lbs.).

Designed Mobile Home Parks

(State and County Certified Only) Number of Units x .75 x Residential Rate

(For example, 20 units x <75=15 Units x \$21.77=\$326.55 per month).

RV's/Park Trailers

Available Spaces x 30% x Residential Rate

(For example, 40 RV/Park Trailer spaces x 30%=12 x 21.77)

(Such parks are for recreational vehicles only and separate residential units shall be charged their corresponding rate).

(d) Payments/Late Fees:

1. A user fee is hereby established for the explicit purpose of funding City sanitation services. This fee is applicable to each individual household or commercial enterprise within the City of Mexico Beach. Priorities, Categories, and charges will be on file in the City Hall and billing for said user fee will be annotated on the City of Mexico beach monthly water usage statements.

2. The date of receipt at the Mexico Beach City Hall shall be considered as the date of payment. Sanitation Department personnel are not authorized to receive money for the payment of bills. If any sanitation bill for sanitation service shall be and remain unpaid after 4:30 PM on the 20th day of each month, a 10% penalty shall be imposed and added to said bill, if the 20th day of the month falls on a weekend, customer will be given until 4:30 PM the next regular work day for payment, delinquent after 4:30 PM; and if said bill is not paid by the 2nd Tuesday of the following month at close of business (4:30 PM), Sanitation services will be discontinued and will not be resumed until all current charges shall have been fully paid.

3. Accounts discontinuing Sanitation services between and including the 15th and 31st of the month will be billed in full. Accounts discontinuing Sanitation services between and including the 1st and the 14th of the month will be charged one-half (1/2) the base rate.

4. When a Sanitation customer has failed to pay a sanitation bill and two (2) additional billings for the past due amount have been sent to the customer and bill remains unpaid, the total amount due will be referred to a collection agency if the amount due is \$25.00 or more. Upon collection of the bill, the percentage fee retained by the collection agency will be written off. Past due bills of less than \$25.00 and six (6) months old or older will be referred to the City Administrator for permission to be written off.

5. It shall be the duty of the Mexico Beach Water Department to collect said user fees and remit to the City Sanitation Fund on or before the 25th day of each month, or as soon as practicable, all such fees collected during the preceding calendar month.

6. The collector of the user fee shall keep complete records showing all fees collected, price being charged monthly for said service being provided, and the date of payment thereof and the records shall, at all reasonable times, be open for inspection by duly authorized agents of the City during business hours on all business days, and said agents shall have authority to make such transcripts thereof as may be necessary.

7. All "Other billings and emergencies" will be approved and signed by the City Administrator on a case-by-case basis.

Section 6. Penalties:

(a) A violation of the provision or provisions of this ordinance shall result in a civil fine of up to \$500 per violation and violations shall be processed through the Code Enforcement Officer and the City's Special Master.

(b) Any person, firm or corporation found guilty of violating the provisions of this ordinance shall be fined not more than \$500. Such fine, and each and every violation of the provisions of this ordinance shall constitute a separate offense.

Section 7:

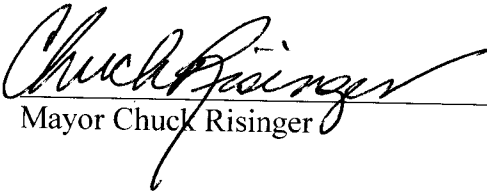
If any section, portion or clause of this ordinance for any reason shall be held invalid or unconstitutional, such invalidity or unconstitutional shall not affect or invalidate the remaining sections or provisions. This ordinance shall amend, replace and repeal Ordinance Nos. 464, 370, 345, 320, 303, 299, 292, 282, 272, 207, and 102, any and all prior ordinances relating to sanitation services, and ordinance shall take effect as provided by law.

(a) If any section, portion or clause of this ordinance for any reason shall be held invalid or unconstitutional, such invalidity or unconstitutionality shall not effect or invalidate the remaining sections or provisions.

(b) Funds accruing from this ordinance or the sanitation department shall be dedicated solely for the purpose of sanitation services and equipment.

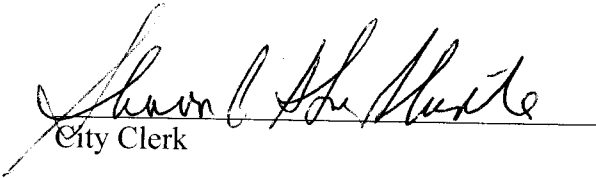
Introduced at a Regular Council Meeting on the 13th day of September 2005, and adopted by the City Council on the 8th day of November 2005.

CITY OF MEXICO BEACH, FLORIDA



Mayor Chuck Risinger

ATTEST:



City Clerk