

ORDINANCE NO. 609

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. 572 AND THE REPEALING ANY PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING PENALTIES FOR VIOLATIONS THEREOF; 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 CITY COUNCIL 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) “Debris” and “Garden” or “Lawn Trash”: All accumulation of grass, leaves, shrubbery, vines, and trimmings. Tree logs or debris shall not be included unless the diameter of the tree or limb is less than 3 inches.
- (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 breeding places for mosquitoes or other water-breeding insects. This definition of “garbage” shall not include the items contained within the above-referenced definition for “debris”, “garden” or “lawn trash.” In order to be collected by the sanitation department such “garbage” must be placed in a “trash can” or another approved container.
- (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) “Recycling”: Recycling shall be limited to only newspaper, cardboard, aluminum, and approved plastic items, unless further noticed by the City. Any recyclable material must be placed in the appropriate Bay County Recycle Dumpster located on 22nd Street adjacent to the City Maintenance Yard.
- (e) “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. Recyclable items may be deposited in the appropriate recycling dumpster at the City yard.
- (f) “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.
- (g) “White Goods/Appliances”: 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, refrigerators, freezers, etc.

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 and businesses shall be collected two times per week on regular schedules. Pickups may not occur on holidays but pickups normally scheduled to be made on a holiday may be rescheduled by the City.
- (b) The City will remove a limited amount of yard debris during the scheduled garbage/trash collection periods. Once per week, the City will remove one pile of yard debris which shall include grass trimmings, cuttings, tree limbs, palm fronds, and small trees, not to exceed the volume dimensions which measures four feet by four feet by eight feet. Limbs and small trees shall be cut so as to not exceed eight feet in length. Individuals placing yard debris for collection which exceeds these size standards, shall coordinate with the public works director for proper removal as a “special pickup” as provided herein. NOTE: residents will not be charged for the initial four feet by four feet by eight feet volume.
- (c) 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 statute at the expense of the owner or possessor thereof.
- (d) 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.
- (e) 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. All doors on refrigerators and freezers must be removed prior to their placement on the right-of-way.

Appropriate furniture may also be collected by the sanitation department for a fee upon prior arrangements by the customer. This fee will be established by the City as part of its rate schedule and may be performed by contract or otherwise. Property owners or occupants utilizing the white goods or furniture curb side service without prior notification are subject to all costs, fees, and charges to the City and by the City, including but not limited to, the white goods/furniture pickup charge and a penalty of \$25 per white good or furniture piece, and/or a code violation citation. Those customers who do not decommission appliances containing refrigerant will be billed for the cost incurred by the City for this service. All charges related to white goods or furniture pickup will either be paid in advance or added to the customer's monthly billing.

- (f) 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 of the activity. The owner is responsible for removing such debris and may be cited for a violation of this ordinance should such debris produced by persons or entities who are not the customer of the City. Yard debris not created from the actual property of the customer's residence or debris created from commercial landscaping or construction projects shall not be collected by the City. Any attempt to have the City collect materials not resulting from the customers property where debris is located or to collect materials from commercial landscaping/construction projects shall be a violation of this Ordinance.
- (g) 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 of 8 a.m. and 3 p.m. CST, Monday through Friday, except for holidays. Such arrangements should be made in advance in person or by calling City Hall; customers using this service shall obtain a City dump slip prior to dumping.
- (h) Customers who know they will be generating a large amount of household waste may contact City Hall to request a "courtesy dumpster" be placed at their residence. No construction debris or yard debris will be placed in a courtesy dumpster. There is no charge for a courtesy dumpster but charges will be assessed based upon the weight of the garbage.

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 residence per collection cycle. (For example, if household garbage is collected twice per week, 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 trash cans during the regular collection periods so long as such boxes are empty except for minimal 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 public view and located on the side or rear of the occupant's residence and such location is easily accessible for collection by the Sanitation Department. "Screened from public view" shall be met if trash cans are located in a partially fenced or incased receptacle for such containers. If the location of such trash cans is located in an area difficult to access by the Sanitation Department, the customer may be required to relocate such containers.
- (c) Trash cans at multiple dwelling or business units 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 trash cans. 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, landscaping, 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).
- (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 rate for collection services.
- (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 than 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 service(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 may be altered, amended, or increased by resolution or ordinance duly adopted by the City Council.
- (b) Initial schedule of Fees and Charges – Monthly:

5. It shall be the duty of Mexico Beach to collect said user fees and remit to the City Sanitation Fund on or before the 20th 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.

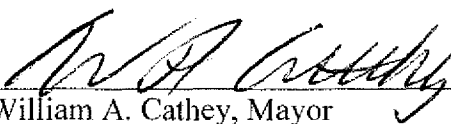
Section 7.

If any section portion or clause of this ordinance for any reason shall be held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or invalidate the remaining sections or provisions. This ordinance shall amend, replace, and repeal Ordinance No. 464 and any and all prior ordinances relating to sanitation services, and ordinances in conflict with this ordinance. This ordinance shall take effect as provided by law.

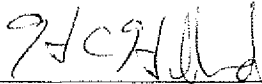
- (a) If any section, portion or clause of this ordinance for any reason shall be held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or invalidate the remaining sections or provisions.
- (b) Funds accruing from this ordinance or the sanitation department shall be dedicated solely for the purpose of sanitation services and equipment.

INTRODUCED at a Regular Council Meeting on the 10th of September, 2013, and ADOPTED by the City Council on the 8th day of October, 2013.

CITY OF MEXICO BEACH, FLORIDA


William A. Cathey, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "CHUBBARD", written over a horizontal line.

Chris Hubbard, City Administrator