

ORDINANCE 2016-08

AN ORDINANCE OF THE CITY OF MARY ESTHER, FLORIDA, PROVIDING FOR AMENDMENT OF THE CODE OF ORDINANCES CHAPTER 10 GARBAGE AND REFUSE SECTION 10-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City is committed to a fair and uniform application of its codes and ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARY ESTHER, FLORIDA THAT:

NOTE: Language contained within this ordinance that is ~~struck through~~ is proposed to be deleted, language which is underlined is proposed to be added, and \*\*\*\* denotes a section or sections of the existing Code that have been omitted and are to remain unchanged.

SECTION I - AMENDING

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Sec. 10-2 Littering or dumping prohibited

It shall be unlawful for any person to dump, place, or otherwise deposit at any place within the city any trash, garbage, paper or waste matter of any kind or character, except within suitable receptacles or containers outlined herein.

(a) Accumulations of trash. 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 contractual garbage collector. 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. The material shall be placed in a suitable container, such as plastic bags or garbage cans, in order to facilitate its collection. Tree limbs, hedge trimmings and flattened cardboard boxes have to be either bagged, boxed, bound with twine or secured in bundles. No single item of garden or lawn trash shall exceed four (4) feet in length. Tree trunks and limbs shall not exceed twenty-five (25) pounds in weight. Tree trunks and limbs shall not exceed four (4) inches in diameter. No person shall sweep or throw trash, refuse or garbage into the streets, alleys or sidewalks of the city.

(b) Household hazardous waste, dangerous materials or substances. The contractual garbage collector shall be notified and his assistance requested prior to disposal of any dangerous materials or substances. This includes but is not limited to paint, paint thinners, furniture polish, batteries, pesticides, solvents, stale gasoline, pool chemicals, brake fluid, anti-freeze, engine degreasers, and spot removers.

(c) Deposits of garbage and trash. No person shall deposit garbage or trash upon any vacant or unoccupied premises, in any waterway, pit or pools, or upon the property or premises of another person.

(d) Burning of garbage or trash. No person shall burn any garbage or trash in the city ~~without first obtaining a permit therefor from the fire chief.~~

(e) Residential right-of-ways. In order to preclude unsightly conditions within the city, all debris, whether garbage, lawn or garden trash, refuse, trash or household furnishings must be removed from the public rights-of-way in a timely manner. Any items of debris which are left on the public rights-of-way and which are not collected by the contractual garbage collector will be identified by city personnel. Once the items are identified, city personnel will leave a household debris pickup notice, in the form prescribed from time to time by the city manager, posted on the property. The said notice will state the items of debris identified, the cost for removal of each item, and the date after which the city will collect the items and add the charges to the water and sewer bill of the occupant of the property. If the occupant chooses, he or she may dispose of the identified items of debris prior to the date of removal by the city by arranging for transport of the items to a designated transfer station or compost area, as may be appropriate for the type of debris identified. If the identified items of debris are not removed from the public rights-of-way by the date set forth in the notice, the city will arrange for the items to be properly disposed of and the fees as set forth in the notice will be charged to the occupant on the bill received from the city for water, sewer and garbage service.

#### **SECTION II - SEVERABILITY**

Should any part of this ordinance be declared unconstitutional or void by a court of competent jurisdiction, the remaining parts shall remain in full force and effect.

#### **SECTION III - CONFLICT**

This Ordinance shall prevail over all prior Ordinances or Resolutions or parts thereof in conflict herewith.

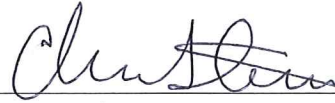
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SECTION IV - EFFECTIVE DATE

This ordinance shall become effective upon adoption according to law.

SO DONE THIS 19<sup>th</sup> day of SEPTEMBER 2016.

By:



Chris Stein, Mayor

ATTEST:



Dana L.S. Williams, CMC  
City Clerk

1<sup>st</sup> Reading: 09-06-16  
Published: 09-09-16  
2<sup>nd</sup> Reading: 09-19-16