

INTRODUCED BY:
Councilor Jolly



ORDINANCE NO. 2016-06

A BILL TO BE ENTITLED

AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 11, GARBAGE TRASH AND INDUSTRIAL WASTE; ARTICLE I, IN GENERAL AND ARTICLE II, GARBAGE AND TRASH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City Council of the City of Neptune Beach desires to protect its citizens by diligently updating the Code of Ordinances of the City of Neptune Beach

BE IT ORDAINED BY THE CITY OF NEPTUNE BEACH, FLORIDA:

SECTION 1. That Article I, Section 11-1 definitions of the Code of Ordinances of the City of Neptune Beach, Florida, be and is hereby amended, and as amended and henceforth read as follows:

ARTICLE I. - IN GENERAL

Sec. 11-1. - Definitions.

Sec. 11-2. - Compliance construed; pollution of air.

Secs. 11-3—11-25. - Reserved.

Sec. 11-1. - Definitions.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them:

Commercial units:

- (1) *Commercial A unit.* Hotels, restaurants, theatres, grocery and convenience stores, cocktail lounges (includes package stores, bars, taverns and saloons) selling or serving alcoholic beverages, drug stores, private athletic clubs and schools (public, private, parochial and denominational).
- (2) *Commercial B unit.* Any business establishment not included as a commercial A unit as defined in subsection (1) which occupies more than two thousand (2,000) square feet of floor space measured at the outside dimensions.
- (3) *Commercial C unit.* Any business establishment not included as a commercial A unit as defined in subsection (1) which occupies not more than two thousand (2,000) square feet of floor space measured at the outside dimensions.

- (4) *Commercial D unit.* Office units not included as a commercial A or C unit as defined in either subsection (1) or subsection (3) which occupies not more than two thousand (2,000) square feet of floor space measured at the outside dimensions.
- (5) *Commercial E unit.* Churches and fraternal lodges.

Dwelling unit is a residence occupied by and the place of abode of a single family, where one (1) kitchen only is provided and maintained.

Garbage means 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; any other matter, of any nature whatsoever, which is subject to decay, putrefaction 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, which, due to their ability to retain water may serve as breeding places for mosquitoes or other water breeding insects; and pet waste.

Garbage container means a ~~galvanized iron or~~ city approved plastic container for the purpose of temporarily storing waste for collection and disposal. ~~of the type commonly sold as a garbage container of a capacity not less than ten (10) gallons and not to exceed sixty (60) gallons, shall have functioning handles or a bail by which it may be lifted, and shall have a securable lid.~~

Growth means all accumulations of foliage, grass, shrubbery, vines, palmettos or wild vegetation of any kind or nature whatsoever.

Industrial waste means all waste material, empty boxes or barrels, garbage and refuse of every description when same shall originate, be kept, held or collected at business houses or places of business of every kind, and all building material resulting from the erection, removal, repair or tearing down of buildings; all waste material from printing offices, ashes from steam boilers, office buildings or hotels, manure from stables, swill or kitchen refuse and garbage from hotels, restaurants and boardinghouses, offal and floor sweepings from poultry houses and meat markets, dead animals, offal and floor sweepings from stockyards, livery feed and sale stables.

Property means every lot, piece or parcel of real estate lying within the city, either improved or unimproved.

Recycle container means a city approved plastic container for the purpose of temporarily storing qualifying recyclables for collection and processing.

Recycle container means a plastic container for the purpose of temporarily storing qualifying recyclables for collection and processing.

Refuse means any general combustible refuse, all paper, rags, pasteboard boxes, berry boxes, wooden boxes, whole or broken bottles, and all other trash and refuse material not

containing any vegetable or animal matter tending to rapid decay or putrefaction.

Secured plastic bag means a trash bag, storage bag, or other similar type bag used for storing non-yard debris garbage that is either tied, twisted or otherwise secured so that the garbage contained therein is not exposed to the elements or otherwise capable of spilling out.

Yard debris means all accumulations of grass or shrubbery cuttings, and other refuse attending the care of lawns, shrubbery, vines, trees and tree limbs.

Sec. 11-2. - Compliance construed; pollution of air.

- (a) It shall be unlawful for any person, housekeeper, storekeeper or the owner or occupant of any premises within the city limits, or their agents, servants or employees, to keep or offer for collection, garbage, refuse or industrial waste in any manner other than as provided in this chapter, or as provided in such rules and regulations as the city manager may prescribe under this chapter.
- (b) It shall be unlawful to keep or offer for collection any garbage, refuse or industrial waste in such manner as to render the air or soil impure or unwholesome, or in any such manner as to cause the premises or any premises adjacent thereto, to become littered or unsightly or dirty or unwholesome, or in any manner to violate the provisions of this chapter.

Secs. 11-3—11-25. - Reserved.

SECTION 2. That Article II, Garbage and Trash of the Code of Ordinances of the City of Neptune Beach, Florida, be and is hereby amended, and as amended and henceforth read as follows:

ARTICLE II. - GARBAGE AND YARD DEBRIS

DIVISION 1. - GENERALLY

DIVISION 2. - CONTAINERS

DIVISION 3. - COLLECTOR'S LICENSE

DIVISION 4. - COLLECTION AND DISPOSAL

DIVISION 5. - COLLECTION CHARGES

DIVISION 6. - CURBSIDE RECYCLING COLLECTION SERVICES

DIVISION 1. – GENERALLY

Sec. 11-26. - Depositing, transporting, burning; license and permit requirements.

Sec. 11-27. - Reserved.

Sec. 11-28. - Prima facie evidence of garbage accumulation.

Sec. 11-29. - Normal amount of trash; regular tax.

Sec. 11-30. – Service for persons with disabilities.

Secs. 11-31—11-40. - Reserved.

Sec. 11-26. - Depositing, transporting, burning; license and permit requirements.

- (a) It shall be unlawful to deposit garbage, trash, bottles, cans or containers upon any vacant or unoccupied premises; upon any street, alley or park; or to transport garbage through or over the streets or alleys of the city without having made a report of such deposit and transportation of garbage to the city manager and secured a license or permit there for, as provided in this chapter.
- (b) Garbage, trash and yard debris shall not be burned on the premises unless a written permit for such burnings is first secured from the chief of police.
- (c) ~~Garbage, trash and refuse other than yard debris may be placed curbside for pick up in a secured plastic bag no earlier than 6:00 am. the assigned day of collection.~~ All garbage containers, recycling, and refuse, as defined herein, shall not be placed for collection earlier than 7:00 p.m. the night prior to the assigned day of collection. Garbage containers placed curbside for pick-up the night prior to the assigned day of collection shall have a securable lid. Garbage and recycle containers ~~and recycle bins~~ shall be removed from collection areas and stored in accordance with this Chapter no later than 10:00 p.m. on the assigned day of collection.

Sec. 11-27. - Reserved.

Sec. 11-28. - Prima facie evidence of garbage accumulation.

Any dwelling unit or any place of business occupied and in operation shall be prima facie evidence that garbage is being produced and accumulated on such premises. It shall be the duty of the proper representatives of the city to inspect and supervise the premises and remove there from any and all refuse and garbage found thereon, provided the required fees have been paid by such resident or occupant, or to notify the proper persons if such removal is not the duty of the city.

Sec. 11-29. - Normal amount of Yard debris; regular tax.

All persons are entitled to the removal of yard debris from their premises upon the payment of the garbage collection tax as set out in section 11-96, provided the quantity of yard debris is not more than five (5) cubic yards. Contractor construction debris shall be disposed by the contractor in a legal disposal site. Yard debris may not be commingled with trash.

Sec. 11-30. –Services for persons with disabilities.

Upon receipt of proper notice, the City shall render assistance and make provisions for those persons with disability to the extent that it would not be practical to place garbage containers at curbside.

Secs. 11-31—11-40. - Reserved.

DIVISION 2. – CONTAINERS

Sec. 11-41. - Required; capacity.

Sec. 11-42. - Reserved.

Sec. 11-43. - Covered tightly.

Sec. 11-44. - Location; prohibited places; alleys.

Sec. 11-45. Reserved

Sec. 11-46. - Inspection; condemnation; appeal to city council.

Sec. 11-47. Enforcement.

Secs. 11-48—11-60. - Reserved.

Sec. 11-41. - Required; capacity.

All residents or occupants of residences, apartments, or places of business within the city are hereby required to use a city approved garbage container as defined in section 11-1, however, at the request of a Home Owners Association (HOA) the City Manager with approval from City Council may authorize the use of other containers.

Sec. 11-42. - Reserved.

Sec. 11-43. - Covered tightly.

Garbage containers shall be kept tightly covered at all times except while depositing garbage or trash in the containers. Containment of yard debris shall be governed by sections 11-82 and 11-84.

Sec. 11-44. - Location; prohibited places; alleys.

Garbage and recycle containers are required to be kept in a place accessible to the inspectors and employees of the city or employees of a private contractor. They shall not be kept upon neighboring property not in the ownership or tenancy of the person by whom the garbage is accumulated, whether such neighboring property be vacant or improved. Garbage containers and/or recycle bins containers shall not be stored in front yards. For corner lots as defined in Section 27-15, garbage containers and/or recycle bins containers shall not be stored in the side yard (as defined in Section 27-15) that is exposed to the street.

Sec. 11-45. Reserved.

Sec. 11-46. - Inspection; condemnation; appeal to city council.

All garbage and trash containers shall be subject to inspection and approval or condemnation by the city and no appeal from such condemnation shall be possible except to the city council.

Sec. 11-47. – Enforcement.

The administrative enforcement of this Chapter and these Sections shall be governed according to Chapter 162, Florida Statutes.

Secs. 11-48—11-60. - Reserved.

DIVISION 3. - COLLECTOR'S LICENSE

- Sec. 11-61. - Required.
- Sec. 11-62. - Application—Approval.
- Sec. 11-63. - Same—By corporation.
- Sec. 11-64. - Same—Disposal; place and method.
- Sec. 11-65. - Same—City's right to reject.
- Sec. 11-66. - Proposed changes; reported; approved.
- Sec. 11-67. - Franchise fee.
- Secs. 11-68.-11-80. - Reserved.

Sec. 11-61. - Required.

No person shall remove garbage or trash from any premises in the city; or transport garbage or trash through the streets or alleys or public ways of the city; or dump, incinerate, or in any other manner dispose of garbage or trash originating in the limits of the city; or contract for or permit himself to be employed or engaged for any such removal, transportation or disposal without first having secured a license for such services from the city manager, evidencing the payment to the city of the fee required in Section 21-53.

Sec. 11-62. - Application—Approval.

Before issuing any license under this division, the city manager shall require an application. If approved, the city manager shall issue the license.

Sec. 11-63. - Same—by corporation.

In the case of a corporation, the application under this division shall contain the following information:

- (1) The names of the principal officers and the name of the person who is actually to perform such services for the corporation, together with the business and home addresses of each of such persons;
- (2) The description of the equipment to be used in such removal, transportation and disposal; and
- (3) The exact location of and the method of disposal.

Sec. 11-64. - Same—Disposal; place and method.

When the application required in Section 11-62 specifies a point of disposal beyond the limits of the city, the city manager shall determine that the disposal of garbage at the point named, and by the method described in the application are satisfactory to the proper authorities of the county or of the municipality, if such point be within a municipality.

Sec. 11-65. - Same—City's right to reject.

The city hereby reserves the right to reject any application under this division without the necessity for showing cause of such action provided such contracting collector undertakes to perform work not in the best interests of the city.

Sec. 11-66. - Proposed changes; reported; approved.

No licensee under section 11-61 shall change any of the personnel named in the application required in section 11-62, nor any of the equipment used for removal or transportation, nor the location or method of disposal, as described in such application, without first having reported such changes to the city manager and secured approval and permission therefor. In the cases of changes in the location and method of disposal, if beyond the limits of the city, such changes shall also be approved by the proper authorities of the county or of the municipality within which such disposal point is located.

Sec. 11-67. - Franchise fee.

In consideration of the grant of a franchise for the collection of garbage and trash within the city, the city shall include in any bid specifications or contracts the requirement that a franchise fee be paid to the city by the contractor equal to ten (10) percent of the gross receipts of the company for services in the city. This franchise fee shall be paid each month, in equal installments, not less than ten (10) days after the end of the month.

Secs. 11-68—11-80. - Reserved.

DIVISION 4. - COLLECTION AND DISPOSAL

Sec. 11-81. - Reserved.

Sec. 11-82. – Yard debris - Directions.

Sec. 11-83. – Same - Prohibited dumping areas; mulch.

Sec. 11-84. – Yard debris - Bagging, blowing, sweeping; cutting of trees and tree limbs.

Secs. 11-85 -11-95. - Reserved.

Sec. 11-81. - Reserved.

Sec. 11-82. - Yard debris—Directions.

Lawn trimmings and yard debris, only when and as it is accumulated, may be deposited upon the parkway immediately in front of the premises of the person by whom such accumulation is made, or, where the premises are located upon a used alley, the trash may be accumulated at a point on the alley which is easily accessible and readily noticeable for removal ~~and disposition by the employees of the sanitation department.~~ Removal will be limited to five (5) cubic yards per week. Yard debris shall be removed ~~by the city~~ at least once each week, ~~or as directed by the city manager.~~ Yard debris from private contractor's work shall be disposed of by the contractor at a legal disposal site. No yard debris may be placed for pick up within five days of potential impact of a hurricane or tropical storm.

Sec. 11-83. - Same—Prohibited dumping areas; mulch.

It shall be unlawful for any resident or occupant to deposit yard debris upon any adjoining lot or premises, whether vacant or improved, occupied or unoccupied or upon any other lot or premises, or a street, plaza, alley, or park, or in any canal or waterway, lake or pool within the city. Yard debris containing no combustible matter or matter which will give off offensive odors during decay may be accumulated by the owner as a mulch or compost pile in the rear of the premises upon which accumulated.

Sec. 11-84. - Yard debris—Bagging, blowing, sweeping; cutting of trees and tree limbs.

(a) All yard debris, except trees, tree limbs, and palm fronds shall be bagged and securely tied. All yard debris including trees and tree limbs, sand and dirt and development debris shall not be blown, swept, washed or placed onto public or private roadways or alleys or onto adjacent properties. If such yard debris is blown, swept, washed or placed into public or private roadways or alleys or adjacent properties or not bagged and properly disposed of, a civil citation shall issue and a fine of fifty dollars (\$50.00) may be levied for each violation.

(b) Tree and tree limb cuttings (except palm fronds, which hereby are excluded here from), when placed for collection by municipal trash collectors shall be cut into lengths not exceeding a maximum of five (5) feet.

Secs. 11-85—11-95. - Reserved.

DIVISION 5. - COLLECTION CHARGES

Sec. 11-96. - Tax schedule.

Sec. 11-97. - Reserved.

Sec. 11-98. - ~~Commercial containers.~~ Reserved.

Sec. 11-99. - Penalty for delinquent taxes.

Secs. 11-100—11-104. - Reserved.

Sec. 11-96. - Tax schedule.

General. All residents, occupants, or owners of premises in the city shall be required to have accumulations of garbage and trash removed and disposed of by the sanitation department or authorized contractor of the city, and for such services of garbage and trash removal shall pay the city the fees set by resolution of city council.

Sec. 11-97. - Reserved.

Sec. 11-98. - ~~Commercial containers.~~ Reserved.

~~The director of public services of the city shall determine which commercial customers of garbage collection service shall be required to use city or contractor containers. All such designated commercial users shall utilize and be provided garbage containers.~~

Sec. 11-99. - Penalty for delinquent taxes.

The garbage collection taxes levied by this division shall become delinquent if not paid within ten (10) days after the same become due and payable and, in the event of any such delinquency, the city shall discontinue its garbage collection services to any property or unit, the owner, lessee, permittee, or agent in charge of which has allowed any such tax imposed hereunder to become delinquent. The city may recover the amount of any such delinquent tax by due process of law, together with a penalty of ten (10) percent of the amount thereof because of any such delinquency.

Secs. 11-100—11-104. - Reserved.

DIVISION 6. - CURBSIDE RECYCLING COLLECTION SERVICES AND COMMERCIAL RECYCLING

Sec. 11-105. - Definitions.

Sec. 11-106. - Established; fees; containers; curbside collection; types of materials to be collected.

Sec. 11-107. - Handicapped services.

Sec. 11-108. - Unauthorized collection prohibited.

Sec. 11-109. - Right of individual to dispose of recyclable material.

Sec. 11-110. - Enforcement authority.

Sec. 11-111. - Penalty.

Sec. 11-112 – Commercial Recycling

Secs. 11-113—11-115. - Reserved.

Sec. 11-105. - Definitions.

For the purposes of this division, the following terms, phrases and words shall have the respective meanings ascribed to them:

Authorized recycling contractor means a person, firm, partnership, corporation or other entity authorized under and by virtue of a contract with the city to collect curbside residential recyclable material in the city.

City shall mean the City of Neptune Beach, Duval County, Florida, a municipal corporation and its government.

Designated recycling collection location means the place or area along or upon a city right-of-way for the deposit for pickup of recyclable materials or as otherwise designated in the contract between the city and an authorized recycling contractor.

Recovered materials means those materials which have known recycling potential, can be feasibly recycled, and have been diverted or removed from the solid waste stream for sale, use or reuse by separation, collection or processing.

Recyclable materials means those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste such as, but not limited to, newspapers, glass, plastics and metal cans.

Recycling means any process by which solid waste or materials which would otherwise become solid waste, are collected, separated or processed and reused or returned to use in the form of raw materials or products.

Sec. 11-106. - Established; ~~fees; containers;~~ curbside collection; types of materials to be collected.

(a) The city hereby establishes recycling collection services for every residential location at each location where it has a water meter.

~~(b) Each customer shall purchase a plastic bin to be used for depositing recyclable materials. The customer will be charged the city's cost for each bin. The bin will then become the property of the customer. The customer shall be responsible for replacing any bin that is lost, stolen or damaged. The customer may choose to purchase more than one (1) container for the purpose of recycling.~~

(b) Each customer shall place the bin container with recyclable materials placed therein, at curbside on the day designated by the city for collection at their address.

(d c) Materials to be collected include metal cans, newspapers, magazines, glass, plastics, coat hangers and such other materials that may be determined by the city manager to be recyclable. All recyclable material collected shall be the property of the city.

Sec. 11-107. - Services for persons with disabilities.

Upon receipt of proper notice, the city shall render assistance and make provisions for those persons with disability to the extent that it would not be practical to place such recyclable materials at curbside.

Sec. 11-108. - Unauthorized collection prohibited.

During the twenty-four-hour period commencing at 6 p.m. on any day preceding a day designated for collection of recyclable material, no person, other than the city or an authorized recycling contractor, shall remove recyclable material which has been placed at a designated recycling collection location. Any and each such collection in violation hereof from one (1) or more designated recycling collection locations during such twenty-four-hour period shall constitute a separate and distinct offense punishable as provided in this Code.

Sec. 11-109. - Right of individual to dispose of recyclable material.

Nothing in this section shall limit the right of any individual person, organization or other entity to donate, sell or otherwise dispose of recyclable material, provided that any such disposal is in accordance with the provisions of this division.

Sec. 11-110. - Enforcement authority.

The city manager or his designee shall have the authority to enforce the provisions of this division. This authority shall be in addition to the authority granted to police officers pursuant to this Code.

Sec. 11-111. - Penalty.

The penalty for violating this section shall be as provided in section 1-12 of this Code.

Sec 11-112 Commercial Recycling.

The city manager may establish a mandatory commercial recycling program consistent with State Statutes.

Secs. 113-115. - Reserved.

SECTION 3. Effective Date. This ordinance shall become effective immediately upon its adoption.

VOTE RESULTS OF FIRST READING AND PUBLIC HEARING:

Mayor Harriet Pruette	Yes
Vice Mayor Richard Arthur	Yes
Councilor John Jolly	Yes
Councilor Kara Tucker	No

Councilor Scott Wiley

No

Passed on First Reading this 6th day of June, 2016.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Harriet Pruette	Yes
Vice Mayor Richard Arthur	Yes
Councilor John Jolly	Yes
Councilor Kara Tucker	Yes
Councilor Scott Wiley	Yes

Adopted on Second and Final Reading this 1st day of August, 2016.

Harriett Pruette, Mayor

ATTEST:

Karla Strait, CMC, City Clerk

Approved as to form and
correctness:

Patrick Krechowski, City Attorney