

ORDINANCE NO. 3

AN ORDINANCE MAKING IT UNLAWFUL FOR THE OWNER OR OCCUPANT OF ANY PREMISES TO ALLOW GARBAGE, YARD TRASH, FILTH, OR OTHER TYPES OF REFUSE TO ACCUMULATE ON HIS PREMISES; PROVIDING FOR THE COLLECTION AND DISPOSAL OF GARBAGE WITHIN THE CORPORATE LIMITS OF PORT ST. JOE; PROHIBITING REMOVAL BY PERSONS OTHER THAN EMPLOYEES OF THE CITY, OR PERSONS OR FIRMS PROPERLY AUTHORIZED BY THE CITY COMMISSION; REQUIRING GARBAGE CANS; PROVIDING FOR FEES FOR COLLECTION; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ANY ORDINANCES IN CONFLICT HEREWITH.

BE IT ENACTED BY THE PEOPLE OF PORT ST. JOE:

SECTION 1. Definitions.

For the purpose of this ordinance, the following words and terms are defined as follows:

(a) Garbage. The word "garbage" shall be interpreted to include all waste, offal, all accumulation of animal, fruit or vegetable matter, meats, fish, fowl, paper and such other refuse as the usual accumulation of which would create an unsightly and unsanitary condition;

(b) Yard rubbish. The words "yard rubbish" as distinguished from garbage, shall include all trimmings from plants and shrubs, and all plants and shrubs dug up and discarded with the intention of removing same from yard or premises on which is situated permanent improvements, but shall not include fallen trees, logs, lumber or other heavy debris requiring a special crew or equipment for the collection or removal of same.

SECTION 2. Garbage Containers.

(a) The occupant of each household in the City is hereby required to provide a garbage can or container of sufficient capacity to hold at least four (4) days' accumulation of garbage from each household, of not less than ten (10) gallon capacity, which said container shall be located so that the same is easily accessible for collection by the City.

SECTION 3. Maximum Time Trash Allowed to Accumulate.

It shall be unlawful and in violation of this ordinance to permit an accumulation of garbage or trash upon any premises in the City for a period longer than four (4) days without having arranged for disposal of such accumulation by the garbage department of the City.

SECTION 4. Restrictions-Burning of garbage and burial of refuse.

(a) No garbage shall be burned upon any premises within the corporate limits of the city;

(b) It shall be unlawful for any person to bury garbage or other material which is, or is reasonably likely to become, a nuisance, menace or threat to health within the City, except in such areas or confines of the City as may from time to time be set aside and designated for the burial and disposal of garbage by proper resolution of the City Commission.

SECTION 5. Burning of Yard Rubbish.

No yard rubbish shall be burned upon any premises within the corporate limits of the City, unless the same is properly attended by the owner or tenant of the premises, or someone under his supervision and direction;

SECTION 6. Transportation of Garbage.

Unless a person shall have been specifically authorized and licensed by resolution of the City Commission to do so, it shall be unlawful for any person to pick up garbage, trash, or other refuse and to transport or haul the same in the city limits.

SECTION 7. Disposing of Garbage.

It shall be unlawful to deposit garbage upon the premises of another or upon any street, alley or other public property or any canal, ditch, water, waterway, gulf, bay, or the like within the city, or in the can or receptacle of another who has paid the collection service fee as provided in this ordinance.

SECTION 8. Removal of Dead Animals.

It shall be the responsibility of any person occupying property within the City upon which is found a dead animal to notify the City Auditor and Clerk within twelve hours after such dead animal has been found, who shall provide for the same to be picked up by the garbage collections of the City; and in no event shall any person having a dead animal on premises occupied or under the control of such person allow it to remain undisposed of for a period of longer than twelve hours.

SECTION 9. City to provide for collection.

(a) The City shall provide garbage and trash collection services reasonably adequate and sufficient to take care of the reasonable needs of all improved property within the City limits by operating its own garbage and trash collection and disposal facilities.

(b) All residents, occupants, or owners of premises in the City are hereby required to have all accumulation of garbage and yard rubbish removed and disposed of by such garbage collection services.

SECTION 10. Rates and Charges.

The rates of charges for collecting or disposing of garbage or yard rubbish of the City shall be as follows:

(1) For each occupied single family dwelling, for collection and disposal of both garbage and yard rubbish, the charge of \$1.00 per month. If there is a special call or request by the owner or tenant of such single family dwelling for a pickup other than the normal semi-weekly collections, an additional charge of \$1.00 shall be made for such special collection of garbage or yard rubbish. The owner, user or occupant shall be entitled for such payment to semi-weekly collection and disposal of garbage.

(2) For multiple family dwellings and apartment houses, the charge for collecting garbage and yard rubbish shall be \$1.00 per month or fraction thereof for each family or tenant in said multiple family dwelling or apartment house. The owner, user or occupant shall be entitled for such payment to semi-weekly collection and disposal of garbage.

(3) Business establishments and other establishments shall pay the sum of \$2.50 per month and shall be entitled to three (3) collections per week. If more than three collections per week are required, such establishment must make arrangement with the City and pay a fee of \$1.00 for each additional collection.

(4) Special users of garbage collection services such as hotels, motels, eating places, etc., shall be \$5.00 per month and each shall be entitled to at least four (4) garbage pickups per week.

(5) Wholesale users of garbage and trash pickup and disposal services, which shall include super markets, shall pay for such collection service the sum of \$12.00 per month and shall be entitled to daily collection for five (5) days each week.

(6) Other special, temporary or transient users, such as circuses, tent shows, carnivals, or other miscellaneous or transient users, which shall include building and construction sites, shall pay such fee for garbage and trash collection services as may be reasonably determined by the City Auditor and Clerk based upon a reasonable estimate of the anticipated services required at the time the license for such business shall be issued, or the services performed, in the event such collection is for a building and construction site. The reasonable fee for such service shall be set in accordance with the estimated gallonage and yardage to be collected, plus an additional sum of ten per cent (10%) of the estimated fee to compensate for the extra duties imposed of a temporary nature.

SECTION 11. Penalties

Whenever in this ordinance of the City, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, the violation thereof shall be punished by a fine not exceeding \$300.00 or imprisonment for a term not exceeding sixty (60) days, or both such fine and imprisonment. Each day any violation of any provision of this ordinance shall continue shall constitute separate offense.

SECTION 12. Validity.

Should any section, clause or provision of this ordinance be declared by the Court to be invalid, the same not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

SECTION 13. Repeal.

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 14. Effective date.

This ordinance shall become effective on the 1st day of January, A. D. 1963.

INTRODUCED this 16th day of October, A. D., 1962, and ADOPTED at a regular meeting of the City Commission of the City of Port St. Joe, Florida, on this the 6th day of November, A. D., 1962.

CITY OF PORT ST. JOE

/s/ Frank Hannon
Mayor-Commissioner

ATTEST:

B. Williams
/s/ B. Williams
City Auditor and Clerk