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**Sec. 8-26. Placement of receptacles; placement of items for bulk pick-up.**

- (a) For collection, a garbage receptacle, recycling container, and items for bulk pick-up must be placed in the swale area of the premises owned, leased or operated by the residents or occupants of the City, or in any such other area where pickup is normally made, no earlier than 24 hours before the next scheduled pick-up, and the garbage receptacle and recycling container must be removed from the swale area or other area referenced above by 9:00 a.m. of the following day of such pick-up. If the garbage has not been collected, then the resident may leave the garbage receptacle and recycling container out for pick up until collected. The resident is then required to remove the receptacle and container by 9:00 a.m. the next day.
- (1) A garbage receptacle, recycling container, litter, and items for bulk pickup placed upon the swale area, or in any such other area where pickup is normally made, which fails to abide by and comply with the time periods referred to in subsection (a) shall be deemed to constitute an irreparable violation of this subsection.
  - (2) The presence of a garbage receptacle, recycling container, litter or bulk pick-up items in the swale area, or any such area where pickup is normally made, earlier than 24 hours before the next scheduled pick-up shall serve as notice to the property owner or other responsible person that a violation of this subsection has occurred and that the litter or bulk pick-up items are subject to being removed by the City at the expense of the property owner or other responsible person.
  - (3) The City may post notice, giving a reasonable time (not to exceed 12 hours) for the property owner or other responsible person to correct the violation, upon the property on which the violation exists. Such notice need not be provided in the event of a repeat violation at the premises within a one year period.
  - (4) A code enforcement officer who, after personal investigation, finds a violation of subsection (a) is authorized to issue a citation to the person believed to have committed the violation and/or the owner of record.
  - (5) A citation issued pursuant to this subsection shall impose a fine of \$150.00 for a first-time violation or a fine of \$250.00 for a repeat violation.
  - (6) A person who has been issued a citation pursuant to this subsection shall elect to do either of the following:
    - a. Pay the fine and correct the violation; or
    - b. Request an administrative hearing before a special magistrate of the City to contest the citation. The request must be made in writing and sent to the clerk of code enforcement not later than ten days after service of the citation.
  - (7) The City is authorized to perform, or cause to be performed, any work necessary to enforce compliance with the requirements of subsection (a) and to abate the violation, regardless of whether an administrative hearing has been requested.
  - (8) Costs resulting from any removal and abatement work undertaken by the City pursuant to this subsection shall be levied as a service charge which shall be in the nature of a special assessment lien against the property where the violation existed. Said special assessment lien, until fully paid and released, shall remain a lien equal in rank and dignity with the lien of ad valorem taxes, and shall be superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved. Interest upon such special assessment liens shall accrue at the maximum rate allowable by law. Special assessment liens shall be enforced by any method authorized by law to compel payment thereof with all accrued interest and costs, including legal costs, or may be subject to foreclosure pursuant to F.S. Ch. 173, as amended. The payment of all costs of collection, including

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reasonable attorney's fees, penalties, administrative charges, and lien amounts is required for said lien to be discharged or satisfied.

- (9) Any actions taken by the City to gain compliance with this subsection does not create a continuing obligation on the part of the local governing body to maintain the property and does not create any liability against the local governing body for any damages to the property if such actions were completed in good faith.
- (b) In residential districts, for all times other than collection, where storage of such containers within a garage, behind a privacy fence or hedge, or otherwise screened from public view, is not possible, such containers shall be stored either in the side or rear yard of the residence. For exterior storage within such yards, such containers shall be set back from the street a distance equal to or greater than the wall of the residence closest to the adjacent street. For corner lots, such containers shall be stored within the rear yard or interior side yard.

(Ord. No. 05-04-04, § 1, 4-26-05; Ord. No. 16-5-2, § 2, 5-24-16; Ord. No. 21-6, § 2, 3-9-21)