

ORDINANCE 2023-14

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 54 (SOLID WASTE) OF THE CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH TO AMEND THE DEFINITIONS OF COLLECTION CENTER, CURBSIDE COLLECTION PROGRAM, GARBAGE CAN AND TRASH CAN; TO DELETE “REFUSE” AS A MANDATORY SERVICE SUBSCRIPTION; TO ADD “DEBRIS ACCUMULATION FROM CONTRACTORS” AS WASTE TO BE REMOVED BY THE OWNER; TO AMEND REFERENCES TO “TRASH CONTAINER;” TO ADD “TRASH” TO THE ITEMS PROHIBITED TO BE BURIED OR BURNED AS GARBAGE; TO REQUIRE THAT A GARBAGE CAN OR TRASH CAN SHALL HAVE A 64 GALLON CAPACITY AND THAT SUCH RECEPTABLE SHALL BE PROVIDED BY THE CITY; TO PROVIDE FOR PLACEMENT OF CONTAINERS FOR TRASH COLLECTION; TO PROVIDE FOR EXCLUSIONS THEREFOR; TO REQUIRE CONCEALMENT OF GARBAGE AND TRASH CANS AFTER COLLECTION; TO PROVIDE FOR TIMING OF CURBSIDE PLACEMENT AND REMOVAL OF TRASH CANS; TO DELETE SEC. 54-62 REGARDING INSPECTION AND CONDEMNATION OF CONTAINERS; TO PROVIDE FOR CONFLICT; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, City Staff has reviewed the current provisions of Chapter 54 of the Code of Ordinances and recommends amending same; and

WHEREAS, the recommendations of staff have been found meritorious by the Board of Commissioners; and

WHEREAS, the Board of Commissioners has received input from the public at two public hearings.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, AS FOLLOWS:

Section 1. That Chapter 54 (Solid Waste) of the Code of Ordinances of the City of Madeira Beach, Florida, is hereby amended to read as follows:

CHAPTER 54 – SOLID WASTE

ARTICLE I. - IN GENERAL

Sec. 54-1. Definitions.

The following words, terms and phrases when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized recycling agent means a person that the city authorizes and/or contracts with to collect the recyclable material.

Collection center means:

- (1) In the case of a collection center program, a place to which a person may bring designated recyclable material, and
- (2) In the case of a curbside collection program, a designated place at curbside, at which the generator of designated recyclable, garbage and trash material may deposit such material.

Commercial establishment means any location within the municipal limits which is not a residential dwelling.

Curbside collection program means that part of the city recycling, garbage and trash plan whereby designated recyclable, garbage and trash materials ~~is~~ are deposited by the generator of such material at a designated place at curbside for collection.

Designated recyclable material means those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste, such as newspaper, glass or plastics, or which have been designated by the city as appropriate for collection in a collection center program or curbside collection program.

Dumpster means fabricated metal boxes designed for mechanical lifting and dumping into trucks collecting and transporting garbage and trash.

Garbage means refuse, tin cans, glass, paper, bottles, and the boxes and paper coming from or being disposed of by residents and commercial or business establishments, and all refuse, kitchen accumulation of animal, fruit, or vegetable matter, liquid or other matter incident to preparation and use in cooking or dealing in or storing of meat, fish, fowl, fruit or vegetables, and other refuse that may accumulate in the normal household, which shall all be contained in receptacles specifically provided for the purpose; and shall also include boxes and containers. Garbage shall not include recyclable materials.

Garbage can means a ~~metal or~~ plastic can and tight-fitting cover ~~of the type commonly sold as a garbage can~~ which meets the requirements in section 54-57.

Grass and leaf disposal means the accumulation of grass and leaves must be placed in a trash ~~container~~ can.

Multiple dwelling means all places of abode other than single-family houses, hotels, motels and motor lodges used for human habitation.

Noncombustible refuse means refuse materials that are unburnable at ordinary bonfire or incinerator temperatures, such as durable junk, metals, mineral matter, stone, cement derivatives, glass, crockery, metal furniture or vehicle bodies and parts thereof.

Recyclable materials means aluminum cans; metal cans; clear, brown and green glass bottles and jelly jars; plastic bottles; metal jar lids; newspaper; flattened corrugated cardboard; junk mail; magazines; white or colored printed paper and brown paper bags.

Recyclable materials container means a bin or receptacle provided by the city or its designee for the collection of recyclable materials as defined herein. The number, size and style of such container shall be sufficient for the weekly accumulation of recyclable materials produced by the residential dwelling to which such container is provided.

Residential dwelling means single-family and multiple dwelling places of abode other than hotels, motels and motor lodges used for human habitation.

Trash means refuse, accumulations of paper, excelsior, rags, wooden or paper boxes and containers, sweepings, and all other accumulations other than garbage and recyclable materials, which are usual to housekeeping and the operation of stores, offices and other business places. Trash shall not include noncombustible refuse.

Trash can means a container of ~~metal or~~ plastic material provided by the city, of not less than ten or more than 32 that is 64 gallons in size as described in section 54-57. Each residential home will be provided one (1) 64 gallon container included in their utility billing. There shall be an additional fee charged for each additional 64 gallon container.

Yard waste means all accumulations of trees, tree limbs, branches, shrubbery, vines, palm fronds, cuttings and other refuse, except grass, leaves and sod.

Secs. 54-2—54-30. - Reserved.

ARTICLE II. – COLLECTION AND DISPOSAL

DIVISION 1. – GENERALLY

Sec. 54-31. Mandatory subscription to service.

Every occupant, resident or proprietor of a residential dwelling or establishment in the city shall subscribe to the garbage, trash, ~~refuse~~ and recyclable materials collection services of the city.

Sec. 54-32. Depositing upon public property or on premises or in containers of another.

It shall be unlawful to deposit garbage, trash or recyclable materials upon the premises of another or upon any street, alley, park or other public property, or in any canal, water, waterway, rockpit, pool or lake within the city or in any garbage or trash can or recyclable materials container upon which any other person shall have paid the collection fee as provided in section 54-33, except that tenants of multiple dwellings or business houses may deposit garbage, trash or recyclable materials in cans or recyclable materials containers upon which the owner or manager of such multiple dwelling or business establishment shall have paid the collection fee provided for in this chapter and

authorized the tenants to use such garbage or trash can or cans or recyclable materials containers.

Sec. 54-33. Removal of other waste and noncombustible refuse.

- (a) Industrial process waste, building materials and noncombustible refuse must be removed by the owner, occupant, operator or by the contractor performing the work which caused such waste to accumulate, as the case may be. Spent oils or greases accumulated at garages, filling stations or similar establishments shall not be removed by the city except such as are removed for the use of the city.
- (b) In addition thereto the city will not remove large accumulations of waste consisting of concrete block, bricks and debris from brick or concrete construction, roofing shingles or tile installations, debris accumulation from contractors, debris accumulation from land clearing, building, rebuilding and altering of buildings, structures, roads, streets, sidewalks, parkways, or excavations and such accumulations shall be removed by the owner of the property on which they are located, or the contractor or other persons performing or doing work causing such accumulations.
- (c) The city will collect, for a fee, such items of waste or trash consisting of discarded office equipment, discarded broken furniture, beds, bedsprings, large empty cans, appliances, cabinets, rugs, and any other items which can be lifted by a mechanical crane or arm. The disposal fee is found in the fees and collection procedures manual of the city.
- (d) The deposit of hazardous or medical waste in garbage or trash ~~containers-cans~~ or recyclable materials containers is prohibited.

Sec. 54-34. Illegal accumulations.

It shall be unlawful and a violation of this chapter for the owner, manager or occupant of any premises to permit any accumulation of garbage and trash upon the premises for a period of longer than four days without having arranged for disposal of such accumulation by some person qualified under this chapter to perform such service, or by the department of community services of the city, and it shall be unlawful for any person, whether owner, manager or occupant of any premises to fail to provide request a sufficient number of garbage or trash cans upon the premises to amply provide for the garbage and trash accumulation upon such premises within any four-day period, or to suffer, permit or allow any garbage or trash cans as provided in this chapter, to accumulate, be or remain upon the premises.

Sec. 54-35. Removal of yard waste.

- (a) Any premises having a garbage or trash can upon which the proper and required fee has been paid, under the terms of this chapter, shall be entitled to the collection of tree limbs, palm fronds or other yard waste of such size or nature as cannot be deposited in a regular trash can, but that may be manually loaded by one man. Provided, however, that all limbs, palm fronds, etc., shall be cut not to exceed four feet in length and four inches in diameter and the pile/accumulation is not more than four feet in height and no longer than eight feet in length.

- (b) An accumulation of yard waste and trimmings which are larger than the above descriptions (i.e., stumps or limbs larger than four inches in diameter) will require a call for a special collection, for a fee based on the size of the pickup. The city will provide an employee to measure the accumulation and provide a written estimate containing the charges for the pickup.
- (c) Such yard waste must be deposited adjacent to the alley if such property is served by an alley at curbside, or in such other places as may be prescribed by the community services director. Residents or occupants of any premises may arrange for private removal of yard waste to points outside the city. It shall be unlawful for any person to deposit any yard waste upon any lot or premises belonging to another, whether vacant or improved, occupied or unoccupied, or upon any street, plaza, or park or in any waters lying within the city.

Sec. 54-36. Prima facie accumulation.

Any place of abode or any place of business occupied or in operation shall be prima facie evidence that garbage, trash or recyclable materials is being produced and accumulated on such premises. It shall be the duty of the property representative of the city to inspect such premises and remove therefrom any and all garbage, trash or recyclable materials found thereon, provided the required fees have been paid by such resident or occupant, or notify the proper persons if such removal is not the duty of the city.

Sec. 54-37. Frequency of collection.

All garbage cans and trash ~~containers~~cans shall be emptied at least twice each week and properly disposed of in residential districts, and as designated by the city manager in the business districts. All recyclable materials containers shall be emptied at least once each week and properly disposed of in residential districts.

Sec. 54-38. Burial of garbage upon premises prohibited.

No garbage, trash or recyclable materials shall be buried upon the premises of the person by whom such garbage, trash or recyclable materials is accumulated. It shall be unlawful for any person to bury any garbage, trash or recyclable materials within the city.

Sec. 54-39. Burning of garbage or trash on premises prohibited.

No garbage, trash or recyclable materials shall be burned on any premises within the city.

Sec. 54-40. Violations; penalties.

- (a) It shall be unlawful for any person other than an authorized recycling agent to remove designated recyclable material from a collection center used in either a collection center program or a curbside collection program.
- (b) Any person who violates subsection (a) shall be subject to prosecution in the manner provided by general law for violations of city ordinances or pursuant to section 1-16.
- (c) Nothing in this section shall be construed to prohibit or limit the right of any individual person to donate, sell, or otherwise dispose of his or her recyclable material.

Secs. 54-41—54-55. Reserved.

DIVISION 2. - CONTAINERS

Sec. 54-56. Required.

All residents or occupants of any single-family dwelling, and the owner, manager or occupant of any multiple dwelling or of any place of business or commercial establishment within the city ~~are hereby required to provide~~ shall be provided with a 64 gallon garbage ~~cans and trash cans can~~ as described in section 54-57, ~~of sufficient capacity to hold four days' accumulation of garbage and trash in the residential district and areas and three days' accumulation of garbage and trash in the commercial district and areas.~~ It shall be the duty of the owner or manager of any multiple dwelling to furnish or to see that such multiple dwelling is furnished or supplied with, a sufficient number of garbage ~~and trash~~ cans to comply with the terms of this chapter.

Sec. 54-57. Requirements.

A garbage can or trash can shall be as defined in section 54-1 and shall have a capacity of ~~not less than ten or more than 32~~ 64 gallons and when full shall weigh 50 pounds or less. Such receptacle shall ~~have two handles upon the sides or a suitable bail by which it may be readily lifted for the purpose of easily emptying into a garbage pickup vehicle. be provided by the city.~~ The cover of a garbage can shall be tight-fitting and kept in place on the can for the purpose of preventing stench or other nuisances.

Sec. 54-58. Trash ~~containers cans~~ required; location.

All occupants of places of abode within the city shall deposit all trash together with such garden trash as may be of a size suitable for deposit, in a trash ~~container can~~ described in section 54-57. Sufficient ~~containers trash cans~~ shall be provided to hold four days' accumulation of trash in residential districts. ~~Such containers shall be placed in a position on the premises similar to that required in section 54-61 for garbage cans, and where there are both garbage cans and trash containers on the same premises, the two receptacles shall be placed side by side.~~

Sec. 54-59. Wet garbage to be wrapped.

All garbage, tin cans and bottles shall first be drained of all liquids, and shall be deposited in the garbage cans required by this article. The wet garbage matter shall be drained and wrapped in paper before being placed in the garbage can. Provided that hotels, restaurants and other eating establishments upon exemption granted by the director of community services and subject to the terms of such exemptions, shall not be required to wrap wet garbage.

Sec. 54-60. Containers to be kept tightly covered.

Garbage and trash cans shall be kept tightly covered at all times except when it is necessary to lift the cover to deposit garbage or trash. It shall be unlawful for any person to deposit in any garbage or trash can any garbage, trash or other matter in such amounts that will not permit the lid of such garbage or trash can to tightly fit into place.

Sec. 54-61. Accessibility of containers.~~Curbside containers.~~

~~Garbage cans are required to be kept in a place easily accessible to the inspectors and to the employees of the community services department of the city. Garbage cans shall not be kept upon the 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 or trash cans shall be placed on the alley of all places served by an alley or such other place as shall be designated by the director of community services. Garbage and trash cans shall not be kept at the street in front of property not served by an alley unless the cans are screened by a structure or planting acceptable to the city manager.~~

Except for residences which have rear alleys accessible for garbage collection vehicles, as determined by the City Manager, all garbage, trash and recyclable containers for all customers not utilizing dumpsters shall be placed for collection at curbside or no more than six feet from the curb or edge of the road upon which said residences abut. However, special arrangements for rear yard or side yard collection may be authorized by the City Manager, in instances of disability. For cases of disability, trash and recyclable containers shall be located for accessibility. Containers shall not be collected when stored in closed buildings, carports or behind closed gates. After garbage, trash and recyclables are collected, the customer shall place the garbage can, trash can and recyclable containers in a location out of public view. The concealing of garbage and trash cans may be accomplished in a variety of ways, such as fences, hedges or other vegetation, which will be placed in such a manner as to conceal the cans or containers from public view. All fences shall be constructed in conformance with city building codes. Such containers shall be placed at curbside no earlier than 5:30 p.m. on the evening/night before the day of collection and shall be removed no later than sunset on the day of collection.

Sec. 54-62. Inspection and condemnation of containers.

~~All garbage and trash cans shall be subject to inspection and approval or condemnation by the inspectors of the department of community services of the city. Upon the condemnation of any garbage or trash can, a notice of such condemnation shall be placed by such inspector upon the condemned can. It shall be unlawful for any person to place in such condemned can any garbage, trash or other material and the owner or occupant of such premises shall immediately provide a new can to take the place of the can condemned.~~

Section 2. Ordinances or parts of ordinances in conflict herewith to the extent that such conflict exists are hereby repealed.

Section 3. In the event a court of competent jurisdiction finds any part or provision of the Ordinance unconstitutional or unenforceable as a matter of law, the same shall be stricken and the remainder of the Ordinance shall continue in full force and effect.

Section 4. This Ordinance shall be in full force and effect from and after its adoption and approval in the manner approved by law.

**PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY
OF MADEIRA BEACH, FLORIDA, THIS _____ day of _____, 2023.**

John B. Hendricks, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

APPROVED AS TO FORM:

Thomas J. Trask, City Attorney

PASSED ON FIRST READING: _____

PUBLISHED: _____

PASSED ON SECOND READING: _____