

ORDINANCE NO. 1460

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, UPDATING AND AMENDING CHAPTER 12 OF THE CITY'S CODE OF ORDINANCES RELATED TO GARBAGE AND TRASH; MOVING ALL DEFINED TERMS TO SECTION 12-1, DEFINITIONS; REQUIRING THE DEPOSIT OF LITTER IN RECEPTACLES; REQUIRING OWNERS TO PROVIDE ADEQUATE RECEPTACLES FOR LITTER, GARBAGE AND TRASH; PROHIBITING THE NEGLECT OF REFUSE CONTAINERS, THE DEPOSIT OF GARBAGE AND LITTER IN THE STREETS OR OTHER UNAUTHORIZED LOCATIONS, PROVIDING THAT VIOLATIONS OF CHAPTER 12 MAY BE ENFORCED BY THE REMEDIES AND PROCEDURES SET FORTH IN CHAPTER 25 OF THE CODE RELATED TO CODE ENFORCEMENT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH:

SECTION 1. From and after the effective date of this ordinance Chapter 12 of the Code of Ordinances of the City of Panama City Beach, related to Garbage and Trash is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

Chapter 12 GARBAGE AND TRASH

Sec. 12-1. Definitions.

Sec. 12-2. Duty to furnish receptacles.

Sec. 12-3. Deposit of garbage or trash in receptacles.

Sec. 12-4. Prohibited practices and violations.

Sec. 12-5. Refuse containers and compactors visible from Scenic Corridors; where prohibited; exceptions; variances, etc.

Sec. 12-6. Littering.

Sec. 12-7 Requirement to keep property free of litter.

Sec. 12-1. Definitions.

The following words or phrases, when used in this chapter, shall have the meaning ascribed to them:

Dry garbage shall mean any and all papers, bags, sacks, cartons, containers and boxes which have not come into contact with animal, fruit and vegetable matter or from which obnoxious odors cannot be emitted and to which flies and other insects will not be attracted.

Garbage is putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Garbage box shall mean any wooden, metallic, plastic or fiberglass box or can constructed so that the contents will be kept dry and intact therein and in which dry garbage only shall be deposited. The size, design and location of all garbage boxes shall be approved by the city manager or his authorized agent.

Garbage can shall mean an impervious cylindrical, metallic, plastic or fiberglass can constructed of not less than no. 28 gauge material which has a permanent bottom constructed as a part thereof, a removable lid so designed as to act as a close-fitting hood and which has two (2) handles placed on opposite sides near the top to facilitate the lifting and handling thereof. No can shall be of more than thirty-two-gallon capacity.

Litter shall mean "dry garbage," "moist garbage," "trash," "waste material" as defined in this chapter, discarded packaging and containers such as bottles, cans, cups, cigarette butts, bottle caps, loose paper and handbills, or any material similar to any of the foregoing, but excluding natural deposits of seaweed.

Moist garbage shall mean any and all animal, fruit and vegetable refuse matter, whether cooked or raw, or any can, container or other material from which any animal, fruit or vegetable matter has been removed which might become sour, spoiled, rotten or putrid and from which obnoxious odors are liable to be emitted or to which flies or other insects are liable to be attracted.

Receptacle shall mean and include garbage box, garbage can, refuse container, or refuse container, or trash container as defined in this chapter, or any container designed to temporarily hold garbage, litter, refuse, rubbish, trash or waste materials as defined by this chapter.

Refuse is all putrescible and nonputrescible solid waste (except body waste), including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial waste.

Refuse container is any movable container intended or used to collect or store refuse, including without limitation, garbage cans, dumpsters and vehicles used to store and remove refuse.

Refuse compactor is any movable or fixed mechanical device intended or used to

compress refuse, with or without storage capacity.

Rubbish is nonputrescible solid waste consisting of both combustible and noncombustible waste, such as paper, cardboard, tin cans, construction debris, clippings, wood, grass, bedding, crockery and similar materials.

Scenic Corridor shall have the meaning ascribed in Section 1.07.02 of the City's Land Development Code.

Trash shall mean yard clippings, grass cuttings, leaves, moss, palm fronds, branches, limbs (not to exceed six (6) inches in diameter and four (4) feet in length) and such other small rubbish, other than that as defined in the terms "moist garbage" and "dry garbage", as ordinarily accumulates about a residential premises.

Trash container shall mean any container constructed not to exceed one-half cubic yard (thirteen and one-half (13½) cubic feet) to hold yard clippings, grass clippings, grass cuttings and leaves. Branches, limbs and such other small trash, except palm fronds of such a size and nature too large for these containers, shall be cut and piled in lengths not to exceed four (4) feet.

Waste material shall mean and include sand, wood, stone, brick, cement, concrete, roofing and other refuse building materials usually left over from a construction or remodeling project, and trees, tree limbs, except as otherwise provided for in the definition of "trash," tree trunks and tree stumps, furniture and appliances, mechanical equipment or parts, tools, motor vehicle parts, and tires.

Sec. 12-2. Duty to furnish receptacles.

It shall be the duty of all owners of residences, businesses, professional offices, stores, shops, restaurants, hotels, boardinghouses, apartment houses or other establishments in the city to supply **or cause to be supplied** each of such establishments with **adequate receptacles for the deposit of litter, garbage and trash** ~~garbage cans or garbage boxes.~~

Sec. 12-3. Deposit of garbage or trash in receptacles.

All **litter**, garbage and trash shall be deposited in receptacles provided for that purpose. Prior to depositing the same for collection in garbage cans or garbage boxes, the owner or customer shall crush or collapse, as nearly as possible, all wooden or cardboard boxes or crates.

Sec. 12-4. Prohibited practices and violations.

(a) It is hereby declared unlawful and a violation of this chapter for any person to do or permit to be done any of the following acts or practices:

(1) Depositing on, or burning in, or causing to be deposited on or buried in any land, public square, street, alley, vacant lot or unoccupied lot, the waters of the Gulf of Mexico, or any creek, watercourse or ditch within the city limits, any **litter** garbage or other

noxious, malodorous or offensive matter;

(2) Depositing or placing in or causing to be deposited or placed in a garbage can any materials other than those defined in this article as moist or dry garbage;

(3) Depositing or placing in or causing to be deposited or placed in a garbage box any material other than those defined in this article as dry garbage;

(4) Failing or neglecting to keep or causing to be kept clean and sanitary or tightly covered and in a good state of repair all refuse containers, garbage cans and garbage boxes;

~~(5) Using or supplying garbage cans and garbage boxes other than those defined and provided for in this article.~~

~~(5) (6)~~ Placing or allowing to be placed upon the streets, alleys, curbing or sidewalks of the city any garbage, litter, rubbish, sweepings, debris, trash or waste materials of any kind which might be a menace to traffic, both vehicular and pedestrian, or which might endanger the proper operation of the city's sewer or drainage system;

~~(6) (7)~~ Collecting or permitting to be collected by anyone the garbage, trash or waste material from any receptacle garbage can or garbage box other than by persons regularly employed by the city for that purpose or by persons working under contract with the city by a special written permit or franchise from the city council;

~~(7) (8)~~ Depositing or placing or causing to be deposited or placed litter, garbage, trash or waste materials any place except at designated locations;

~~(8) (9)~~ Allowing or permitting garbage receptacles to remain along the curb of the street for a longer period of time than is necessary and reasonable after collection has been made and the receptacles have been emptied of their contents; and

~~(9) (10)~~ Depositing, placing or causing to be placed garbage, trash or waste materials in the garbage can, garbage box, trash container or waste receptacle of another without that person's consent therefor.

(b) In addition to any other penalty provided by law, compliance with this Section 12-4 may be enforced by the remedies and procedures set forth in Chapter 25 of this Code (the Code Enforcement Hearing Officer System).

Sec. 12-5. Refuse containers and compactors visible from Scenic Corridors; where prohibited; exceptions; variances, etc.

(a) Definitions.

~~Refuse~~ is all putrescible and nonputrescible solid waste (except body waste), including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial waste.

~~Garbage~~ is putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

~~Rubbish~~ is nonputrescible solid waste consisting of both combustible and noncombustible waste, such as paper, cardboard, tin cans, construction debris, clippings, wood, grass, bedding, crockery and similar materials.

~~Refuse container~~ is any movable container intended or used to collect or store refuse, including without limitation, garbage cans, dumpsters and vehicles used to store and remove refuse.

~~Refuse compactor~~ is any movable or fixed mechanical device intended or used to

compress refuse, with or without storage capacity.

~~(b)~~ Where prohibited. It shall be unlawful for any person to own, use or possess a refuse container or refuse compactor visible by a pedestrian standing within the vehicular right-of-way of a Scenic Corridor or on the sandy Gulf beach.

~~(b)(c)~~ Exceptions. Nothing herein shall prohibit:

(1) The ownership, use or possession of a refuse container on a residential lot intended and used exclusively to collect and store for removal garbage and trash provided such container is used exclusively for garbage and trash generated by property occupants on the site on which such container is located, and such container is not located adjacent to a vehicular right-of-way for more than twelve consecutive hours in any three day period. This exception from the prohibition set forth in subsection ~~(a)~~ ~~(b)~~ above shall not apply to residential lots fronting Front Beach Road or Oleander Drive south of Front Beach Road.

(2) The ownership, use or possession of any single, isolated refuse container equal to or less than fifty-five (55) gallons in capacity and intended to be used by the general public as a litter receptacle, provided that such receptacle shall be kept and maintained in a neat and clean condition.

~~(c)~~ ~~(d)~~ Variances. The city council may authorize upon request in specific cases, any such variance from the terms of this section as will not be contrary to the public health, safety, or welfare, or the aesthetic considerations promoted by this section, where, owing to special conditions or circumstances not attributable to the person requesting such variance, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. Any such variance may be upon such continuing terms and conditions as the city council may specify.

(d) In addition to any other penalty provided by law, compliance with this Section 12-5 may be enforced by the remedies and procedures set forth in Chapter 25 of this Code (the Code Enforcement Hearing Officer System).

Sec. 12-6. Littering.

(a) It is hereby declared unlawful and a violation of this chapter for any person throw or deposit litter on any property within the City, whether owned by such person or not, except in appropriate receptacles maintained for such purpose and in such a manner that such litter will be prevented from being carried or disbursed by the elements upon the same or any other property.

(b) In addition to any other penalty provided by law, compliance with this Section 12-7 may be enforced by the remedies and procedures set forth in Chapter 25 of this Code (the Code Enforcement Hearing Officer System).

Sec. 12-7 Requirement to keep property free of litter.

(a) It is hereby determined that every person, firm or corporation owning, occupying, or entitled to possession or control of real property located in whole or in part within a Scenic Corridor, or entitled to protection of common-law rights pursuant to Florida Statutes section 161.201 with respect to property lying between the waters of the Gulf of Mexico and the Erosion Control Line established by the State of Florida, has a duty to keep such property free of litter.

(b) It is hereby declared unlawful and a violation of this section and code for any person, firm or corporation described in subsection (a) to cause or allow litter to be deposited or to remain regardless of its source upon any property which is subject to the duty recognized and imposed upon such person, firm or corporation by subsection (a), except in containers lawfully provided therefore.

(c) In addition to any other penalty provided by law, compliance with this Section 12-7 may be enforced by the remedies and procedures set forth in Chapter 25 of this Code (the Code Enforcement Hearing Officer System).

SECTION 2. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 3. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Beach Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 4. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this ____day of _____, 2018.

MAYOR

ATTEST:

CITY CLERK

EXAMINED AND APPROVED by me this _____ day of _____, 2018.

MAYOR

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