## **ORDINANCE NO. 984**

AN ORDINANCE FOR THE CITY OF CALLAWAY. FLORIDA AMENDING THE CALLAWAY CODE OF ORDINANCES CHAPTER 9, ARTICLE I. GARBAGE, REFUSE AND WEEDS; AMENDING DEFINITIONS: ESTABLISHING A METHOD TO REGULATE HOW AND WHEN ITEMS MAY BE SET OUT FOR COLLECTION; **PROVIDING FOR CODIFICATION**; REPEALING **ORDINANCES** OR PARTS OF **ORDINANCES** CONFLICT HEREWITH: **PROVIDING** FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, City of Callaway enacted Ordinance No. 968, effective June 28, 2016, relating to the collection and disposal of trash and garbage;

WHEREAS, the manner in which trash and garbage are set out for collection relates to the health, safety, and welfare of the citizens of the City of Callaway; and

**WHEREAS**, the City Commission of the City of Callaway desires to amend Chapter 9 of the Callaway Code Ordinances, relating to garbage and refuse, to provide a method to regulate the placement, storage, and time items may be set out for collection.

**NOW, THEREFORE, BE IT ENACTED** by the people of the City of Callaway, Florida that:

**SECTION 1. Amendment**. Chapter 9, Article I of the Code of Ordinances, City of Callaway, Florida, is hereby amended to read as follows (new text <u>bold and underlined</u>, deleted text <u>stricken</u>):

## Sec. 9-1. - Definitions.

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

Authorized alley shall mean any publicly owned and maintained alley within the city designated by the city as part of the garbage pickup route.

Biohazardous wastes means any solid or liquid waste which may present a threat of infection to humans. The term includes, but is not limited to, non-liquid human tissue and body parts; laboratory and veterinary waste which contains human-disease-causing agents; used disposable sharps; human blood, blood products, and body fluids; and other materials which in the opinion of the health department represent a significant risk of infection to persons outside the generating facility.

Commercial accounts shall mean all businesses and accounts of multiple residences located on a parcel of land owned by one person or corporation, such as trailer parks, apartment complexes, etc., requesting to have a single garbage collection point rather than an individual pickup for each of the units.

Customers means all garbage and/or refuse accounts within the corporate limits of the city.

Dump shall mean the county landfill, incinerator, transfer station or disposal site which is authorized by the state.

*Dumpster* means a commercial refuse container made of metal commonly manufactured and employed for mechanical collection and disposal of large volumes of refuse. This shall include those containers commonly known as "roll-offs".

*Garbage* shall mean any putrescible animal and vegetable wastes resulting from the handling, storage, preparation, cooking, sale or consumption of food.

Hazardous waste means any substance or material (either liquid or solid) or combination of such substances or materials, which because of its quantity, concentration, physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed.

Health department means the Bay County Health Department.

Litter means any garbage; rubbish; trash; refuse; can; bottle; box; container; paper; tobacco product; tire; mechanical equipment or part; building or construction material; tool; machinery; wood; farm machinery or equipment; sludge from a waste treatment facility; water supply treatment plant, or air pollution control facility; or substance in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

*Person* means any individual, firm, corporation or unincorporated association.

Refuse means all putrescible and non-putrescible solid wastes (except body wastes), including garbage, trash, ashes, street cleanings, dead animals, solid market and industrial wastes, construction and demolition debris.

Residential garbage accounts shall mean any account other than a commercial account.

Roads, streets, alley, or highway right-of-way shall mean the entire width between the boundaries of every way publicly maintained when any part thereof is opened to the use of the public for the purpose of vehicular travel.

*Sharps* mean those biohazardous wastes which as a result of their physical characteristics are capable of puncturing, lacerating, or otherwise breaking the skin when handled.

*Trash* means all grass elippings, leaves <u>yard waste</u>, small debris, non-putrescible solid waste, cloth, paper, cardboard, glass, wood, metal, appliances, furniture, and other similar materials or items. The term "trash" shall not include any debris or items generated by a contractor during construction, renovation or repair.

Weed means any plant which is useless to man or injurious to crops, grasses or flowers.

<u>Yard Waste</u> means vegetative matter resulting from landscaping maintenance and minor land clearing operations and includes accumulations of shrubbery, cuttings, leaves, grass cuttings, palm fronds, tree trimmings, tree limbs and split trunks, mulch and associated rocks and soils.

## Sec. 9-3. - Regulation of trash collection or disposal.

(b) Placement, size and quantity permitted. The city shall be responsible for collecting only such items of trash which are incapable of being placed in a 96-gallon container. All trash items which can be placed into a 96-gallon container, whether placed in the container or not, shall be collected by a person authorized under article II of this chapter to engage in the business of collecting, hauling, or transporting garbage or other refuse within the city limits and shall not be collected by the city. The maximum quantity of all trash to be collected by the city per week at any one collection point shall be determined by resolution of the city commission. Any trash to be collected shall be neatly stacked along the street or authorized alley right-of-way abutting their property for collection. Trash other than vard waste shall not be placed by the street for collection before 12:00 P.M. on the Saturday until the day before the designated collection day. Yard waste may be placed by the street for collection no earlier than 12:00 P.M. on the Saturday before the designated collection day. If any person desires the city to remove a quantity of trash exceeding the maximum quantity determined by resolution, they may request, in writing, such service. These services will be provided for a per cubic yard fee which shall be set by resolution of the city commission.

**SECTION 2.** Repealed. All Codes, Ordinances and/or Resolutions or parts of Codes, Ordinance and/or Resolutions in conflict herewith are hereby repealed to the extent of the conflict.

**SECTION 3.** Severability. If any section or portion of this Ordinance shall be determined to be unconstitutional or invalid for any reason, the remaining provision shall remain in full force and effect.

**SECTION 4.** Effective Date. This Ordinance shall take effect immediately upon passage.

**PASSED, APPROVED AND ADOPTED** at the regular meeting of the City Commission of the City of Callaway, Florida, this  $\underline{24^{th}}$  day of  $\underline{April}$ ,  $\underline{2018}$ .

## CITY OF CALLAWAY, FLORIDA

	By: Land Herderson
	Pamn Henderson, Mayor
ATTEST: Janice L. Peters, MMC, City Clerk	,
PASSED ON FIRST READING: APRIL 24, 2018	
NOTICE Published on: April 27, 2018	
PASSED ON SECOND READING: May 8, 2018	
APPROVED AS TO FORM AND LEGAL	VOTE OF COMMISSION:
SUFFICIENCY FOR THE CITY OF CALLAWAY	Davis AYE
ONLY:	Fairbanks A/E
1/0/	Griggs AVE
	Henderson A
	Townsend Resigned
Kevin Obos, City Attorney	4-7