

ORDINANCE NO. 2016-376

AN ORDINANCE OF THE CITY OF PARKER, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PARKER (ORDINANCE NO. 2010-349, AS AMENDED); AMENDING CHAPTER 66 OF THE CODE OF ORDINANCES RELATED TO SOLID WASTE; PROVIDING FOR SEVERABILITY; PROVIDING A MECHANISM FOR THE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR THE LIBERAL CONSTRUCTION OF THIS ORDINANCE; PROVIDING FOR CODIFICATION AND REPEALER CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARKER AS FOLLOWS:

Section 1. Section 1-2 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

**Sec. 1-2. Definitions and rules of construction.**

In the interpretation and construction of this Code and of all ordinances of the city, the following definitions and rules of construction shall be observed unless they are inconsistent with the manifest intent of the city council or the context clearly requires otherwise:

*Animal.* The term "animal" shall mean any and all types of living dumb creatures, both domesticated and wild, male and female, without limitation, excluding human beings.

*Bicycle.* The term "bicycle" shall mean every vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an electric helper motor rated at not more than 200 watts and capable of propelling the vehicle at a speed of not more than ten miles per hour on level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term shall not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to

its highest position or a scooter or similar device.

*Charter.* The word "Charter" shall mean the Charter of the city, as it now exists or as it may be amended in the future.

*Chief of police.* The term "chief of police" shall mean the chief of law enforcement officer of the city.

*City, the city, this city.* The term "city," "the city" or "this city" shall mean the City of Parker in Bay County and the State of Florida or the city council or designated official or employee of the city.

*City clerk.* The term "city clerk" shall mean the duly appointed clerk of the city.

*Code.* Whenever the term "Code" or "this Code" is referred to without further qualification, it shall mean the Code of Ordinances, City of Parker, Florida, as designated in section 1-1.

*Code enforcement officer, officer.* The term "code enforcement officer" or "officer" shall mean any law enforcement officer or any designated employee or agent of the city whose duty it is to enforce codes, ordinances and land use regulations enacted by the city.

*Computation of time.* In computing any period of time prescribed or allowed by this Code or any ordinance, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

*Contiguous.* The term "contiguous" shall mean next to, abutting or having a common boundary.

*Council, city council.* The term "council" or "city council" shall mean the city council of the City of Parker, Florida.

*County, the county, this county.* The term "county," "the county" or "this county" shall mean Bay County in the State of Florida.

*Delegation of authority.* Whenever a provision appears requiring the head of a department or some other city officer or employee to do some act or perform some duty, it is to be construed to authorize delegation to professional level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

*F.A.C.* The term "F.A.C." shall mean the Florida Administrative Code.

*Federal.* The term "federal" shall mean the United States government and its agencies and instrumentalities.

*F.S.* Whenever the abbreviation "F.S." is used, it shall refer to the official Florida Statutes as adopted by the state legislature, and as amended or superseded from time to time.

*Garbage.* The term "garbage" shall mean waste generated by a dwelling unit or commercial establishment including but not limited to paper products, bottles, cans and containers. It is also any putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, dispensing and consumption of food. All accumulations of animal, fruit, or vegetable matter attends the preparation, use, cooking, dealing in or storage of meats, fish, fowl, fruit, vegetables, produce and any other matter of any nature which is subject to decay, putrefaction and the generation of noxious and offensive gases or odors, of which, during and after decay may serve as a breeding or feeding material for flies or other germ-carrying insects, and bottles, cans or other food containers which due to their ability to retain water, may serve as breeding places for mosquitoes or other water-breeding insects.

*Gender.* Words importing the masculine gender shall include the feminine and neuter.

*In the city.* The term "in the city" shall mean any territory, jurisdiction of which, for the exercise of its regulatory power, has been conferred on the city by public or private law.

*Joint authority.* All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

*Junked motor vehicle.* The term "junked motor vehicle" shall mean any motor vehicle that is wrecked, dismantled, deteriorated, partially dismantled, inoperative, abandoned, derelict or discarded for a continuous period of over seven days. The absence of a license plate for the current year or the absence of a current motor vehicle registration shall be prima facie evidence that a motor vehicle is a junked motor vehicle.

*Keeper, proprietor.* The words "keeper" and "proprietor" shall mean and include persons acting by themselves or by an agent or employee.

*Law enforcement officer.* The term "law enforcement officer" shall mean any person who is elected, appointed or employed full-time by any municipality or the state or any political subdivision thereof who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic or highway laws of the United States, the state or the city.

*Manufactured housing or manufactured home.* A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and 35 body feet or more in length; and when erected on site, is 320 or more square feet in living area; and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. If fabricated after June 15, 1976, each section must be built to standards prescribed by the U.S. Department of Housing and Urban Development.

*Month.* The word "month" shall mean a calendar month.

*Moped.* The term "moped" shall mean any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, with a motor rated not in excess of two brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground; and with a

power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters.

*Motor vehicle.* The term "motor vehicle" shall mean any vehicle defined as motor vehicle by F.S. § 320.01(1), as may be amended or superseded, including, but not limited to, passenger cars, trucks, truck trailers, semi-trailers, campers, motorcycles, minibikes, go-carts, amphibious craft on land, dune buggies, and racing vehicles which are propelled by mechanical power, but not including any bicycle or moped.

*Nontechnical and technical words.* Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such meaning.

*Number.* The singular includes the plural and vice versa.

*Oath.* The word "oath" shall include affirmations, and the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

*Officer, employee, department, board, commission, agency.* Whenever any officer, employee, department, board, commission or agency is referred to by title only, such reference shall be construed as if followed by the words "of the City of Parker, Florida."

*Official time.* Whenever certain hours are named in this Code, they shall mean Central Standard Time or Central Daylight Saving Time as may be in current use in the city.

*Or, and.* "Or" may be read "and," and "and" may be read "or" if the sense requires it.

*Owner.* The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant, or tenant by the entirety of the whole or part of such building or land.

*Person.* The word "person" includes individual natural persons, children, firms, companies, partnerships, copartnerships, executors, administrators, receivers, agencies of the state, federal agencies, districts, joint ventures, societies, associations, clubs, organizations or other groups acting as a unit, estates, trustees, trusts, business trusts, syndicates, fiduciaries, corporations, agencies and all other groups or combinations, and any officers, agents, employees, factors or any kind of personal representatives thereof, in any capacity, acting either for themselves or for any other person, under either personal appointment or pursuant to law, and all other entities or their legal representatives, agents or assigns.

*Preceding, following.* The words "preceding" and "following" shall mean next before and next after, respectively.

*Private property.* The term "private property" shall mean any improved or unimproved real property within the city that is privately owned and is not public property.

*Property.* Except as provided in section 2-136, the word "property" shall mean real or personal property.

*Public grounds.* The term "public grounds" shall mean the parks and all public lands owned or leased by the city, including, but not limited to, streets as defined in this section.

*Public property.* The term "public property" shall mean any street or highway, including the entire width between the boundary lines of every way publicly maintained when any part thereof is opened to the use of the public for the purposes of vehicular travel, and shall also mean any other property, facility or dedicated park that is publicly owned or in which the general public holds any interest.

*Public right-of-way or public way.* The terms "public right-of-way" or "public way" shall mean a public utility easement, highway, street, bridge, tunnel, alley or public ground for which the city is the primary authority that has jurisdiction and control and may lawfully grant access pursuant to applicable law, and includes the surface, the air space over the surface, and the area below the surface. Right-of-way shall not include

private property, service entrances or driveways. The term also includes but is not limited to officially named public roads or rights-of-way, either paved or unpaved, located within the city that is intended for vehicular traffic and associated sidewalks, the roadway, all culverts, drains, ditches, water storage areas, embankments and slopes. For the purposes of chapter 22, "public way" means the surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, way, lane, public way, drive, circle or other public right-of-way, including, but not limited to, public utility easements, dedicated utility strips, or rights-of-way dedicated for compatible uses and any temporary or permanent fixtures or improvements located thereon now or hereafter held by the city in a franchise area, which shall entitle the city and a grantee of a franchise to the use thereof for the purpose of installing, operating, repairing, and maintaining the cable system. It shall also mean any easement now or hereafter held by the city within a franchise area for the purpose of public travel, or for utility or public service use dedicated for compatible uses, and shall include other easements or rights-of-way as shall within their proper use and meaning entitle the city and the grantee of a franchise to the use thereof for the purposes of installing, operating, and maintaining the cable system of a franchisee over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments, and other property as may be ordinarily necessary and pertinent to a cable system.

*Roadway.* The term "roadway" shall mean that portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a street or highway includes two or more separate roadways, the term "roadway" refers to any such roadway separately, but not to all such roadways collectively.

*Shall, may.* The word "shall" is mandatory; the word "may" is permissive.

*Sidewalk.* The word "sidewalk" shall mean that portion of a street between the curblin, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians.

*Signature, subscription.* The words "signature" and "subscription" shall include a mark when the person cannot write, such person's name being written near it, and being witnessed by a person who writes his or her own name as a witness.

*Solid waste* shall mean tree and shrubbery cuttings, trash, garbage, refuse, rubbish, hazardous waste, biomedical waste, industrial waste, automotive parts, building or construction debris, or other discarded material abandoned for disposal including but not limited to solid, liquid, semi-solid or contained gaseous material resulting from domestic, industrial, commercial, mining or agricultural operations. This term shall not include urine, feces or other bodily fluids from living organisms or animal carcasses.

*State, the state, this state.* The term "state," "the state" or "this state" shall mean the State of Florida and its agencies and instrumentalities.

*Street or highway.*

(a) The word "street" shall mean the entire width between the boundary lines of every way or place of whatever nature when any part thereof is open to the use of the public for purposes of vehicular traffic;

(b) The entire width between the boundary lines of the any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons, or any limited access road owned or controlled by a special district, whenever by written agreement entered into under F.S. § 316.006(2)(b) or (3)(b), as may be amended or superseded, a county or municipality exercise traffic control jurisdiction over said way or place; or

(c) Any way or place used for vehicular traffic on a controlled access basis within a mobile home park recreation district which has been created under F.S. § 418.30, as may be amended or superseded, and the recreational facilities of which district are open to the public.

*Tenant, occupant.* The term "tenant" or "occupant," applied to a building or land, shall mean any person who holds a written

or oral lease or actually occupies the whole or part of such building or land, either alone or with others.

*Tense.* Words used in the past or present tense include the future as well as the past and present.

*Trash.* The term "trash" shall mean yard debris such as grass clippings, leaves and tree limbs; abandoned, dilapidated, deteriorated, broken, unused or rusted household furnishings or appliances; vinyl; plastics; mattresses; bed springs; boxes; barrels; wood; waste lumber; debris; nonputrescible solid waste; cloth; cardboard; metal; rubber and other similar materials. The term shall not include commercial waste, construction debris, garbage or debris resulting from land-clearing operations.

*Vessel.* The term "vessel" shall mean any watercraft, ship, boat, liner, raft, canoe, dinghy, steamer, craft, catamaran, dory, scow, barge, sloop, sailboat, air boat, schooner, ketch, or other artificial contrivance or any portion thereof (other than a seaplane on the water) that can float, drift, glide, skim, sail, hover, bob, ride, or be propelled on, over or under water, used or capable of being used as a means of transportation. This term is synonymous with the term "boat" as referenced in article VII, section 1(b), of the state constitution.

*Written, in writing.* The terms "written" and "in writing" shall include handwriting, printing, typewriting and all other methods and means of forming letters and characters upon paper, stone, wood, or other materials.

*Year.* The word "year" shall mean a calendar year unless a fiscal year is indicated.

Section 2. The Table of Contents of Article II of Chapter 66 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

Article II. Collection and Disposal of Solid Waste

- Sec. 66-31. Definitions.
- Sec. 66-32. Litter.

- Sec. 66-33. Construction debris.
- Sec. 66-34. Residential garbage.
- Sec. 66-35. Garbage of commercial establishments.
- Sec. 66-36. Dumpsters and garbage containers.
- Sec. 66-37. Trash.
- Sec. 66-38. Commingling garbage with bulk trash prohibited.
- Sec. 66-39. Accumulation and removal of solid waste.
- Sec. 66-40. Regulation of permits for garbage collection.
- Sec. 66-41. Nuisance.
- Sec. 66-42. Code enforcement and corrective measures.
- Sec. 66-43. Other disposal of solid waste prohibited.
- Sec. 66-44. Penalty.
- Sec. 66-45. Lien for collection.

Section 3. Sections 66-31 through 66-44 of the Code of Ordinances, City of Parker, Florida, are hereby repealed in their entirety and Sections 66-31 through 66-45 are inserted in their place to read as follows:

**Sec. 66-31. 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:

*Apartment* shall mean any public lodging establishment intended for living accommodations being joined by common walls or other surfaces structurally, either with or without kitchen equipment or housekeeping facilities.

*Automotive parts* shall mean all waste generated from automobile repair or renovation, including, but not limited to tires, glass, engines and engine parts, automobile bodies or parts.

*Biomedical waste or biohazardous waste* shall mean any solid waste or liquid waste which may present a threat of infection to humans. The term includes, but is not limited to, nonliquid human tissue and body parts; laboratory and veterinary waste which contain human-disease-causing agents; discarded disposable

sharps; human blood, and human blood products and body fluids; and other materials which in the opinion of the department of health represent a significant risk of infection to persons outside the generating facility. The term does not include human remains that are disposed of by persons licensed under F.S. ch. 497.

*Biomedical waste generator or biohazardous waste generator* shall mean a facility or person that produces or generates biomedical waste. The term includes, but is not limited to, hospitals, skilled nursing or convalescent hospitals, intermediate care facilities, clinics, dialysis clinics, dental offices, health maintenance organizations, surgical clinics, medical buildings, physicians' offices, laboratories, veterinary clinics, and funeral homes.

*Biological waste* shall mean solid waste that causes or has the capability of causing disease or infection and includes, but is not limited to, biomedical waste, diseased or dead animals, and other wastes capable of transmitting pathogens to humans or animals. The term does not include human remains that are disposed of by persons licensed under F.S. ch. 497.

*Commercial establishment* shall mean all retail, professional, wholesale, and industrial facilities and any other commercial properties, for profit or not for profit, offering goods or services to the public. The term "commercial establishment" shall not include any residential unit, duplex, triplex, quadplex, multifamily dwelling units or hotels and motels unless billed through a master electric meter.

*Construction debris* shall mean discarded materials generally considered to be not water-soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure, and including rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing or land development operations for a construction project, including such debris from construction of structures at a site remote from the construction or demolition project site. Mixing of construction debris with other types of solid waste will

cause it to be classified as other than construction debris. The term also includes:

- (1) Clean cardboard, paper, plastic, wood, and metal scraps from a construction project;
- (2) Except as provided in F.S. §403.707(12)(j), as may be amended or superseded, unpainted, nontreated wood scraps from facilities manufacturing materials used for construction of structures or their components and unpainted, nontreated wood pallets provided the wood scraps and pallets are separated from other solid waste where generated and the generator of such wood scraps or pallets implements reasonable practices of the generating industry to minimize the commingling of wood scraps or pallets with other solid waste; and
- (3) De minimis amounts of other nonhazardous wastes that are generated at construction or destruction projects, provided such amounts are consistent with best management practices of the industry.

*Department* shall mean the city's public works department.

*Detached single-family dwelling* shall mean a building containing one dwelling unit not attached to any other dwelling unit.

*Dumpster* shall mean a commercial solid waste container made of metal or plastic commonly manufactured and employed for mechanical collection and disposal of large volumes of solid waste. The container is usually mounted on four (4) wheels with roller bearings which wheels shall be of the caster type for complete mobility and which wheels shall be of sufficient size to properly support the container. The dumpster shall be capable of fitting the hydraulic attachments of the appropriate equipment of the city or private garbage hauler. All dumpsters and garbage containers must have covers or lids that fit properly over these devices at all times.

*Dwelling unit* shall mean a single, unified combination of rooms within a structure or part of a structure which is designed for residential use by one or more persons who maintain a common household.

*Garbage container* shall mean a garbage can of metal or plastic of the type commonly sold for garbage containment and having a tight fitting lid constructed in a manner to prevent free discharge of its contents.

*Gated Community* shall mean a residential development with privately owned homes and roads where ingress and egress to the development is controlled by gates or other forms of security. These communities must provide the city with access according to the type of entry - combination, key, etc.

*Hotels and motels* shall mean buildings containing sleeping or living quarters primarily used by transient guests and shall not have more than thirty (30) percent of the total number of units as efficiency apartments.

*Industrial waste* shall mean all waste and debris generated by construction, land clearing, excavating of structures, roads, streets, sidewalks and swale areas, including waste collected for recycling.

*Mobile home* shall mean a structure, including manufactured housing, transportable in one or more sections, which is eight body feet or more in width and 35 body feet or more in length, and which is built upon an integral chassis and designed to be used as a dwelling when connected to the required utilities, including plumbing, heating, air conditioning and electrical systems contained therein. The term "mobile home" includes any of these types of structures whether fabricated before June 15, 1976, or not, but does not include "manufactured buildings" as defined in F.S. § 553.35 et seq., or "recreational vehicles" as defined in F.S. § 320.01, as such provisions may be amended or superseded.

*Mobile home park* shall mean a parcel of land on which three or more lots or spaces occupied by mobile homes and offered for rent or lease, or on which lots or spaces are offered for rent or lease for the placement of mobile homes, and in which the primary use(s) are residential.

*Multifamily dwelling unit* shall mean a residential building containing five or more separate dwelling units, including but not limited to apartments, condominiums and cooperatives.

*Permit* shall mean a non-exclusive or exclusive right, privilege and franchise granted to a private garbage hauler pursuant to a permit agreement with the city to remove, collect and transport for disposal from any residential property [single or multifamily dwelling unit(s)], commercial establishment, construction or renovation project over the streets or public rights-of-way within the incorporated areas of the city. Such activity shall not commence without first applying for and receiving a business tax receipt from the city to carry on such business. The permit required by this article shall be in addition to all other permits, registrations or licenses that may be required by city, federal, state or local law.

*Private garbage hauler* shall mean a qualified private commercial firm granted an exclusive or non-exclusive permit by the city pursuant to a permit agreement, to collect and dispose garbage, waste and recyclable materials generated within the city.

*Public lands* shall mean any park or school yard or open space adjacent thereto, and all waterways and sovereign lands, rights-of-way, highways, streets and alleys as designated or recognized as public by the city, county, state or the United States Government.

*Recyclable materials* shall mean those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste; recyclable materials shall include those materials defined as recovered materials pursuant to F.S. Ch. 403, as may be amended or superseded from time to time.

*Structure* shall mean anything constructed, installed or portable, the use of which requires a location on a lot or parcel of land, including a movable structure while it is located on land in which it will be used for housing, business, commercial, agricultural or office purposes, either temporarily or permanently.

*Supervisor* shall mean the city's public works director, or in the absence of a director, the city's public works supervisor or the equivalent, the designee of the foregoing or that person designated by the city to oversee solid waste collection and disposal for the city.

*Townhouse* shall mean a single-family dwelling unit constructed as a part of a group of not less than two dwelling units with individual entrances, all of which are contiguous and share a common wall.

**Sec. 66-32. Litter.**

The city hereby adopts by reference F.S. § 403.413, as may be amended or superseded from time to time. In addition to the foregoing, it shall be unlawful for any person to deposit, discard, throw, place or pile any solid waste along or on any public lands within the city, except those materials placed on the property for collection as provided for herein.

**Sec. 66-33. Construction debris.**

Any construction or building site shall be kept clean. All debris or solid waste must be confined in a specific area of the construction or building site. It shall be the responsibility of the individual obtaining the building permit and the general contractor to properly dispose of the construction debris or solid waste on at least a weekly basis. No construction debris shall be burned or buried.

**Sec. 66-34. Residential garbage.**

(a) Responsible parties and garbage containers. Unless otherwise specified in this article, the city or a private garbage hauler under a permit from the city shall collect and dispose of all garbage or other solid waste generated within the city. All owners of single-family, duplex, triplex and quadplex residential units are required to use garbage containers with the contents of such to be collected and disposed of solely by the city or a private garbage hauler under a permit from the city. All owners, managers, operators, or occupants of multifamily dwelling units, hotels and motels, are required to use dumpsters with the contents of such to be collected and disposed of solely by the city or a private garbage hauler under a permit from the city. No garbage items may be placed in any location other than a garbage container or dumpster. All garbage shall be collected, removed and disposed of at least one time per week.

(b) City alternative. In the event that the city provides

residential garbage collection services, the rates and deposits for residential garbage collection shall be prescribed, from time to time, by a resolution of the city council. In addition to and not in lieu of the foregoing, if the charge is not paid, it shall constitute a lien against the property pursuant to section 66-45.

(c) Approval of private hauler rates. In the event that a permitted private garbage collector shall provide residential garbage collection services, the rates for such services shall be approved as a part of the permitting process and those collectors shall only charge the approved rates for the term of the permit.

(d) Placement of containers. It shall be unlawful for the owner or occupant of any residential property to place or cause to be placed a garbage container adjacent and contiguous to a public street or alley in the city, except no earlier than 24 hours prior to the scheduled or anticipated time of garbage collection. Garbage containers must be removed from the street-side or alley no later than 12 hours after garbage collection.

**Sec. 66-35. Garbage of commercial establishments.**

All owners, managers or tenants of commercial establishments are required to have private waste collection service with dumpsters for said service, and have a minimum collection frequency of one (1) time per week.

**Sec. 66-36. Dumpsters and garbage containers.**

(a) Specifications. All dumpsters and garbage containers shall have the lids closed over the contents at all times. Any dumpster must comply with the specifications prescribed by the supervisor.

(b) Dumpster Capacity. Total dumpster capacity shall be a function of the nature of the commercial activity or activities conducted on the property, and shall be of sufficient volume to prevent the overflowing of the dumpster between collections. Overflowing dumpsters and/or littered enclosures shall be considered an accumulation of solid waste constituting a violation of this section subject to a civil penalty pursuant to chapter 26 of this Code.

(c) Location and accessibility of dumpsters. It shall be unlawful for the owner or occupant of any business property to keep or cause to be kept a dumpster in view from a public street. Dumpsters containers are required to be kept in a place easily accessible by the private garbage haulers. The dumpsters shall be stored at a point upon the premises of the owner or occupant not closer to the street than one-half (½) the depth of the premises from such street or streets, except that where the premises abut a used alley, the dumpster shall be placed within easy and convenient access from such alley. Dumpsters shall not be kept upon neighboring property not in the ownership or tenancy of the person by whom the garbage is accumulated irrespective that such property is vacant or unimproved. At no time shall any dumpster or garbage container be placed or stored upon the swale area or public right-of-way.

(d) Setbacks. Absent a waiver from the city council only upon good cause shown, any dumpster which is visible from the adjacent right-of-way or directly abuts a residential land use district must be placed in a department-approved dumpster enclosure.

(e) Removal in case of hurricane. The city shall have the power to order the removal of any dumpster or garbage container when a hurricane watch has been issued by the National Hurricane Center.

(f) Recycling. In addition, the city may institute a plan of recycling and in that event, the city may promulgate additional requirements for containers and the disposition of the recyclable materials by resolution, enacted from time to time, by the city council.

**Sec. 66-37. Trash.**

(a) Placement. Trash shall be neatly stacked on the yard of the owner/occupant adjacent to the street on days when trash collection service is provided.

(b) Tree Removal. Except for trees cut or trimmed by a contractor or landscaper, all tree trimmings shall be cut to no more than four (4) feet in length or four (4) inches in diameter, weighing no more than 100 pounds and must be placed at

curbside for pickup according to the schedule established by the supervisor.

(1) In the event city residents hire a private contractor or landscaper to trim or cut trees from their property, the contractor or landscaper shall remove and dispose of all the tree trimmings and or tree trunks cut from the property, and shall not place such tree trimmings at curbside for pickup. A violation of this section shall subject the property owner to a civil penalty pursuant to chapter 26 of this Code.

(c) Collection. All trash accumulated in the city shall be collected, conveyed and disposed of by the city, and such services are mandatory for all utility customers except as set forth in this article. Except as may be otherwise provided herein, no person or entity shall collect, convey over any of the streets or alleys of the city, or dispose of any trash accumulated in the city.

(1) This section does not prohibit the actual producers of trash or the owners of premises upon which trash is accumulated from personally collecting, conveying and disposing of such trash, provided such producers or owners comply with the provisions of this article and with any other applicable ordinance or law.

(2) The city council may grant special permission to collectors of solid waste from outside the city to collect recyclable materials or to make collections requiring special equipment.

(d) Deposits for trash service. All utility customers shall pay a deposit equivalent to two months' trash collection service to the department of the city at the time deposits are paid to the city for other utility services.

(e) Collection rates. The monthly collection fee for trash collection service shall be established by resolution, from time to time, by the council.

(f) Billing.

(1) The charges for trash collection and disposal shall be billed monthly as a part of the utility bills of the city.

(2) Upon a utility customer's termination of utilities/trash service, the customer shall receive a refund of the deposit less any amounts owed.

(g) Fees.

(1) Each utility customer shall pay such fees, rates and charges therefor as are established from time to time by the council. In the first and last month of service during which a utility customer will be initiating or terminating service, the regular rate may be pro-rated for the number of days that the customer has service available.

(2) Bills reflecting the monthly charges and fees assessed a customer shall be submitted by the city and shall be paid by the customers monthly. If any monthly bill for any portion of the utility billing including but not limited to trash and/or garbage (if billed by the city) service(s) shall be and remain unpaid on and after the tenth of the month, a penalty of 15 percent of said bill shall be assessed. If the tenth of the month falls on a weekend or city observed holiday, the penalty shall be waived until the next working day. If the monthly bill shall continue and remain due and unpaid on or after the 18th of the month, the water, sewer, trash and/or garbage service, as appropriate, to the customer shall be discontinued and shall not be reconnected until all past due charges including penalties, shall have been fully paid, together with a re-connection charge of \$15.00. In addition, If the 18th of the month falls on a weekend or city observed holiday, the penalty shall be waived until the next working day. The city shall accept payments for services rendered if postmarked by the tenth of the month without penalty to the customer. In addition, the refusal or failure to make payment within 30 days from the due date is a violation of this article, and shall be punished pursuant to section 66-44.

(3) Any service which has been terminated pursuant to the provisions of this section shall not be reconnected or restored

until all past-due utility bills and penalties have been paid, together with any reconnection or restoration charges imposed by the city at the time of reconnection or restoration.

(4) In addition to and not in lieu of the foregoing, if the charge is not paid, it shall constitute a lien against the property pursuant to section 66-45.

**Sec. 66-38. Commingling garbage with trash prohibited.**

It is prohibited to commingle garbage with trash for removal. The failure to separate the garbage from the bulk trash shall constitute a violation of this section subject to a civil penalty pursuant to chapter 26 of the Code.

**Sec. 66-39. Accumulation and removal of solid waste.**

(a) Accumulation. It shall be unlawful for any person to allow any solid waste to accumulate upon property in the city owned or occupied by that person or to be placed upon the property of another except as provided herein.

(b) Removal. All solid waste shall be removed and disposed of at least weekly. If an accumulation of solid waste is found upon any property within the city, the property owner shall be notified to remove the accumulation within the time prescribed in the written notice. If it is not removed within the time prescribed in the written notice, the property owner shall be subject to a civil penalty pursuant to chapter 26 of this Code.

(c) Prima facie evidence. The fact that any residential unit (single-family, duplex, triplex and quadplex), multifamily dwelling unit, hotel or motel located in the city is occupied shall be prima facie evidence that solid waste is being produced or accumulated upon such premises and the owner thereof shall be liable for such charges whether service is used or not. The fact that any commercial establishment located in the city is occupied shall be prima facie evidence that solid waste is being produced or accumulated upon such premises and the person occupying such property shall be liable for such collection charges, whether service is used or not.

**Sec. 66-40. Regulation of permits for garbage collection.**

(a) Permit. No person, other than the city, shall engage in the collection of solid waste (whether residential, commercial, biomedical, biological, hazardous, or industrial) or trash for hire within the corporate limits of the city without first obtaining a permit from the council. The city reserves the right to issue an exclusive permit or to award additional non-exclusive permits or to utilize other solid waste collection programs.

(1) Should any other service provider place a garbage container at any property serviced by the city or by a permitted private garbage hauler, the service provider shall be notified, in writing, to remove the garbage container immediately. If the garbage container remains on the property more than five (5) days after notification, the service provider shall be in violation of this subsection and shall be subject to a civil penalty pursuant to chapter 2 of this Code. The city reserves the right to remove the garbage container after five (5) days written notice to the service provider.

(b) Issuance of permit. The issuance of a permit under this article shall be in the sole discretion of the council, and no permit shall be issued except by a majority vote of the council. In particular, an applicant for a permit to remove biomedical, biological and industrial waste must provide evidence to the sole satisfaction of the city that said applicant has the requisite knowledge, experience and permits to safely remove those types of waste.

(c) Indemnity. Any permittee under the terms of this article shall indemnify, defend and hold harmless the city from any and all liability, claims, demands, judgments or causes of action against the city as a result of any of the operations of the permittee. The permittee shall at all times maintain in force and effect a policy of liability insurance with per-person and per-occurrence limits of at least \$250,000.00, which policy shall by its terms be applicable to the aforesaid indemnification of the city and to the public generally.

(d) Bond. The council may require a permittee to furnish a bond with good and sufficient surety on a form approved by the council conditioned upon the proper performance of all of its

obligations under the terms of this article or any of the other ordinances of the city or the laws or regulations of the state and upon the satisfactory completion of all services to the citizens of the city for which the permittee shall be paid in advance. If applicable, the amount of the bond shall be fixed by the council at the time of approval of the permit and shall be reasonably related to the extent and nature of the permittee's proposed operations within the city. If subsequent to the issuance of a permit the extent of the permittee's operations within the city is substantially increased or decreased, the council may increase or decrease the amount of the bond or add or delete the requirement of a bond.

(e) Regulations. The council shall have the right to regulate the manner and method of operation of any permittee.

(f) Rates. All rates charged by the permittee for the collection of garbage or trash shall be subject to the prior approval of the council, and no permittee shall charge rates in excess of the maximum approved by the council. If, for any reason, a permittee collects a rate in excess of the maximum approved by the council, then, in addition to any of the remedies of the city set forth in this article or the permit, the permittee shall refund the excess money to its customers no later than 60 days after collection of the excess funds.

(g) Permit fee. Any permittee under the terms of this article shall pay to the city the sum of five (5) percent of the gross receipts collected by the permittee for providing such services within the corporate limits of the city ("permit fee"). Such sums shall be paid by the tenth of the month following the month in which the revenues are collected by the permittee. The permittee shall furnish to the city by the tenth of the month following the permittee's regular billing period (quarter or month) the names and addresses of its customers within the city served by the permittee, the days of service and the rate charged. The permittee shall also provide to the city such other information and documentation requested by the city and shall assist the city in verifying the accuracy of all information and documentation furnished. The permittee shall make all of its business records available for inspection and audit by the city or a person designated on behalf of the city to conduct such inspection and audit. Failure to timely make such payments or provide the information or documentation may result in

termination of the permit. If the city determines that those sums paid by the permittee pursuant to the terms of this article have been understated in an amount which exceeds two percent of the sums paid to the city, then the city, in addition to being entitled to that deficiency so found, shall be entitled to recover the cost of such audit from the permittee.

(h) Damage. The permittee shall, at its own expense, repair any and all damage to public or private property occasioned by the acts or omissions of the permittee or its agents, servants or employees.

(i) Assignment. No permit granted pursuant to the terms of this article shall be assigned, except upon approval of the council.

(j) Application. Any person applying for a permit under the terms of this article shall submit to the council in writing its proposed schedule of collection, manner of collection, rates, description of the equipment to be used, the disposition to be made of the garbage collected, a statement of what garbage will not be collected and other such information as the council from time to time may require.

(k) Periodic reports. The private garbage hauler shall file with the city clerk on forms provided by the city, a monthly or quarterly report as directed by the city beginning thirty (30) days from issuance of a permit, under oath, stating the names and addresses, and contact information of all accounts serviced by the private garbage hauler, together with the gross receipts from each account, and shall pay to the city monthly or quarterly, simultaneously with the filing of such report, the permit fee as reflected on each monthly report.

(l) Payments. For the purpose of this section, the term "gross receipts" shall mean the gross charges imposed/billed/assessed each account, before assessing the permit fee, regardless of whether the private garbage hauler receives payment. The report and payment of the required non-exclusive permit fee shall be due from the private garbage hauler to the city on or before the fifteenth day of each month following the preceding month or quarter for which a report was due. There shall be a ten (10) percent monthly surcharge on the

non-exclusive permit fee payable to the city if the permit fee is not timely paid by the private garbage hauler.

(m) Annual reports. Each private garbage hauler shall, on or before the 30th day of September, deliver to the city a statement of its annual gross receipts generated from accounts within the city. Failure to submit the required statement of annual gross receipts shall constitute a violation of this section subjecting the private garbage hauler to a denial of renewal of the permit.

(n) Revocation of permit. The council may revoke any permit issued pursuant to the terms of this article. Violation of the terms of this article or any other ordinance of the city or any laws or regulations of the state or of the United States shall be deemed prima facie good cause for revocation of the permit.

(o) Attorneys' fees and costs. If a permit is revoked or if the city is required to take any action to enforce any of its rights under and by virtue of this article or the permit, the permittee shall pay all costs, expenses and attorneys' fees of the city regardless of whether or not suit is filed.

**Sec. 66-41. Nuisance.**

Any violation of this article is hereby declared to be a public nuisance and a hazard to safety and health.

**Sec. 66-42. Code Enforcement and Corrective Measures.**

The procedure and other requirements of articles II and III of chapter 26 shall apply to this article.

**Sec. 66-43. Other disposal of solid waste prohibited.**

(a) Burning. The city adopts by reference and prohibits all acts of burning as set forth in F.S. ch. 403, F.S. ch. 590, F.S. §§ 823.02 and 823.145, and F.A.C. 5I-2 and 62-256, as well as any definitions that apply to those provisions, all as may be amended or superseded from time to time. In addition to any other consents or approvals required pursuant to the aforementioned provisions, approval for burning under very limited and specific circumstances shall be granted by the fire

chief of the city only upon a showing that an unusual fire hazard exists.

(b) Burying. No solid waste shall be buried within the corporate limits of the city.

**Sec. 66-44. Penalty.**

In addition to (and not in lieu of) the procedures set forth in sections 66-42 and 66-45, any person violating any of the provisions of this article may be punished as provided in section 1-7.

**Sec. 66-45. Lien for collection.**

When solid waste collection service is provided by the city to an owner or occupant, and the collection fee is unpaid and in arrears, such failure to pay the fee constitutes a lien against the premises and shall become effective and binding as such lien from the date upon which the account becomes due. No recording of the lien shall be necessary to perfect the lien or its priority.

Section 4. Severability.

If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Scrivener's Errors.

The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Clerk

or the Clerk's designee, without public hearing.

Section 6. Ordinance to be Liberally Construed.

This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

Section 7. Codification.

The provisions of this Ordinance shall become and be made part of the Code of the City. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 8. Repeal of Conflicting Codes, Ordinances, and Resolutions.

All codes, ordinances and resolutions or parts of codes, ordinances and resolutions or portions thereof of the City of Parker, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 9. Effective Date.

This Ordinance shall take effect on October 1, 2016.

PASSED, ADOPTED AND ADOPTED at a Meeting of the City Council of the City of Parker, Florida as of the 16<sup>th</sup> day of August, 2016.

CITY OF PARKER

Richard P. Musgrave  
Richard Musgrave, Mayor

ATTEST:

Nancy A. Powell  
Nancy Powell, City Clerk

Examined and approved by me, this 16<sup>th</sup> day of August, 2016.

Richard P. Musgrave  
Richard Musgrave, Mayor