

GARBAGE and REFUSE

ARTICLE I -- In General

Section 9.1	Definitions
Section 9.2	Purpose and charges
Section 9.3	Placing garbage in certain areas prohibited
Section 9.4	Placement of garbage
Section 9.5	Containers
Section 9.6	Dangerous materials
Section 9.7	Deposit of garbage or trash upon unoccupied premises
Section 9.8	Building and remodeling refuse
Section 9.9	Spent oils or greases
Section 9.10	Accumulation of garbage or trash limited
Section 9.11	Transportation of garbage
Section 9.12	Wet garbage
Section 9.13	Placement of garbage cans
Section 9.14	Payment of fees
Section 9.15	Rates, fees and charges
Section 9.16	Liens
Section 9.17	Reserved
Section 9.18	Trash collection
Section 9.19	Collection outside of City
Section 9.20	Burning or burying garbage in City
Section 9.21	Severability
Section 9.22–9.29	Reserved

ARTICLE II -- Junked Vehicles

Section 9.50	Junked, wrecked, discarded, abandoned, inoperative, discarded and/or partially dismantled vehicles and parts of vehicles prohibited
Section 9.51	Notice to remove
Section 9.52	Removal by City
Section 9.52.1	Supplemental remedy
Section 9.53	Evidence of abandonment

Editor's note: This chapter was amended in its entirety by Ordinance No. 9203, adopted April 9, 1992. This chapter was subsequently amended by Ordinance 07-03 on March 8, 2007 and revised by Ordinance 01-08 on December 13, 2001.

Cross reference: *Administration*, Chapter 2; *Animals*, Chapter 4; *Boats, Beaches & Waterways*, Chapter 5; *Health and Sanitation*, Chapter 10; *Housing*, Chapter 11; *Commercial Solid Waste Collection Permits*, Section 12-171, *et seq*; *Street, Sidewalks and Other Public Places*, Chapter 16; *Utilities*, Chapter 19; *Commercial Solid Waste Collection Franchise*, App. B, Article IV.

State Law reference: *Resource Recovery and Management*, F.S. Chapter 504, Part IV; *Public Health*, F.S. Chapter 381.

ARTICLE I -- In General

Section 9.1 Definitions

Construction and demolition debris means discarded materials generally considered to be not water-soluble and non-hazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wall board, and lumber from the construction or destruction of a structure, and including rocks, soil, 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 a construction or demolition project site. Mixing of construction and demolition debris with other types of solid waste will cause it to be classified as “other than construction and demolition debris.” The term also includes:

- (a) Clean cardboard, paper, plastic, wood, metal scraps from a construction project.
- (b) Effective January 1, 1997, except as provided in Section 403.707(13)(j), unpainted, non-treated wood scraps from facilities manufacturing materials used for construction of structures or their components, and unpainted non-treated wood pallets, provided the wood scraps and pallets are separated from other solid waste where generated, the generator of such wood scraps or pallets implements reasonable practices of the generating industry to minimize the co-mingling of wood scraps or pallets with other solid waste, and

Single Dwelling Unit for purposes of this Article only, shall mean any conventionally constructed, modular constructed, or mobile home dwelling unit, as well as each individual dwelling unit in a duplex, triplex, or quad residential structure.

Trash, unless specifically provided to the contrary, shall include and mean bulk waste/white goods, garbage, household trash, refuse, solid waste, and vegetative garden and yard waste, as further defined below, but does not include excluded waste.

- (a) **Bulk Wastes/White Goods** shall mean large discarded items generated from residences within the City, such as furniture, appliances, carpet, and other large household items
- (b) **Garbage** shall mean all accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking and dealing in, or storage of meats, fish, fowl, fruits or vegetables, and any other matter, of any nature whatsoever which is subject to decay, putrefaction and the generation of obnoxious and offensive gases or odors, or which, during or after decay, may serve as breeding or feeding material for flies or other germ-carrying insects, 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.
- (c) **Household trash** shall mean any and all accumulation of waste material from the operation of a home which is not included in the definition of “garbage”. Household trash shall include all bulky waste, yard toys, fencing and building material waste from residential type do-it-yourself projects, but does not include vegetative matter.

- (d) **Solid waste** shall mean garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agriculture, or government operation. Recovered materials as defined herein are not solid waste.
- (e) **Vegetative Garden and Yard Trash** shall mean any and all accumulations of branches, grass, leaves, palm fronds, shrubs, trees, stumps, vines and other similar items generated by the personal routine maintenance of residential gardens, lawns shrubs and trees.

Exception: Excluded waste shall mean any and all solid waste products

- (a) generated by land clearing, building construction or alteration, which shall be hauled away by the respective contractor (except do-it-yourself projects;
- (b) produced by public-works type construction projects whether performed by a government unit or by contract;
- (c) produced by government agencies other than the City of Crescent City;
- (d) deemed by the City Manager to be hazardous waste, and;
- (e) not allowed to be disposed of at regional County Landfill(s) or other approved landfills.

Trash receptacle (a/k/a garbage can) means container(s) made of light gauge steel, plastic, or other satisfactory non-absorbent material, closed in at one end with an opening at the other end able to be closed with a closely fitted top/lid and handle(s). The term also includes waterproof plastic bags of heavy mill construction which can be tightly/securely closed. Receptacles shall not exceed a thirty-five [35] gallon capacity, not including waste materials, and shall not exceed fifty [50] pounds in weight.
(Ordinance 07-22, 10-12-07)

Section 9.2 Purpose

It is the purpose of this Article to further the public health, safety and welfare of the City by providing for an appropriate, adequately funded, solid waste collection and disposal system.
(Ordinance 07-22, 10-12-07)

Section 9.3 Placing garbage in certain areas prohibited

It shall be unlawful for any person, firm or corporation to place trash, as herein defined, on streets, alleys, right-of-ways or sidewalks of said City except as provided herein.
(Ordinance 07-22, 10-12-07)

Section 9.4 Placement of garbage

(a) **Commercial Business.** In areas of business, accumulations of trash shall be containerized and placed in suitable trash receptacles or dumpable metal refuse containers placed in or near the rear of the business establishment. Where such facilities are provided outside of a building, they shall be screened from public rights-of-way and adjacent property by fencing or other materials compliant with the requirements of Section 6.12.4, paragraph 9 of Crescent City's *Land Development Code*. The receptacles shall also be readily accessible to the employees of the business and the trucks of the solid waste collection service. Boxes shall be broken down and placed in receptacles or containers.

(b) **Residential.** In residential areas accumulations of garden or lawn trash shall be placed at or near the street line behind the curb. The material should be placed in a suitable container such as plastic bags or garbage cans in order to facilitate its collection. Tree limbs, hedge trimmings and flattened cardboard boxes do not have to be in a bag or can. No single item of garden or lawn trash shall exceed four [4] feet in length; no single piece of trash shall exceed fifty [50] pounds in weight; tree trunks and limbs shall not exceed four [4] inches in diameter. It shall be unlawful for any person to sweep, blow or throw trash, refuse or garbage of any sort into the streets, alleys or sidewalks of the city, including city right-of-ways and storm drains.
(Ordinance 07-22, 10-12-07)

Section 9.5 Containers

All trash shall be placed in a suitable trash receptacle, as defined in Section 9.1 of this Article. Exception: Residential Bulk Wastes and Vegetative Garden/Yard Trash.
(Ordinance 07-22, 10-12-07)

Section 9.6 Dangerous materials.

Dangerous materials or substances, such as poisons, acids, caustics, infected materials, ashes, explosives and radioactive materials will not be collected by the City. Such materials must be disposed of in a lawful and sanitary manner by the person(s) or business creating the refuse.
(Ordinance 07-22, 10-12-07)

Section 9.7 Deposit of garbage or trash upon unoccupied premises

It shall be unlawful for any person to deposit garbage or trash upon any vacant or unoccupied premises or in any waterway, pit or pool within the City or upon the property or premises of another person or on the property which is in the possession of another person.
(Ordinance 07-22, 10-12-07)

Section 9.8 Construction and Demolition Debris

The property owner shall be directly responsible for proper collection and disposal of all materials resulting from remodeling, repair, excavation, construction or demolition of structures, such as earth, plaster, mortar, roofing materials, pieces of concrete, lumber, etc. There is no curbside collection and disposal provided by the City for such material.
(Ordinance 07-22, 10-12-07)

Section 9.9 Tree and Shrub Debris

(a) **Commercial Operations.** The property owner shall be directly responsible for the proper collection and disposal of tree and shrubbery debris resulting from commercial work performed by professional tree surgeons or yard maintenance crews.

(b) **Over-sized Debris Piles.** Any person or persons who authorize or cause a tree or trees to be felled, or branches from trees on their property to be trimmed, will be directly responsible for the removal of said cuttings if these cuttings are greater than four [4] inches in diameter, four [4] feet in length or fifty [50] pounds in weight. If such over-sized trees or cuttings are left at the curbside for an extended period of time the property owner may be subject to code enforcement action.

(Ordinance 07-22, 10-12-07)

Section 9.10 Spent oils or greases

Spent oils or greases accumulated at commercial garages, filling stations and similar establishments, or spent oils or grease from a household working on its own vehicle will not be collected by the City. Spent oils or greases shall not be placed on the ground, in storm sewers or in sanitary sewers. The owner or operator of such establishments or households shall be directly responsible for the proper collection and disposal of spent oil and grease. There is no curbside collection and disposal provided by the City for such oils and greases.

(Ordinance 07-22, 10-12-07)

Section 9.11 Accumulations of garbage or trash limited

No person is permitted an accumulation of garbage upon any premises in the City for a period longer than four [4] days. No person shall permit an accumulation of trash upon any premises within the City for a period of longer than eight [8] days.

(Ordinance 07-22, 10-12-07)

Section 9.12 Transportation of garbage

It shall be unlawful to transport garbage over or across the streets of the City unless authorized by the City pursuant to a contract with the City, or pursuant to Ordinance 8704, as amended

(Ordinance 07-22, 10-12-07)

Section 9.13 Wet garbage

All wet garbage shall be placed in plastic or metal containers equipped with lids attached securely thereto which will prevent flies or insects from entering said container; such container shall not exceed a thirty-five [35] gallon capacity for curbside pick-up.

(Ordinance 07-22, 10-12-07)

Section 9.14 Placement of garbage cans

(a) **For Curbside Pickup.** All trash receptacles shall be placed along the street to the front of the property within five [5] feet of the curb or travel way for curbside pick up.

(b) **Storage.** Prior to scheduled pick up days, garbage cans or containers shall be stored in the yard adjacent to the primary structure or storage building on the premises.
(Ordinance 07-22, 10-12-07)

Section 9.15 Payment of fees

Each person(s) owning or occupying as a tenant(s) a single dwelling unit as defined herein, as a place of residence or otherwise, shall be considered and declared to be, for the purpose of the enforcement of this Article, a user of the residential curbside garbage collection and disposal service and shall pay such fees, rates and charges as are hereby established or as hereafter modified or changed by the City Commission. All charges payable by such user that remain unpaid for a period of ninety [90] days after the same shall become due and payable shall constitute a lien against the user of said utility and such sums may be recovered by the City in a suit in court having jurisdiction of such cause.
(Ordinance 07-22, 10-12-07)

Exception: Single family housing projects that are designed for and approved by the City to provide a centralized dumpster container to serve the entire project shall contract directly with a waste hauler pursuant to Ordinance 8704, as amended
(Ordinance 07-22, 10-12-07)

Section 9.16 Establishing rates, fees and charges

(a) The minimum monthly charge for residential curbside solid waste collection within the corporate limits of the City shall be established by a resolution of the City Commission and shall be paid to, and collected by, the City in conjunction with other bills and charges for any and all other utilities operated within and under the direction of the City.

(b) In addition to the monthly charge for the collection of garbage, trash and waste, the City may charge a minimum deposit of two [2] times the monthly billing rate as a guarantee of the payment of the monthly bill. This deposit applies only to those users who utilize residential curbside collection services.
(Ordinance 07-22, 10-12-07)

Section 9.17 Liens

The lien hereby created may, at the request of the user of the real estate affected by and upon payment of all delinquent fees, rates and charges, be released by the administrative supervisor of the City and issuance of a certificate of the billing department burdened with the duty of submitting bills for the use of such utility, shall be *prima facie* evidence of the existence or nonexistence of any such delinquent charges, and the issuance of such certificate shall, in the absence of fraud perpetrated by the party requesting the same, be binding upon the City.

Section 9.18 Trash collection

(a) **Residential Curbside Trash Collection.** The City shall provide for weekly residential curbside solid waste collection and disposal for single dwelling units in accordance with this Chapter pursuant to the following schedule: garbage collection twice per week, yard trash collection once per week. This schedule may be amended by a resolution of the City Commission when necessary and deemed to be in the best interests of the City.

(Ordinance 07-22, 10-12-07)

(b) ***Commercial Trash Collection***

- (1) Commercial businesses are required to provide for their own weekly solid waste collection and disposal through a solid waste collection service authorized to do business in Crescent City pursuant to Ordinance 8704, as amended (see Code of Ordinances, Appendix B, Article IV). Collection shall occur a minimum of one [1] time per week, Monday through Friday between the hours of 7:00 am and 7:00 pm. If necessary to prevent its trash receptacles from over-flowing, the commercial business operator shall provide for more than one collection per week. Weekend or after hours collection is prohibited.
- (2) A commercial business may be required to provide proof of a contract for solid waste collection and disposal services to ensure compliance with this Chapter. Failure to provide for its own solid waste collection shall be a violation of the Chapter, subject to code enforcement action; and each day that the business operates without providing for appropriate solid waste collection and disposal shall be deemed a separate violation.

(c) ***Public Trash Receptacles.*** It shall be unlawful to for anyone to make use of public dumpsters or trash receptacles for disposing of any trash whatsoever, other than trash directly associated with the lawful and proper use of the public facility where the dumpster or receptacle is located.

(Ordinance 07-22, 10-12-07)

Section 9.19 Collection outside the City

The City shall not be responsible for collection or disposal of solid waste from properties located outside the corporate limits.

(Ordinance 07-22, 10-12-07)

Section 9.20 Burning or burying garbage in city

No construction and demolition debris or trash shall be burned or buried within the corporate limits of the City.

Section 9.21-9.49 Reserved.

ARTICLE II -- Junked Vehicles

Section 9.50 Junked, wrecked, discarded, abandoned, inoperative, discarded and/or partially dismantled vehicles and parts of vehicles prohibited

No person in charge or control of any property in the City, whether public or private property, whether as owner, tenant, occupant or otherwise shall allow any wrecked, discarded, junked, abandoned, inoperative, and/or partially dismantled vehicle or parts of vehicles to remain on such property longer than five [5] days unless such vehicle is located in a fully-enclosed building

such as a garage or shed. For purposes of this section, a carport does not constitute an enclosed building.

(Ordinance No. 9606, 8-1-96; Ordinance No. 07-003, 3-8-07)

Section 9.51 Notice to remove

(a) The City Manager shall have the power to direct and require the owner or owners of lots on which abandoned, derelict, wrecked or junked vehicles are stored, to remove said articles from his property within a period of ten [10] days after the date of a notice. Such notices shall be given in writing, a copy of which shall be personally served on the owner thereof by the City Manager's designee, if such owner or owners reside within the limits of the City.

(b) If the owner does not reside within the City, or if the owner cannot be found within the limits of the City, then a copy of said notice shall be mailed to said owner by the City Manager by registered or certified mail to the address of said owner, within or without the City, or within or without the State, at such address as appears on the latest complete tax roll of the county, and such mailing shall be considered sufficient notice to said owner.

(c) In the case of joint or multiple ownership, service as herein provided on any one owner shall be sufficient.

(Ordinance No. 9606, 8-1-96)

Section 9.52 Removal by the City

If the owner or owners shall not, within such time, remove the abandoned, derelict, wrecked or junked vehicles, it shall be lawful for the City Manager to cause the same to be done at the expense of the City and to charge, assess and collect the expense thereof against such lot, tract, or parcel of land and against the owner or owners thereof. To this extent, the City shall have a lien against said property. A lien for such costs shall be enforced by the same method and manner as the enforcement of tax liens by the City.

(Ordinance No. 9606, 8-1-96)

Section 9.52.1 Supplemental remedy

In addition to the remedy provided in this Article for the removal of junked vehicles, a violation of Section 9.50 is declared to be a non-criminal violation, punishable as a Class 4 violation as set forth in Section 2.59 of the Code, and the County Court shall have jurisdiction over the enforcement of Section 9.50.

Section 9.53 Evidence of abandonment.

The absence of a license plate for the current year and/or the absence of a current motor vehicle registration shall be *prima facie* evidence that such vehicle is abandoned, junked or discarded.

(Ordinance No. 9606, 8-1-96)