

ORDINANCE NO. 968

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

WHEREAS, City of Callaway enacted Ordinance No. 632, effective April 10, 2001, 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:

**Sec. 9-2. - Regulation of garbage and refuse collection.**

(a)

*Commercial accounts.* Any commercial account as defined herein shall be responsible for obtaining garbage and trash collection service from a private collector that is permitted to operate within the city or provide such services themselves. It shall be unlawful to contract for such services with anyone not holding a valid permit from the city.

(b)

*Reserved.*

(c)

*Placement and storage of containers.* All occupants of residential property shall place their garbage cans or containers adjacent or contiguous to the street or authorized alley right-of-way abutting their property for collection. Garbage must be placed securely in a metal or hard plastic can or container no more than 96-gallons (12.83 cubic feet) in size with a lid or top. Garbage shall not be visible, protruding, leaking, seeping, or otherwise loose. Garbage containers shall be stored within a garage, rear yard, or side yard not facing a public road. Garbage containers shall not be placed by the street for collection before 12:00 P.M. on the day before the designated collection day and shall be removed within twenty-four (24) hours. Dumpsters and containers at commercial accounts shall be placed in such locations as to

facilitate collection, and minimize the impact of the odors and unsightliness of the containers. No dumpster shall be placed on or within any right of way nor shall placement interfere with traffic in any street, alley or highway nor shall it restrict access to or egress from a building or be so close as to constitute a health, safety or fire hazard.

(d)

*Hazardous and biohazardous waste.* Any person or business generating or disposing of any hazardous or bio-hazardous waste or any substance or material the disposal of which is regulated by any state, local or federal agency shall comply with all regulations of such agency and shall insure that the disposal is accomplished by such persons or entities licensed and otherwise qualified to accomplish such disposal.

(Ord. No. 632, § 2, 4-10-01)

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

(a)

*Frequency of collection.* The city shall provide once weekly trash collection service for all residential accounts. The city may contract for the provision of such services or issue permits to independent contractors to provide such services.

(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 shall not be placed by the street for collection before 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.

(c)

*Construction debris.* Any construction or building site must be kept clean. Any construction debris must be confined in a specific area of the construction or building site. Failure to comply with this subsection may result in the city ordering cessation of construction until there is compliance. All debris must be removed from site each week and before final inspection approval.

(d)

*Demolition debris.* Any person who performs for hire the demolition of any structure or building, the clearing of land or cutting of timber for commercial purposes, shall within five days, remove or cause to be removed from the property all refuse from such activities.

(Ord. No. 632, § 2, 4-10-01)

**Section 2. Repealed.** All Codes, Ordinance 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** as of this 28<sup>th</sup> day of June, 2016.

**CITY OF CALLAWAY, FLORIDA**

By: Bob Pelletier  
Bob Pelletier, Mayor

ATTEST: Janice L. Peters  
Janice L. Peters, MMC, City Clerk

PASSED ON FIRST READING: MAY 24, 2016

NOTICE PUBLISHED ON: JUNE 17, 2016

PASSED ON SECOND READING: JUNE 28, 2016

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY FOR THE CITY OF CALLAWAY  
ONLY:

Kevin Obos  
Kevin Obos, City Attorney

VOTE OF COMMISSION:

Covey	<u>AYE</u>
Fairbanks	<u>AYE</u>
Henderson	<u>AYE</u>
Pelletier	<u>AYE</u>
Townsend	<u>AYE</u>