

ORDINANCE NO. 669

**AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 50 (ENTITLED
“GARBAGE AND RUBBISH”) OF TITLE V OF THE CITY OF ST. JOHNS CODE OF
ORDINANCES**

The following Ordinance was moved by Commissioner Ruestman and supported by Commissioner Kirschenbauer at a regularly scheduled public meeting on May 9, 2022:

THE CITY OF ST. JOHNS ORDAINS:

That Chapter 50 of Title V, Sections 50.01 through 50.07, entitled “GARBAGE AND RUBBISH”, be repealed and replaced in its entirety with a new Chapter 50 entitled “GARBAGE, TRASH, RECYCLABLES AND YARD WASTE” as found below:

§ 50.01 CHAPTER TITLE, INTRODUCTION AND PURPOSE. Chapter 50 of the St. Johns Code of Ordinance is newly titled as “GARBAGE, RECYCLABLES AND YARD WASTE”. This chapter is enacted for the purpose of protecting the general health, safety, and welfare of the residents of the City of St. Johns by regulating the pick-up and disposal of garbage, recyclables and yard waste within the corporate limits of the City.

§50.02 DEFINITIONS. The following words, terms and phrases, when used in this chapter, shall have the following meanings:

DIRECTOR OF PUBLIC SERVICES or DIRECTOR. The Director of Public Services of the City.

GARBAGE, as the term is commonly used and understood, which includes, but is not limited to the following:

- (1) All kitchen waste, including cans, bottles, household food, accumulations of animal food or vegetable and other organic matter attendant to the preparation, use, cooking, serving and consumption of food;
- (2) All other organic materials subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases or odors which, after decay, could serve as breeding grounds for flies, insects or animals. Garbage does not include dead animals, human waste or animal manure.
- (3) General household trash and refuse that cannot be recycled, including ashes, empty cartons, crates, boxes, wrapping materials, clothing, fabric and similar materials;

RECYCLABLES. Materials deemed suitable for recycling as determined by the waste hauler or licensed contractor utilized by the City for such services. Such materials typically include certain kinds of glass, plastics, cardboard and metals. Those materials that are

considered recyclable can and will change from time to time dependent on market factors, contractual terms and related issues.

RESIDENTIAL UNIT. A house, apartment, mobile home or other legal dwelling place used for human habitation within the corporate limits of the City.

RUBBISH. Includes waste from construction or remodeling, concrete, rocks, sod, earth, automobile or truck parts, tires, manufacturing or trade waste accumulated by residential, commercial, individual or institutional uses and includes all other waste products not heretofore defined under this section. *Rubbish is a category separate from Garbage and/or Recyclables, and cannot be placed in garbage/trash or recycling bins or containers for curbside pick-up.

TRASH. Inorganic waste materials. Also, see definition of "Garbage", subparagraph 3, *supra*.

§ 50.03 COLLECTION OF GARBAGE/TRASH AND RECYCLABLES

(A) All garbage, trash and recyclables from buildings with dwelling units not exceeding four in number accumulated in the City shall be collected, conveyed and disposed of only by a licensed contractor designated by the City.

(B) No other person, company or other entity shall collect or dispose of any materials governed by this Chapter except in the manner as herein set forth or as otherwise authorized by the City.

(1) Garbage/Trash collection. The collection of garbage/trash shall be confined to residential dwellings not exceeding four dwelling units. The City shall contract with one licensed hauler who shall exclusively collect these materials from the dwellings as defined by contract.

(2) Recycling collection. The collection of recyclable materials shall be confined to residential dwellings not exceeding four dwelling units. Recyclables will be placed in a container specifically designated for recycling and provided by the licensed contractor. Only those materials designated as suitable for recycling by the licensed contractor can be placed in said container.

(3) Other Garbage, Trash and Recyclable collection. This chapter shall not prohibit licensed haulers from collecting refuse and rubbish from dwelling or other living units in excess of four units or from trailer parks, commercial, industrial or institutional businesses, provided that such disposal of these materials is in an approved sanitary landfill and does not violate the provisions of this chapter and the regulations issued hereunder.

§ 50.04 COLLECTION SUPERVISED BY DIRECTOR OF PUBLIC SERVICES.

All materials governed by this chapter and disposed of by a licensed contractor under contract with the City shall come under the general supervision of the Director of Public Services. The Director shall have the authority to make additional regulations concerning the days of collection, type and location of Garbage/Trash/Recyclable containers and such other matters pertaining to the collection, conveyance and disposal as they shall find

necessary. The Public Services Director may change and modify regulations after public notice in a legal newspaper, provided that such regulations are not contrary to the provisions of this chapter. Any person who wishes to object to any regulation of the Director made under this section shall have the right to appeal to the City Manager, who shall have the authority to confirm, modify or revoke any such rule or regulation.

§ 50.05 PRE-COLLECTION PRACTICES.

(A) Preparation of Garbage/Trash. All materials under this subsection shall be placed in the appropriate curbside container provided either by the City or the licensed contractor. All garbage/trash, before placed in such containers, shall have drained from it all free liquids. Tree trimmings, hedge and clippings, branches and leaves, or similar material shall not be placed in Garbage/Trash containers.

(B) Recyclables. Those materials deemed as suitable for recycling as determined by the City or licensed contractor shall be placed in the recycling container provided for such purpose. Recyclables shall be rinsed out or otherwise cleaned before placement in the recycling container.

(C) Storing of Garbage and Recycling Containers before Collection Day. Garbage and Recycling bins or containers shall be stored in a closed area such as a garage or shed. Alternatively, if stored in the open, said bins or containers must be stored immediately adjacent to principal or accessory structure.

(D) Unauthorized Storing of Garbage, Trash and Recycling Materials.

(1) Public places. No person shall store any garbage, trash, recycling materials, refuse or rubbish in any street, alley or other public place.

(2) Unauthorized accumulation. Any unauthorized accumulation of any type of material governed by this chapter on any premises shall be declared a nuisance and is prohibited per Chapter 93 of the City of St. Johns Code of Ordinances.

(3) Scattering of Garbage, Trash and/or Recyclables. No person shall throw out, place, sweep or deposit anywhere within the City materials governed by this chapter in such manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place or in any occupied premises within the City.

(E) Points of collection. In all areas of the City not served by public alleys, refuse containers shall be placed for collection at ground level between the front curb and the sidewalk of dwelling units, and where there is no curb or sidewalk, then at the front property line of the residential unit.

(1) Refuse containers shall not be placed on the traveled portion of the street or highway so as to interfere with vehicular or pedestrian traffic, or to hinder snow-plowing.

(2) Refuse containers shall be placed for collection no later than 7:00 a.m. on the day of collection. Residents may place the containers for collection up to 24 hours in advance and must remove them within 24 hours after collection.

§ 50.06 COLLECTION PRACTICES.

(A) Frequency of collection.

(1) Residential. Garbage/Trash accumulated by residential dwelling units as herein defined shall be collected at least once each week. Recyclable collection shall be collected at least every other week, or as determined by the licensed contractor.

(2) Commercial. Hotels, restaurants, institutions and such other places as deem it necessary may enter into an agreement for a greater frequency of collection. Where necessary to protect the public health, the Director shall have the authority to require that more frequent collections be made.

(B) Limits on quantity. Refuse collection for dwelling units as herein defined shall be unlimited and the property owner may present for disposal as many containers, not exceeding the size hereinbefore described, as may be necessary for the disposal of household refuse.

(C) Special refuse and rubbish problems.

(1) Contagious disease. The removal of clothing, bedding, or other refuse or rubbish from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of the County Health Officer. Such refuse and rubbish shall not be placed in Garbage or Recycling containers for regular collections.

(2) Inflammables or explosives. Highly inflammable or explosive materials shall not be placed in containers for regular collection, but shall be disposed of as directed by the Director at the expense of the owner or possessor thereof.

(D) Requirements of collectors. The actual producers of refuse or the owner of the premises upon which refuse is accumulated, who desire personally to collect and dispose of such refuse, and the collectors of refuse from outside the City and who are licensed by the City, who desire to haul over the streets of the City, shall use a watertight vehicle, provided with a tight cover as approved by the Director, and so operated as to prevent offensive odors escaping therefrom and refuse from being blown, dropped or spilled. The Director shall have the authority to make such other reasonable regulations concerning individual collection and disposal relating to the hauling of rubbish by licensed haulers, as he shall find necessary, subject to the right of appeal, as set forth in § 50.04.

(E) Refuse property of the City. Ownership of refuse material set out for collection and collected by a duly licensed hauler approved by the City shall be vested in the City.

§ 50.07 COLLECTION OF BRANCHES, LIMBS AND LEAVES.

The City has an established schedule for the curbside pick-up of branches, limbs and leaves. Residents are prohibited from placing large accumulations of cut-down trees, tree trunks, limbs and branches that are the residue of a cut-down or removed tree. Only dead or pruned tree material will be picked up from the curb pursuant to the established schedule. Loose leaves placed curbside (not in the public street) are picked up by the City during the fall season with City-owned equipment. The leaf pick-up schedule is weather-dependent.

§ 50.08 FEES.

(A) Residential. The fees for collection and disposal of refuse from dwelling units, as herein before defined, shall be set by the City Commission, based on its contract with a

licensed hauler and subject to such increases or decreases as established by the City Commission from time to time as set out in the City's Fee & Rate Schedule.

(B) Nonresidential. For the collection and disposal of refuse and rubbish not otherwise provided for herein, the property owner may make such agreement with a licensed hauler as deemed to its best advantage.

(C) Payment. For all residential dwelling units, as defined herein, the City shall levy an annual service collection fee, which shall be due and payable on July 1 of the City's fiscal year, in advance, and not later than August 31 of said fiscal year. Payment shall be the obligation of the property owner, as shown by the tax rolls of the City, shall be included in the property tax statement, and if unpaid, shall become a lien against the property. If not paid on or before August 31, service to the property shall be terminated and no further collections shall be made from said premises. Any property owner failing to pay within the time above set forth shall not be granted further service in the collection and disposal of refuse until the amount is paid, together with a reinstatement charge as set out in the City's Fee & Rate Schedule.

(D) Legal remedy. The stoppage of service hereinbefore authorized for nonpayment of collection charges shall be in addition to the right of the City to proceed for the collection of such unpaid charges in a manner provided by law for the collection of a municipal claim. See also Section 50.09, *infra*.

§ 50.09 PENALTIES.

A violation of this Chapter is deemed a Municipal Civil Infraction and can be prosecuted and enforced consistent with Chapter 36 of the City of St. Johns Code of Ordinances.

YEAS: Hufnagel, Craig, Ruestman, Kirschenbauer, Gurski
NAYS: None
ABSENT: None

THE ORDINANCE WAS DECLARED ADOPTED.

Eric Hufnagel, Mayor

Mindy J. Seavey, City Clerk

I hereby certify the above Ordinance was published in the Clinton County News on the 15th day of May, 2022.

Mindy J. Seavey, City Clerk