

ORDINANCE 11-22

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; AMENDING § 58-39 OF CHAPTER 58, ARTICLE II OF THE WINTER GARDEN CODE OF ORDINANCES; IMPOSING STORAGE REQUIREMENTS FOR GARBAGE AND TRASH CONTAINERS; CLARIFYING THE LOCATIONS FOR PLACEMENT OF SUCH CONTAINERS; PROVIDING FOR PENALTIES, ENFORCEMENT, CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

WHEREAS, the City has home rule authority pursuant to Article VII, Section 2 of the Florida Constitution and Chapter 166, Florida Statutes, to enact this Ordinance; and

WHEREAS, the City desires to maintain and increase the aesthetic atmosphere of the City by requiring property owners and tenants to properly store trash and garbage containers when such containers are not in use.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA, AS FOLLOWS:

Section I The above recitals represent the legislative findings of the City Commission of the City of Winter Garden supporting the need for this Ordinance.

Section II Section 58-39 of the Winter Garden Code of Ordinances is hereby amended to read as follows (underlined text indicates additions; ~~struck out~~ text indicates deletions):

Sec. 58-39. Points of collection.

- (a) *Domestic garbage.* On designated collection days, ~~G~~garbage containers shall be placed ~~at the edge of the customer's property~~ adjacent to the street along the customer's property and shall be accessible without entering into a building or shelter of any type or by walking under or around a yard or property obstacle. Any person who is a full-time resident of a residential unit who is disabled to the extent that he is incapable of moving the garbage container and who shall obtain a physician's certificate as to such disability shall not be required to place the garbage container adjacent to a street. This subsection shall not apply unless all of the persons in the residential unit are disabled and obtain such physician's certificate.

- (b) *Domestic trash.* On designated collection days, Domestic trash shall be placed adjacent to~~at~~ the street's edge, but shall not be placed in the street. All small domestic trash such as grass, short hedge clippings, weeds, fallen leaves, and citrus droppings shall be put in containers and shall be placed at the street's edge.
- (c) *Commercial garbage and trash.* On designated collection days, All garbage and trash must be placed in containers on the property and not within the right-of-way of any area or street except as may be otherwise designated by the director of public works. Such containers shall be accessible without entering a building or shelter of any type.
- (d) *Time of collection.* All domestic garbage and trash containers,~~domestic or commercial,~~ shall be placed ~~on~~adjacent to the edge of streets in the manner provided in this section not later than 7:00 a.m. on the day designated by the director of public works for collection and shall be removed from the edge of such street not later than 7:00 p.m. on such designated days and stored so that the containers cannot be viewed from the street(s) (e.g., the container shall be stored at the side or rear of the property being served or within an opaque enclosure or structure such as a shed or garage) until the next designated collection day. Failure to properly store trash and garbage containers pursuant to this section on non-collection days shall constitute a Class I violation as set forth in § 2-92 of the City Code, with such fine to be assessed on a continuing basis for each day a container remains improperly stored. If the city fails to collect the garbage on the designated days, the city shall be responsible for collecting garbage from the point where the containers are customarily stored, and the customer shall not be responsible for placing the container at the street.

Section III Section II of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances.

Section IV In the event of a conflict or conflicts between this ordinance and other ordinances, this Ordinance shall control to the extent of the conflict.

Section V It is the intent of the City Commission of the City of Winter Garden, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section VI This Ordinance shall become effective upon adoption by the City Commission.

FIRST READING: _____ September 7____, 2011

SECOND READING AND PUBLIC HEARING: _____ September 21____, 2011

ADOPTED this 21st day of September, 2011, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

_____/S/_____
John Rees, Mayor/Commissioner

ATTEST:

_____/S/_____
Kathy Golden, City Clerk

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