

ORDINANCE NO. 2019-381

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 CERTAIN PROVISIONS OF CHAPTERS 1 AND 66 OF THE CODE OF ORDINANCES RELATING TO DEFINITIONS, TRASH AND YARD 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.

*Nonliving plant material.* The term "nonliving plant material" means nonliving vegetation such as leaves, grass cuttings, shrubbery cuttings, tree trimmings and other material incidental to attending the care of lawns, shrubs, vines and trees.

*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; abandoned, dilapidated, deteriorated, broken, unused or rusted household furnishings or appliances; vinyl; plastics; mattresses; bed springs; boxes; barrels; wood; waste lumber; debris; non-putrescible 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.

*Yard Debris or Yard Waste.* The terms "yard debris" or "yard waste" shall mean vegetative matter resulting from landscaping maintenance and includes accumulations of non-living plant material, split tree trunks, mulch and associated rocks and soils.

Section 2. Section 66-37 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

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

(a) Removal.

(1) 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 shall be placed in the 96-gallon container and shall be collected by a person authorized by the city 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.

(2) The current maximum quantity of all trash to be collected by the city per week at any **one** collection point shall be a volume of 3.5 cubic yards (approximately 4' x 4' x 6' pile), as long as said volume of trash does not exceed 500 pounds in weight or such other volume as may be set by subsequent resolution of the city council. All trash to be collected not in containers shall be neatly stacked along the street or authorized alley right-of-way abutting their property for collection. Trash other than yard debris shall not be placed by the street for collection until the day before the designated collection day.

(3) If any person desires the city to remove a quantity of trash exceeding the maximum quantity currently set out in this section or by subsequent resolution, they may request such service from the city. Removal of trash exceeding the maximum allowed quantity will be subject to a fee based upon a cubic yard volume, the current amounts are set forth in the schedule below or such other fee as may be established by the city by subsequent resolution:

Size	Volume	Fee
¼ load	More than 3.5 cy and less than 6 cy	\$62.50
½ load	More than 6 cy and less than 12 cy	\$125.00

¾ load	More than 12 cy and less than 18 cy	\$187.50
Full load	More than 18 cy and less than 24 cy	\$250.00

(4) In the event that an owner, agent, tenant, or occupant places over-sized trash curbside that outside of a 96-gallon container exceeding 3.5 cubic yards (approximately 4' x 4' x 6' pile) or 500 pounds, without being requested to be picked up by the city, the city will provide notice to the occupant of the premises that they have one week to remove and dispose of such trash or the anticipated cost if the city picks up or contracts for the removal of the over-sized trash. In the event that the owner, agent, tenant, or occupant fails to remove and dispose of the trash during the allotted time, the city shall remove or cause to be removed the over-sized curbside trash. In that event that the owner, agent, tenant, or occupant shall be charged and billed by the city the fee set forth in subparagraph (a)(3) above or the actual cost to the city, whichever is greater, without notice thereof to the customer.

(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 and four (4) inches in diameter and weighing no more than 100 pounds must be placed at curbside for pickup according to the schedule established by the city.

(1) In the event a city resident hires 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 or each property owner in the case of a tenancy where the tenant is the 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 to a customer shall be submitted by the city and shall

be paid by each customer 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 after the due date a penalty of 15 percent of said bill shall be assessed on the day after the due date. If the day after the due date 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 seven (7) days after the due date or the cut-off date set by the city, whichever occurs first, 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 cut-off day falls on a Friday, 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 utility service to a property which has been terminated pursuant to the provisions of this section or elsewhere in the code shall not be reconnected or restored until all past-due utility bills or other fees relating to trash 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.

Section 3. 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 4.        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 5.        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 6.        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 7.        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

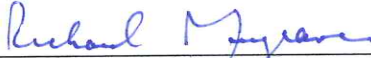
Parker, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 8. Effective Date.

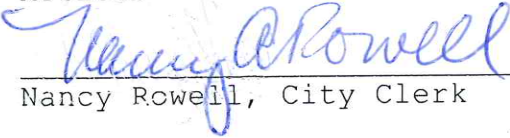
This Ordinance shall take effect immediately upon its passage.

PASSED, ADOPTED AND ADOPTED at a Meeting of the City Council of the City of Parker, Florida as of the 11th day of April, 2019.


CITY OF PARKER

  
Richard Musgrave, Mayor

ATTEST:

  
Nancy Rowell, City Clerk

Examined and approved by me, this 11th day of April, 2019.

  
Richard Musgrave, Mayor