

ORDINANCE NO. 1316

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES RELATED TO GARBAGE AND TRASH; MODIFYING AN EXEMPTION PERMITTING THE USE, POSSESSION AND VISIBILITY OF REFUSE CONTAINERS ON RESIDENTIAL LOTS SUCH THAT REFUSE CONTAINERS ON RESIDENTIAL LOTS FRONTING FRONT BEACH ROAD OR OLEANDER DRIVE SHALL NO LONGER BE PERMITTED TO BE VISIBLE TO PEDESTRIANS STANDING WITHIN THE RIGHT OF WAY; REPEALING ALL ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH:

SECTION 1. From and after the effective date of this ordinance, Chapter 12 of the City Code of Ordinances related to Garbage and Trash, is amended to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

Sec. 12-5. Refuse containers and compactors visible from Scenic Corridors; where prohibited; exceptions; variances, etc.

(a) Definitions.

Refuse is all putrescible and nonputrescible solid waste (except body waste), including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial waste.

Garbage is putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Rubbish is nonputrescible solid waste consisting of both combustible and noncombustible waste, such as paper, cardboard, tin cans, construction debris, clippings, wood, grass, bedding, crockery and similar materials.

Refuse container is any movable container intended or used to collect or store refuse, including without limitation, garbage cans, dumpsters and vehicles used to store and remove refuse.

Refuse compactor is any movable or fixed mechanical device intended or used to compress refuse, with or without storage capacity.

(b) Where prohibited. It shall be unlawful for any person to own, use or possess a refuse container or refuse compactor visible by a pedestrian standing within the vehicular right-of-way of a Scenic Corridor or on the sandy Gulf beach.

(c) Exceptions. Nothing herein shall prohibit:

(1) The ownership, use or possession of a refuse container on a residential lot intended and used exclusively to collect and store for removal garbage and trash provided such container is used exclusively for garbage and trash generated by property occupants on the site on which such container is located,

and such container is not located adjacent to a vehicular right-of-way for more than twelve consecutive hours in any three day period. This exception from the prohibition set forth in subsection (b) above shall not apply to residential lots fronting Front Beach Road or Oleander Drive south of Front Beach Road.

(2) The ownership, use or possession of any single, isolated refuse container equal to or less than fifty-five (55) gallons in capacity and intended to be used by the general public as a litter receptacle, provided that such receptacle shall be kept and maintained in a neat and clean condition.

(d) Variances. The city council may authorize upon request in specific cases, any such variance from the terms of this section as will not be contrary to the public health, safety, or welfare, or the aesthetic considerations promoted by this section, where, owing to special conditions or circumstances not attributable to the person requesting such variance, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. Any such variance may be upon such continuing terms and conditions as the city council may specify.

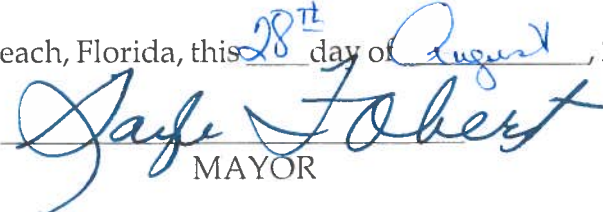
(Ord. No. 345, §§ 1--4, 4-13-89; Ord. No. 576, § 2, 7-23-98; Ord. No. 999, § 1, 10-27-05; Ord. No. 1008, § 1, 1-26-06)

SECTION 2. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 3. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Beach Land Development Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 4. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this 28th day of August, 2014.


MAYOR

ATTEST:

CITY CLERK

EXAMINED AND APPROVED by me this 28th day of August, 2014.


MAYOR

POSTED AT:

www.pcbgov.com

Dated August 29, 2014