

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING SECTION 66-41, DISPOSAL OF GARBAGE AND TRASH, BY PROHIBITING PLACEMENT OF YARD WASTE, TRASH OR RUBBISH ON RESIDENTIAL PROPERTY BY A BUSINESS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. It is hereby proposed that Section 66-41 of the Code of Ordinances, City of Fernandina Beach, Florida is hereby amended to read as follows:

**Sec. 66-41. - Disposal of garbage and trash.**

(a) *Disposal of garbage.* All garbage cans and containers shall be emptied and disposition made of the contents thereof as many times weekly as shall be designated by the city. No garbage shall be buried within the corporate limits of the city.

(b) *Disposition of trash.* All trash or dry garbage shall be placed on the parkway in an orderly manner at a convenient place for pickup, but no piling shall be done in the street or gutters, nor so that water may wash it into other locations. Tree and shrubbery trimmings need not be placed in containers, but shall be placed not more than ten feet from the street pavement line in one pile for each property. No person shall place or pile rubbish, refuse or trash in a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, parkway, or other public place or onto the premises of any other person. Scheduled pickups will be determined and announced by the city.

(c) *Prohibiting Placement of Yard Waste and Trash on Residential Property by a Business. Originating From Horticulture or Lawn Care Businesses Other Properties.* All yard waste, including but not limited to tree, shrubbery and grass trimmings and/or trash from a business shall not be disposed of on residential property within the City unless the yard waste or trash originated on that residential property. ~~only be placed for pickup on the property from which it originated.~~ Property owners within the City limits who know or should have known that yard waste, trash or rubbish placed on their property comes from a business and did not originate on that residential property, shall be jointly and severally liable along with the business that dumped the yard waste or trash. Violators of this section shall be subject to penalties as follows: \$100 citation for the first offense; \$200 citation for the second offense; and \$300 for the third offense. These fines apply to violations occurring within a five (5) year period. Any appeals of citations shall be made in accordance with Section 2-396 et seq. of this Code.

SECTION 2. All ordinances or parts of ordinances and all resolutions in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY. If any provision or portion of the Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of the Ordinance shall remain in full force and effect.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its final adoption.

ADOPTED this 16th day of May, 2017.

ATTEST:

CITY OF FERNANDINA BEACH

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Caroline Best  
City Clerk

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Robin C. Lentz  
Commissioner-Mayor

APPROVED AS TO FORM &  
LEGALITY:



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Tammi E. Bach  
City Attorney