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ORDINANCE NO. 94-02

AN ORDINANCE OF LIBERTY COUNTY, FLORIDA, REGULATING THE DISPOSAL OF SOLID WASTE, BIOMEDICAL WASTE AND HAZARDOUS WASTE IN LIBERTY COUNTY, FLORIDA; PROHIBITING CERTAIN TYPES OF LANDFILLS; PROVIDING DEFINITIONS; REQUIRING A PERMIT; ESTABLISHING EXCEPTIONS; PROVIDING FOR PUBLIC HEARINGS; ESTABLISHING A PENALTY FOR VIOLATIONS; DECLARING AN EMERGENCY SITUATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Liberty County, Florida is charged with the responsibility of protecting and is empowered to protect the health, common safety, welfare and sanitary living conditions of the residents of Liberty County, Florida, and

WHEREAS, protection of the health, safety, welfare and sanitary living conditions is vital to the residents of Liberty County, Florida and

WHEREAS, the regulation and permitting of the disposal of biomedical waste, solid waste and hazardous waste is necessary to maintain the quality of air, surface water and ground water in Liberty County, Florida;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LIBERTY COUNTY, FLORIDA, that:

Section 1. This ordinance is enacted pursuant to the emergency ordinance procedure set forth in Florida Statute 125.66(3), authorized by a unanimous vote of the Board of County Commissioners, declaring an emergency situation exists.

Section 2. Definitions.

"Biomedical waste" means pathological waste, biological waste culture and stocks of infectious agents and associated biologicals, chemotherapy waste, discarded medical equipment and parts, not including expendable supplies and materials which have not been decontaminated.

"Solid waste" means specifically car and truck tires, household, municipal and other forms of garbage.

"Hazardous waste" means any nuclear, atomic, radioactive, poisonous or toxic materials, including any material or waste material which can be hazardous to the health or environment of said county or its people.

"Person" means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, municipality, commission, or political subdivision or any agency, board, department or bureau of any state or of the federal government.

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid, biomedical or hazardous waste into or on any land or water and the burning of solid, biomedical or hazardous waste.

Section 3. No person shall site or operate a solid waste disposal facility, a biomedical waste treatment or disposal facility or a hazardous waste treatment or disposal facility in Liberty County, Florida.

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Section 4. Any facility permitted as of the date hereof to dispose of waste in the form of carbonatious waste (vegetative matter, wood products and wood scraps); recycled paper and polyethylene plastic to the 5% to 10% percentage allowed by state and federal regulatory agencies will be allowed to continue to do so. However, no permit to site or operate a waste disposal facility or upgrade an existing permit to site or operate a waste disposal facility to dispose of waste in the form of carbonatious waste (vegetative matter, wood products and wood scraps); recycled paper and polyethylene plastic to the 5% to 10% percentage allowed by state and federal regulatory agencies will be granted without giving public notice that such facility is being proposed and without conducting a public hearing on the siting or operation of such facility.

Section 5. This ordinance does not prohibit individual property owners within the confines of Liberty County Florida from disposing of vegetative solid waste matter (leaves, limbs and yard trash) or paper on their property within the guidelines of existing Florida laws or regulations.

Section 6. Class I sanitary landfills will not be allowed in Liberty County.

Section 7. Conflict. All ordinances or parts of ordinances, with the exception of the Liberty County Comprehensive Plan and the Land Development Code of Liberty County, both as amended, in conflict with this Ordinance are hereby repealed as to the extent of such conflict. Should this Ordinance conflict with the Liberty County Comprehensive Plan or Land Development Code, as amended, the Liberty County Comprehensive Plan and the Land Development Code, as amended shall take precedence.

Section 8. Penalties. Any violation of this ordinance shall, upon conviction, be punishable by fine not to exceed \$500.00 per day. In addition, Liberty County may institute proceedings for an injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful act or to correct or abate a violation of this ordinance.

Section 9. Severability. If any section, subsection, sentence, clause or phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not effect the validity of the remaining portions of this ordinance.

Section 10. In accordance with Section 125.66(3), Florida Statutes, a certified copy of this ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners the day after enactment and this Ordinance shall take effect when a copy has been accepted by the U.S. Postal Service for special delivery by registered mail to the Department of State.

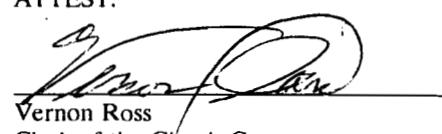
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DULY PASSED AND ADOPTED by the Board of County Commissioners of Liberty
County, Florida, by a vote of 5 to 0, this 14 day of April, 1994.

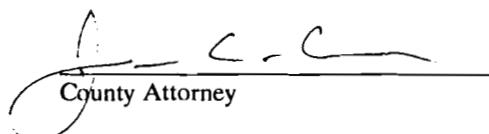
B O A R D O F C O U N T Y
C O M M I S S I O N E R S , L I B E R T Y
C O U N T Y , F L O R I D A

By: John T. Sanders
John T. Sanders, Chairman

ATTEST:


Vernon Ross
Clerk of the Circuit Court

APPROVED AS TO FORM:


County Attorney

Revision 4.14.94