

## ORDINANCE NO. 2022-7

AN ORDINANCE OF LIBERTY COUNTY, FLORIDA REPEALING ORDINANCE 2000-01; ESTABLISHING NEW SOLID WASTE REGULATIONS; MAKING LEGISLATIVE FINDINGS; PROVIDING DEFINITIONS; PROHIBITING THE DUMPING OF LITTER AND THE UNAUTHORIZED DISPOSAL OF SOLID WASTE, HAZARDOUS WASTE, AND SLUDGE; AUTHORIZING THE BOARD TO ENTER INTO SOLID WASTE COLLECTION AND DISPOSAL AGREEMENTS; REQUIRING THE MANDATORY COLLECTION OF RESIDENTIAL AND COMMERCIAL SOLID WASTE; PROHIBITING THE COLLECTION OF SOLID WASTE BY UNAUTHORIZED CONTRACTORS; ALLOWING COUNTY REGULATED CONTRACTORS TO PURSUE COLLECTION ACTION; FINDING THAT SOLID WASTE COLLECTION PROVIDES A SPECIAL BENEFIT TO PROPERTY AND PROVIDING FOR PENALTIES FOR NONCOMPLIANCE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LIBERTY COUNTY, FLORIDA AS FOLLOWS:

### SECTION 1. REPEAL OF ORDINANCE 2000-01

The Board of County Commissioners hereby repeals Ordinance No. 2000-01 and adopts the following new solid waste regulations, which are stated in Section 2 in **bold and underline** format.

### SECTION 2.

#### **SOLID WASTE**

#### **ARTICLE I. GENERAL**

##### **Sec. 1 Legislative findings.**

**The Board of County Commissioners finds that the unregulated and unsanitary disposal of solid wastes in the unincorporated areas of the county, and the failure to maintain clean and sanitary conditions on property in the county, threatens the health, safety, and welfare of the citizens because of the potential for breeding disease, creating property blight, and increasing taxpayer burdens. It is also declared that the unregulated disposal of hazardous waste poses a direct threat to the physical safety of the citizens of this county. Therefore, it is the purpose of this ordinance to provide**

reasonable, minimum regulations for the proper, safe, and sanitary disposal of solid wastes within the county and to make provision for the maintenance of property in the county in a clean and sanitary condition by those responsible for that property.

The Board also finds that it has the responsibility and authority to provide for the collection of solid waste within the unincorporated areas of the county and that requiring owners and occupants of improved property within the county to utilize and pay for solid waste collection services will reduce instances of illegal dumping. The Board further finds that the regulation of contractors to provide for exclusive solid waste collection promotes the efficient and proper management of solid waste and that the collection of solid waste generated from improved property provides a special benefit to the owners of such property.

## Sec. 2 Definitions.

The following words, as used in this ordinance shall be defined as provided below:

*Board:* The Board of County Commissioners of Liberty County.

*Charges/Fees:* Charges/fees for solid wastes received for disposal from residences and commercial property.

*Code Enforcement officer:* Any employee or agent designated by the Board as a code enforcement officer.

*Commercial property:* Any public or private premises used for commercial or business purposes, whether for profit or nonprofit, including, but not limited to, restaurants, grocery and other stores, motels, rooming houses, trailer parks, motor home parks, and similar uses.

*County:* The unincorporated areas of the county, including all inland bodies of water and those coastal waters under county jurisdiction.

*Dump:* To dump, throw, discard, place, deposit or dispose of.

*Excluded Waste:* shall mean biomedical or biological waste, construction or demolition debris, sludge, hazardous materials or waste that cannot legally be disposed of by the County's contracted solid waste hauler.

*Hazardous wastes:* Materials or combinations of materials which require special management techniques because of their acute and/or chronic effects on air or water quality, on fish, plants, wildlife and on the health, safety and

welfare of the public. These materials include, but are not limited to, volatile, chemical, biological, explosive, flammable, radioactive and toxic materials.

*Household garbage and household trash:* Any garbage or trash, as defined herein, generated by the domestic or household activities of one or more individuals living in a residence or habitable structure.

*Junk:* Any tangible item made of wood, plastic, metal, stone, rubber glass or similar material which is discarded or is to be discarded by the owner including, but not limited to, furniture, vehicles, stoves, refrigerators, dishwashers, televisions, water heaters, clothes washers and dryers, plumbing fixtures, screens, doors, beds, mattresses and similar items, and which is not included in the definitions in this section for garbage, trash, yard trash or tree trimmings.

*Law enforcement officer:* Any officer of the Florida Highway Patrol, the county sheriff's department, the Florida Marine Patrol, a municipal law enforcement department, a law enforcement department of any other political subdivision, the Department of Natural Resources or the Game and Fresh Water Fish Commission.

*Litter:* Any garbage, rubbish, trash, refuse, can, bottle, box, container, paper, tobacco product, tire, appliance, mechanical tool, machinery, wood, motor vehicle or motor vehicle part, vessel, aircraft, farm machinery or equipment, sludge from a waste treatment facility, water supply treatment plant, or air pollution control facility, or substance in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

*Motor vehicle:* An automobile, motorcycle, truck, trailer, semitrailer, truck tractor, or semitrailer combination or any other vehicle that is powered by a motor.

*Owner:* The person or persons holding legal or equitable title to personal or real property and the authorized agent, representative or manager of such person or persons.

*Person:* An individual, firm, administrator, corporation, association, partnership, executor, trustee, municipality, governmental agency or political subdivision, or any other legal entity. The word "person" includes the singular and plural, and the feminine as well as the masculine, as the context may require.

*Recyclable material:* Aluminum cans, metals, glass and paper that may be reclaimed, reprocessed or sold.

Residence: Any land, structure or shelter, or part thereof, owned, leased, or used as a residence or for habitable purposes for one more individuals or families.

Sludge: Any material pumped out of a septic tank or remaining after the treatment by any process of sanitary wastes.

Solid waste: A general term that includes all building material, household garbage, household trash, hazardous waste or sludge, junk, trash, tree trimmings, yard trash, seafood waste, appliances, furniture, tires and vehicle parts.

Solid waste containers: Garbage can or dumpster.

## ARTICLE II. UNAUTHORIZED DISPOSAL OF SOLID WASTE

### Sec. 1 Unauthorized disposal of solid waste prohibited.

- (a) It is a violation of this article for any person to dispose of solid waste in the county in any manner or place other than as provided for in this article, whether by dumping, burying, burning or otherwise.
- (b) No person shall throw, discard, place or deposit solid waste in any manner on any public or private property in the county on or in any waters within or contiguous to the county except in solid waste containers and in areas lawfully provided for.

### Sec. 2 Dumping litter prohibited.

Unless otherwise authorized by law or permit, it is unlawful for any persons to dump litter in any manner or amount:

- (1) In or on any public highway, road, street, alley or thoroughfare, including any portion of the right-of-way, or any other public lands, except in solid waste containers or areas lawfully provided for. When any litter is thrown or discarded from a motor vehicle the operator or owner of the motor vehicle, or both, shall be deemed in violation of this section.
- (2) In or on any freshwater lake, river, or stream or tidal or coastal water of the county. When any litter is thrown or discarded from a boat the operator or owner of the boat, or both, shall be deemed in violation of this section.

(3) In or on any private property, unless prior consent of the owner has been given and unless such litter will not cause a public nuisance or otherwise be in violation of county code.

Sec. 3 Disposal of hazardous wastes and sludge.

(a) The dumping, burying, or burning of hazardous wastes within the county is hereby expressly prohibited. Hazardous waste may be deposited at any site authorized by the county as permitted by the state department of health and rehabilitative services and/or the state department of environmental regulation in accordance with applicable federal, state, and local regulation.

(b) The dumping, burning, or burying of sludge within the county is hereby expressly prohibited, except that sludge may be deposited at any site authorized by the county as permitted by the state department of health and rehabilitative services and/or the state department of environmental regulation.

Sec. 4 Transporting of solid waste, sludge and septage.

(a) It shall be unlawful for any person to transport solid waste, sludge or septage within the county by vehicle unless the vehicle or material is covered or secured in such a manner as to prevent the material from spilling, falling or being blown out of the vehicle.

(b) It shall be unlawful for the owner of any vehicle to allow his vehicle to be used in a manner that violates subsection (a) of this section.

### Sec. 5 Penalties.

Any violation of this article may be enforced in accordance with the county's code enforcement process by a code enforcement officer or the penalty for any violation may be punishable by a fine not to exceed \$500.00 and/or incarceration in the county jail for not more than 60 days. In addition, the court may order the violator to:

- (1) Remove or render harmless the solid waste that he dumped in violation of this article.
- (2) Repair or restore property damaged by, or pay damages for any damage arising out of his dumping solid waste in violation of this article; or
- (3) Perform public service relating to the removal of solid waste dumped in violation of this article or to the restoration of an area polluted by solid waste dumped in violation of this article.

This section does not limit the authority of any state or local agency to enforce other laws, rules or ordinances relating to litter or solid waste management.

## ARTICLE III. SOLID WASTE MANAGEMENT

### Sec. 1 Applicability.

This article shall be applicable throughout the unincorporated area of Liberty County.

### Sec. 2 Penalties for violation.

- (a) Any violation of this article may be enforced in accordance with the county's code enforcement process by a code enforcement officer or the penalty for any violation may be punishable by a fine not to exceed \$500.00 and/or incarceration in the county jail for not more than 60 days
- (b) Nothing contained in this provision shall prohibit or limit the Board's ability to enforce a violation of those provisions by any other means authorized by law.
- (c) In addition to the penalties provided herein, the county may have recourse to such other remedies as provided in law or in equity to ensure compliance with the provisions of this article, including temporary and

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permanent injunctive relief, both prohibitory and mandatory, and recovery of damages.

Sec. 3 Solid waste collection and disposal service agreements.

(a) General authority.

- (1) The Board is hereby authorized to enter into a service agreement with any qualified person or entity to provide for the exclusive or non-exclusive collection and disposal of solid waste and recyclable materials from residences and commercial property within the county.
- (2) Any service agreement may require payment of a franchise fee as set by the board to compensate the county for the cost of solid waste management and administration, supervision and inspection rendered for the effective performance of regulated contractors and shall include such other terms and provisions as the board may deem necessary or advisable.

(b) The county shall not be liable or responsible for any accident or damage that may occur in conjunction with the collection of solid waste or recyclable materials by any regulated contractor, and, as a condition to the authority to provide collection and disposal services, the regulated contractor shall be deemed to have agreed to indemnify and hold harmless the county from any and all liability, loss, cost, damage or expense which may accrue to the county by reason of the neglect, default or misconduct of the regulated contractor.

Sec. 4 Mandatory collection of residential solid waste.

- (a) During the term of any service agreement authorized pursuant to this article, all solid waste (other than Excluded Waste) generated from residences located within the county shall be collected by a County regulated contractor.
- (b) The owners of all such residential property will be responsible for the use of such service by all occupants of the property and shall be responsible for the payment of service fees in accordance with the applicable service agreement. Fees for such services, including the cost of collection, disposal and administration, including the payment of any delinquent amounts owed, may be collected pursuant to any method authorized by law

including the imposition of fees at the time of issuance of any permit or certificate of occupancy, collection by the contractor or as a non-ad valorem assessment.

Sec. 5 Collection of commercial solid waste.

- (a) During the term of any service agreement authorized pursuant to this article, all solid waste (other than Excluded Waste) generated from commercial property located within the county shall be collected by a County regulated contractor.
- (b) The owners of all such commercial property will be responsible for the use of such service by all occupants of the property and shall be responsible for the payment of service fees in accordance with the applicable service agreements.

Sec. 6 Authorization required.

No person or entity shall collect solid waste or recyclable materials from property located within the unincorporated area of the county without a service agreement with the county.



Sec. 7 Collection by regulated contractors.

The service provided by a regulated contractor pursuant to a service agreement entered into pursuant to this article is deemed to provide a special benefit to residential property and commercial property. The service agreements may authorize the accrual of interest on delinquent service fees. To the full extent permitted by law, the service agreements may authorize regulated contractors to pursue collection action or impose a lien against property as to which service fees are delinquent in the amount of such delinquent service fee, plus interest to the date of payment.

**SECTION 3. REPEALER.** That any other ordinance or provision or an ordinance in conflict with this Ordinance shall be repealed to the extent of, but only to the extent of, the explicit conflict with this Ordinance.

**SECTION 4. SEVERABILITY.** That in the event any part of this Ordinance is deemed to be unconstitutional or invalid for any reason, the remainder of the Ordinance shall remain in full force and effect.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall become effective as provided by law.

PASSED AND ADOPTED BY LIBERTY COUNTY, FLORIDA ON THIS 8  
DAY OF December 2022.

BOARD OF COUNTY COMMISSIONERS  
OF LIBERTY COUNTY, FLORIDA  
Hannah Causseaux  
HANNAH CAUSSEAU, Chairwoman

Daniel Stanley  
DANIEL STANLEY  
Clerk of Court

APPROVED TO FORM:

Jennifer Shuler  
County Attorney