

106.

ORDINANCE NO. 82- 1

An Ordinance to be entitled

AN ORDINANCE RELATING TO THE COLLECTION, CONTROL AND DISPOSAL OF LITTER WITHIN BOTH THE INCORPORATED AND UNINCORPORATED AREAS OF LIBERTY COUNTY; DEFINING CERTAIN TERMS, PROVIDING REGULATION REGARDING LITTER IN BOTH THE PRIVATE AND PUBLIC SECTORS; PROVIDING THAT VIOLATION OF THIS ORDINANCE SHALL BE A MISDEMEANOR; PROVIDING PENALTIES; PROVIDING AN EFFECTIVE DATE.

This Ordinance is adopted pursuant to authority conferred on the Board of County Commissioners by Chapter 125, Florida Statutes.

PURPOSE

It is the purpose of this Ordinance, among other things, to provide that all persons present within the county at any time shall abide by the intent of this Ordinance, to the fullest extent possible; to make Liberty County a clean and pleasant place to live and visit; to provide direction to the people of Liberty County for the proper containerization and control of litter; to provide the law enforcement personnel with means to legally control within Liberty County.

SECTION 1 - DEFINITIONS

1-A) Litter/Solid Waste is any quantity of uncontainerized paper, metal, plastic, glass or miscellaneous solid waste which may be classified as trash, debris, rubbish, refuse, garbage, junk or anything synonymous therewith.

1-B) Person includes an individual, firm, partnership, corporation, association, executor, administrator, trustee or any other legal entity, whether singular or plural masculine or feminine, whether for profit or non-profit, whether public or private or any combination thereof, as the context may require.

1-C) Vehicle includes all items used for transportation of persons or any other items or objects including but not limited to bikes, motor bikes, cars, trucks, trains, planes, boats, etc.

1-D) Containers may be built of such material as metal, heavy-duty paper or plastic, or other similar materials sufficient to hold the litter placed therein. All containers must have a cover

sufficient to retain the litter in the container. Those containers not having lids or sufficient cover to contain the litter shall in and of itself constitute proof that a violation has been committed. They must be properly maintained to prevent the loss of litter contained in them by animals, rain, wind.

SECTION 2 - REGULATIONS

2-A) Pedestrians and Vehicles

(1) It shall be unlawful for any person to throw, discard, place or deposit litter in any manner or amount on any public or private property within the county, except in containers or areas lawfully provided therefor under law.

(2) In the prosecution charging a violation of Section 2-A (1) from a vehicle, proof that the particular vehicle described in the complaint was the origin of the litter, together with proof that the defendant named in the complaint was at the time of such violation the owner of said vehicle, registered or not, shall constitute in evidence a presumption that the owner was the person who committed the violation.

(3) It shall be the duty of every person distributing commercial handbills, leaflets, flyers or any other advertising or informational material or such person upon whose behalf such items are distributed to take whatever measures that may be necessary to keep such materials from littering public or private property.

(4) To facilitate proper disposal of litter by pedestrians and from vehicles, all publicly-patronized or used establishments and institutions shall provide, regularly empty and maintain in good condition, adequate containers. This requirement shall be applicable, but not limited to, fast-food outlets, restaurants, shopping centers, convenience stores, supermarkets, service stations, commercial parking lots, mobile canteens, motels, health care facilities and schools.

2-B) Vehicles Transporting or Carrying Loose Materials and Litter

(1) It shall be unlawful for any person to transport or carry loose litter by vehicle within the county unless said cargo

is covered and secured in such a manner as to prevent depositing of litter on public and private property.

(2) The duty and responsibility imposed by Section 2-B (1) shall be applicable alike to the owner of the vehicle, the operator thereof, and the person from whose residence or establishment the cargo originated.

(3) In the prosecution charging a violation of Section 2-B (1), lack of adequate covering and securing shall in itself constitute proof a violation has been committed.

2-C) Loading and Unloading Operations

(1) Any owner or occupant of an establishment or institution at which litter is attendant to the packing and unpacking and loading and unloading of materials and supplies at exterior locations shall provide suitable containers there for the disposal and storage of such litter and shall make appropriate arrangements for the collection thereof.

(2) It shall further be the duty of the owner or occupant to remove at the end of each working day any litter that has not been properly secured or placed in a container at these locations.

2-D) Construction and Demolition Projects

(1) It shall be unlawful for the owner, agent, or contractor in charge of any construction or demolition site to cause, maintain, permit or allow to be caused, maintained or permitted the accumulation of any litter on the site before, during or after completion of the construction or demolition project.

(2) It shall be the duty of the owner, agent or contractor to have on the site adequate containers for the disposal of litter and to make appropriate arrangements for the collection thereof or for transport by him to a legally authorized facility for final disposition.

(3) The owner, agent or contractor may be required at any time to show proof of appropriate collection, or if transported by himself, of final disposition to a legally authorized facility.

2-E) Household Waste and Litter; Containerization and Removal

(1) All residences located in the county shall have proper and sufficient containers to accommodate their normal volume of waste and litter between times of its being deposited in a legally authorized dumping area.

(2) All items too large to fit into containers, which are to be disposed of, such as, but not limited to, appliances, furniture and mattresses, shall be disposed of promptly.

(3) All loose materials and litter which normally fit into containers which are excess as a result of special circumstances such as holidays shall be bundled and properly secured to prevent them from blowing or scattering and shall be properly stored until disposed of in a legally authorized area, such disposal to be done promptly.

(4) Containers shall be kept covered at all times.

(5) Any container for household use which has defects likely to hamper collection or injure the public generally shall be replaced promptly by the owner or user of the container upon receipt of written notice of such defects from the county. Failure to do so within five (5) days of such notification shall constitute a violation of this section.

(6) It shall be unlawful for any resident to deposit household waste and litter in any receptacle maintained at any location for the disposal of litter by pedestrians.

2-F) Commercial Solid Waste Containerization and Removal

(1) All establishments and institutions which generate solid waste shall properly containerize solid waste until such time as it is appropriately disposed of.

(2) Containers shall be kept covered at all times.

(3) Any container which has defects likely to hamper collection or injure persons collecting the contents thereof or the public generally shall be replaced promptly by the owner or user of the container upon receipt of written notice of such defects from the county. Failure to do so within five (5) days of such notification shall constitute a violation of this section.

(4) It shall be unlawful for any owner, manager or

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employee of a commercial establishment or institution deposit solid waste from that establishment or institution in any receptacle maintained on a sidewalk or at any other location for disposal of litter by pedestrians.

2-G) Provisions for Solid Waste Disposal and Storage Facilities at New Buildings

(1) Before any building permits shall be issued for construction of commercial buildings and multiple-dwelling units, plans for adequacy, location and accessibility of solid waste containerization and storage facilities must be approved by the County Building Inspector.

(2) No certificate of occupancy or its equivalent shall be issued for said premises until the County Building Inspector's approval has been obtained.

2-H) Keeping Property Clean

(1) It shall be the duty of the owner, agent, occupant or lessee to keep exterior private property free of litter. This requirement applies not only to removal of loose litter, but to materials that already are, or become trapped, on the property or along such locations as fence and wall bases, grassy and planted areas, borders, embankments and other lodging points.

(2) It shall be unlawful to sweep, push or move litter and waste from private property into streets, roads or other public or private property. Cleaning of litter from private and commercial property must be picked up and put into household or commercial solid waste containers.

(3) It shall be the duty of every non-resident owner of vacant or uninhabited property to appoint a resident agent who shall have the responsibility of keeping that lot or other property free of litter.

(4) If after due warnings in writing an owner, agent, occupant or lessee fails to remove litter from any private property, the county is authorized to serve written notice to the owner, or his appointed agent, that if the condition is not corrected within ten (10) days, the property will be cleaned by the county and the

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owner or his appointed agent billed for the cost thereof, If the bill is not paid within thirty (30) days, execution may be issued by the county against the property for the amount of the cleaning charge, and such execution shall constitute a lien on the property until the claim has been satisfied.

SECTION 3 - RELATION TO OTHER ORDINANCES

This Ordinance is to be used in conjunction with other County Ordinances pertaining to the collection and disposal of solid waste.

SECTION 4 - EFFECTIVE DATE

This Ordinance shall become effective immediately upon passage and filing with the Secretary of State as provided by law.

SECTION 5 - PENALTIES

5-A) Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not less than \$35.00 and not more than \$500.00 or by imprisonment in the county jail not to exceed sixty (60) days or by both such fine and imprisonment.

5-B) Each and every day during which a violation continues, except in cases in which the county has given time for corrective action to be taken, shall be a separate and distinct offense. Violation occurring before the granting of time for corrective action and after the time has run for corrective action are still subject to being charged as a separate and distinct offense or offenses.

SECTION 6 - VALIDITY OF ORDINANCE

If any section, subsection, sentence, clause, 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 affect the validity of the remaining portion of this Ordinance.

DONE AND ADOPTED in regular session this 8 day of June, 1982.

BOARD OF COUNTY COMMISSIONERS  
LIBERTY COUNTY, FLORIDA

BY:

*Jack E. Summers*  
JACK SUMMERS  
Chairman

DONALD HOSFORD, EX OFFICIO  
Clerk of County Commissioners  
of Liberty County

