

ORDINANCE NO. 81-2

An Ordinance to be entitled

AN ORDINANCE PROHIBITING GARBAGE COLLECTION WITHIN THE UNINCORPORATED AREA OF CALHOUN COUNTY WITHOUT A FRANCHISE FROM THE BOARD OF COUNTY COMMISSIONERS OF SAID COUNTY; PROVIDING FOR AN EXCLUSIVE FRANCHISE AGREEMENT BETWEEN CALHOUN COUNTY AND THE SUCCESSFUL BIDDER FOR COLLECTION OF GARBAGE AND REFUSE WITHIN THE UNINCORPORATED AREAS OF CALHOUN COUNTY; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Calhoun County, Florida, that:

SECTION 1. By adoption of this Ordinance the Board of County Commissioners of Calhoun County, Florida, intends to exercise its full powers derived from the Florida Constitution and the laws of the State of Florida to regulate the field of garbage, refuse, rubbish and yard trash collection within the unincorporated area of Calhoun County, Florida.

SECTION 2. The County shall have the authority to grant a franchise to engage in the occupation of collection, hauling, or transporting any garbage, rubbish, yard trash, or other refuse within the unincorporated area of Calhoun County. It is unlawful for any person to engage in the named activities without first making application through the Board of County Commissioners for a franchise to engage in such occupation. Upon application for such a franchise, the County shall determine the need for such franchise, the suitability of equipment to be used and maintained in the furnishing of such services, and may otherwise control the activities and fees to be charged. In addition, the County shall regulate containers to be provided in such collection, if any, and the disposal of all items collected. The activities of such franchise operator shall always be subject to the Calhoun County Health Department Rules and Regulations relating to sanitation and other health requirements. The County may deny a franchise when it deems it necessary.

SECTION 3. Any person who is collecting garbage, rubbish, refuse or other items prohibited herein, without a franchise from the day this Ordinance is adopted, shall have thirty (30) days from the date of the adoption of this Ordinance to apply for, and obtain, a franchise as is required in this Ordinance.

SECTION 4. Each franchise holder shall, on or before January 1, of each year, file with the Board of County Commissioners a certified audit of its books for the immediately preceding calendar year, or portion thereof. Such certified audit shall be made by an independent certified public accountant and shall include, but not be limited to, a statement of financial condition, a statement of gross receipts of franchise holder for services rendered under the franchise, the average number of customers and a statement of the expenses.

SECTION 5. County may advertise for bids for an exclusive franchise within the unincorporated area of Calhoun County, or may grant same upon application to the Board of County Commissioners and approval by a majority thereof.

SECTION 6. Any entity who shall violate a provision of this Ordinance or fail to comply therewith, or any of the provisions hereof, shall be guilty of a misdemeanor of second degree and punishable by a fine not to exceed \$500.00 or by imprisonment in the County Jail not to exceed 60 days, or by both such fine and imprisonment. Each entity shall be deemed guilty of a separate offense for each and every day or a portion thereof during which any violation of any of the provisions of this Ordinance is continued.

SECTION 7. Any entity who shall violate a provision of this Ordinance or fail to comply therewith, or with any of the provisions thereof, may be assessed a civil fine by the Board of County Commissioners in an amount not to exceed \$100.00 per day for each and every day or a portion thereof during which any violation of any of the provisions of this Ordinance is continued, and said civil fine shall constitute

a lien upon all personal and real property of the violator located in Calhoun County for a period of ten (10) years, and said lien may be foreclosed upon by the Board at any time during the period, with the violator being liable for all the Board's Court costs and attorneys' fees at all judicial levels.

SECTION 8. If any word, sentence, phrase, clause, section or portion of this Ordinance shall be held invalid or unconstitutional by a Court of competent jurisdiction, such portion or words, shall be deemed a separate and independent provision and such holdings shall not affect the validity of the remaining portions thereof.


SECTION 9. This Ordinance shall become effective immediately upon passage.

DULY PASSED AND ADOPTED in open special session this 13th day of July, 1981.

BOARD OF COUNTY COMMISSIONERS
OF CALHOUN COUNTY, FLORIDA.

BY:

ATTEST:



Willie D. Wise
WILLIE D. WISE, Clerk of the
Board of County Commissioners
of Calhoun County, Florida.

Bobby J. Varnum
BOBBY J. VARNUM, VICE- CHAIRMAN