

ORDINANCE NO. 89-01

AN ORDINANCE OF CALHOUN COUNTY, FLORIDA; RELATING TO THE DISPOSAL OF SOLID WASTE; PROVIDING FINDINGS OF FACT; REQUIRING THAT ALL SOLID WASTE GENERATED IN CALHOUN COUNTY, FLORIDA BE PROCESSED VIA THE SOLID WASTE DISPOSAL SYSTEM; MAKING IT UNLAWFUL TO TRANSPORT SOLID WASTE OR SPECIAL WASTE TO CALHOUN COUNTY FROM AREAS BEYOND THE JURISDICTIONAL LIMITS OF CALHOUN COUNTY; DEFINING SOLID WASTE DISPOSAL SYSTEM; REQUIRING DISPOSAL FEE; PROVIDING SEVERABILITY CLAUSE; PROVIDING PENALTY OF VIOLATION; PROVIDING EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CALHOUN COUNTY, FLORIDA:

Section 1. Findings of Fact.

(A) It is no longer economically feasible for the County to own and operate sanitary landfills. Because of the stringent regulations and requirements of the Department of Environmental Regulations, The Department has forced and required Calhoun County to dispose of solid waste outside of the County.

(B) It is necessary for the promotion of the common interest for the people of the unincorporated areas of the County, to provide for an adequate solid waste disposal system for the citizens of the County.

(C) There is an excessive accumulation and unauthorized dumping of Solid Waste, hazardous waste, and special waste on private and public property, including undeveloped forested lands, and public rights-of-way within the County, resulting in the necessity for more stringent regulation of Solid Waste disposal practices within the County to protect the health, safety and welfare of the citizens of the County.

(D) It has become necessary to levy and collect fees for the disposal of Solid Waste due to the high cost involved in the providing for a Solid Waste disposal system, and due to the fact that the Ad Valorem Tax Base will not cover these costs.

(E) The Board of County Commissioners of Calhoun County, Florida finds it in the public interest to retain regulatory authority over refuse collection and disposal, to the extent allowed by law, because of the overriding public health, safety

and welfare consideration associated with the provisions of this service.

(F) The Board of County Commissioners has determined that the granting of an exclusive franchise within the unincorporated areas of Calhoun County, Florida for a period of years will promote the health, safety, and welfare of the County as well as promote competition from private firms collecting garbage.

Section 2. Legal Authority

This ordinance is enacted pursuant to the power and authority granted to the Board through Florida Statutes, Sections 125.01 and 125.67, and all other relevant statutes.

Section 3. Definitions.

For the purpose of this ordinance, the definitions contained in this section shall apply unless otherwise specifically stated. When not inconsistent with the context, words used in the plural number include the singular number the plural.

(A) "Board" means the Board of County Commissioners of Calhoun County, Florida.

(B) "County" means unincorporated areas of Calhoun County, Florida. The Town of Altha and the City of Blountstown are specifically excluded from the terms of this ordinance.

(C) "Solid Waste" means garbage, refuse and other discarded solid materials, including solid waste materials resulting from industrial, commercial, or agricultural operations, and community activities, but does not include solids in industrial waste such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows, other common waste pollutants or special waste, or by products, the sale or reuse of which is intended by the persons from whose process they resulted.

(D) "Hazardous Waste" means waste, or a combination of waste which because of its quality, concentration, or physical, chemical or infectious characteristics, may cause, or significantly contribute to, an increase in the mortality or an

increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or otherwise managed. These materials may include, but are not limited to chemical, biological, explosive, flammable, radioactive, and toxic materials.

(E) "Special Waste" means any waste that requires extraordinary management. This includes, but is not limited to, waste oil, sludges, dead animals, septic tank pumpings, and infectious and hazardous waste.

(F) "Solid Waste Disposal System" means whereby the County enters into a franchise agreement or any other agreement with any person, firm, or entity associated with the disposal of waste in the County. Said means being those means which are permitted by the Department of Environmental Regulation.

Section 4. Transporting and Disposal of Solid Waste.

(A) It shall be unlawful for any person, persons, firm, company, corporation, municipality, or other governmental or private legal entity, to collect, process, store, transport, accumulate, or dispose of solid waste in any area of the County other than through the solid waste disposal system.

(B) It shall be unlawful for any person, persons, firm, company, corporation, municipality, or other governmental or private legal entity, to transport solid waste or special waste to Calhoun County from areas beyond the jurisdictional limits of Calhoun County, or to dispose of solid waste or special waste in Calhoun County which has been transported into the County from outside the jurisdictional limits of the County.

(C) Any person, persons, firm, company, corporation, municipality, or other governmental or private legal entity, transporting or disposing of solid waste in Calhoun County, shall keep all Hazardous and Special Waste separated from other forms of solid waste, and shall transport and dispose of any Hazardous or Special Waste only in areas designated by the

County, which areas are duly permitted by the Department of Environmental Regulation and all applicable regulatory authorities.

Hazardous Waste or Special Waste generated in the County which cannot be handled by the Board pursuant to law or permit conditions established by agencies of governments having jurisdiction over such waste, shall not be delivered to the solid waste disposal system, but shall be handled and disposed of as is or may be provided by State or Federal law or County ordinance entirely at the expense of the person or agency generating such waste.

(D) All vehicles or other carriers of solid waste shall be covered to prevent littering.

(E) Packaging solid waste and making it available for transportation through the Franchisee to the Solid Waste Disposal System

#### Section 5. Solid Waste Disposal System

(A) The Solid Waste Disposal System shall be that system or means whereby Calhoun County has entered into an exclusive franchise agreement or any other agreement with a person, persons, firm, company, corporation, or entity for the exclusive rights to pick-up, transport, store, and dispose of solid waste in Calhoun County, Florida.

#### Section 6. Disposal Fees

A disposal fee shall be charged to each household and business for pick-up and transportation and disposal of solid waste.

#### Section 6. Effect On Other Ordinances.

The provisions of this ordinance shall prevail in the event of conflict with the provisions of any existing county ordinance or regulation.

#### Section 7. Severability.

In the event any portion or provision of this ordinance is for any reason held invalid or unconstitutional by any Court of

competent jurisdiction, such holding shall not effect the validity of the remaining portion or provisions of this ordinance.

Section 8. Penalty For Violation.

Persons or other private or governmental legal entities in violation of this ordinance, shall upon conviction, be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$500.00 or imprisonment in the County Jail for not more than sixty (60) days, or by both such fine and imprisonment.

Section 10. Effective Date.

This ordinance shall become effective upon being adopted by the Board of County Commissioners of Calhoun County, Florida, and filed with the Office of the Secretary of State.

ADOPTED in Regular Session this 2<sup>th</sup> day of February, 1989.

BOARD OF COUNTY COMMISSIONERS  
OF CALHOUN COUNTY, FLORIDA,

ATTEST: Willie D. Wise (SEAL)  
CLERK

BY: James W. Tugwell  
CHAIRMAN

