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ORDINANCE NO. 90-02

AN ORDINANCE PROVIDING FOR COLLECTION, TRANSPORTATION, AND DISPOSAL OF GARBAGE, TRASH, AND OTHER WASTE FOR RESIDENCES AND BUSINESS ESTABLISHMENTS, WITHIN THE UNINCORPORATED AREAS OF LIBERTY COUNTY, FLORIDA; PROVIDING REQUIREMENTS FOR CONTAINERS AND THE SIZES OF CONTAINERS; PROVIDING FOR FEES FOR THE DISPOSAL OF GARBAGE, TRASH AND OTHER WASTE; PROVIDING FOR THE DUE DATE OF FEES; PROVIDING FOR SCHEDULING OF EMPTYING OF CONTAINERS; PROVIDING FOR THE ADMINISTRATION OF THIS ORDINANCE; PROVIDING FOR THE DEFINITIONS OF RESIDENCE AND BUSINESS ESTABLISHMENT; PROVIDING FOR FREQUENCY OF COLLECTION; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. This Ordinance is adopted pursuant to Chapter 125, Florida Statutes.

Section 2. All garbage, trash and other waste generated by residences and business establishments within the unincorporated areas of Liberty County shall be collected, conveyed and disposed of by the County, its independent contractor, its designated agent or licensees.

Section 3. Garbage, trash and other waste generated by residences and business establishments will be deposited by the business establishment into containers provided by Liberty County, its independent contractor, its designated agent or licensees.

Section 4. Garbage, trash and other waste means garbage, refuse and other discarded solid materials, but does not include solids in industrial waste such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials and irrigation return flows, other common waste pollutants or special waste, or by-products. Solid waste does not include hazardous waste or special waste, nor does it include vehicles, furniture, large appliances, and other matter too large to fit in required containers.

Section 5. Containers shall be provided by Liberty County, its independent contractor, its designated agent or

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licensees and, for business establishments, shall be in sizes of six (6) cubic yards, four (4) cubic yards and ninety (90) gallons, or other sizes approved by the Board of County Commissioners of Liberty County, Florida. For residences, the containers provided shall be ninety (90) gallon wheeled containers.

Section 6. The fees charged a business establishment by Liberty County shall be Ten Dollars (\$10.00) for each dumping of the six (6) cubic yard container, Seven Dollars (\$7.00) for each dumping of the four (4) cubic yard container, and Nine Dollars (\$9.00) per month for each ninety (90) gallon container. For each residence, the fee shall be Nine Dollars (\$9.00) per month. All fees shall be paid by the twentieth (20th) day of the month following the rendering of the collection service.

Section 7. Each business establishment will coordinate, with Liberty County, its independent contractor, its designated agent or licensees, the size or sizes of the container to be used by the business establishment.

Section 8. Each business establishment will coordinate, with Liberty County, its independent contractor, its designated agent or licensees, the scheduling of the dumping of the garbage container, which shall be not less than once per week. Collection for residences shall be once per week.

Section 9. The Clerk of the Circuit Court of Liberty County, Florida, shall have the authority and the responsibility for the administration of this Ordinance.

Section 10. Business establishments shall mean those establishments which are being used for retail, wholesale, service, office, or industrial business purposes, whether for profit or not for profit. A residence is every dwelling unit, whether in a single-family, duplex, or multi-family structure, mobile home, or other non-

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commercial residential structure. All uses and structures which are not residences shall be considered as business establishments for purposes of this Ordinance.

Section 11. The Board of County Commissioners is authorized to adopt, modify, and repeal rules and regulations to carry out the implementation of the imposition and collection of the fees herein established.

Section 12. The waste collection fee provided for herein shall be the responsibility of the owner of the land for which it is charged; shall constitute a debt owed to Liberty County; and shall bear interest at the rate of twelve percent (12%) per annum after the due date until paid. Fees shall be applicable as of February 1, 1990.

Section 13.

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 14.

If any section, phrase, sentence, portion, or application of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision or application, and such holding shall not affect the validity of the remaining portions or applications thereof.

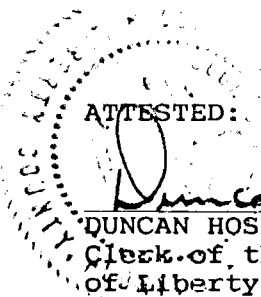
Section 15.

In accordance with Section 125.66, 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 within ten (10) days after enactment, and this Ordinance shall take effect upon receipt of official acknowledgment that said Ordinance has been filed.

Introduced in open session of the Board of County Commissioners of Liberty County, Florida, on the 31st day of January, 1990.

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PASSED IN OPEN SESSION OF THE BOARD OF COUNTY
COMMISSIONERS OF LIBERTY COUNTY, FLORIDA, on the 31st day
of January, 1990.



ATTESTED:

Duncan Hosford

DUNCAN HOSFORD
Clerk of the Circuit Court
of Liberty County, Florida

BOARD OF COUNTY COMMISSIONERS
LIBERTY COUNTY, FLORIDA

By: *John T. Sanders*
CHAIRMAN