

INTRODUCED BY COMMISSIONER BYRD

AN ORDINANCE RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE IN ALL AREAS OF ST. JOHNS COUNTY NOT WITHIN THE BOUNDARIES OF ANY MUNICIPALITY IN THE COUNTY; PROVIDING FOR DEFINITIONS; PROVIDING FOR LANDFILL FEES; PROVIDING FOR FRANCHISE AREAS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PENALTIES FOR UNLAWFUL TRESPASS ON THE LANDFILL SITE; PROVIDING FOR PENALTIES FOR UNLAWFUL USE OF TRANSFER STATIONS WITHIN ST. JOHNS COUNTY; PROVIDING THAT VIOLATION OF THIS ORDINANCE BE A MISDEMEANOR; PROVIDING THAT THE ELECTED COMMISSIONERS OF ST. JOHNS COUNTY HAVE THE RIGHT TO PASS RESOLUTIONS TO CONTROL AND FUND OPERATION OF THE LANDFILL SYSTEM; PROVIDING THAT THE ORDINANCE BE LIBERALLY CONSTRUED; PROVIDING FOR CERTAIN RESTRAINTS AGAINST THE USE OF THE LANDFILL; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

SECTION 1. This Ordinance is enacted for the purpose of providing necessary regulations for the use of the St. Johns County landfill for the depositing of garbage and solid waste.

SECTION 2. Definitions: When used in this Ordinance, the following words shall mean:

(a) The Board. : The Board of County Commissioners of St. Johns County, Florida.

(b) County : The unincorporated areas of St. Johns County.

(c) Solid Waste : All putrescible wastes and animal or vegetable refuse or residue that shall result from the preparation or care for, or treatment of food stuffs intended to be used as food, or shall have resulted from the preparation or handling of food for human consumption, or any decayed or unsound meat, fish, fruit or vegetable. Refuse is presented for the purpose of clarification rather than regulation and is all inclusive and shall include, but not be restricted to all putrescible or non-putrescible wastes consisting of both combustible and non-combustible wastes such as paper, cardboard, garbage, grass clippings, tree or shrub trimmings, wood, bedding,

crookery, rubber tires, constuction waste, and similar waste matters, except sewage. It also includes all miscellaneous refuse not otherwise included herein such as ashes, tin cans, glass, pottery, prunings from vines, and waste of all kinds resulting from the ordinary conduct of business or housekeeping.

(d) Truck : Any truck, trailer, semi-trailer, conveyance, or vehicle used to collect refuse or to haul, or transport garbage upon or along a public highway.

SECTION 3. County to provide disposal sites; Sanitary landfills.

St. Johns County shall provide adequate sites for the disposal of garbage and other refuse collected from within the county. Regulation governing the use of the disposal areas are available from the Solid Waste Section of the County Administrator's Office.

SECTION 4. Fees for the use of disposal sites;

(a) Users of the county landfill may be assessed a fee based on a schedule established by the Board of County Commissioners, if necessary for the operation of the landfill.

SECTION 5. Franchised Areas: The Board shall designate specific areas of the County to be franchised to garbage collectors and such areas will be protected from unlawful intrusion by others not so franchised to collect solid waste or refuse in that area.

SECTION 6. Scavenging: It shall be considered an act of trespass for any person or persons to visit within a landfill in St. Johns County for the purpose of picking over or otherwise scavenging through the deposited waste or refuse. Lawful entry to the site will be in conformance with the Regulations governing the use of the disposal area,

made a part of this Ordinance.

SECTION 7. Restraints: Special permission from the Section Head of the Landfill must be obtained to dispose of materials or combinations of materials which require special management techniques because of their acute or chronic effects on air and water quality; on fish, wildlife or other biota; and on the health and welfare of the public. These materials include, but are not limited to volatile, chemical, biological, explosive flammable, radioactive and toxic materials. This restraint further applies to wastes resulting from the operation of medical facilities consisting of, but not limited to, human and animal parts, contaminated bandages, pathological specimens, hypodermic needles, contaminated clothing and surgical gloves.

SECTION 8. Penalties: Any person, persons or corporation violating a provision of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed \$500.00 or by imprisonment in the County Jail not to exceed 60 days or both such fine and imprisonment.

SECTION 9. Liberal Construction: The provision of this Ordinance shall be liberally construed in order to effectively carry out the purpose of this Ordinance in the interest of the public health, welfare and safety of the citizens and residents of St. Johns County and the State of Florida.

SECTION 10. Severability: It is declared to be the Board's intent that, 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 portions hereof.

SECTION 11. Effective Date: This Ordinance shall take effect on July 1, 1976.

ENACTED this 27th day of April, 1976 in Regular
Session of the Board of County Commissioners of St. Johns
County, Florida.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA



H. F. (FRED) GREEN, CHAIRMAN

ATTEST:



CLERK



The St. Augustine Record

PUBLISHED EVERY AFTERNOON EXCEPT SUNDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA, }
COUNTY OF ST. JOHNS. }

Before the undersigned authority personally appeared _____
Robert E. James _____ who on oath says that he is
Advertising Manager _____ of the St. Augustine Record, a
daily newspaper published at St. Augustine in St. Johns County, Florida;
that the attached copy of advertisement, being a Legal Notice--
Notice of Board of County Commissioners Meeting
_____ in the matter of Ordinance relating to
the collection and disposal of solid waste in
St. John's County _____ in the _____ Court,
was published in said newspaper in the issues of _____
March 30, 1976

Affiant further says that the St. Augustine Record is a newspaper
published at St. Augustine, in said St. Johns County, Florida, and that the
said newspaper has heretofore been continuously published in said St. Johns
County, Florida, each day, except Sundays, and has been entered as second
class mail matter at the post office in the City of St. Augustine, in said
St. Johns County, Florida, for a period of one year next preceding the first
publication of the attached copy of advertisement; and affiant further says
that he has neither paid nor promised any person, firm or corporation any
discount, rebate, commission or refund for the purpose of securing this
advertisement for publication in the said newspaper.

Sworn to and subscribed before me
this 6 day of April

A. D. 19 76
[Signature]
(SEAL) Notary Public.

Notary Public, State of Florida at Large
My Commission Expires Oct. 2, 1976
Bonded By American Fidelity & Casualty Company

COPY OF ADVERTISEMENT

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON APRIL 27, 1976 AT 2:00 O'CLOCK P.M. IN THE COUNTY COMMISSIONERS' ROOM, ST. JOHNS COUNTY COURTHOUSE, ST. AUGUSTINE, FLORIDA, WILL HOLD A PUBLIC HEARING TO CONSIDER THE PASSAGE OF THE FOLLOWING ORDINANCE:

AN ORDINANCE RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE IN ALL AREAS OF ST. JOHNS COUNTY NOT WITHIN THE BOUNDARIES OF ANY MUNICIPALITY IN THE COUNTY; PROVIDING FOR DEFINITIONS; PROVIDING FOR LANDFILL FEES; PROVIDING FOR FRANCHISE AREAS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PENALTIES FOR UNLAWFUL TRESPASS ON THE LANDFILL SITE; PROVIDING FOR PENALTIES FOR UNLAWFUL USE OF TRANSFER STATIONS WITHIN ST. JOHNS COUNTY; PROVIDING THAT VIOLATION OF THIS ORDINANCE BE A MISDEMEANOR; PROVIDING THAT THE ELECTED COMMISSIONERS OF ST. JOHNS COUNTY HAVE THE RIGHT TO PASS RESOLUTIONS TO CONTROL AND FUND OPERATION OF THE LANDFILL SYSTEM; PROVIDING THAT THIS ORDINANCE BE LIBERALLY CONSTRUED; PROVIDING FOR CERTAIN RESTRAINTS AGAINST THE USE OF THE LANDFILL; AND PROVIDING AN EFFECTIVE DATE.

The proposed Ordinance is on file in the office of the Clerk of the Circuit Court, St. Johns County, Florida, St. Johns County Courthouse, and may be examined by parties interested prior to said public hearing.

All parties having any interest in said Ordinance will be afforded an opportunity to be heard at the public hearing.

Dated this 23rd day of March, 1976.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
By H. F. GREEN
Its Chairman
MSO-L381-Adv.



Secretary of State

STATE OF FLORIDA
THE CAPITOL
TALLAHASSEE 32304
(904) 488-3318

BRUCE A. SMATHERS
SECRETARY OF STATE

DAVID C. MACNAMARA
Assistant Secretary of State

May 3, 1976

Honorable Oliver Lawton
Clerk of Circuit Court
St. Johns County
Post Office Drawer 299
St. Augustine, Florida 32084

Attention: Marie Spaulding, Deputy Clerk

Dear Mr. Lawton:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of April 30 and certified copy of St. Johns County Ordinance No. 76-9, which was filed in this office on May 3, 1976.

Kindest regards.

Cordially,

BRUCE A. SMATHERS
Secretary of State

Nancy Kavanaugh

By
(Mrs.) Nancy Kavanaugh
Chief, Bureau of Laws

FILED

NK/mb

1976 MAY 4 AM 8 19

BY _____ CLERK