

**ORDINANCE 06- 98**

**ST. JOHNS COUNTY SOLID WASTE ORDINANCE**

AN ORDINANCE OF **THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA** AMENDING, COMBINING, AND SUPPLEMENTING ST. JOHNS COUNTY ORDINANCES 89-20, 89-58, 90-31, 90-58, 90-64, 91-10, 91-33, 92-14, 92-39, 93-44, 94-60, 97-28, AND 99-27 ALL OF WHICH TOGETHER HAVE CONSTITUTED THE ST. JOHNS COUNTY SOLID WASTE ORDINANCE. THIS ORDINANCE CONSOLIDATES SAID ORDINANCES REGULATING THE ACCUMULATION, COLLECTION, TRANSPORTATION, AND DISPOSAL OF GARBAGE, TRASH, TIRES, AND OTHER SOLID WASTE BY ALL PERSONS AND ENTITIES; AND AMENDING AND SUPPLEMENTING THOSE PROVISIONS AS FOLLOWS: 89-20, 89-58, 90-31, 90-58, 90-64, 91-10, 91-33, 92-14, 92-39, 93-44, 94-60, 97-28, AND 99-27, AND REINSTATES IN PART THOSE PROVISIONS HEREIN AMENDED AND SUPPLEMENTED INCLUDING BUT NOT LIMITED TO THE FOLLOWING: **PROVIDING FOR AMENDED DEFINITIONS IN SECTION 2 TO THE FOLLOWING DEFINITIONS—CONSTRUCTION AND DEMOLITION DEBRIS, DEMOLITION DEBRIS, SLUDGE, TRANSFER STATION, WASTE TIRE; PROVIDING FOR CONTINUED USE OF PRIOR ENACTED DEFINITIONS; PROVIDING FOR AMENDMENT OF SECTION 4(D)(4)—GRANT OF FRANCHISES AND OTHER AUTHORIZATIONS—FRANCHISE FEES; PROVIDING FOR AMENDMENT OF SECTION 5(K)—REGULATIONS APPLICABLE TO FRANCHISE HOLDERS AND AUTHORIZED COLLECTORS; PROVIDING FOR AMENDMENT OF SECTION 6(A)—RATES AND FEES CHARGED BY FRANCHISE HOLDERS AND AUTHORIZED COLLECTORS; PROVIDING FOR AMENDMENT OF SECTION 12(A)—MANAGEMENT OF SOLID WASTE; PROVIDING FOR AMENDMENT OF SECTION 16(A)—COUNTY WASTE DISPOSAL FEES; PROVIDING FOR AMENDMENT OF SECTION 21(A)—ENFORCEMENT AND PENALTIES; PROVIDING FOR CONTINUITY, RE-AFFIRMATION, AND RE-ESTABLISHMENT OF PRIOR ENACTED PROVISIONS, TO EXTENT NOT**

**AMENDED BY THIS ORDINANCE, OR IN ACTUAL CONFLICT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, certain changes in the County Solid Waste Ordinance are necessary to reflect a consistent course of action on the part of County staff.

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

Section 1. Section 2 of County Ordinance 99-27 is amended, as necessary, so as to revise the following definitions:

**SECTION 2. DEFINITIONS**

“Construction and Demolition Debris” means discarded materials generally considered to be not water soluble and non-hazardous in nature, including but not limited to steel, glass, brick, concrete, asphalt material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure, including such debris from construction of structures at a site remote from the construction or demolition project site. The term includes rocks, soils, tree remains, trees, and other vegetative matter which normally results from land clearing or land development operations for a construction project; clean cardboard, paper, plastic, wood, and metal scraps from a construction project; effective January 1, 1997, except as provided in Section 403.707(12)(j), F.S., unpainted, non-treated wood scraps from facilities manufacturing materials used for construction of structures or their components and unpainted, non-treated wood pallets provided the wood scraps and pallets are separated from other solid waste where generated and the generator of such wood scraps or pallets implements reasonable practices of the generating industry to minimize the commingling of wood scraps or pallets with other solid waste; and de minimis amounts of other non-hazardous wastes that are generated at construction or demolition projects, provided such amounts are consistent with best management practices of the construction and demolition industries. Mixing of construction and demolition debris with other types of solid waste will cause it to be classified as other than construction and demolition debris.

“Sludge” means accumulated solids, residues, and precipitates generated as a result of waste treatment or processing, including wastewater treatment, water supply treatment, or operation of an air pollution control facility, and mixed liquids and solids pumped from septic tanks, grease traps, privies, or similar disposal appurtenances a solid waste

pollution control residual which is generated by any industrial or domestic wastewater treatment plant, water supply treatment plant, air pollution control facility, septic tank, grease trap, portable toilet or related operation, or any other such waste having similar characteristics. Sludge may be a solid, liquid, or semisolid waste but does not include treated effluent from a wastewater treatment plant.

“Transfer station” means a facility the primary purpose of which is to store or hold solid waste for transport to a processing or disposal facility.

“Waste tire” means a tire that has been removed from a motor vehicle and has not been retreaded or regrooved. “Waste tire” includes used tires and processed tires.

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All other definitions remain as noted in Section 2 of County Ordinance 99-27.

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Section 2. Section 4(D)(4) of County Ordinance 99-27 is amended, as necessary, so as to read as follows:

**SECTION 4. GRANT OF FRANCHISES AND OTHER AUTHORIZATIONS;  
FRANCHISE FEES**

D. (4) Thereafter renewal and new applications shall be required to be submitted between April 1 and June 1 of each following year prior to the expiration date of the existing Franchise Agreement, unless otherwise provided by resolution of the board. New applications may be submitted at any time of the year and will follow the renewal requirements under this paragraph. The County Administrator, or his designee, may without prior notice limit the number of non-exclusive Franchises and/or new applicants for non-exclusive Franchises.

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Section 3. Section 5(K) of County Ordinance 99-27 is amended, as necessary, to read as follows:

**SECTION 5. REGULATIONS APPLICABLE TO FRANCHISE HOLDERS AND  
AUTHORIZED COLLECTORS**

K. Within 45 days of the expiration date of the existing Franchise Agreement, or within 60 days of termination of the Franchise Agreement, Within one hundred twenty (120) days following the close of each County fiscal year, each non-exclusive Franchisee shall file a certified audit of annual revenue on forms and in such detail as prescribed by the

Clerk or as provided in the Franchise Agreement. The Board may, upon application for good cause, extend the time for performance under this paragraph.

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Section 4. Section 6(A) of County Ordinance 99-27 is amended, as necessary, to read as follows:

**SECTION 6. RATES AND FEES CHARGED BY FRANCHISE HOLDERS AND AUTHORIZED COLLECTORS**

A. Franchises are authorized to charge their non-Residential Customers an amount sufficient to recover the Franchisee's collection, transportation, and disposal costs, and a reasonable business return. Franchisees shall not charge more than the following rates for disposal:

- (1) Solid Waste Disposal: to include Residential, Commercial & Industrial \$55.00 per ton.
  - (2) Used Tires: \$1.50 per Used Tire for up to 10 Used Tires (16" or less auto tires).
  - (3) Used Tires: more than 10 Used Tires delivered at the same time to the Tillman Ridge Landfill shall be charged per ton cost: \$185 per ton.
  - (4) Fluorescent Bulbs: \$.50 cents per bulb.
  - (5) Commercial rate for: (a) empty plastic paint containers: \$.50 each (5 gallon)  
(b) containers containing paint: \$3.00 per gallon
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Section 5. Section 12(A) of County Ordinance 99-27, is amended, as necessary, to read as follows:

**SECTION 12. MANAGEMENT OF SOLID WASTE**

A. It shall be unlawful for any municipality, Person, Franchisee, or Authorized Collector to dispose of Solid Waste accumulated or collected within the County or within any municipality located within the County at any place other than a properly licensed and permitted Solid Waste Facility. Exclusive Franchisees and Authorized Collectors shall take all of the Solid Waste they collect in the County to a County Landfill. Construction and Demolition Debris shall not be brought to the County Landfill accepting Class I Solid Waste. The County accepts this class of materials only at the "None Mile Road Construction and Demolition Facility." All Construction and Demolition Debris collected by the Franchisee or Authorized Collector shall be processed or disposed of at a properly permitted and licensed Solid Waste Management facility accepting Construction and Demolition Debris.

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Section 6. Section 16(A) of County Ordinance 99-27, is amended, as necessary, to read as follows:

**SECTION 16. COUNTY WASTE DISPOSAL FEES**

A. All Franchisees, Authorized Collectors, and Persons, excepting Residential Customers disposing of Residential Waste that is generated or produced at their Non Exempt Residential Property during each one year time period described in Section 15 above, and excepting the County and its employees when performing work for the County, shall be charged and shall pay the following type of fees and charges for the disposal of Solid Waste in a County Landfill:

- (1) Across weigh scales (per ton) for rear loading packer truck, roll-off containers, front-end packer truck and other vehicles and trailers: \$55.00 per ton.
  
- (2)(b) ...materials and said fees shall be \$6.50 per cubic yard for commercial and industrial waste disposal at the County landfill.

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Section 7. Section 21 of County Ordinance 99-27 is amended, as necessary, to read as follows:

**SECTION 21. ENFORCEMENT AND PENALTIES**

A. Any person or entity violating the provisions of this Ordinance, may be prosecuted in the same manner as misdemeanors are prosecuted and shall, upon conviction, be punished for each offense by a fine not to exceed \$500.00 or by imprisonment in the County jail not to exceed sixty (60) days, or both such fine and imprisonment. Each day that an offense or violation of this Ordinance continues, shall be deemed a separate offense. In addition, a fine not to exceed \$750.00 shall be levied for each roll-off and/or commercial container placed within the County by a Non-Franchised hauler and will require the person or entity to immediately cease all collection, transport, and disposal activities and submit a Franchise application for approval from the Board. Once a fine has been imposed by county staff, then only the Board of County Commissioners can waive or reduce such fine. Any person or entity which knowingly submits false information, including financial audits, or Franchise application and renewal information, shall be grounds to have the Franchise Agreement immediately terminated.

Section 8. To the extent not amended in this Ordinance, or not in actual conflict with this Ordinance, then the language, terms, provisions, conditions, and requirements of County Ordinance 99-27 are reaffirmed, and re-established in this Ordinance.

Section 9. Severability. It is the intent of the Board, and it is hereby provided, that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held to be invalid, unenforceable, or unconstitutional, by a court of competent jurisdiction, such invalidity, unenforceability, or unconstitutionality shall not be construed, so as to render invalid, unenforceable, or unconstitutional the remaining provisions, sections, subsections, clauses, phrases, or provisions of this Ordinance.

Section 10. Effective Date. This Ordinance shall be effective upon a certified copy being filed with the Florida Department of State.

PASSED and ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 22<sup>nd</sup> day of August, 2006.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: James D. Bryant  
James Bryant, Chairman

ATTEST: Cheryl Strickland, Clerk  
By: Deanna King  
Deputy Clerk

REVISION DATE 08/24/06

Effective Date: 08/28/06

# The St. Augustine Record

PUBLISHED EVERY MORNING MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING  
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

COPY OF ADVERTISEMENT

STATE OF FLORIDA,  
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **CHARLES BARRETT**

who on oath says that he is an Accounting Clerk of the St. Augustine Record,

a daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement, being **NOTICE OF HEARING**

in the matter **ORD SCHOOL WASTE**

was published in said newspaper in the issues of

**AUGUST 11, 2006.**

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 heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the 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 the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this **11TH** day of **AUGUST 2006.**

by *Charles Barrett* who is personally known to me  
or who has produced **PERSONALLY KNOWN** as identification.

*Patricia A. Bergquist*  
(Signature of Notary Public)



Patricia A. Bergquist  
My Commission DD275991  
Expires December 18, 2007

(Seal)

PATRICIA A. BERGQUIST

## NOTICE OF PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing on Tuesday, August 22, 2006 at 9:00 a.m. in the County Auditorium at the County Administration Complex, 4020 Lewis Speedway (County Road 16-A) and U.S. 1 North, St. Augustine, Florida, to consider adoption of the following ordinance:

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA AMENDING, COMBINING, AND SUPPLEMENTING ST. JOHNS COUNTY ORDINANCES 89-20, 89-58, 90-31, 90-58, 90-64, 91-10, 91-33, 92-14, 92-39, 93-44, 94-60, 97-28, AND 99-27 ALL OF WHICH TOGETHER HAVE CONSTITUTED THE ST. JOHNS COUNTY SOLID WASTE ORDINANCE; THIS ORDINANCE CONSOLIDATES SAID ORDINANCES REGULATING THE ACCUMULATION, COLLECTION, TRANSPORTATION, AND DISPOSAL OF GARBAGE, TRASH, TIRES, AND OTHER SOLID WASTE BY ALL PERSONS AND ENTITIES; AND AMENDING AND SUPPLEMENTING THOSE PROVISIONS AS FOLLOWS: 89-20, 89-58, 90-31, 90-58, 90-64, 91-10, 91-33, 92-14, 92-39, 93-44, 94-60, 97-28, AND 99-27, AND REINSTATES IN PART THOSE PROVISIONS HEREIN AMENDED AND SUPPLEMENTED INCLUDING BUT NOT LIMITED TO THE FOLLOWING: PROVIDING FOR AMENDED DEFINITIONS IN SECTION 2 TO THE FOLLOWING DEFINITIONS—CONSTRUCTION AND DEMOLITION DEBRIS, DEMOLITION DEBRIS, SLUDGE, TRANSFER STATION, WASTE TIRE; PROVIDING FOR CONTINUED USE OF PRIOR ENACTED DEFINITIONS; PROVIDING FOR AMENDMENT OF SECTION 4(D)(4)—GRANT OF FRANCHISES AND OTHER AUTHORIZATIONS—FRANCHISE FEES; PROVIDING FOR AMENDMENT OF SECTION 5(K)—REGULATIONS APPLICABLE TO FRANCHISE HOLDERS AND AUTHORIZED COLLECTORS; PROVIDING FOR AMENDMENT OF SECTION 6(A)—RATES AND FEES CHARGED BY FRANCHISE HOLDERS AND AUTHORIZED COLLECTORS; PROVIDING FOR AMENDMENT OF SECTION 12(A)—MANAGEMENT OF SOLID WASTE; PROVIDING FOR AMENDMENT OF SECTION 16(A)—COUNTY WASTE DISPOSAL FEES; PROVIDING FOR AMENDMENT OF SECTION 21(A)—ENFORCEMENT AND PENALTIES; PROVIDING FOR CONTINUITY, RE-AFFIRMATION, AND RE-ESTABLISHMENT OF PRIOR ENACTED PROVISIONS, TO EXTENT NOT AMENDED BY THIS ORDINANCE, OR IN ACTUAL CONFLICT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16A and U.S. #1), St. Augustine, Florida and may be examined by parties interested prior to the public hearing.

Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearing, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS:** In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, at (904) 209-0650 at the St. Johns County Courthouse, 4010 Lewis Speedway, Room 276, St. Augustine, FL 32084. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the hearing.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA  
CHERYL STRICKLAND, ITS CLERK  
By: Patricia DeGrande, Deputy Clerk  
L2250-6 Aug 11, 2006



FILED

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FLORIDA DEPARTMENT OF STATE

**Sue M. Cobb**

Secretary of State

DIVISION OF LIBRARY AND INFORMATION SERVICES

CHERYL STRICKLAND  
CLERK COUNTY COMMISSION  
ST. JOHNS COUNTY FL

August 28, 2006

Ms. Cheryl Strickland  
Clerk of the Circuit Court  
St. Johns County  
4010 Lewis Speedway  
St. Augustine, Florida 32084-8637

Attention: Yvonne King, Deputy Clerk

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated August 25, 2006 and certified copies of St. Johns County Ordinance Nos. 2006-98 through 2006-102, which were filed in this office on August 28, 2006.

Sincerely,

Liz Cloud  
Program Administrator

LC/jru

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