

ORDINANCE NO. 80-11

AN ORDINANCE REGULATING THE STORAGE, COLLECTION, TRANSPORTATION AND DISPOSAL OF SOLID WASTE IN HERNANDO COUNTY, FLORIDA; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROTECTION OF THE GENERAL HEALTH AND WELFARE; PROVIDING FOR ENVIRONMENTAL PROTECTION AND AESTHETIC QUALITY; PROVIDING FOR ENFORCEMENT PROCEDURES; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR APPLICABILITY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the health, welfare and quality of life of the residents of Hernando County are directly affected by insanitary storage and disposal of garbage and trash; and

WHEREAS, improper storage and disposal of trash and garbage contributes to or creates conditions favorable to the breeding, harboring and forage of insects, rodents and propagation of micro biological agents detrimental to human health; and

WHEREAS, Chapter 125.01 Florida Statutes authorizes the county to provide environmental protection programs and to perform other acts not inconsistent with general or special laws and which are of common interest to the residents of Hernando County, Florida.

NOW, THEREFORE, BE IT RESOLVED BY THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS AS FOLLOWS:

SECTION 1. TITLE AND REPEAL OF LAWS

This ordinance shall be known as the Hernando County Solid Waste Ordinance. All laws and ordinances which the Board of County Commissioners is authorized to supercede, nullify or amend, or any part of such laws and ordinances in conflict with any provision of this ordinance are hereby repealed.

SECTION 2. DEFINITIONS

- A. BOARD shall mean the Hernando County Board of County Commissioners.
- B. DEAD ANIMALS shall mean dead animals not intended for use for food purposes.
- C. DEPARTMENT OF PUBLIC WORKS shall mean the Director of the Hernando County Department of Public Works and any of his authorized representatives.
- D. HEALTH DEPARTMENT shall mean the Director of the environmental health section of the Hernando County Health Department and any of his authorized representatives.

FILED
SEP 18 9 41 AM '80
SECRETARY OF STATE

E. GARBAGE shall mean waste products of animal or vegetable origin resulting from the growing, processing, marketing and preparation of food items including the containers in which they are packaged.

F. HAZARDOUS WASTE shall mean materials which are (1) toxic or poisonous; (2) corrosive; (3) irritating or sensitizing; (4) radioactive; (5) explosive; or (6) flammable and that present a significant hazard to human health or the environment.

G. MANURE shall mean body waste of animals and fowl and cleanings from all barns, stables, corrals or pens used for stabling, caging or penning of animals or fowl.

H. OFFFAL shall mean waste matter from butchering, slaughtering and packing operations.

I. PATHOLOGICAL WASTE shall mean (1) equipment, instruments, utensils and fomites (any substance that may harbor or transmit pathogenic organisms) of a disposable nature from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease; (2) laboratory wastes, including pathological specimens (i.e. - all tissues, specimens of blood elements, excreta and secretions obtained from patients) and disposable fomites attendant thereto, and, (3) surgical operating room pathologic specimens and disposable fomites attendant thereto and similar disposable materials from outpatient areas, emergency rooms, private medical facilities and veterinary offices.

J. PERSON shall be construed to include any natural person, individual, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer, or any other entity whatsoever, or any combination of such, jointly or severally.

K. SHERIFF shall mean the Sheriff of Hernando County along with his deputies.

L. TRASH shall mean waste material not of a putrescible nature; included are stumps and logs, car bodies, refrigerators, stoves, tires, building and road materials, tree trimmings, paper boxes and all such similar material.

SECTION 3. SOLID WASTE STORAGE

The following standards and requirements are hereby established as a minimum for the sanitary accumulation and storage of solid waste pending collection and/or removal to an approved disposal facility.

3.1 Garbage

3.1.1 Garbage containers for other than bulk accumulation shall be of galvanized metal or plastic and shall be provided with tight fitting lids, or other suitable approved container.

3.1.2 Individual garbage containers shall be a maximum 32-gallon capacity. All garbage cans over 10-gallon capacity shall be equipped with hand grips on opposite sides of the container. All cans of 10 or less gallon capacity shall be equipped with a bail handle. Both handles and bails shall be adequate to support the weight of a full container without bending or breaking.

3.1.3 Containers shall be maintained in a clean and sanitary condition, free of cracks and holes, leak-proof and rodent-proof.

3.1.4 Areas where garbage containers are kept shall be maintained in a clean sanitary manner, free of spilled garbage, wastewater and odors.

3.1.5 Bulk garbage storage units such as dumpsters shall be maintained in a clean, nuisance free manner and shall be cleaned after each emptying or with such frequency necessary to comply with the intent of this section.

3.1.6 All garbage shall be pre-wrapped in leak-proof plastic containers before being placed in any bulk storage container.

3.1.7 All commercial facilities constructed after the effective date of this ordinance shall have facilities available for proper cleaning of bulk garbage storage containers.

3.2 Hazardous Wastes

3.2.1 Hazardous waste materials shall not be comingled with other solid waste.

3.2.2 Hazardous waste shall not be stored, collected, transported or disposed in Hernando County except as provided in current Environmental Protection Agency regulations.

3.2.3 Hazardous wastes shall be properly identified and packaged according to the particular material involved.

3.2.4. No hazardous wastes shall be disposed in Hernando County without first securing a permit from the Board of County Commissioners.

3.2.5 Existing hazardous waste disposal sites shall within 60 days of the effective date of this Ordinance comply with the provisions of this Ordinance for such disposal.

3.3 Pathologic Wastes

3.3.1 Pathologic wastes shall be packaged tightly and in a manner which will minimize the potential for accidental exposure.

3.3.2 All disposable needles shall have the tips removed or be otherwise broken and shall be properly wrapped prior to being stored for collection.

SECTION 4. DISPOSAL OF SOLID WASTE; PROVIDING FOR EXCEPTIONS

4.1 Garbage, offal, dead animals, or trash mixed with garbage, offal or dead animals, or any combination thereof shall be disposed of only at an approved sanitary landfill or other permitted disposal site. Such materials shall not be disposed of by being placed in any natural or artificial body of water. The owner of a 5-acre tract of land or larger may dispose of his own solid waste on his own property, provided he shall first have obtained a permit from the Hernando County Health Department approving the approximate location of the disposal site. The disposal site shall be determined by the Health Department to be suitable for such purposes prior to issuance of the permit.

4.2 Properly constructed and maintained compost facilities shall not be construed as a violation of this ordinance.

4.3 Open burning of garbage, offal, dead animals, trash and manure or trash mixed with garbage, offal, dead animals or manure is hereby prohibited as a violation of this ordinance. Provided, however, that this shall not be construed to prohibit burning of leaves, yard clippings and similar materials where a burning permit has been obtained and the conditions will not create a nuisance or hazard to neighboring residents.

4.4 It shall be prima facie evidence of a violation of this Ordinance if abandoned or dumped material disposed of in a manner other than outlined in this Ordinance can be established as having

originated with a particular person and this person has allowed such material to be dumped, discarded, abandoned or disposed of in an area other than an approved disposal site, unless such person has contracted for the disposal of waste material with an approved garbage franchise.

4.5 All garbage, offal, dead animals and trash shall be removed to an approved sanitary landfill or other permitted disposal site at sufficient frequency to prevent a sanitary nuisance. In no case shall garbage be removed less than once per week. Such removal shall be at the expense of the owner and/or occupant of the premises either by a franchised collection service or by the owner or occupant.

4.6 All construction materials, including trash, packaging, discarded materials and debris shall be securely and properly contained on the construction site during the construction period so as not to create an unsightly condition or so as not to be scattered over other properties in the area. After completion of construction and not more than 15 days thereafter, all remaining or discarded materials, trash or debris shall be completely cleared from the construction site.

SECTION 5. ENFORCEMENT

5.1 The provisions of this Ordinance shall be enforced as set forth in the Penalties and Remedies Sections of this Ordinance. Additionally, this Ordinance may be enforced pursuant to the provisions of the Hernando County Environmental Health Ordinance, which provides for the levying of civil fines.

The Director of the Environmental Health Section of the Hernando County Health Department shall be the official within Hernando County to insure the enforcement of this Ordinance.

SECTION 6. PENALTIES

A violation of this Ordinance shall be a misdemeanor and shall subject any person violating any section of this Ordinance to a fine or imprisonment as provided by State Statute for violation of a county ordinance. Each day the violation continues to exist shall be deemed a separate violation.

SECTION 7. REMEDIES

In addition to all other remedies available, the Board of County Commissioners shall have the power and authority to apply for an injunction to enjoin any violation of this Ordinance. In the event a court of proper jurisdiction enjoins any violation of this Ordinance, the person so enjoined shall be required to pay all costs and attorney fees associated and required as a result of obtaining such an injunction.

SECTION 8. SEVERABILITY

If any section, subsection sentence, clause or provision of this Ordinance is held invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected by such invalidity.

SECTION 9. INCLUSION IN CODE

It is the intention of the County Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Hernando County, Florida; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 10 APPLICABILITY

This Ordinance shall constitute a uniform law applicable in all incorporated and unincorporated areas of Hernando County to the extent allowable under the provisions of Article VIII of the Florida Constitution of 1968.

SECTION 11. EFFECTIVE DATE

This Ordinance shall become effective upon receipt of the Florida Department of State of official acknowledgement that this Ordinance has been filed with the Department of State.

ADOPTED in Regular Session this 2nd day of September, 1980.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By John H. Wagner
JOHN H. WAGNER, CHAIRMAN

Attest Harold William Brown
HAROLD WILLIAM BROWN, CLERK

SECRETARY OF STATE

SEP 16 9 42 AM '80

FILED