

Chapter 16

SOLID WASTE*

- Sec. 16-1. Short title.
- Sec. 16-2. Definitions.
- Sec. 16-3. Penalties; nuisance.
- Sec. 16-4. Collection and disposal.
- Sec. 16-5. Authorized collection agent.
- Sec. 16-6. Construction and demolition waste, commercial or industrial waste, and special and hazardous waste.
- Sec. 16-7. Bulky waste.
- Sec. 16-8. Containers; precollection practices.
- Sec. 16-9. Manner and frequency of collection.
- Sec. 16-10. Fees and charges.
- Sec. 16-11. Dumping and depositing waste prohibited.
- Sec. 16-12. Burying waste prohibited.
- Sec. 16-13. Accumulation of waste and other debris prohibited.

***Cross references**—Mobile homes and mobile home parks, ch. 12; litter, § 13-136 et seq.; streets and sidewalks, ch. 17; utilities, ch. 19.

State law references—Florida Litter Law, F.S. § 403.413; solid waste regulations, F.S. § 403.702 et seq.

Sec. 16-1. Short title.

This chapter shall be known and may be cited as the Solid Waste Collection Ordinance of the town.

(Ord. No. 250, § 1, 12-17-91)

Sec. 16-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bulky waste means items of solid waste, except household garbage, such as appliances or furniture, but excludes auto parts and trees and branches longer than six feet or more than three inches in diameter.

Commercial establishment means improved real property utilized by a for-profit or not-for-profit business enterprise, including but not limited to motels, hotels, stores, office buildings, public buildings, commercial storage buildings, churches, restaurants, service stations and garages, laundries and cleaning establishments, manufacturing and other industrial establishments.

Commercial or industrial waste means waste accumulation including but not limited to metal, metal products, minerals, chemicals, rock, tar, oil, grease, grass, crockery, rubber, tires, bottles, cans, lumber, sawdust, waste from animal packing or slaughterhouses or other materials usually created by commercial or industrial enterprises, but excluding household waste, special waste and hazardous waste as defined in this chapter.

Construction and demolition means the waste, building materials and rubble resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings, pavements and other structures.

Curbside means the area within three feet of the publicly maintained road right-of-way. "Curbside pickup" or service "at the curb" means the collection of solid waste to be made within that area at a residence or commercial establishment.

Garbage means all kitchen and table food waste, animal or vegetable waste that is attendant with or results from the storage, preparation, cooking or handling of food materials, including byproducts of the preparation or packaging of such foods or other matter.

Hazardous waste means any hazardous, toxic or radioactive waste or substance as defined by applicable federal, state or local laws, ordinances or regulations.

Household waste means garbage and refuse.

Mechanical container means a container with a volume of two cubic yards or greater and which is emptied into a front-end loader truck. The words "mechanical container" are synonymous with "dumpster."

Refuse means accumulations of rubbish, such as paper, sweepings, dust, rags, bottles, cans, and other waste material of any kind usually attendant to a domestic household or housekeeping.

Roll-off service means the servicing of any solid waste container from ten to 45 cubic yards capacity, by which the container and its waste contents are taken off by the town or its authorized agent and an empty container is left in its place, as well as the sale, lease or rental of such containers, including roll-off compactors.

Solid waste means all garbage, rubbish, yard waste or commercial or industrial waste, but excludes all special or hazardous waste.

Special waste means all waste as specifically defined in writing by the town or its authorized agent from time to time and a true copy of which is on file with the town clerk.

Yard waste means accumulations of lawn grasses, shrubbery cuttings or clippings, bushes or shrubs, or green leaf cuttings, providing that tree branches are not longer than six feet in length or three inches in diameter. Yard waste shall be limited to four cubic yards per week. (Ord. No. 250, § 2, 12-17-91)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 16-3. Penalties; nuisance.

The violation of any of the provisions of this chapter by any person shall be punished as provided in section 1-9 of this Code and such violation may also constitute a nuisance to be abated in the manner provided by law.

(Ord. No. 250, § 13, 12-17-91)

Sec. 16-4. Collection and disposal.

All solid waste accumulated in the town shall be collected, conveyed and disposed of by the town or by such agent as the town may designate. Such collection, conveyance and disposition shall be made at regular intervals. No person except the town or its authorized agent shall collect or convey over any of the streets or roadways of the town or dispose of any solid waste accumulated in the town except:

- (1) This chapter does not prohibit the actual producers of solid waste, or the owners of premises upon which solid waste has accumulated, from personally collecting, conveying and disposing of such solid waste, provided that such producers or owners comply with the provisions of this chapter and with any other governing laws or ordinances.
- (2) This chapter does not prohibit collectors of any solid waste from outside of the town from hauling such solid waste over town streets, provided such collectors comply with the provisions of this chapter and with any other governing laws or ordinances.

(Ord. No. 250, § 3, 12-17-91)

Sec. 16-5. Authorized collection agent.

The town may designate an agent authorized to collect and dispose of solid and other waste in the town and to perform such other and related duties and on such terms and conditions as the town may determine to be consistent with the provisions of this chapter and other applicable laws and regulations.

(Ord. No. 250, § 4, 12-17-91)

Sec. 16-6. Construction and demolition waste, commercial or industrial waste, and special and hazardous waste.

The collection and disposal of all construction and demolition waste, commercial or industrial waste, and special and hazardous waste, accumulated within the corporate limits of the town, shall be the responsibility of the producer of such waste or the owner or occupant of the premises upon which such waste has accumulated, unless the town or its authorized agent agrees to collect, remove and dispose of such waste by negotiation, and provided further that any such collection, removal and disposal shall be done in strict compliance with all federal, state and local laws and regulations.

(Ord. No. 250, § 5, 12-17-91)

Sec. 16-7. Bulky waste.

Bulky waste and/or white goods shall be collected by the town or its authorized agent, but only upon request and upon the scheduling of same with the town or its authorized agent.

(Ord. No. 250, § 6, 12-17-91)

Sec. 16-8. Containers; precollection practices.

(a) All solid waste shall be placed in containers approved by the town or its authorized agent.

(b) Containers shall not be consistently overloaded, and large objects shall not protrude from containers.

(c) All household waste shall be placed in containers to be provided by the town or its authorized agent.

(d) All yard waste with the exception of tree limbs shall be placed in containers not to exceed 32 gallons in capacity or 40 pounds in weight. Sealed plastic bags not less than 1½ mils in thickness and of a capacity of not more than 32 gallons may be used to contain yard waste.

(e) All containers for household waste, including trash, shall be placed within three feet of curbside at the driveway entrance to the premises, unless otherwise agreed to by the town or its authorized agent. Neither household waste nor yard waste shall be placed in the street.

(f) All garbage and yard waste containers shall be removed from curbside after each collection.

(g) All commercial establishments shall use either the roll-off containers or handload or mechanical containers to be provided by the town or its authorized agent.

(h) The handload or mechanical containers shall be placed within three feet of the maintained road right-of-way line at the driveway entrance to the premises or at such locations as may be agreed to by the town or its authorized agent.

(Ord. No. 250, § 7, 12-17-91)

Sec. 16-9. Manner and frequency of collection.

In addition to the provisions contained in this chapter, the town or its authorized agent shall determine the manner and frequency of solid waste collection and disposal, including hours and location of collection, and may make such distinctions as are reasonable and necessary for providing residential and commercial services and for the collection and disposal of the various different kinds of waste as defined in this chapter.

(Ord. No. 250, § 8, 12-17-91)

Sec. 16-10. Fees and charges.

(a) The fees and charges for the collection and disposal of solid waste by the town or its authorized agent shall be as prescribed by the town from time to time or as prescribed by the town's agent from time to time with the approval or prior agreement of the town.

(b) With respect to such fees and charges, the town or its authorized agent may make such distinctions as are reasonable and necessary for providing residential and commercial services and for the collection and disposal of the various different kinds of waste as defined in this chapter.

(c) The fees and charges for solid waste collection and disposal services by the town or its authorized agent shall be included in the monthly utility bill rendered by the town unless otherwise provided by the town.

(d) Each residential or dwelling unit, each commercial establishment and each industrial enterprise having its own electric meter shall be billed the monthly fee or charge as provided by the town or by its authorized agent with the town's approval.

(Ord. No. 250, § 9, 12-17-91)

Sec. 16-11. Dumping and depositing waste prohibited.

It shall be unlawful for any person to dump or deposit any waste, including commercial or industrial, construction and demolition, special and hazardous waste, as well as any household or yard waste, in any place within the town limits, including upon any vacant or unoccupied premises or upon any street, roadway, park, pond or other body of water within the town.

(Ord. No. 250, § 10, 12-17-91)

Sec. 16-12. Burying waste prohibited.

No waste, including household, special and hazardous wastes, shall be buried within the corporate limits of the town.

(Ord. No. 250, § 11, 12-17-91)

Sec. 16-13. Accumulation of waste and other debris prohibited.

It shall be unlawful for any person to suffer or permit any waste, including household and yard waste, or any wrecked, abandoned, nonoperating or otherwise junk vehicle or junk appliance, or parts therefrom, or refuse, trash, filth, straw, hay, excelsior, paper, boxes, barrels or other articles or materials that are offensive to public health or that are a menace to the welfare of the town, either by reason of danger of fire or otherwise, to be or remain upon the premises of such person, or upon the streets, avenues, or alleys and adjoining the premises of such person.

(Ord. No. 250, § 12, 12-17-91)

