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ORDINANCE 90 - 13

AN ORDINANCE CONCERNING PUBLIC HEALTH, SAFETY, AND WELFARE; PROVIDING FOR THE CONTROL OF THE SOLID WASTE FLOW IN NASSAU COUNTY; PROVIDING DEFINITIONS; PROVIDING FOR DISPOSAL OF SOLID WASTE AT DESIGNATED FACILITIES; PROVIDING FOR ENFORCEMENT; PROVIDING PENALTY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Nassau County believes it is in the best interest of the citizens of Nassau County that the County have control of the solid waste flow in the County; and

WHEREAS, it is in the best interest of the County that the flow of all solid waste generated in or brought into Nassau County, which is required to be disposed of in a Class I solid waste disposal area, be directed to a Class I area owned by the County.

IT IS, THEREFORE, ORDAINED this 24th day of April, 1990, by the Board of County Commissioners of Nassau County, Florida, as follows:

SECTION 1. TITLE

This Ordinance shall be entitled the "Solid Waste Flow Control Ordinance".

SECTION 2. DEFINITIONS

1. "County" shall mean the County of Nassau as constituted and existing under the laws of the State of Florida.

2. "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid or hazardous waste into or upon any land or water so that solid waste or hazardous waste or any constituent thereof may enter other lands or be emitted into the air or discharged into any water, including groundwaters or otherwise enter the environment.

3. "Person" shall mean any and all persons, natural or artificial, including any individual, firm or association; any municipal or private corporation organized or existing under the laws of this or any other state; any county of this or any other state; and any governmental agency of this or any other state or the Federal government or any of its agencies or departments.

4. "Solid waste" includes garbage, refuse, yard trash, clean debris, white goods, special waste, ashes, sludge, or other discarded material including solid, liquid, or semisolid, or other contained gaseous material material resulting from domestic, industrial, commercial, mining, agricultural or governmental operations.

5. "Solid waste management" shall mean the process by which solid waste is collected, transported, stored, separated,

processed, or disposed of in any other way, according to an orderly, purposeful, and planned program.

6. "Resource recovery" shall mean the process of recovering materials or energy from solid waste, excluding those materials or solid waste under the control of the Nuclear Regulatory Commission.

7. "Solid waste management facility" shall mean any solid waste disposal area, volume reduction plant, transfer station, or other facility, the purpose of which is the recovery of resources or the disposal, recycling, processing, or storage of solid waste. The term does not include facilities which use or ship recovered materials unless such facilities are managing solid waste.

8. "White goods" shall include inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.

9. "Biohazardous waste" shall mean any solid waste or liquid waste which may present a threat of infection to humans. The term includes, but is not limited to, nonliquid human tissue or body parts; laboratory and veterinary waste which contain human-disease-causing agents; used disposable sharps; human blood, and human blood products and body fluids; and other materials which in the opinion of the Department of Health and

Rehabilitative Services represent a significant risk of infection to persons outside the generating facility.

10. "Clean debris" shall mean any solid waste which is virtually inert and which is not a pollution threat to groundwater or surface waters and is not a fire hazard and which is likely to retain its physical and chemical structure under expected conditions of disposal or use. The term includes uncontaminated concrete, including embedded pipe or steel, brick, glass, ceramics, and other wastes designated by the Florida Department of Environmental Regulation.

11. "Solid waste disposal facility" shall mean any solid waste management facility which is the final resting place for solid waste, including landfills and incineration facilities that produce ash from the process of incinerating municipal solid waste.

12. "Construction and demolition debris" shall mean materials generally considered to be not water soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project, and including rocks, soils, tree remains, trees and other vegetative matter which normally results from land clearing or land

development operations for a construction project. Mixing of construction and demolition debris with other types of solid waste, including material from a construction or demolition site which is not from the actual construction or destruction of a structure, will cause it to be classified as other than construction and demolition debris.

13. "Operation" with any respect to any solid waste management facility, shall mean the disposal, storage or processing of solid waste at and by any facility.

14. "Special wastes" shall mean solid waste that can require special handling and management, including, but not limited to white goods, whole tires, used oil, mattresses, furniture, lead-acid batteries, biological wastes and sludges.

15. "Tipping Fee" shall mean the fee charged to the customer by the facility for the receipt, or disposal, processing or management of solid waste.

16. "Class I - solid waste disposal area" shall mean the Nassau County disposal facility.

17. "Yard trash" shall mean vegetative matter resulting from landscaping maintenance or land clearing operations and includes materials such as shrub trimmings, grass clippings, palm fronds, trees and stumps.

SECTION 3. DISPOSAL OF SOLID WASTE

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1. The Nassau County designated Class I landfill, known as the West Nassau Landfill, shall be the solid waste management facility to be used for the disposal or management of solid waste generated or brought within Nassau County.

SECTION 4. DESIGNATION

1. No person shall dispose of or receive solid waste generated within or brought into the County, except at the Nassau County solid waste disposal or management facility designated by the Board of County Commissioners.

SECTION 5. SUPPLEMENTAL RULES AND REGULATIONS

1. The Board of County Commissioners may promulgate, in writing, such rules and regulations as the Board or its designated representative determine to be necessary to effectuate and purposes of the Ordinance. Rules and regulations promulgated pursuant to this Section shall be in writing and filed with the Clerk. Said rules and regulations shall take effect within sixty (60) days after filing unless or until rescinded or modified by appropriate resolution of the Board.

SECTION 6. PENALTIES AND ENFORCEMENT

1. Penalty. It shall be unlawful for any person to:

- (a) Violate the terms or conditions of this Ordinance.
- (b) Violate any rule or regulation promulgated by the Board of County Commissioners pursuant to this Ordinance.

(d) A violation of any portion of this Ordinance shall be deemed a misdemeanor punishable by a fine of five hundred dollars (\$500.00) and/or thirty (30) days in the Nassau County Detention Facility.

SECTION 7. ENFORCEMENT

1. The Board of County Commissioners, through its designate, after consultation with the County Attorney, may enforce the provisions of this Ordinance and all rules and regulations or designations made pursuant thereto. Such enforcement may be by legal or equitable proceedings, including, without limitation, a proceeding for specific performance, brought in the name of the County as may be provided or authorized by law. The designated representative, after consultation with the County Attorney, may turn any violation over to the State Attorney.

SECTION 8. SEVERABILITY

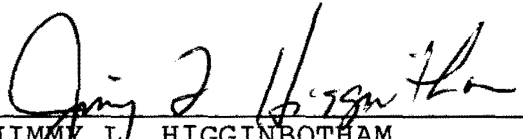
1. If any section, sentence, clause, phrase, or word of the Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding of invalidity shall not affect the remaining portion of this Ordinance; and it shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional, invalid, or inoperative part therein; and the remainder of this Ordinance,

after exclusion of such part or parts shall be deemed and held to be valid as if such part or parts had not been included therein.

SECTION 9. EFFECTIVE DATE


This Ordinance shall become effective pursuant to law.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



JIMMY L. HIGGINBOTHAM
Its: Chairman

ATTEST:



T. J. GREESON
Its: Ex-Officio Clerk