

Deputy Clerk UWILLIAMS

**ORDINANCE
NO. 2018-009**

**AN ORDINANCE RELATING TO THE PROVISION OF
SOLID WASTE COLLECTION SERVICES IN LEVY
COUNTY, FLORIDA; CREATING A SOLID WASTE
COLLECTION SERVICE REGULATORY SYSTEM
REQUIRING EVERY HAULER OF SOLID WASTE WITHIN
THE UNINCORPORATED AREA OF THE COUNTY TO
OBTAIN AN ANNUAL LICENSE; PROVIDING AUTHORITY
AND CERTAIN LEGISLATIVE FINDINGS; PROVIDING
REQUIREMENTS FOR THE ISSUANCE OF A LICENSE;
PROVIDING FOR CERTAIN PERFORMANCE
STANDARDS FOR ALL HAULERS OF SOLID WASTE;
PROVIDING FOR FINES IN THE EVENT OF A VIOLATION
OF THIS ORDINANCE; PROVIDING FOR A LICENSING
FEE; PROVIDING CERTAIN REPORTING
REQUIREMENTS; PROVIDING APPLICATION
REQUIREMENTS; PROVIDING PROCEDURES FOR THE
DENIAL OF APPLICATION, SUSPENSION OR
REVOCATION OF AN EXISTING LICENSE; PROVIDING
FOR EXEMPTIONS; PROVIDING A RIGHT OF APPEAL;
PROVIDING PENALTIES; ESTABLISHING SOLID WASTE
FLOW CONTROL PURSUANT TO SECTION 403.713,
FLORIDA STATUTES; PROVIDING FOR CODIFICATION;
PROVIDING SEVERABILITY AND PROVIDING AN
EFFECTIVE DATE.**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEVY
COUNTY, FLORIDA:**

SECTION 1. AUTHORITY. This Ordinance is adopted pursuant to the
provisions of Article VIII, Section 1, Florida Constitution, Sections 125.01 and 125.66,
Florida Statutes, and other applicable provisions of law.

SECTION 2. LEGISLATIVE FINDINGS. It is hereby ascertained, determined,
and declared that:

1 (A) Pursuant to Article VIII, Section 1, Florida Constitution, and Sections
2 125.01 and 125.66, Florida Statutes, the Board has all powers of local self-government
3 to perform county functions and to render county services except when prohibited by
4 law, and such power may be exercised by the enactment of legislation in the form of
5 County ordinances.

6 (B) Pursuant to Section 403.706, Florida Statutes, the County has both the
7 responsibility and power to provide for the operation of solid waste disposal facilities to
8 meet the needs of all incorporated and unincorporated areas of county.

9 (C) Problems associated with the provision of Solid Waste Collection
10 Services, including customer service, customer accountability, spillage, unauthorized
11 disposal of certain wastes and other associated issues, have become a matter
12 countywide in scope and necessitate local action to improve the methods and
13 processes of Solid Waste Collection Services through the adoption of this regulatory
14 Ordinance.

15 (D) Haulers of Solid Waste constitute a significant component of the traffic
16 upon County roads, contributing to road wear and creating the potential for litter and
17 leaking loads, so that licensing of Solid Waste Collection Services is necessary to
18 protect the public health and the environment and to reduce undue damage to the
19 public infrastructure.

20 (E) The persons and companies providing Solid Waste Collection Services
21 within the County are able to supply the County with information necessary for long-
22 term planning for Solid Waste collection and disposal within the County, therefore such

1 persons and companies should be required to submit annual and monthly reports
2 detailing information about their hauling activities to the County.

3 (F) Pursuant to Section 403.7032, Florida Statutes, the State of Florida has
4 established long-term recycling goals for state and local governments in recognition that
5 the failure or inability to economically recover material and energy resources from Solid
6 Waste results in the unnecessary waste and depletion of our natural resources. In
7 order to contribute to this effort the County has taken steps to provide and plans to
8 increase local recycling.

9 (G) The County constructed an upgraded Solid Waste disposal facility in order
10 to enable and facilitate its resource recovery efforts, which facility is designed and sized
11 to be able to accept all Solid Waste generated within the County in conformance with
12 the County's responsibility and authority outlined in Section 403.706, Florida Statutes to
13 "provide for the operation of Solid Waste disposal facilities to meet the needs of all
14 incorporated and unincorporated areas of the county."

15 (H) Pursuant to Section 403.713, Florida Statutes, any local government that
16 undertakes resource recovery from Solid Waste may institute a flow control ordinance
17 for the purpose of ensuring that the facility receives an adequate supply of Solid Waste.

18 (I) In order to assure that sufficient net operating revenues are generated to
19 support this facility and to further the state goals toward increased resource recovery, it
20 is necessary that all Solid Waste generated within the County be disposed of at the
21 County's Solid Waste facility.

22 (J) In order to enhance the beauty and quality of the environment, prevent the
23 spread of disease and creation of nuisances, protect the public health, safety, and

welfare, provide greater accountability from haulers of Solid Waste, and obtain information necessary for long-term Solid Waste planning it is determined to be in the best interests of the County and its citizens to regulate the provision of Solid Waste Collection Services within the unincorporated areas of the County.

SECTION 3. SOLID WASTE LICENSING.

(A) On the effective date of this Ordinance, it shall be unlawful to commence or engage in the business of providing Solid Waste Collection Service in the unincorporated area of the County without obtaining a License issued by the County in accordance with this Ordinance.

(B) For the purposes of this Ordinance the following terms shall have the following meanings:

“County Designated Facility” means a Solid Waste disposal facility owned or operated by the County or pursuant to an agreement with the County.

“License” means permission granted to a Licensee pursuant to the provisions of this Ordinance to provide Solid Waste Collection Service within the County.

“Licensee” means the person, partnership, corporation, or other entity granted a License by the County.

“License Fee” means the fee required pursuant to Section 5 of this Ordinance to compensate the County for its costs of regulation as outlined herein and as compensation to the County for the privilege of the Licensee utilizing county roads and facilities for the provision of the Solid Waste services.

“Solid Waste” means any discarded garbage, refuse, rubbish (including materials destined for reuse or recycling), special wastes, yard wastes and other

discarded material including solid, liquid, semi-solid, or contained gaseous materials resulting from personal, residential, community, agricultural, industrial or commercial activity, but does not include animal manure and absorbent bedding used for soil enrichment, regulated forms of hazardous waste, scrap metal, or construction and demolition debris (whole or mixed loads, provided all household trash must be separated from the construction and demolition debris prior to disposal).

"Solid Waste Collection Service" means the collection and transportation of Solid Waste from the property of others for remuneration.

(C) No License shall be awarded until the County determines that a Licensee is capable of complying with the requirements of this Ordinance.

(CD) The term of each License shall commence upon issuance and extend until the following September 30, unless forfeited or revoked sooner as provided herein. All Licenses shall require the completion of an application, which shall be valid for the term of the License. A License, once granted, may not be assigned or transferred.

(E) Each License shall be subject to the Levy County Code of Ordinances. Each License shall be subject to, and Licensees shall abide by, all present and future laws, regulations, orders of regulatory bodies, County Code provisions and administrative rules applicable to the performance of the collection services hereunder. Each Licensee shall obtain all Licenses and permits presently required by federal, state and local governments, and as required from time to time.

(F) A Licensee shall not be relieved of the obligation to promptly comply with any provision of the License by failure of the County to enforce compliance with the License.

1 (G) A License granted hereunder shall not be exclusive. The County reserves
2 the right to grant similar rights or Licenses to more than one person or corporation as
3 well as the right in its own name to use its streets for purposes similar to or different
4 from those allowed to Licensees hereunder.

5 (H) If a Licensee fails to perform its contract with any customer for longer than
6 two weeks, the County may perform the work using its own equipment or assign the
7 work to another Licensee, who shall be entitled to receive the revenue from the
8 customer for work performed that would have gone to the defaulting Licensee.

9 (I) A Licensee providing Solid Waste Collection Service shall submit to any
10 load inspection program that the County may reasonably devise.

11 (J) A Licensee providing Solid Waste Collection Service shall not be deemed
12 to be an agent of the County and shall be responsible for any losses or damages of any
13 kind arising from its performance or nonperformance under its License. A Licensee
14 shall indemnify the County and defend at its own expense or reimburse the County for
15 its defense, at the County's option, against any and all claims and suits brought against
16 the County, its elected or appointed officers, employees, and agents resulting from a
17 Licensee's performance or nonperformance of service pursuant to its License or any
18 damages incurred by the County resulting from a Licensee's performance or
19 nonperformance of service pursuant to its License.

20 **SECTION 4. STANDARDS AND FINES.** In order to ensure that a Licensee
21 provides a quality level of Solid Waste Collection Services, the following standards and
22 fines are set:

1 (A) The County may levy fines of \$100.00 per day for the following violations
2 of the License:

3 (1) Failure to file proper reports and other required information with the
4 County.

5 (2) Failure to repair damage to property within two (2) days of
6 notification or other time period as approved by the County Coordinator and Licensee
7 will also be charged the cost incurred by the County if the County is required to repair
8 any property damage.

9 (3) Failure to provide clean, safe, sanitary equipment.

10 (4) Failure to maintain proper Licenses.

11 (5) Failure to display Licensee name and phone number on equipment.

12 (6) Failure to collect Solid Waste upon notification by the County. A
13 Licensee will also be charged the cost incurred by the County if County personnel are
14 required to collect the Solid Waste due to such failure.

15 (7) Using improper vehicles and other equipment to service customers.

16 (8) Collection outside days specified in Section 7 hereof.

17 (9) Failure to otherwise comply with the service requirements outlined
18 in Section 7 hereof.

19 (B) Failure to clean up spillage of any substance required to be cleaned up by
20 the County may result in a \$2,500.00 fine per day, per incident, and Licensee will also
21 be charged the cost incurred by the County if the County is required to clean up the
22 spill.

1 **SECTION 5. LICENSE FEE.**

2 (A) A Licensee shall pay as compensation to the County a License Fee equal
3 to one-half percent (0.5%) of gross revenues from the provision of containers and the
4 provision of Solid Waste Collection Services under its License. For purposes of this
5 calculation, gross revenues shall consist of all revenues from the sale or lease of
6 containers, all revenues from Solid Waste Collection Services, all disposals billed, late
7 fees, bad debt recoveries and other fees collected from customers in the unincorporated
8 area of the County, with no deductions except for bad debts written off in accordance
9 with generally accepted accounting principles and promulgations issued by the
10 Financial Accounting Standards Board. Beginning on October 1, 2020, and occurring
11 annually on each October 1 thereafter, the License Fee shall automatically be increased
12 .25% per year until it reaches a total of three percent (3%) of gross revenues.

13 (B) License Fee payments shall be due 30 days after the end of each month,
14 accompanied by statements of gross revenues in a form prescribed by the County's
15 finance and accounting office, and shall be paid directly to the County's finance and
16 accounting office. Statements and remittances shall be accepted as timely if
17 postmarked on or before the 30th day of the month; if the 30th day falls upon a
18 Saturday, Sunday, or federal or state holiday, statements and remittances shall be
19 accepted as timely if postmarked on the next succeeding workday. Payments not
20 received by the due date shall be assessed interest at the rate of one percent per month
21 compounded monthly from the due date.

22 (C) All amounts paid shall be subject to confirmation and recomputation by the
23 County. An acceptance of payment shall not be construed as an accord that the amount

1 paid is the correct amount, nor shall acceptance of payment be construed as a release
2 of any claim the County may have for further or additional sums payable.

3 (D) Billing methods that have the effect of reducing or avoiding the payment of
4 License Fees are expressly prohibited and will be cause for termination of a License.

5 (E) Payment of this License Fee shall not exempt a Licensee from the
6 payment of any other license fee, tax or charge on the business, occupation, property or
7 income of a Licensee that may be imposed by the County.

8 (F) A Licensee shall post security with the County in the form of cash or an
9 acceptable letter of credit or bond on a form approved by the County in the amount of
10 \$500 or the estimated amount of License Fees for a three-month period, whichever sum
11 is greater, to guarantee performance under this License.

12 **SECTION 6. BOOKS, RECORDS AND REPORTING REQUIREMENTS.**

13 (A) The County shall have the right to review all records maintained by a
14 Licensee providing Solid Waste Collection Service concerning its License on 30 days'
15 written notice. These records shall be maintained for at least a three-year period and be
16 readily accessible for review by the County.

17 (B) A Licensee shall file written quarterly reports within 30 days after the end
18 of each calendar quarter with the County Coordinator or designee. The report shall
19 contain an accurate statement of the total gross revenue under the License from all
20 sources, the number of accounts by service level, the quantities of Solid Waste
21 collected, including a breakdown between residential and non-residential waste and a
22 breakdown of waste collected from municipal and unincorporated areas, and the
23 number of routes for Solid Waste collection.

1 (C) A Licensee shall file an annual report including a schedule of total gross
2 revenues as defined in Section 5(A) hereof within 120 days of the Licensee's fiscal year
3 end. Upon the County's request, this annual report shall be examined by an
4 independent certified public accountant ("auditor") to certify that the computation of
5 gross revenue used to calculate License fees remitted is in accordance with the terms
6 of the License. The auditor's report shall state that the examination was performed in
7 accordance with professional standards established by the American Institute of
8 Certified Public Accountants or successor organization, and shall be filed with the
9 County Coordinator or designee. The auditor's services shall be contracted by and paid
10 by the Licensee.

11 (D) A Licensee shall submit by September 1 of each year, on a form
12 prescribed by the County, an updated list of the type, number and complete description
13 of all equipment to be used for providing service pursuant to this Ordinance. Vehicles
14 placed into service since the preceding September 1 shall have the in-service dates
15 noted, and vehicles no longer in service shall have the retirement dates noted.

16 **SECTION 7. MANNER OF PERFORMANCE.**

17 (A) A Licensee may make Solid Waste collection available daily (except
18 Sunday). Collections shall not be allowed on Sunday; however, the County Coordinator
19 or designee may authorize collection on Sunday where special needs of the customer
20 make it necessary or in the event of an emergency, provided the County Coordinator
21 grants prior approval, to be later evidenced by a written memorandum. If no written
22 memorandum is obtained, there shall be a presumption that a Licensee did not obtain
23 prior approval.

1 (B) A Licensee shall collect Solid Waste with as little disturbance as possible.
2 Any container damaged by a Licensee will be replaced or repaired promptly by that
3 Licensee. Any property of others damaged by a Licensee shall be repaired or replaced
4 to the satisfaction of the owner. A Licensee shall not litter or cause any spillage to
5 occur upon the premises or the rights-of-way wherein the collection shall occur. During
6 hauling, all Solid Waste shall be contained, tied, or enclosed so that leaking, spilling,
7 and blowing is prevented. In the event of any spillage, a Licensee shall promptly clean
8 up all spillage.

9 (C) A Licensee shall provide its customers with a telephone number where
10 complaints and inquiries can be received during normal business hours 8:00 a.m. to
11 5:00 p.m. Monday through Friday and at all other times that service is being provided.
12 Any call received after hours shall be recorded electronically and returned prior to noon
13 of the next business day. An emergency telephone number where a Licensee can be
14 reached shall be given to the County Coordinator or designee.

15 (D) During normal business hours, a Licensee shall allow the County to
16 inspect and copy all records, papers, letters, or other documents related to Licensee's
17 performance of its License.

18 (E) Yard waste shall be collected by a Licensee separately from other Solid
19 Waste. A Licensee shall inform all of its customers of this requirement.

20 (F) When a Licensee presents Solid Waste to the County Designated Facility
21 for disposal or transfer, the Solid Waste must be divided between Solid Waste collected
22 from residential property and Solid Waste collected from non-residential property.

1 (G) A Licensee shall not be required to provide collection service when all
2 appropriate disposal sites are closed or an emergency or imminent emergency exists,
3 as determined by the County Coordinator or designee. Collections shall resume on the
4 instruction of the County Coordinator or designee.

5 (H) A Licensee shall provide the County Coordinator, in a format acceptable to
6 the County Coordinator, the schedules of all routes for Solid Waste Collection Service
7 on a quarterly basis. In the event of a permanent change in routes or schedules that
8 will alter the day of pick-up, a Licensee shall immediately notify the customer affected in
9 writing or other manner approved by the County Coordinator not less than two weeks
10 prior to the change.

11 (I) All vehicles used to provide Solid Waste Collection Services shall be
12 designed to prevent spillage and leaks. All vehicles used for Solid Waste collection
13 shall either be enclosed vehicles or open top trucks with outside walls and an
14 appropriate covering for the top. Solid waste transported in an unenclosed vehicle may
15 not be placed above the sides of the vehicle. All loads shall be completely covered so
16 that no Solid Waste can escape. For purposes of this section, the term "vehicle" shall
17 include a trailer pulled behind a truck or other vehicle.

18 (J) Any damage or spillage of materials occurring as a result of a Licensee's
19 or its collector's actions shall be picked up immediately by the Licensee. Spillage that
20 cannot be immediately and completely picked up must be reported to the County
21 Coordinator or designee.

22 (K) All of a Licensee's collection equipment shall be kept in good repair and
23 appearance at all times. All of a Licensee's vehicles which are used to haul Solid

1 Waste on a regular basis must be kept reasonably clean and free of residues of the
2 waste material so as to minimize problems associated with odor, animals and insects.

3 (L) A Licensee's equipment is to be painted uniformly with the name of
4 Licensee, business telephone number and the number of the vehicle in letters not less
5 than 3 inches high on each side of the vehicle. All of a Licensee's vehicles shall be
6 numbered and a record kept of the vehicle to which each number is assigned.

7 (M) A Licensee shall have on hand at all times and in good working order such
8 equipment as shall permit Licensee to adequately and efficiently perform its Solid Waste
9 Collection Services. A Licensee shall provide a list of all vehicles used regularly for
10 collection of Solid Waste to the County. A Licensee shall have available sufficient
11 reserve equipment to provide Solid Waste Collection Service within the hours and days
12 of collection required hereunder. Such reserve equipment shall correspond in size and
13 capacity to the equipment used by Licensee to perform its contractual duties. Reserve
14 equipment may be leased, rented or borrowed provided that such equipment meets the
15 operational standards specified herein.

16 **SECTION 8. APPLICATION REQUIREMENTS.**

17 (A) Applications for a License shall be made to the County Coordinator or
18 designee on such forms and in such manner as prescribed by the County. The
19 requirements of this Section 8 shall apply to both initial applications and any License
20 renewals.

21 (B) Application forms will require, at a minimum, the following information and
22 supporting documents:

1 (1) If the applicant is a partnership or corporation, the name(s) and
2 business address(es) of the principal officers and stockholders and other persons
3 having financial or controlling interest (owning 5% or more) in the partnership or
4 corporation; provided, however, that if the corporation is a publicly owned corporation
5 having more than 25 shareholders, then only the names and business addresses of the
6 local managing officers shall be required.

7 (2) Criminal convictions, withheld adjudications and pleas of nolo
8 contendere for any felonies of the applicant if an individual, or any person having any
9 controlling interest in a firm, corporation, partnership, association or organization
10 making application.

11 (3) A statement of whether such applicant operates or has operated a
12 Solid Waste collection business in this or any other state or territory under a license,
13 permit or license; and if so, where and whether such License, permit or license has ever
14 been revoked or suspended and the reasons therefor.

15 (4) Civil lawsuits, settlements, or other claims against a Licensee or
16 any person having a controlling interest in a firm, corporation, partnership, association
17 or organization making application relating to the provision of Solid Waste collection or
18 disposal services.

19 (5) Proof that a corporation or partnership is in good standing in the
20 state of organization, if applicable, and certification that applicant is qualified to do
21 business in the State of Florida. If applicant is operating under a fictitious name,
22 applicant shall be required to submit information that such fictitious name is registered
23 and held by the applicant.

1 (6) A list of the type, number and complete description of all
2 equipment, in a form prescribed by the County, to be used by the applicant for providing
3 service pursuant to this Ordinance. The County Coordinator or designee may conduct
4 an inspection of all equipment utilized in providing the services as outlined in the
5 application or License renewal to determine that a Licensee possesses equipment
6 capable of providing safe and efficient services.

7 (7) A valid and current certificate of insurance, of the types and in the
8 amounts described in subsection (8) below, which shall remain on file in the office of the
9 County Coordinator or designee as long as a Licensee operates a License.

10 (8) The applicant shall maintain in full force and effect insurance as
11 follows:

12 (a) Comprehensive general liability policy and a policy for Solid
13 Waste general liability. Coverage under each policy must be afforded under a per
14 occurrence form policy for limits not less than \$1,000,000 general aggregate,
15 \$1,000,000 products/completed operations aggregate, \$1,000,000 personal and
16 advertising injury liability, \$1,000,000 each occurrence, \$50,000 fire damage liability and
17 \$5,000 medical expense.

18 (b) Automobile liability and coverage must be afforded including
19 coverage for all owned vehicles, hired and non-owned vehicles for bodily injury and
20 property damage of not less than \$1,000,000 combined single limit each accident.

21 (c) Workers' compensation insurance as required by the State
22 of Florida.

1 (d) Pollution and Automobile pollution coverage in not less than
2 a \$1,000,000 limit.

3 (9) All insurance coverage required of an applicant herein shall be
4 primary coverage as respects the County, with no requirement for contribution from any
5 insurance or self-insurance maintained by the County. The County shall be a named
6 additional insured on the general liability policy required herein and on any other policy
7 that allows for a named additional insured. The applicant must provide a declarations
8 page or other evidence satisfactory to the County Coordinator or designee from each
9 applicable policy as evidence of the County being named additional insured; a
10 certificate of insurance showing the County as a named additional insured will not be
11 sufficient to meet this requirement.

12 (10) The applicant shall pay the County a \$100 non-refundable
13 application fee at the time application is filed.

14 **SECTION 9. DENIAL OF APPLICATION; SUSPENSION OR REVOCATION**
15 **OF LICENSE; RIGHT OF APPEAL.**

16 (A) Upon a finding of just cause, the County Coordinator or designee shall
17 deny a License in the case of applications for new or renewed Licenses, and suspend
18 or revoke a License for a specified period of time in the case of previously issued
19 Licenses. Just cause shall include but not be limited to a failure to meet the
20 requirements of this Ordinance; violation of any of the provisions of this Ordinance or
21 any of the ordinances of the County, or the laws of the United States or the State of
22 Florida, the violations of which reflect unfavorably on the fitness of the holder to offer
23 Solid Waste Collection Services to the public.

1 (B) Prior to denial, suspension or revocation, the applicant or Licensee shall
2 be given reasonable notice of the proposed action to be taken and shall have an
3 opportunity to present to the County Coordinator or designee evidence as to why the
4 License should not be denied, revoked or suspended. The notice of intention shall be
5 served upon the applicant or Licensee by registered mail or personal service.

6 (C) Any Solid Waste License applicant or Licensee whose License is denied,
7 suspended or revoked by the County Coordinator or designee may appeal the decision
8 to the County Commission. The appeal shall be taken by filing written notice thereof, in
9 duplicate, with the clerk of the commission within ten days after the decision of the
10 County Coordinator or designee. The clerk of the commission shall notify the County
11 Coordinator of the appeal and the County Coordinator or designee shall forthwith
12 transmit to the clerk copies of all papers constituting the record upon which the action
13 appealed is based. The clerk of the commission shall place the appeal on the agenda of
14 the next regularly scheduled commission meeting which is not less than ten days from
15 the date of the filing of the appeal. The commission shall review the record and decide
16 whether the decision of the County Coordinator was based on competent, substantial
17 evidence. If the commission finds competent, substantial evidence for the County
18 Coordinator's decision, it will uphold the County Coordinator's decision; otherwise, it will
19 reverse the County Coordinator's decision. The decision of the commission shall
20 constitute final administrative action.

21 **SECTION 10. EXEMPTIONS.** With the exception of the flow control
22 provisions outlined in Section 12. below, the following persons or entities shall not be
23 subject to the this Ordinance:

1 (A) Any person or company transporting their own personal or business Solid
2 Waste produced by said person or business;

3 (B) A civic, community, benevolent or charitable nonprofit organization that
4 collects, transports and markets recyclable materials solely for the purpose of raising
5 funds for a civic, community, benevolent or charitable organization;

6 (C) Demolition or construction contractors or landscaping companies that
7 produce and transport Solid Waste in the course of such occupations, where the Solid
8 Waste produced is merely incidental to the particular demolition, construction or
9 landscaping work being performed by such companies;

10 (D) Any persons or companies that solely transport liquid wastes including
11 sewage, sewage sludge, septic tank or cesspool pumpings; discarded or abandoned
12 vehicles or parts thereof; discarded home or industrial appliances; and materials used
13 as fertilizers or for other productive purposes;

14 (E) Any municipality that provides through its own employees or by contract
15 for regularly scheduled Solid Waste Collection Service solely within incorporated areas
16 of the County. Any person or company under contract with a municipality that also
17 provides Solid Waste Collection Service within the unincorporated area shall be subject
18 to this Ordinance for those services provided within the unincorporated area.

19 **SECTION 11. ENFORCEMENT.** In addition to all other means of
20 enforcement provided for in Florida law and the Levy County Code, violations of this
21 Ordinance may be enforced by the county and the Sheriff's Office as provided for in
22 F.S. § 125.69 or as provided in Chapter 2, Article V of the Levy County Code of
23 Ordinances.

SECTION 12. SOLID WASTE FLOW CONTROL.

(A) All Solid Waste generated within the territorial boundaries of the County, including municipal areas, shall be disposed of exclusively at the County Designated Facility. All persons, public bodies, firms, corporations, partnerships, associations or organizations located within the territorial boundaries of the County or collecting Solid Waste generated within the territorial boundaries of the County shall exclusively use the County Designated Facility for the disposal of said Solid Waste.

(B) No person, public body, firm, corporation, partnership, association or organization shall operate or maintain any Solid Waste disposal system or facility within the County except pursuant to written agreement with the County.

(C) Any municipal franchise agreement for the collection and disposal of Solid Waste that was entered into prior to the effective date of this Ordinance shall be exempt from this Section 12 until said agreement is replaced, renewed, or otherwise revised if such agreement requires that Solid Waste be disposed at a facility that is not the County Designated Facility. Any future revisions to an existing agreement, new agreements, or renewals of existing agreements for the collection and disposal of Solid Waste shall require that all Solid Waste be disposed of at the County Designated Facility.

(D) Any person or company collecting and transporting solely recovered materials, as that term is defined in section 403.703(28), Florida Statutes, directly to a recovered materials processing facility, as that term is defined in section 403.703(29), Florida Statutes, shall be exempt from this Section 12.

SECTION 13. CODIFICATION. This Ordinance shall be codified as Article III of Chapter 74 of the Levy County Code.

SECTION 14. SEVERABILITY. The provisions of this Ordinance are severable; and if any section, subsection, sentence, clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this Ordinance shall not be affected thereby.


SECTION 15. EFFECTIVE DATE.

(A) The Clerk shall file a certified copy of this Ordinance with the Department of State within ten days of its adoption.

(B) This Ordinance shall take effect on June 1, 2019.

DULY ENACTED this 18th day of December, 2018.

**BOARD OF COUNTY COMMISSIONERS
OF LEVY COUNTY, FLORIDA**


John Meeks, Chairman

ATTEST:

Danny J. Shipp
Danny J. Shipp, Clerk

APPROVED AS TO LEGAL SUFFICIENCY:

Anne Bast Brown
Anne Bast Brown, County Attorney

z.ord/ordinance_solid waste_adopted_12 18 18
LR2005-183

Proof of Publication

Chiefland Citizen, Published Weekly
Chiefland, Levy County, Florida
STATE OF FLORIDA, COUNTY OF LEVY:

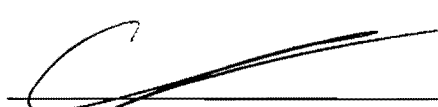
Before the undersigned authority, personally appeared Chris Festo, who on oath, says he is Production Manager of the Chiefland Citizen, a newspaper published at Chiefland, in Levy County, Florida; that the attached copy of the advertisement, being

Notice of Enactment of Ordinance 2018-009

was published in said newspaper in the issue of

Pub: 12/06/2018

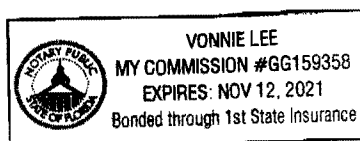
Affiant further says that the said Chiefland Citizen is a newspaper published at Chiefland, in said Levy County, Florida, and that the said newspaper has heretofore been continuously published in said Levy County, Florida, each week and has been entered as second class mail matter at the Post Office in Chiefland, in said Levy County, for a period of one year next preceding the first publication of the attached copy of the 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.


Chris Festo, Production Manager

The foregoing instrument was acknowledged before me this 6th day of December, 2018 by Chris Festo, who is personally known to me.


Notary Public

(SEAL)



Public Notice

NOTICE OF ENACTMENT OF ORDINANCE 2018-009 BY THE BOARD OF COUNTY COMMISSIONERS OF LEVY COUNTY, FLORIDA. NOTICE IS HEREBY GIVEN the proposed Ordinance, adopting a regulatory system applicable to haulers of solid waste in Levy County and establishing solid waste flow control for Levy County, will be considered for enactment by the Levy County Board of County Commissioners, at a public hearing on Tuesday, December 18, 2018 at 9:00 a.m., or as soon thereafter as the same may be heard, in the Board of County Commissioners Meeting Room, Levy County Courthouse, 355 South Court Street, Bronson, Florida. Copies of said Ordinance may be inspected by any member of the public at the Office of the Board of County Commissioners located at 355 S. Court Street, Bronson, Florida, during regular business hours or contact by phone at (352) 486-5217. On the date, time and place first above-mentioned, all interested persons may appear and be heard with respect to the proposed Ordinance.

ORDINANCE
NO. 2018-009

AN ORDINANCE RELATING TO THE PROVISION OF SOLID WASTE COLLECTION SERVICES IN LEVY COUNTY, FLORIDA; CREATING A SOLID WASTE COLLECTION SERVICE REGULATORY SYSTEM REQUIRING EVERY HAULER OF SOLID WASTE WITHIN THE UNINCORPORATED AREA OF THE COUNTY TO OBTAIN AN ANNUAL LICENSE; PROVIDING AUTHORITY AND CERTAIN LEGISLATIVE FINDINGS; PROVIDING REQUIREMENTS FOR THE ISSUANCE OF A LICENSE; PROVIDING FOR CERTAIN PERFORMANCE STANDARDS FOR ALL HAULERS OF SOLID WASTE; PROVIDING FOR FINES IN THE EVENT OF A VIOLATION OF THIS ORDINANCE; PROVIDING FOR A LICENSING FEE; PROVIDING CERTAIN REPORTING REQUIREMENTS; PROVIDING APPLICATION REQUIREMENTS; PROVIDING PROCEDURES FOR THE DENIAL OF APPLICATION, SUSPENSION OR REVOCATION OF AN EXISTING LICENSE; PROVIDING FOR EXEMPTIONS; PROVIDING A RIGHT OF APPEAL; PROVIDING PENALTIES; ESTABLISHING SOLID WASTE FLOW

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Legal

**CONTROL PURSUANT TO
SECTION 403.713, FLORIDA
STATUTES; PROVIDING FOR
CODIFICATION; PROVIDING
SEVERABILITY AND PROVID-
ING AN EFFECTIVE DATE.**

All persons are advised that, if they decide to appeal any decisions made at this public hearing, they will need a record of the proceedings; and, for such purpose, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring reasonable accommodations to participate in this meeting should contact the County Commissioners Administration Office at (352) 486-6218.

John Meeks, Chairman
Levy Co. Board of County Com-
missioners

Published December 8, 2018