

**COUNTY OF GULF  
STATE OF FLORIDA**

**ORDINANCE NO. 2019-03**

**AN ORDINANCE OF GULF COUNTY, FLORIDA ESTABLISHING A GULF COUNTY SOLID WASTE DISPOSAL ORDINANCE AND ESTABLISHING FLOW CONTROL WITHIN THE BOUNDARIES OF GULF COUNTY AS AUTHORIZED BY FLORIDA STATUTE 403.706; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING PENALTIES; PROVIDING FOR REPEALER, SEVERABILITY AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARINGS; PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Florida Statute 125.01 the Gulf County Board of County Commissioners (“Commission” and/or “County”) shall have the power to carry on county government inclusive of the power to adopt its own rules that which are not inconsistent with general or special law; and

**WHEREAS**, pursuant to Florida Statute 125.01 the County shall reserve the powers to adopt ordinances necessary for the exercise of its powers and perform acts which are in the common interest of the people of Gulf County and exercise all powers and privileges not specifically prohibited by law; and

**WHEREAS**, the Commission has received the recommendations of the County staff, consulted with staff regarding Florida Statutory guidelines and through public hearings on the issue of solid waste management to consider and review the proper implementation and procedures to establish a solid waste disposal regulations and a flow control process within Gulf County; and

**WHEREAS**, the Commission is delegated through Florida Statute 403.706 the responsibility and power to provide for operation of solid waste disposal in the unincorporated areas of Gulf County and thereby to establish a plan for regulating the flow control solid waste generated in or brought into Gulf County; and

**WHEREAS**, the Commission and their staff after several years of careful review and consideration have deemed it timely and appropriate for Gulf County to adopt a Solid Waste Flow Control Ordinance to preserve and enhance public health, quality of life and public safety within Gulf County; and

**WHEREAS**, the Board of County Commissioners of Gulf County Florida (hereinafter Commission and/or County) find and determine that Gulf County in its continued efforts to maintain, preserve and enhance the Gulf County quality of life wish to adopt through action of the Commissioners, the following “Gulf County Solid Waste Flow Control Ordinance”; and

**WHEREAS**, on April 28, 2019 and May 16, 2019 Public Notices were advertised in The News Herald offering the public an opportunity to participate at a public first and second readings and hearings before the Board of County Commissioners first on May 9, 2019 at 10:00 a.m. and again on May 28, 2019 at 9:00 a.m. for the adoption of this proposed ordinance; and

**WHEREAS**, the Commission and staff have received comment and public input through an advertised public hearing on referenced date herein; and

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Gulf County, in the State of Florida as follows:

**Section 1 – Short Title.**

This Ordinance shall hereafter be known and referred to as the “Gulf County Solid Waste Flow Control Ordinance”.

**Section 2 – Authority.**

This ordinance is adopted by the Gulf County Commission in accordance with and under the authoritative powers permitted by home rule, the County’s police powers to protect the public health, safety and welfare, and under the powers pursuant to the authority granted under Florida Statute 125 for the implementation and enforcement of standards, rules and regulations set forth herein. This ordinance is further adopted pursuant to Florida Statute 403 defining local government responsibilities for management of solid waste within its jurisdiction.

**Section 3 – Purpose.**

The purpose of this Ordinance is to effectuate a county-wide system for management of all solid waste generated within or brought into Gulf County in order to protect the public health and safety and to improve the environment of the County. To carry out the express responsibility of the County with regard to solid waste as set forth by Florida Statute 403.

**Section 4 – Solid Waste Disposal Regulations and Flow Control Process**

a. The flow of all solid waste generated in or brought into Gulf County for transfer or disposal which is required to be disposed of in a class I solid waste disposal area shall be directed to an appropriate and permitted transfer or disposal area owned by Gulf County.

b. All solid waste generated within the unincorporated areas of Gulf County shall be disposed of as provided by the county in an agreement or by rule or regulation.

c. It shall be unlawful for any person to dispose of or transfer any solid waste within the areas of unincorporated Gulf County when such solid waste was not generated within the area of jurisdiction unless an appropriate interlocal agreement or other disposal or transfer agreement authorizing such disposal or transfer has been approved by the Board of County Commissioners or delegated to the County Administrator through the Gulf County Administrators Ordinance.

d. Failure to dispose or transfer solid waste as required by this ordinance shall constitute an express violation of this ordinance.

e. Collection, transport and/or disposal of hazardous waste is prohibited without an agreement with or permit from the county. Household hazardous waste shall be disposed of at a county designated transfer facility or landfill.

f. It shall be unlawful for any person to engage in the business of collecting, transporting or disposing of solid waste within the unincorporated areas of Gulf County without a binding agreement with the county. The Commission reserves the right to revoke any agreement for failure to comply with the terms and conditions of the agreement or if renewal of the agreement conflicts with any portion of this ordinance, any amendment hereto or any subsequent ordinance or code provision regulating the collection, transport and/or disposal of solid waste.

g. This ordinance shall be applicable to all the unincorporated areas of Gulf County, Florida and such other areas within the City of Port St. Joe and/or Wewahitchka which operate under this ordinance and future codified article by interlocal agreement.

#### **Section 5 - Codification**

It is the intention of the Board of County Commissioners that the provisions of this Ordinance will become and be made a part of the Gulf County Code of Ordinances; and that sections of this Ordinance may be renumbered or re-lettered and that the word "Ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intention; sections of this Ordinance may be renumbered or re-lettered and typographical errors which do not affect the intent may be authorized by the County Administrator, or the County Administrator's designee, without need of public hearing, by filing a corrected or re-codified copy of same with the County Clerk of Circuit Court.

#### **Section 6. Penalties.**

Any person or entity who violates any provision of this ordinance, or who fails to comply therewith, shall be subject to the penalties as prescribed in Gulf County and/or as provided by law.

#### **Section 7. Severability.**

It is declared to be the intent of the Board of County Commissioners of Gulf County, Florida, that if any section, subsection, sentence, clause, or provision of this Ordinance is held invalid, the remainder of the Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provision, and shall not be affected by such holding.

#### **Section 8. Codification.**

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of considerations that may arise during the noticed public hearing. Such modifications shall be incorporated into the final version of the Ordinance and adopted by the Board and filed by the Clerk to the Board.

**Section 9. Repealer**

Any and all ordinances in conflict herewith are hereby repealed to the extent of any conflict.

**Section 10. Effective Date.**

This Ordinance shall become effective immediately upon its adoption.

The foregoing Ordinance was adopted by the Gulf County Board of County Commissioner's upon a motion by COMM. MCDANIEL and second by COMM. RICH and upon being put to a vote, the result was as follows:

David Rich	<u>YES</u>
Jimmy Rogers	<u>YES</u>
Phillip McCoran	<u>YES</u>

Ward McDaniel	<u>YES</u>
Sandy Quinn	<u>YES</u>

**ADOPTED** This 28<sup>th</sup> day of May, 2019 by the Gulf County Board of County Commissioners Gulf County, Florida.

ATTEST:  
REBECCA L. NORRIS, CLERK

By: Rebecca L. Norris  
Clerk / ~~Deputy Clerk~~

APPROVED AS TO FORM:

By: Jeremy T.M. Novak Gulf County  
Attorney

BOARD OF COUNTY COMMISSIONERS  
OF GULF COUNTY, FLORIDA

By: Sandy Quinn  
Sandy Quinn, Chairman