

ORDINANCE NO. 2016- 11
GLADES COUNTY, FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GLADES COUNTY, FLORIDA, AMENDING THE GLADES COUNTY CODE OF LAWS AND ORDINANCES, PART I GENERAL ORDINANCES, CHAPTER 50 – MISCELLANEOUS PROVISIONS AND OFFENCES; AMENDING ARTICLE II. – NOISE REGULATION WITH THE ADDITION OF RESERVE SECTIONS; ESTABLISHING ARTICLE III. – ILLEGAL DUMPING; APPLICABLE TO PROPERTY LOCATED IN UNINCORPORATED GLADES COUNTY; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR ADOPTION OF ARTICLE; PROVIDING FOR AUTHORITY; PROVIDING FOR CODIFICATION; PROVIDING FOR SCRIVENER’S ERRORS; PROVIDING FOR CONFLICT; PROVIDING FOR LIBERAL CONSTRUCTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, littering and illegal dumping on the public right-of-way and public waters of debris and waste generated from both residential property and commercial property exists within the county; and

WHEREAS, littering and illegal dumping also occurs on vacant private lands within the county; and

WHEREAS, such littering and illegal dumping constitutes a health hazard to the residents of the county and an invasion of the property rights of landowners; and

WHEREAS, such littering and illegal dumping often results in the creation of an unsanitary nuisance and unsafe conditions; and

WHEREAS, the Glades County Board of County Commissioners has determined that the following additions to the County’s Code of Laws and Ordinances will serve to contribute to promoting and protecting the general health, safety and welfare of the residents of Glades County; and

WHEREAS, the Glades County Board of County Commissioners desires to enact an ordinance creating an Illegal Dumping code.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Glades County, Florida as follows:

SECTION 1. RECITALS.

The above recitals are true and correct and incorporated herein as though fully set forth below.

SECTION 2. TITLE.

The provisions of this Article shall be known as the, "Illegal Dumping Code".

SECTION 3. ADOPTION OF AMENDMENT TO ARTICLE II, RESERVE SECTIONS

The following verbiage will be adopted into existing ARTICLE II. – NOISE REGULATIONS

Sec. 50-59. to 50-64. – Reserved

**SECTION 4. ADOPTION OF ARTICLE III ILLEGAL DUMPING; PART I GENERAL ORDINANCES,
CHAPTER 50 – MISCELLANEOUS PROVISIONS AND OFFENSES.**

The contents of Article III are as follows:

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1 **ARTICLE III. – ILLEGAL DUMPING**

2
3 **Sec. 50-65. – Purpose.** The purpose of this Article is to:

- 4 (a) Promote the general welfare of the County by making it illegal to dump litter on public or
5 private property;
6 (b) Prohibit the unreasonable disturbance of Glades County citizens and residents in the normal
7 use of their properties as a place of abode and a home;
8 (c) Ensure a more orderly operation of places of amusement within the County;
9 (d) Prevent disturbances calculated to destroy property valuations; and
10 (e) Maintain the value of property within the County.

11
12 **Sec. 50-66. – Applicability.** All territory located within the unincorporated area of Glades County,
13 Florida, shall be covered by and subject to the provisions of this Article. This Article shall not
14 apply to the disposal of garbage, refuse, trash or abandoned property collected under the
15 authority of a municipality, county, or private garbage hauler, where the method of disposal is
16 being conducted in accordance with the general laws of the State. This Article shall not apply to
17 materials stored as feed for animals, used as an additive to enrich the soil, or used in residential
18 or commercial composting activity. Vegetation debris collected in a central location with the
19 intent to burn in accordance with local and State laws shall also not be considered littering.
20

21 **Sec. 50-67. - Definitions.** As used in this section:

- 22 (a) Litter. For the purposes of this Article, the term litter includes the following materials when
23 not properly contained or disposed of: means any garbage; rubbish; trash; refuse; can; bottle;
24 box; container; paper; tobacco product; tire; appliance; mechanical equipment or part;
25 building or construction material; tool; machinery; wood; motor vehicle or motor vehicle
26 part; vessel; aircraft; farm machinery or equipment; sludge from a waste treatment facility,
27 water supply treatment plant, or air pollution control facility; or substance in any form
28 resulting from domestic, industrial, commercial, mining, agricultural, or governmental
29 operations.
30 (b) Person means any individual, firm, sole proprietorship, partnership, corporation, or
31 unincorporated association.
32 (c) Dump means to dump, throw, discard, place, deposit, distribute, attach, dispose of, or to
33 cause to be dumped, thrown, discarded, placed, deposited, distributed, attached, or disposed
34 of.
35

36 **Sec. 50-68. – Activities Prohibited.** Unless otherwise authorized by law or permit, it is unlawful
37 for any person to dump litter in any manner or amount:

- 38 (a) In or on any public highway, road, street, alley, or thoroughfare, including any portion of the
39 right-of-way thereof, or any other public lands, except in containers or areas lawfully
40 provided therefore. When any litter is thrown or discarded from a motor vehicle, the operator
41 or owner of the motor vehicle, or both, shall be deemed in violation of this section;

1 (b) In or on any lake, pond, fountain, river, tributary, canal, stream or tidal water of the county
2 or State. When any litter is dumped from a vessel, the operator or owner of the vessel, or
3 both, shall be deemed in violation of this section;

4 (c) In or on any private property, unless it is a licensed facility authorized to process such solid
5 waste or recycled materials.

6 1) In the event that the person who has dumped the litter cannot be determined, the
7 property owner of the land upon which the litter has been found is responsible for the
8 removal of the waste and debris.

9 2) In the event the violation is prosecuted, the county does not have the burden of proving
10 that the person did not have the right or authority to dump the litter or that litter dumped
11 on private property causes a public nuisance. The defendant has the burden of proving
12 that he or she had authority to dump the litter and that the litter dumped does not cause
13 a public nuisance.

14
15 **Sec. 50-69. – General Requirements.**

16 (a) Where public receptacles are not provided or are full, all such litter shall be carried away from
17 the area by the person responsible for its presence and properly disposed of elsewhere.
18 Provided further, no such material shall be brought into any public facility for the purpose of
19 disposing of same in the receptacles provided for the use and convenience of those properly
20 using the facility.

21 1) Fish carcass disposal is prohibited within water or upon any public lands unless placed
22 into suitable garbage or refuse collection systems.

23 2) Animal part or carcass disposal is prohibited within water or upon any public lands unless
24 placed into suitable garbage or refuse collection systems.

25
26 **Sec. 50-70. – Enforcement of other regulations.** This section does not limit the authority of any
27 state or local agency to enforce other laws, rules, or ordinances relating to litter or solid waste
28 management.

29
30 **Sec. 50-71. – Penalties and Violations.**

31 (a) This Article shall be enforced and penalties issued as provided in Florida Statutes, Chapter
32 403.413 Florida Litter Law. It is the duty of all law enforcement officers to enforce the
33 provision of the Florida Litter Law and this Article.

34 (b) Glades County code compliance officers are also hereby designated to enforce the provisions
35 of F.S. Chapter 403 that pertain to the Florida Litter Law and this Article when the litter is
36 found on private property. This designation does not provide the employees with the
37 authority to bear arms or make arrests.

SECTION 5. AUTHORITY.

This Ordinance is enacted pursuant to the provisions of Chapters 125 and Chapter 403, Florida Statutes, and other applicable provisions of law.

SECTION 6. CODIFICATION.

It is hereby the intention of the Board of County Commissioners of Glades County, Florida, and it is hereby provided that the provisions of this Ordinance may become and be made a part of the Code of Glades County, Florida.

SECTION 7. SCRIVENER’S ERRORS.

Sections of this Ordinance may be renumbered or re-lettered and corrections of typographical errors which do not affect the intent may be authorized by the County Manager, or the County Manager’s designee, without need of public hearing, by filing a corrected or re-codified copy of same with the County Clerk.

SECTION 8. CONFLICT.

Any provision of any Glades County ordinance or regulation which is in conflict with the provisions of this Ordinance is repealed prospectively to the extent of such conflict.

SECTION 9. LIBERAL CONSTRUCTION.

The terms and provisions of this Ordinance shall be liberally construed to affect the purpose for which it is adopted.

SECTION 10. SEVERABILITY.

If any portion of this Ordinance is for any reason held or declared to be unconstitutional, invalid or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect the applicability of this Ordinance to any other person, property or circumstances.

SECTION 11. EFFECTIVE DATE.

This Ordinance shall take effect upon the adoption of this Ordinance by the Board of Commissioners of Glades County, Florida, and upon a filing of a certified copy hereof with the Florida Department of State.

The foregoing Ordinance was offered by Commissioner Storter Long, who moved its adoption. The motion was seconded by Commissioner Beck, and being put to a vote, the vote was as follows:

WESTON PRYOR	<u>Yes</u>
DONNA STORTER LONG	<u>Yes</u>
PAUL S. BECK	<u>Yes</u>
JOHN AHERN	<u>Yes</u>

This Ordinance was duly passed and adopted this 10th day of May, 2016.

BOARD OF COUNTY COMMISSIONERS OF GLADES
COUNTY, FLORIDA

BY: [Signature]
Chairman



ATTEST:

Sandra H Brown

Sandra Brown,
Clerk of Court



APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: [Signature]
Richard W. Pringle, County Attorney