

ORDINANCE 2017 - 05

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA; REPEALING AND REPLACING CHAPTER 11, ARTICLE IV – SOLID WASTE DISPOSAL, IN ITS ENTIRETY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners (the “Board”) has determined that it is necessary to regulate Solid Waste accumulation, collection, removal, transfer, transportation and disposal within or for the unincorporated areas of Okaloosa County in order to protect the health, safety and welfare of the citizens of Okaloosa County; and

WHEREAS, in the pursuit of properly regulating Solid Waste the Board has adopted rules and regulations codified as Chapter 11, Article IV – Solid Waste Disposal – of the Okaloosa County Code; and

WHEREAS, Section 125.01, Florida Statutes, and other applicable laws grant the Board the power to regulate the accumulation, collection, removal, transfer, transportation and disposal of Solid Waste within the unincorporated areas of Okaloosa County;

WHEREAS, Section 403.706, Florida Statutes, places upon the Board the responsibility for, and grants the Board the power to provide for the operation of Solid Waste disposal facilities to meet the needs of all incorporated and unincorporated areas of the County; and

WHEREAS, the adequate regulation of the collection and disposal of Solid Waste and the control of litter have a direct effect on the general health, welfare and safety of the residents of Okaloosa County; and

WHEREAS, the collection of recyclables is beneficial to the environment through the reuse and/or recycling of recovered materials; and

WHEREAS, pursuant to Section 403.702, Florida Statutes, it is a goal of the State to maximize resource recovery from solid waste and maximize recycling and reuse of such resources, and therefore require counties to develop and implement recycling programs; and

WHEREAS, pursuant to Section 403.7046, Florida Statutes, local governments may establish a registration program for people doing business within its jurisdiction pertaining to recovered materials; and

WHEREAS, Paragraph (8) of Section 403.706 provides that the Board may enter into a written agreement with other persons to fulfill some or all of the Board’s Solid Waste responsibilities; and

WHEREAS, the Board has determined that the best interest of the public is to grant exclusive franchises to operate and maintain sanitary services for the collection and disposal of residential solid waste and recycling within the designated franchise area of the County; and

WHEREAS, the Board has determined that the best interest of the public is served by granting non-exclusive franchises for the collection of commercial and multi-family solid waste; and

WHEREAS, the Board has determined that the best interest of the public is served by requiring commercial recyclers and recovered material dealers to register with the County; and

WHEREAS, the Board finds it necessary to repeal the existing Chapter 11, Article IV – Solid Waste Disposal, of the Okaloosa County Code and replace the article in its entirety.

NOW, THEREFORE, be it ordained by the Board of County Commissioners of Okaloosa County:

SECTION 1. FINDINGS OF FACT. The above recitals are incorporated by reference into this Ordinance and are adopted as Findings of Fact.

SECTION 2. REPEAL OF PROVISIONS. Chapter 11, Article IV – Solid Waste, Sections 11-181 through 11-300 of the Okaloosa County Code of Ordinance is hereby repealed.

SECTION 3. REPLACEMENT OF PROVISIONS. Chapter 11, Article IV – Solid Waste is hereby replaced in its entirety as follows:

DIVISION 1 – GENERAL

Sec. 11 - 181 - Intent, Purpose and Authority.

It is the intent of this Article to regulate the accumulation, collection, removal, transfer, transportation and disposal of Solid Waste and Recycling for the benefit and protection of public health, safety and welfare. The County is authorized to regulate the management of Solid Waste and recycling in the County, pursuant to article VIII, Section 1, Florida Constitution, 1968, and Chapters 125 and 403, Florida Statutes.

Sec. 11-182 - Definitions.

The following terms and definitions shall apply to all Divisions of Article IV, except where stated otherwise within the individual Divisions:

Acceptable Waste shall mean Solid Waste, including garbage, rubbish, refuse, residue, incidental amounts of household Hazardous Waste as permitted by the Florida Department of Environmental Protection, and other discarded solid or semi-solid materials resulting from domestic, commercial, industrial, Recycling, Resource Recovery, agricultural and governmental operations. Acceptable Waste also includes Bulk Waste, Special Waste (except those defined

under Unacceptable Waste), and Recyclable Materials. Acceptable Waste shall not include regulated Hazardous Waste, Medical Waste, Biomedical Waste, Biological Waste, Infectious Waste, and Yard Trash.

Applicable Law means all applicable Federal and State of Florida laws, local (municipal and county) ordinances, and the rules and regulations of all authorities having jurisdiction over any part of the services provided under this Article.

Biomedical Waste means any Solid Waste or liquid wastes which may present a threat of infection to humans. The term includes, but is not limited to, non-liquid human tissue and body parts; laboratory and veterinary waste which contains human-disease-causing agents; discarded disposable sharps, human blood, and human blood products and body fluids; and other materials that, in the opinion of the Department of Health, represent a significant risk of infection to persons outside the generating facility. The term does not include human remains that are disposed of by persons licensed under Chapter 497, Florida Statutes.

Biological Waste means Solid Waste that causes or has the capability of causing disease or infection and includes, but is not limited to, Biomedical Waste, diseased or dead animals, and other wastes capable of transmitting pathogens to humans or animals. The term does not include human remains that are disposed of by persons licensed under Chapter 497, Florida Statutes.

Board shall mean the Board of County Commissioners of Okaloosa County, Florida, which is the governing body of the county.

Bulk Waste shall mean any waste that requires additional management due to its bulk or weight. Bulk Waste does not include any form of matter or debris resulting from tree removal, land clearing, land development, or Special Waste as defined herein.

Bulk Waste Residential Collection Service means the Bulk Waste collection services provided to persons occupying dwelling units within the designated franchise area, including dwelling units located in mobile home parks who receive collection services at curbside.

Cart means a wheeled container intended for automated collection, which is a type and size approved by the County.

Certified Recovered Materials Dealer means a dealer certified under section 403.7046, Florida Statutes.

Clean Debris means any Solid Waste which is virtually inert, which is not a pollution threat to ground water or surface waters, is not a fire hazard, and is likely to retain its physical and chemical structure under expected conditions of disposal or use. The term includes brick, glass, ceramics, and uncontaminated concrete including embedded pipe and steel.

Collection means the process whereby Solid Waste, Bulk Waste, Yard Trash or Recyclable Material is removed and transported to a Designated Facility.

Collection Component means the portion of the billing fee set by the County for Solid Waste, Yard Trash, Recycling, and Bulk Waste Residential Collection Services.

Commercial Property means any structure used or constructed for use for business operations, including all retail, professional, wholesale and industrial facilities, manufacturing facilities, non-profit enterprises, governmental/public agencies, and any other commercial enterprises offering goods or services to the public. For purposes of this Article, the following are also considered commercial properties, this includes but is not limited to: hotels and motels; apartment complexes of greater than five dwelling units; mobile home park of greater than five dwelling units; multi-family dwelling units of greater than five units; trailer/recreational vehicle parks; businesses and institutions, including but not limited to, manufacturing, industrial, institutional enterprises, and other such similar developed property types.

Commercial Collection Service means Solid Waste collection service within the Service Area to Commercial Property.

Compactor means any container that has compaction mechanism(s) whether stationary or mobile, all inclusive.

Construction and Demolition Debris means discarded 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 or from the renovation of a structure, and includes rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing or land development operations for a construction project, including such debris from construction of structures at a site remote from the construction or demolition project site. Mixing of Construction and Demolition Debris with other types of Solid Waste will cause the resulting mixture to be classified as other than Construction and Demolition Debris. The term also includes:

- (a) Clean cardboard, paper, plastic, wood, and metal scraps from a construction project;
- (b) Except as provided in s. 403.707(9)(j), Florida Statutes, Yard Trash and unpainted, nontreated wood scraps and wood pallets from sources other than construction or demolition projects;
- (c) Scrap from manufacturing facilities which is the type of material generally used in construction projects and which would meet the definition of Construction and Demolition Debris if it were generated as part of a construction or demolition project. This includes debris from the construction of manufactured homes and scrap shingles, wallboard, siding concrete, and similar materials from industrial or commercial facilities; and
- (d) De minimis amounts of other nonhazardous wastes that are generated at construction or destruction projects, provided such amounts are consistent with best management practices of the industry.

Container means a non-compaction or compaction dumpster or roll-off container.

County shall mean Okaloosa County, Florida, a political subdivision of the State of Florida, acting by and through its Board of County Commissioners.

Curbside means that portion of the street right-of-way paralleling any public thoroughfare between the curb lines and abutting property line. If ditching bisects the property and thoroughfare, the curbside then becomes the roadside of the ditch. This designated location shall be as near as possible to the traveled streets or alley. The intention of a curbside designation is to allow collection by the franchisee's personnel in a rapid manner with walking or reaching minimized.

Designated Facility means the facilities designated by the county for delivery of Solid Waste, Yard Trash, Recyclable Materials and Bulk Waste collected pursuant to the franchise agreements.

Designated Residential Collector means an entity that has entered into an exclusive franchise agreement with the County for residential Solid Waste and Recycling services.

Disposal means the discharge, deposit, injection, dumping, spilling, leaking or placing of any Solid Waste or Hazardous Waste into or upon any land or water so that such Solid Waste or Hazardous Waste or any constituent thereof may enter other lands or be emitted into the air or discharged into any waters, including groundwater, or otherwise enter the environment.

Disposal Component means the portion of the billing fee set by the County for tipping fee, landfill costs, and other solid waste management costs.

Dwelling Unit shall mean any type of structure or building unit with kitchen facilities capable of being utilized for residential living. Dwelling Unit includes houses, condominiums, townhouses, apartments, efficiency apartments and mobile homes.

Electronics means computers, monitors, keyboards, mice, terminals, printers, modems, scanners, cell phones, televisions and copiers, and other electronic equipment as directed by the County.

Fill means man-made deposits of earth or waste materials used to fill excavations, to increase the vertical or horizontal extent of land or solid waste disposal units or to build embankments.

Hazardous Waste means Solid Waste or a combination of Solid Wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or environment when improperly transported, disposed of, stored, treated, or otherwise managed. Hazardous Waste shall include all such waste as defined by the Rules of the Florida Department of Environmental Protection Chapter 62-730 F.A.C., or 40 Code of Federal Regulations 261, or both, as either or both may be amended from time to time and to the extent either or both is applicable to the disposal of Waste in Florida. Hazardous Waste is not intended to include de minimus amounts of household hazardous wastes as defined by F.A.C. 62-701.100.

The term does not include human remains that are disposed of by persons licensed under chapter 497, Florida Statutes.

Household Furniture means all movable compactable articles or apparatus, such as chairs, tables, sofas, mattresses, etc., for equipping a house.

Incorporated Municipalities means those duly incorporated municipalities in Okaloosa County consisting of Cinco Bayou, Crestview, Destin, Fort Walton Beach, Laurel Hill, Mary Esther, Niceville, Shalimar and Valparaiso.

Infectious Waste means those wastes that may cause disease or may reasonably be suspected of harboring pathogenic organisms. Included are wastes resulting from the operation of medical clinics, hospitals, and other facilities producing wastes which may consist of, but are not limited to, diseased human and animal parts, contaminated bandages, pathological specimens, hypodermic needles, contaminated clothing, and surgical gloves.

Items for Special Pickup mean pickups of large items such as trees, sod and lumber, discarded automobiles or other items not defined in the franchise agreements as either Solid Waste, Yard Trash, or Bulk Waste and shall be considered as a request for special pickup services and such special services shall not be subject to the fees and charges set out in the franchise agreements, but may be agreed upon by the person requesting such service and the franchisee.

Merchant Waste means Acceptable Waste that was collected from locations outside the County jurisdictional boundaries. Merchant Waste does not include commercial waste generated within unincorporated areas of the County or within incorporated municipalities.

Multi-family Dwelling Unit shall mean dwelling units containing greater than five (5) individual dwelling units in a single complex.

Multi-family Residential Solid Waste Collection Service means the collection of Solid Waste from persons occupying Multi-Family Dwelling Units within a service area.

Non-exclusive Franchise Agreements mean agreements entered into by Okaloosa County for the collection of Commercial Solid Waste.

Off-site Construction and Debris Recycling or Disposal means any Construction and Debris Recycling or disposal which is performed on a property other than where the waste is generated.

On-site Construction and Debris Recycling or Disposal means Construction and Debris Recycling or disposal on the same or geographically contiguous property which may be divided by a public or private right-of-way where the waste is generated.

Recovered Materials means metal, paper, glass, plastic textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and Source Separated or have been removed from the Solid Waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each

other, but the term does not include materials destined for any use that constitutes disposal. Recovered Materials are not Solid Waste.

Recyclable Materials means those materials which are capable of being recycled and which would otherwise be processed or disposed of as Solid Waste.

Recycling means any process by which Solid waste or materials which would otherwise become Solid Waste, are collected, separated or processed and reused or returned to use in the form of raw materials or products.

Recycling Container means a container which is a type approved by the county for recyclable material collection.

Recycling Facility means the facility designated by the Board of County Commissioners at which Recyclable Materials are delivered for processing and/or transport.

Residential Property means any structure which is used, or constructed for use, as a single-family dwelling, and any other dwelling not defined as Commercial Property herein.

Residential Recyclable Material Collection Service means the recyclable materials collection services provided to persons occupying single-family dwelling units.

Residential Solid Waste Collection Service means the Solid Waste collection services provided to residential property within the designated franchise area.

Residential Yard Trash Collection Service means the Yard Trash collection services provided to persons occupying single-family dwelling units within the designated franchise area, including single-family dwelling units located in mobile home parks who receive collection services at curbside.

Resource Recovery means the process of Recovering Materials or energy from Solid Waste, excluding those materials or Solid Waste under the control of the Nuclear Regulatory Commission.

Service Area means the unincorporated areas of Okaloosa County, Florida.

Single-family Dwelling Unit shall mean dwelling units, including single-family residences, or any building or structure containing five or less individual dwelling units in a single complex. Recreational vehicles not located in recreational vehicle parks and mobile homes which are not located in a mobile home park or mobile home subdivision, and which are otherwise considered real property under the Florida Statutes, shall be considered single-family dwelling units. Additionally, recreational vehicles and mobile homes located in recreational vehicle or mobile home parks that are not serviced by multi-family residential collection service shall be considered single-family dwelling units.

Solid Waste means sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material, including liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. Recovered Materials are not Solid Waste.

Solid Waste Disposal Facility means any solid waste management facility that is the final resting place for Solid Waste, including landfills and incineration facilities that produce ash from the process of incinerating municipal solid waste.

Solid Waste Division means the County division charged with the authority and responsibility to manage all functions of the Solid Waste Division of Okaloosa County, Florida.

Solid Waste Management means 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, which includes closure.

Source Separated means that the Recovered Materials are separated from Solid Waste at the location where the Recovered Materials and Solid Waste are generated. The term does not require that various types of Recovered Materials be separated from each other, and recognizes de minimis Solid Waste, in accordance with industry standards and practices, may be included in the Recovered Materials. Materials are not considered Source Separated when two or more types of Recovered Materials are deposited in combination with each other in a Commercial collection container located where the materials are generated and when such materials contain more than 10 percent Solid Waste by volume or weight. For purposes of this subsection, the term “various types of recovered materials” means metals, paper, glass, plastic, textiles, and rubber.

Special Wastes means Solid Wastes that can require special handling and management, including, but not limited to, White Goods, waste tires, used oil, lead-acid batteries, Construction and Demolition Debris, ash residue, Yard Trash, and Biological Wastes.

Tipping Fee means a charge by the County for the receipt or disposal, processing or management of Solid Waste.

Ton means a short ton, 2,000 pounds (9.078 metric tons).

Transfer Station means a site the primary purpose of which is to store or hold Solid Waste for transport to a processing or disposal facility. The facility shall be designated by the Board of County Commissioners.

Unacceptable Waste shall mean wastes that are not accepted for class I disposal. These materials include Infectious Waste and Hazardous Wastes as defined above, those wastes excluded from the definition of Acceptable Wastes, and materials exhibiting the following characteristics:

- (1) Hazardous placards or markings;
- (2) Liquids;
- (3) Powers or dusts;

- (4) Drums or commercial size containers; and,
- (5) Chemical odors.

Other unacceptable materials include:

- (1) Asbestos containing wastes;
- (2) Ash;
- (3) Fluorescent light bulbs;
- (4) Mercury containing devices;
- (5) Whole tires; and
- (6) Liquid wastes.

White Goods includes discarded air conditioners, heaters, refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial appliances.

Yard Trash means vegetative matter resulting from landscaping maintenance and land clearing operations and includes associated rocks and soils.

Yard Trash Receptacle means a rigid plastic container, Kraft paper bag, or other container type suitable for collection of Yard Trash, which is provided by the customer and approved by the county. Such receptacle shall not weigh more than 50 pounds including its contents.

Sec. 11-183 - Fees.

The Board of County Commissioners shall establish by resolution all fees, rates and charges for Solid Waste and Recycling Services. Such fees, rates and charges include, but are not limited to, collection of garbage disposal, tipping fees at the transfer station, rates for yard trash, recycling fees, fees for incorporated municipalities operating a collection service, other user fees, and administrative fees.

Sec. 11 -184 - Classification of Properties.

Upon the written request by a Multi-Family Dwelling Unit property owner, the County may permit the Multi-Family Dwelling Unit to receive Residential Solid Waste Collection Services.

If a property owner requests a change in the classification of their property in a manner that would alter the collection and billing methodology to that property (e.g. a Multi-Family Dwelling Unit desiring cart-based collection in the same manner as a Single Family Dwelling Unit), the County shall make the final determination as to the collection and billing methodology that will be utilized. The determination shall be made by the Public Works Director or his/her designee and will be based upon a review of the unique facts and circumstances of each situation, to include, among other things, access to the service site. The decision of the Public Works Director or his/her designee shall be final.

Sec. 11 - 185 - Payment Accounts.

A User, defined as any person, firm, partnership, corporation, municipality or governmental agency who is served by and makes use of any Okaloosa County transfer station or sanitary

landfill, who is hauling their own solid waste or recycling, upon approval, may establish payment accounts as a means of paying monthly solid waste disposal rates and charges incurred in accordance with prescribed rates. A deposit may be required at time of opening the account.

Sec. 11-186 - Penalties and Violations.

Unless otherwise specified herein, a violation of this Article shall constitute as a civil infraction which may result in a maximum civil penalty. Violations may be acted upon by code enforcement in accordance with Chapter 11 of the Okaloosa County Code of Ordinances.

Secs. 11-187 through 11.190. Reserved.

DIVISION 2 – RESIDENTIAL SOLID WASTE AND RECYCLING

Sec. 11-191 – Residential Solid Waste Collection.

(a) ***Curbside residential solid waste collection service.***

(1) *Frequency of Collection.* The franchisee shall collect all Solid Waste from Single-Family Dwelling Units within the franchise area two (2) times per week.

(2) *Point of pickup of Solid Waste.* The franchisee shall be required to pick up all Solid Waste generated from Single-Family Dwelling Units which has been placed in a Cart and placed curbside or as such other single collection point as may be agreed upon by the franchisee and the customer. No loose refuse shall be collected, with the exception of Bulk Waste. For purposes of automated pickup, Carts shall be placed within three feet (3') of the edge of pavement, back of curb, or edge of travel lane on dirt roads. In the event an appropriate location cannot be agreed upon, the Public Works Director or his/her designee shall designate the location. The franchisee shall provide this service, without additional charge, at the rear or side of the residence for qualified handicapped persons. Existing qualified handicapped customers shall continue to receive this service. Future application for such handicap services shall be made by the customer providing to the franchisee, on a form approved by the County, proof of handicap status as required by FL Statutes — Title XXIII, Motor Vehicles Section 320.0848 (1)(b), or as otherwise approved by the franchisee, and certifying that no able-bodied person resides in the household.

(3) *Method of Collection.* The franchisee shall provide curbside automated collection (side arm loading method). The customer will place Solid Waste in the Cart and place it curbside. No Cart, including the Cart and its contents, shall exceed 250 pounds. The franchisee will place the empty Cart curbside.

(b) ***Curbside residential Yard Trash collection service.***

(1) *Frequency of Collection.* The franchisee shall collect Yard Trash from Single-Family Dwelling Units within the franchise area one (1) time per week.

(2) *Point of pickup of Yard Trash.* Collection of Yard Trash shall be at curbside or other such locations as will provide ready accessibility to the franchisee's collection crew and vehicle. In the event an appropriate location cannot be agreed upon, the Public Works Director or his/her designee shall designate the location.

(3) *Preparation of Yard Trash for Collection.* The franchisee shall pick up Yard Trash generated from Single-Family Dwelling Units which has been properly prepared and stored for collection as follows:

a. Residents are responsible for separating Yard Trash from all other Solid Wastes, Bulk Waste and Recyclable Materials. Grass clippings, leaves, pine needles, trimmings and other such materials must be in a Yard Trash Receptacle.

b. Yard Trash shall be placed in Yard Trash Receptacles or bundles of less than 50 pounds each whenever practical and with no dimension over six feet (6') in length and four inches (4") in diameter each. Items of Yard Trash which are not easily containerized or bundled and which do not exceed six feet (6') in length and four inches (4") in diameter or weigh more than 50 pounds shall be collected unbundled.

(4) *Method of Collection.* Yard Trash Receptacles shall be thoroughly emptied and then left, at the point of collection, inverted with covers placed topside up on the ground next to the container. Any type receptacle found in a rack, Cart or enclosure of any kind shall be returned upright, to such rack, Cart or enclosure and lids shall be placed securely and properly on the top of said receptacles.

(c) ***Residential Recyclable Material collection service.***

(1) *Frequency of Collection for Single-Family Dwelling Units.* The franchisee shall collect Recyclable Materials from Single-Family Dwelling Units within the franchise area one (1) time per week. To the extent possible, collection of Recyclable Materials will be the same day of the week as Solid Waste collection.

(2) *Point of pickup of Recyclable Material for Single-Family Dwelling Units.* Collection of Recyclable Material shall be at curbside or other such locations as will provide ready accessibility to the franchisee's collection crew and vehicle. In the event an appropriate location cannot be agreed upon, the Public Works Director or his/her designee shall designate the location. The franchisee shall provide this service, without additional charge, at the rear or side of the residence for qualified handicapped persons. Existing qualified handicapped customers shall continue to receive this service. Future application for such handicap services shall be made by the customer providing to the franchisee, on a form approved by the county, proof of handicap status as required by FL Statutes — Title XXIII, Motor Vehicles Section 320.0848 (1)(b), or as otherwise approved by the franchisee, and certifying that no able-bodied person resides in the household.

(3) *Preparation of Recyclable Material for Collection.* The franchisee shall pick up all Recyclable Materials generated from Single-Family Dwelling Units which have been properly prepared and stored for collection as follows:

a. Residents are responsible for separating Recyclable Materials from all other Solid Wastes, Yard Trash and Bulk Wastes. Recyclable Materials to be collected by the franchisee include newspapers (including inserts), corrugated cardboard, mixed paper (including brown paper bags, magazines, phonebooks, junk mail, white and colored paper, shredded paper in a bag, and paperboard), aluminum cans, plastic containers and bottles marked with SPI codes 1—7, glass bottles and jars, tin and ferrous cans, and polycoated cartons. The County may add or delete material types for collection.

b. Recyclable Materials shall be placed in Recycling Containers.

(4) *Method of Collection.* Recycling Containers shall be handled carefully by the franchisee, shall not be bent or otherwise abused, and shall be thoroughly emptied and then left at the proper point of collection.

(5) *Public awareness program.* The franchisee and County shall continue to jointly implement a promotional and public education program to inform and encourage residents to use the recycling collection services. The Public Works Director or his/her designee shall monitor the implementation of these activities. All promotional materials, including printed literature, are subject to the approval of the Public Works Director or his/her designee.

(d) ***Bulk Waste residential collection service.***

(1) *Frequency of Collection.* The franchisee shall collect Bulk Waste from Single-Family Dwelling Units within the franchise area one (1) time per week. The franchisee shall collect all Bulk Waste left curbside for collection on regular Bulk Waste collection routes, whether it was scheduled or not. With the exception of individual items of Household Furniture or White Goods, Bulk Waste residential collection service is limited to four (4) cubic yards per pick up per dwelling unit.

(2) *Point of pickup of Bulk Waste.* Collection of Bulk Waste shall be at curbside or other such locations as will provide ready accessibility to the franchisee's collection crew and vehicle. In the event an appropriate location cannot be agreed upon, the Public Works Director or his/her designee shall designate the location.

(3) *Method of Collection.* Franchisee shall collect Bulk Waste in a manner that allows separation of White Goods, Electronics, tires and other Recyclables, as identified by the County, upon delivery at the Transfer Stations.

(e) ***Addition of new customers.*** The franchisee shall provide collection to new residential customers within three (3) days of receiving notification from the County or the customer.

(f) ***Hours of collection.*** All collections shall begin no earlier than 7:00 a.m., and shall cease no later than 7:00 p.m., Monday through Saturday. In the case of an emergency, collection may be permitted at times not allowed by this paragraph, provided the franchisee has received prior approval from the Public Works Director or his/her designee in writing. No collection shall occur on Sundays or holidays, as defined herein, except in a time of emergency.

(g) ***Non-collection notice.*** The franchisee is not required to collect Solid Waste, Yard Trash, Bulk Waste or Recyclable Materials that have not been placed out for collection in accordance with this Article. If not collected, franchisee shall immediately place a notice on the receptacle, container or waste explaining why the material was not collected.

Sec. 11-192 - Franchise areas.

The residential collection franchisee shall have the right, privilege, easement and exclusive franchise to provide collection service for Solid Waste, Yard Trash, Bulk Waste, and Recyclable Materials to all Single-family Dwelling Units within the franchise area. Such right, privilege, easement and exclusive franchise shall not extend to the collection of Biomedical Waste, Biological Waste, Construction and Demolition Debris, Hazardous Waste, Infectious Waste, items for special pickup, and Special Waste. The franchise area shall consist of the areas within Okaloosa County, Florida, designated by the Board.

Sec. 11-193 - Payment for collection of trash.

In the event payment is not made by any customer invoiced by franchisee for services rendered by the 10th day of each month, the franchisee shall be allowed to assess a five dollar (\$5.00) late charge. If payment is not made by the 20th of the month, the franchisee may discontinue Collection service until such time as all payments are made and arrearages brought up to date.

In the event payment is not made by any customer invoiced by the County, the County shall provide the franchisee with its cutoff list and franchisee shall be allowed to discontinue Collection service for customers on the list until such time as all payments are made and arrearages brought up to date.

Sec. 11-194 - Days of operation.

The franchisee will not provide Collection service on the following holidays: New Year's Day, Thanksgiving and Christmas Day. If the regular collection day for any Solid Waste or Yard Trash route(s) falls on any of the aforementioned holidays, the franchisee shall collect such Waste and Recyclables as follows:

- a. Solid Waste and Yard Trash: Collection shall be provided on the next regular collection day.
- b. Recyclables: Collection services shall be one (1) day after the normally scheduled collection day for the remainder of the week.

The franchisee shall notify all affected customers of the holiday schedule at least two (2) weeks prior to the holiday.

Sec. 11-195 - Franchise non-transferable.

Franchisee cannot assign, subcontract, sell or transfer its franchise or any right occurring under the franchise agreements without first obtaining the express written approval of the Board. Assignment shall include any transfer of 50 percent of stock and control of franchisee. The Board shall have full discretion to approve or deny, with or without cause, any subcontract, any proposed assignment or assignment by franchisee. Any assignment or subcontract of the franchise agreements by the franchisee without the express written consent of the Board shall be grounds for the Board to declare a default of the franchise agreements and immediately terminate the franchise agreements by giving written notice to franchisee. Upon the date of such notice, the franchise agreements shall be deemed immediately terminated.

Sec. 11-196 - Maintenance of equipment by franchisee.

1. The franchisee shall have on hand at all times and in good working order such equipment as shall permit the franchisee to adequately and efficiently perform its contractual duties. Equipment shall be obtained from nationally known and recognized manufacturers of solid waste collection and disposal equipment. Upon execution of the franchise agreements, and semi-annually thereafter, the franchisee shall provide in a format specified by the Public Works Director or his/her designee, a list of collection vehicles used by the franchisee to provide services relating to the franchise agreements. Equipment shall be of the enclosed loader packer type (for cart based collection) or self-loading grapple type (for Bulk Waste collection) and all equipment shall be kept in good repair, appearance and in a sanitary and clean condition at all times. All truck bodies shall be watertight to a depth sufficient to prevent discharge of accumulated water during loading and transport operations, with solid metal sides, and covered metal top. The franchisee shall have available reserve equipment, which can be put into service within two hours of any breakdown. Such reserve equipment shall correspond in size and capacity to the equipment used by the franchisee to perform the contractual duties.

2. Franchisee must put on each side of its trucks the following: (a) the name of franchisee, (b) its local customer service telephone number, and (c) the number of the vehicle. The letters and numbers shall be not less than three inches in height. Franchisee shall also put the truck number on the front passenger-side bumper in numbers not less than four inches in height.

Sec. 11 - 197 – Collecting of Residential Solid Waste by individuals other than approved Franchisee.

If shall be unlawful for an individual or entity to collect Residential Solid Waste within the franchise area without an exclusive franchise from the County. Violations of this Section may be prosecuted in the same manner as misdemeanors are prosecuted. Such violations shall be prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof and upon conviction shall be punished by a fine or by imprisonment in the county jail not to exceed 60 days or by both such fine and imprisonment.

Secs. 11 – 198 through 11 – 210. Reserved.

DIVISION 3 – COMMERCIAL SOLID WASTE

Sec. 11-211 - Commercial Solid Waste collection.

The Board is hereby authorized to grant non-exclusive franchisees the right and privilege to collect and dispose of Solid Waste from commercial business establishments and Multi-Family Dwelling Units subject to the conditions and limitations contained herein.

1. ***Agreement.*** After September 30, 2017 no person or entity shall provide for the collection and/or disposal of Solid Waste from commercial business establishments and Multi-Family Dwelling Units without a valid franchise agreement. Said franchise agreements will contain the name of the franchisee; the length of the franchise agreement; the consideration to be paid for such franchise agreement and the method of payment; the service to be furnished; the amount and method of payment to the authorized franchisee for performance under the franchise agreement; the performance bond and the conditions thereof to be furnished by the authorized franchisee; and such reasonable rules and regulations governing the performance by the authorized franchisees as are deemed necessary. All franchise agreements shall run on a two (2) year cycle, the first beginning October 1, 2017.

Violations of this Section may be prosecuted in the same manner as misdemeanors are prosecuted. Such violations shall be prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof and upon conviction shall be punished by a fine or by imprisonment in the county jail not to exceed 60 days or by both such fine and imprisonment.

2. ***Exceptions.*** Said franchise agreement shall not affect the ability of any general contractors, landscape contractors, or any other commercial enterprise to self-haul commercially generated waste, nor shall it affect the ability of any commercial business establishments and Multi-Family Dwelling Units to self-haul generated waste. Collection and transport of Construction and Demolition Debris shall not be affected by said franchise agreement.

3. ***Manner of Collection.***

a. ***Frequency of Collection.*** The franchisee shall collect Solid Waste from commercial business establishments and Multi-Family Dwelling Units at a minimum of one (1) time per week and at a frequency to be negotiated by the franchisee and commercial business establishment or Multi-Family Dwelling Units. Franchisee shall not mix Solid Waste with Recyclables.

b. ***Numbers and types of Containers.*** The franchisee shall provide Containers for the accumulation of Solid Waste as necessary. The size of Containers shall be mutually agreed upon by the commercial business establishment, Multi-Family Dwelling Units and the franchisee. Where it is not possible or practical to use Containers, the franchisee shall provide Carts for commercial and Multi-Family Dwelling Units Solid Waste collection service. All Containers shall be painted (with the exception of Roll Carts) and have Franchisee's name, phone number, and container size clearly displayed. No advertising shall be posted on Containers. Containers shall be maintained in accordance with general industry standards including being rust-free,

having drain plugs installed to retain storm water and prevent leaching, and having lids in proper, safe, working condition.

4. **Franchise non-transferable.** Franchisee cannot assign, subcontract, sell or transfer its franchise or any right occurring under the franchise agreements without first obtaining the express written approval of the Board. Assignment shall include any transfer of 50 percent of stock and control of franchisee. The Board shall have full discretion to approve or deny, with or without cause, any subcontract, any proposed assignment or assignment by franchisee. Any assignment or subcontract of the franchise agreement by the franchisee without the express written consent of the Board shall be grounds for the Board to declare a default of the franchise agreement and immediately terminate the franchise agreement by giving written notice to franchisee. Upon the date of such notice, the franchise agreement shall be deemed immediately terminated.

5. **Protection of Private and Public Property.** Franchisee acknowledges that collection points on rights-of-way are frequently co-located with other utility easements. Therefore, particular attention shall be given to the location of water meters, transformers, guy wires, utility poles, and irrigation structures. Authorization to use the easement does not abrogate Franchisee's responsibility to exercise caution in relationship to the property of other authorized users. Franchisee shall take care to prevent damage to all public and private property while conducting Collection and Disposal services, including, but not limited to, buildings, monuments, markers or fences, vehicles, pipes and underground structures, storm water inlet covers, gutters, curbs, public streets, trees and tree canopies, flowers, shrubs, and other plantings. The County acknowledges this does not preclude normal wear and tear of streets resulting from normal use by Franchisee.

6. **Vehicles.**

- a. All of Franchisee's Collection vehicles shall have waterproof seals and shall be watertight to a depth sufficient to prevent the discharge or leaking of liquids that have accumulated in the vehicle's cargo area during loading and transport operations.
- b. All vehicles used to provide Collection service shall be equipped at all times with: (a) all safety supplies, equipment, and first aid supplies required by Applicable Laws; (b) a fire extinguisher; (c) a heavy-duty broom, a rake, and a large dustpan; and (d) a spill response kit; and (e) an audible back-up warning device. The spill response kit shall be suitable and adequate for cleaning up any leaks or spills of oil, hydraulic fluid, or other liquids from Franchisee's collection vehicles.
- c. Franchisee shall monitor, maintain and repair its collection vehicles and equipment, at a minimum, in compliance with the manufacturer's recommendations and Applicable Law. Oil/hydraulic systems and waterproof seals/enclosures shall be kept in good condition at all times to prevent spills and leaks.
- d. Franchisee shall keep all collection vehicles and equipment cleaned to minimize the potential for odors and nuisance conditions.
- e. Franchisee's vehicles shall clearly display Franchisee's logo, name, and telephone number printed in letters not less than four inches (4") on each side of the vehicle.

- f. Franchisee vehicles shall be numbered with numbers not less than three inches (3”) high on the front of the vehicle for identification upon approaching the gatehouse at each Designated Facility.
- g. The County reserves the right to conduct periodic inspections of operations, vehicles, and equipment to ensure compliance with federal and state commercial motor vehicle statutes, as well as requirements of this Agreement.
- h. The County reserves the right, at its discretion, to require a vehicle be taken out of service for habitual maintenance issues that cause excessive wear and tear on streets.

7. Record Keeping.

Franchisee shall maintain records in accordance with generally accepted management principles and practices. The County shall have access to such books, records, data, documents, and other reports during normal operating hours. Franchisee will provide proper facilities within Okaloosa County, Florida for such access and inspection. The Florida Public Records Act, Chapter 119, Florida Statutes, may have application to records or documents of the Franchisee and Franchisee agrees to comply with all such laws. The County shall have the right to perform audits of Franchisee’s records at the County’s expense, whenever the County deems it necessary.

Secs. 11-212 through 11-215 – Reserved.

DIVISION 4 – COMMERCIAL RECYCLING & RECOVERED MATERIALS

Section 11 - 216 - Definitions.

For purposes of this Division, the following definitions apply:

Collector means any person who collects and transports for others commercially generated recyclables, some of which are generated within the County’s Solid Waste Service Area. The term “Collector” excludes those persons who self-haul their own commercially generated recyclables and any nonprofit organization which collects and transports commercially generated recyclables.

Commercial Establishment means a property or properties zoned or used for commercial or industrial uses, or used by an entity exempted from taxation under s. 501(c)(3) of the Internal Revenue Code, and excludes property or properties zoned or used for single-family residential or multi-family residential uses.

Registrant means a dealer or collector who has registered as required in Section 11 - 218.

Section 11 - 217 - Intent.

It is the intent of this Division, that it shall be unlawful for every Collector of commercial Recyclables for others within the Service Area and every Recovered Materials dealer to collect, process, convey or transport Recovered Materials in the County without first being registered by the County.

Nothing in this Division shall require a commercial establishment generating source-separated (as defined in Florida Statutes sec. 403.703) Recovered Materials to sell or otherwise convey its source-separated Recovered Materials to the County, or to a person or facility designated by the County, nor may the County restrict a generator's right to sell or otherwise convey such Recovered Materials to any properly certified registrant. Nothing in this Division shall prevent a Registrant from entering into a contract with a commercial establishment to purchase, collect, transport, process or receive source-separated Recovered Materials.

Section 11 - 218 - Registration.

Every Collector of commercial recyclables for others within the Service Area and every Recovered Materials dealer within the Service Area shall be required by October 1, 2017 to register with the County pursuant to the requirements herein stated.

Registration shall not be required for those persons whose primary business is freight transport that may involve the intermittent transport of Recovered Materials or commercial generators transporting their own Recovered Materials.

Section 11 - 219 - Registration Process.

1. Any dealer registered as a certified person under Florida Administrative Code ch. 62-722, and section 403.7046, Florida Statutes, regulation of recovered materials, shall be deemed to be registered under this division as a dealer. Evidence of such certification must be provided to the County upon request.
2. Each Collector shall register with the Solid Waste Division using the forms promulgated by the Solid Waste Division.
3. The application shall include the following:
 - a. The name, including the owner or operator of the dealer, and if the dealer is a business entity, its general or limited partners, its corporate officers and directors;
 - b. Its permanent place of business;
 - c. A copy or evidence of certification under section 403.7046, Florida Statutes; and
 - d. If processed within the State, a certification to the best of the Registrant's knowledge that the Recyclables will be recycled by way of a State-approved recycling process.
4. At time of registration, the Registrant shall pay a registration fee commensurate with and no greater than the cost incurred by the County in operating the registration program, as set forth in a resolution of the Board.
5. Once determined by the Solid Waste Division that the application is complete, the Solid Waste Division shall register the Registrant. Such registration shall be effective for a term of one (1) year from the date of issuance.

6. If any of the applications information submitted by the registrant changes during the term of the registration, the Registrant shall report those changes to the County within 15 days of the change.
7. No information provided by any Registrant under the registration process will be utilized by the County to compete unfairly with the Recovered Materials dealer for duration of 90 day.

Section 11 - 220 - Requirements of a Registrant.

Each Registrant shall meet all the applicable conditions and requirements as follows:

1. Registrant of Recovered Materials shall provide to the County a copy of the quarterly Recovered Materials reporting form, as provided by the Department of Environmental Protection, completed with regard to Recovered Materials originating within the County and Solid Waste disposed from such Registrants' facilities within the County.
2. Each Registrant of Recyclables shall be required to report to the County, on a County designated form on a quarterly basis, the following;
 - a. Types and approximate amount of Recyclables collected, recycled, or reused during the reporting period;
 - b. Approximate percentage of Recyclables delivered to a Facility, which recycles by way of a State approved recycling process or disposed of in a Solid Waste Disposal Facility; and
 - c. The locations where any Recyclables were disposed as Solid Waste.
3. Such reports shall be available for inspection by representatives of the County during business hours.
4. Information reported under this section which, if disclosed, would reveal a trade secret, as defined in section 812.081, Florida Statutes, is confidential and exempt from public records disclosure.

Sec. 11 - 221 - Registration Revocation.

A registration may be revoked if the County finds the Registrant, after reasonable notice of the charges and an opportunity to be heard by an impartial party, has consistently and repeatedly violated State or local laws, ordinances, rule and regulations. If violation is suspected, the Solid Waste Division shall notify the registrant by certified mail, return receipt requested, at the address stated on the registrant's application. The registrant shall have thirty (30) days from receipt of such notice to respond to the allegations. The Public Works Director or his/her designee shall review the registrant's response and make a determination of whether a violation occurred and is part of a pattern of practices to consistently and repeatedly violate applicable State or local laws, ordinances, rules and regulations. The Public Works Director or his/her designee shall then determine whether the registration should be revoked. The Public Works

Director or his/her designee's determination shall be considered final action by the County and may be appealed to a circuit court of competent jurisdiction.

Secs. 11 – 222 through 11-225 – Reserved.

DIVISION 5 – CONSTRUCTION AND DEMOLITION DEBRIS

Sec. 11-226 - Definitions.

For purposes of this Division, the following definitions apply:

Registrant means persons or entities that maintain an off-site facility for recycling or disposal of Construction and Demolition Debris who has registered as required in Section 11 - 228.

Sec. 11 - 227 - Intent.

It is unlawful for any persons or entities within the Service Area to maintain an off-site facility for Recycling or Disposal of Construction and Demolition Debris without first being registered with the County.

Sec. 11 - 228 - Registration.

Every person or entity that maintains an off-site facility for Recycling or Disposal of Construction and Demolition Debris within the Service Area shall be required by October 1, 2017 to register with the County pursuant to the requirements herein stated.

The following activities are exempt from the provisions of this division:

- a. On-site disposal facilities of Construction and Demolition Debris.
- b. Any site where Clean Debris is used solely as fill.

Sec. 11 - 229 - Registration Process.

1. Each person or entity shall register with the Solid Waste Division using the forms promulgated by the Solid Waste Division.
2. The application shall include the following:
 - a. The name, including the owner or operator of the off-site disposal site, and if the owner is a business entity, its general or limited partners, its corporate officers and directors;
 - b. Its permanent place of business; and
 - c. A copy of any State permits pertaining to the construction and/or running of the off-site facility for Recycling or Disposal of Construction and Demolition Debris.

3. At time of registration, the Registrant shall pay a registration fee commensurate with and no greater than the cost incurred by the County in operating the registration program, as set forth in a resolution of the Board.
4. Once determined by the Solid Waste Division that the application is complete, the Solid Waste Division shall register the Registrant. Such registration shall be effective for a term of one (1) year from the date of issuance.
5. If any of the applications information submitted by the registrant changes during the term of the registration, the Registrant shall report those changes to the County within 15 days of the change.
6. No information provided by a Registrant under the registration process will be utilized by the County to compete unfairly with the off-site disposal site.

Sec. 11 - 230 - Requirements of a Registrant.

Each Registrant shall meet all the applicable conditions and requirements as follows:

1. The Registrant shall provide the County on a monthly basis with the weight of material disposed of or recycled at the off-site disposal site.
2. All materials disposed of within a Construction and Demolition Debris disposal site, unless otherwise exempted, must be accounted for in terms of the weight (in tons) disposed of. This may be accomplished by actually weighing the material or by approximating the cubic yardage and converting to tons using conversion factors listed below:
 - a. Paper/brush/wood products: .06 tons/cy
 - b. Mixed loads: .18 tons/cy
 - c. Concrete/asphalt/masonry: .50 tons/cy
3. Such reports are due seven (7) calendar days from the end of the month which is being reported.
4. Such reports shall be available for inspection by representatives of the County during business hours.
5. Information reported under this section which, if disclosed, would reveal a trade secret, as defined in section 812.081, Florida Statutes, is confidential and exempt from public records.

Sec. 11 - 231 - Registration Revocation.

A registration may be revoked if the County finds the Registrant, after reasonable notice of the charges and an opportunity to be heard by an impartial party, has consistently and repeatedly violated State or local laws, ordinances, rule and regulations. If violation is suspected, the Solid

Waste Division shall notify the Registrant by certified mail, return receipt requested, at the address stated on the registrant's application. The Registrant shall have thirty (30) days from receipt of such notice to respond to the allegations. The Public Works Director or his/her designee shall review the Registrant's response and make a determination of whether a violation occurred and is part of a pattern or practices to consistently and repeatedly violate applicable State or local laws, ordinances, rules and regulations. The Public Works Director or his/her designee shall then determine whether the registration should be revoked. The Public Works Director or his/her designee's determination shall be considered final action by the County and may be appealed to a circuit court of competent jurisdiction.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon filing with the Florida Department of State.

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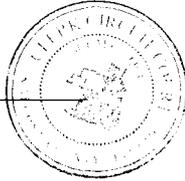
PASSED AND ADOPTED in Regular Session this 4th day of April, 2017.

BOARD OF COUNTY COMMISSIONERS OF
OKALOOSA COUNTY, FLORIDA.

ATTEST:



J.D. Peacock II, Clerk





Carolyn N. Ketchel, Chairman



APPROVED AS TO FORM:



Gregory T. Stewart
County Attorney



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

April 4, 2017

Honorable J. D. Peacock II
Clerk of the Circuit Court
Okaloosa County
101 East James Lee Boulevard
Crestview, Florida 32563-1359

Attention: Ms. Renee S. Ramirez

Dear Mr. Peacock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Okaloosa County Ordinance No. 2017-05, which was filed in this office on April 4, 2017.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb