

**COUNTY OF GULF
STATE OF FLORIDA**

ORDINANCE NO. 2024-16

AN ORDINANCE OF GULF COUNTY, FLORIDA AMENDING THROUGH A REPEAL AND REPLACE OF THE “GULF COUNTY SOLID WASTE DISPOSAL ORDINANCE” AND ESTABLISHING FLOW CONTROL WITHIN THE BOUNDARIES OF GULF COUNTY AS AUTHORIZED BY FLORIDA STATUTE 403.706; AND ESTABLISHING MANDATORY SOLID WASTE COLLECTION WITHIN THE TOURIST CORRIDORS; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING PENALTIES AUTHORIZED BY FLORIDA STATUTE 125.69; PROVIDING FOR CLASSES OF SOLID WASTE; 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 the 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 mandatory trash collection services and process within the Gulf County tourist corridors; 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 Gulf County’s tourist corridors; 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 amend the Solid Waste Flow Control Ordinance to further preserve and enhance public health, quality of life and public safety within Gulf County and further define the inclusion of all solid waste and penalties for violation of said ordinance; 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 with to adopt through action of the Commissioners, the following amendment through repeal and replace of the “Gulf County Solid 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 the original Gulf County Solid Waste Flow Control Ordinance; and

WHEREAS, on July 12, 2019 a Public Notice was advertised in The News Herald offering the public an opportunity to participate at a public hearing and reading before the Board of County Commissioners on July 23, 2019 at 9:00 a.m. before the adoption of the first amendment to the Gulf County Solid Waste Flow Control Ordinance; and

WHEREAS, on August 14, 2019 the Board of County Commissioners voted in a special meeting to advertise through Public Notice and advertisement in The News Herald offering the public an opportunity to participate at a public hearing and reading before the Board of County Commissioners on August 27, 2019 the consideration and adoption of a second amendment to the Gulf County Solid Waste Flow Control Ordinance; and

WHEREAS, on August 15, 2024 and September 12, 2024 Public Notices were advertised in The Star offering the public an opportunity to participate at a public first and second readings and hearings before the Board of County Commissioners first on August 27, 2024 at 10:00 a.m. and again on September 24, 2024 at 9:00 a.m. for the adoption of the third amendment to the Gulf County Solid Waste Flow Control Ordinance through repealing and replacing; and

WHEREAS, the Commission and staff have received continued comment and public input over several years with the growth of the tourist corridor regarding the amendments and considerations for additional mandatory trash requirements within the tourist corridors of Gulf County in advance of the advertised public hearing for proposed amendments on referenced dates herein; and

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

Purpose and Proposed Amendments in Strike Through and Underline Format.

The purpose of this Ordinance is to amend the Solid Waste Disposal Ordinance and effectuate a county – wide policies and tourist corridor areas on increased impact for proper solid waste collection and regulations within Gulf County in order to protect the public health and safety and to continue to protect and improve our communities as well as our environment throughout the County. To carry out the express responsibility of the County with regard to regulating and monitoring proper and organized solid waste collection cycles.

The Board of County Commissioners hereby adopts the amendments through this repeal and

replacement provided below to the Gulf County Solid Waste Disposal Ordinance in strike through (deleted) and underline (proposed) format as presented herein and in final form shall remove the strikethrough and underline formatting.

Section 1 – Short Title.

This Ordinance is amended through this repeal and replace format and shall continue to be hereafter known and referred to as the “ Gulf County Solid Waste Flow Control Ordinance” and incorporates the provisions for amendments to the mandatory trash collection within the tourist corridors of Gulf County.

Section 2 – Authority.

This ordinance and amendments are 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 and Proposed Amendments in Strike Through and Underline Format.

The purpose of this Ordinance is to amend the Gulf County Solid Waste Flow Control Ordinance and 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 and to implement mandatory trash collection and subscription within the tourist corridors of Gulf County. To carry out the express responsibility of the County with regard to solid waste as set forth by Florida Statute 403.

The Board of County Commissioners hereby adopts the amendments provided below to the Gulf County Flow Control Ordinance in strike through (deleted) and underline (proposed) format.

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

- a. The flow of all solid waste (as defined in subsection 4(d) below) generated in or brought into Gulf County for transfer or disposal as provided by the county in an agreement or by rule or regulation contained herein.
- 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 of regulation.
- c. It shall be unlawful for any person to dispose of or transfer any and all 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. "Solid Waste" for purposes of the Ordinance shall incorporate the definition as stated in Section 403.703, Florida Statute, and Florida Admin. Code R. 62.701.200 as either may be amended from time to time. Any and all garbage, rubbish, industrial waste, horticultural waste, extraordinary waste or other semi solid-material resulting from domestic, commercial, industrial, agricultural, or governmental operations including refuse and bulky waste, but excluding hazardous waste, sludge, septic tank pumpage, asphalt, tar, oil, and grease, and also excluding any hazardous substances set forth in 40 CFR Part 261. Solid Waste for purposes of this Ordinance shall also include any and all construction and demolition debris as commonly referred to as "C&D" for those commonly discarded materials from premises of a project within Gulf County during construction, remodeling, repair, demolition, deconstruction or renovation resulting from construction, renovation, remodeling, repair, deconstruction or demolition operations on any pavement, house, commercial building, or other structure, or from landscaping.
- e. Failure to dispose or transfer solid waste as required by this ordinance shall constitute an express violation of this ordinance.
- f. 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.
- g. It shall be unlawful for any person to engage in the business of collecting, transporting or disposing of solid waste within the unincorporated area of Gulf County without a binding agreement with the county. The Commissioners reserves the right to revoke any agreement for failure to comply 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.
- h. This ordinance shall be applicable to all the unincorporated area of Gulf County, Florida and such other area within the City of Port St. Joe and/or Wewahitchka which operate under this ordinance and future codified article by interlocal agreement.

Section 5 – Mandatory Trash Program in Gulf County Tourist Corridor

Mandatory Trash Container and Collection requirements within Gulf County Coastal Tourist Corridor:

- a. Mandatory trash subscription shall be required for all habitable structures located within the Gulf County Coastal tourist corridor defined herein.
- b. All commercial properties (rented for 6 months or less) within the Gulf County Coastal tourist corridor are required to have two scheduled pickups per week year round.
- c. All commercial properties (rented for 6 months or less) within the Gulf County Coastal tourist corridor with more than two bedrooms are required to have a minimum of two standard 96 gallon garbage receptacles. Every commercial property with five bedrooms shall be required to add one additional 96 gallon garbage receptacle for a minimum total of (3) three receptacles; and every commercial property with seven (7) bedrooms shall be required to add (2) two additional 96 gallon garbage receptacle for a minimum total of (4) four receptacles; and every additional odd number of bedrooms thereafter shall be required to add one additional corresponding receptacle.

- d. All trash must be placed in the receptacles and trash found outside of respective customers container shall be subject to fines imposed herein.
- e. All commercial properties rented within the Tourist Corridor shall be required a mandatory minimum of two (2) trash pickups during the peak commercial season defined as June 1 through Labor Day weekend annually.
- f. All containers may be placed on roadside at 6 p.m. or later the night prior to scheduled pickup and must be returned back onto the designated property no later than 10 hours following the trash collection.
- g. “Gulf County Tourist Corridor” definition having been previously adopted by Gulf County covering the highways, roadways and/or public right of ways known, mapped and designated in Gulf County as US 98 and SR 30A and SR 30E and comprised of those properties located within those land areas defined specifically as follows:

“Gulf County Coastal Tourist Corridor” means those corridors defined as the portions of highways, roadways and public right of ways known, mapped and designated in Gulf County and the areas defined below surrounding these portions of US 98 and SR 30A and CR 30A and SR 30E and SR 386 and SR 71 within a one mile radius of these Coastal Tourist Corridors.

“Northwest Coastal Tourist Corridor” US Hwy 98 for land areas within a one mile radius, bounded from CR 386 (border between Gulf and Bay Counties) heading South to terminus at the intersection of US 98 and Westview Boulevard, and any and all unincorporated areas between these two above segments along US Hwy 98 adjacent to Phase I of Windmark Subdivision and through Highland View; and

“Southern Coastal Tourist Corridor” recommencing for all land areas within a one mile radius of SR 30A and CR 30A; heading South along SR 30A from the intersection with US 98 to the terminus of SR 30A at the Gulf and Franklin County border; and also continuing from the intersection of SR 30A with SR 30E, and continuing West/Northwest along SR 30E to the SR 30E terminus at T.H. Stone State Park; and

Section 6 – 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 Ordinance; 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 7 – Penalties

Any person or entity who violates any provision of this ordinance, or who fails to comply therewith, shall be subject to the following penalties as prescribed by the Gulf County Board of County Commissioners:

- a. Violation of this Ordinance shall be enforced by the Gulf County Sheriff's Department, proper law enforcement and/or Gulf County code enforcement (F.S. 125.69) and shall result in a fine of \$500.00 for each incident or by imprisonment in the county jail not to exceed 60 days or by both such fine and imprisonment. (F.S. 125.69).
- b. Violation specifically of Section 5 for Coastal Tourist Corridor mandatory minimum containers, pickups and trash not in receptacles shall result in a fine of \$100 for the first offense, \$250 for the second offense; and third offense for special magistrate appearance and possible fine of \$500.00 for third offense or by imprisonment in the county jail not to exceed 60 days or by both such fine and imprisonment. (F.S. 125.69).

Section 8 – 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.

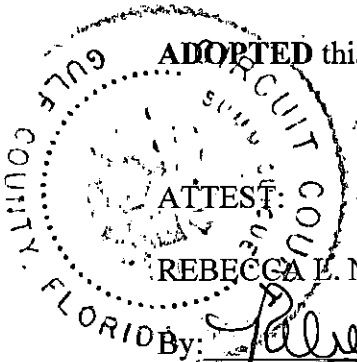
Section 9 – Effective Date

This Ordinance, if adopted by the Board, shall take effect immediately and thereafter filed with the Office of the Secretary of the Florida Department of State.

The foregoing Ordinance was offered by Commissioner FARRELL, Who moved its adoption. The motion was seconded by commissioner MCCROAN and , being put to vote, the cote follows:

Commissioner Chairman Quinn	<u>YES</u>
Commissioner Husband	<u>YES</u>
Commissioner McCroan	<u>YES</u>
Commissioner Farrell	<u>YES</u>
Commissioner Rich	<u>YES</u>

ADOPTED this 24th day of September, 2024.



REBECCA L. NORRIS, CLERK

By: Rebecca L. Norris
County Clerk / Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF GULF COUNTY, FLORIDA

By: [Signature]
Sandy Quinn, Chairman

By: [Signature]
Jeremy T.M. Novak, Gulf County Attorney

APPROVED AS TO FORM AND CONTENT: