

AN ORDINANCE OF THE TOWN OF GREENWOOD, FLORIDA

RELATING TO THE DISPOSAL OF SOLID WASTES

ORDINANCE NO. 15

AN ORDINANCE OF THE TOWN OF GREENWOOD, FLORIDA; REQUIRING RESIDENTS OF THE TOWN OF GREENWOOD, FLORIDA AND NON-RESIDENTS UTILIZING THE TOWN'S WATER SYSTEM TO DISPOSE OF ALL HOUSEHOLD GARBAGE AND SOLID WASTES AT FACILITIES PROVIDED BY THE TOWN; ESTABLISHING AND REQUIRING THE PAYMENT OF A FEE FOR THE DISPOSAL OF SAID GARBAGE AND SOLID WASTES AND PENALTY FOR LATE PAYMENT AND NONPAYMENT, AND ATTORNEY'S FEES AND COSTS; PROVIDING EXEMPTIONS; ALLOWING THE TOWN COUNCIL TO ESTABLISH RULES AND REGULATIONS RELATING TO THE USE OF SAID FACILITIES; PROVIDING FOR THE ISSUANCE AND REPLACEMENT OF IDENTIFICATION CARDS FOR USERS OF SAID FACILITIES; PROVIDING PENALTIES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the accumulation of solid wastes and household garbage within the town would be hazardous to the health and welfare of residents of the town.

WHEREAS, the town is authorized to provide for the removal of household garbage and solid wastes from the town and is authorized to exercise its broad home rule powers granted by the constitution including its police power to protect the health and welfare of its citizens.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GREENWOOD, FLORIDA:

SECTION 1. Commencing on the effective date of this ordinance, all residents of the Town of Greenwood, Florida, whether natural person or persons related by blood or marriage residing in a household, firm or corporation, residential or commercial waste generator, and all non-residents of the Town of Greenwood, Florida, whether natural person or persons related by blood or marriage residing in a household, firm or corporation,

residential or commercial waste generator, who are utilizing the town's public water system on a continuing basis are hereby required to dispose of all household garbage and solid wastes generated by such residents or non-residents in facilities provided by the town of Greenwood located at the west end of Knapp Street in the town of Greenwood, Florida. None of the foregoing residents or non-residents shall allow household garbage and solid wastes generated by such residents or non-residents to accumulate on premises occupied by said individuals or entities, nor shall such individuals or entities place or cause any household garbage or solid wastes to be placed upon the premises of another except as required herein.

Household garbage and solid wastes shall include refuse, rubble, or abandoned material of any kind, including but not limited to, garbage, trash, cans, bottles, containers, paper, lighted or unlighted cigarettes or cigars, wood or wood by products, glass, scrap metals, plastic, rubber, yard trash, tar paper, demolition materials or the remains from any demolition or destruction or operation or project, masonry, animal remains, or any similar items commonly disposed of except hazardous materials as defined by local, state, or federal laws or regulations. Any resident or non-resident subject to the provisions of this ordinance and generating hazardous wastes shall be responsible for the lawful disposal of same.

SECTION 2. All residents and non-residents as defined in the preceding section shall be required to pay a monthly fee in the amount of \$4.50, plus applicable sales tax, for the use of the town's disposal facilities, except as provided in section three of this ordinance. The fee shall be included on the water bill for such residents and non-residents and shall be due on or

before the tenth day of each month following the enactment of this ordinance. If the fee is not paid by the twentieth day of the month it is due, a ten percent late fee shall be charged. If the fee is not paid by the twentieth day of the following month, the town shall disconnect the water service provided to said resident or non-resident and shall reconnect the water service only when the fee, penalty, and any reconnection fee have been paid in full. If the town council should take legal action to collect the unpaid fee and/or penalty and prevails at trial or appellate level, the town council shall be entitled to an award of attorney's fees and costs of collection.

SECTION 3. Any business required to comply with the provisions of this ordinance may petition the town council for authority to contract with any reputable garbage disposal service which agrees to remove and dispose of said business' household garbage and solid wastes in a lawful manner; however, said business shall in any event be required to pay the fee provided in section two of this ordinance. Any resident or non-resident required to comply with the provisions of this ordinance may petition the town council to waive or reduce the monthly fee required by section two of this ordinance upon a showing that said fee would impose an extreme hardship. Any resident or non-resident required to comply with the provisions of this ordinance who resides in the town of Greenwood or makes use of the town's water system no more than nine months in any twelve month period, may petition the town council for an exemption to the fee requirement of section two of this ordinance during the time that said individual or entity does not reside in the town or make use of the town's water system.

SECTION 4. The town council may establish reasonable written rules and regulations pertaining to the time and manner of the use of the town's disposal facilities which shall be posted in a conspicuous manner at said facilities.

SECTION 5. The town council shall provide two identification cards per household, business, or other user for presentation at the town's disposal facilities to allow the holder of the card to use the facility. The town council may provide for replacement card(s) upon a showing by one requesting same that a replacement is needed because of loss or destruction of card(s) originally issued and upon payment of a reasonable fee for the cost of the replacement card or cards.

SECTION 6. Any natural person, firm, or corporation who makes use of the town's disposal facilities without presentation of an identification card to the proper authority at the facility, who violates the provisions of section one of this ordinance, or who violates any rule or regulation pertaining to the use of the town's disposal facility duly enacted pursuant to this ordinance, shall be guilty of a second degree misdemeanor, punishable as provided by law.

SECTION 7. The provisions of all ordinances in conflict with the provisions of this ordinance are repealed.

SECTION 8. If a Court of competent jurisdiction should determine that any provision or part of this ordinance is invalid for any reason, such invalidity shall not affect the remaining provisions or parts of this ordinance.

SECTION 9. This ordinance shall become effective upon its passage by the town council.

Proposed ordinance presented to the town council of the town of Greenwood, Florida, and read in full, and discussed with an opportunity for interested persons to be heard at the September 10, 1987, regular meeting.

Proposed ordinance noticed once in a newspaper of general circulation in the town of Greenwood, Florida, at least ten days prior to its adoption.

Proposed ordinance read by title before the town council of the town of Greenwood, Florida, at the October 27, 1987 special meeting, interested parties who appeared before the town council being heard, and proposed ordinance passed by at least two affirmative votes of members of the town council of the town of Greenwood, Florida at said meeting.

Harry Vann
Chairman of the Town Council

ATTEST:

Ruby F. Davis
Town Clerk

Approved by me on October 27th, 1987.

Charlie Blumway
Mayor

Copies of the foregoing ordinance have been posted in three public places including the office of the Town Clerk in the Town of Greenwood, Florida for one week after its passage.

Ruby F. Davis
Town Clerk