

Flow Control

## ARTICLE IV. COLLECTION, STORAGE AND DISPOSAL

## DIVISION 1. GENERALLY

## Sec. 82-131. Residential service.

Only county franchised collectors possessing valid permits shall engage in the business of providing solid waste management services to residential property within the county. Fees for such service will be established by resolution or ordinance of the board of county commissioners, consisting with the provisions of franchise agreements. Franchised collectors shall provide service in the following manner:

(1) *Frequency.* All residential wastes, except for rubbish, shall be collected and removed at least twice per week. Rubbish shall be collected and removed at least once per week. Pickups shall not be reduced by holidays, but pickups normally scheduled to be made on a holiday may be rescheduled upon approval by the board of county commissioners. At least five days prior notification to the affected residential premises by publication of the display of a one-time ad in a newspaper of daily circulation in the county shall be provided.

(2) *Quantity.* The collector shall be required to pick up all garbage and rubbish not in excess of two 20-gallon receptacles generated by a residential premises, provided such garbage and rubbish is placed in a proper receptacle. The collector shall also be required to pick up rubbish from the curbside in an amount not exceeding one cubic yard per week. This section may be modified or deleted by the board of county commissioners by contract with individual collectors.

(3) *Waste collection.* The collector shall make collections with a minimum of noise and disturbance to the householder. Waste receptacles shall be handled carefully by the collector and shall be thoroughly emptied and left where they were found, standing upright and with covers placed adjacent to the waste receptacle at the curbside. Waste may be transferred from the householders' containers into tubs, cans, hampers, or other containers used by the collector in carrying waste to collection trucks. This work shall be done in a sanitary manner. Any waste spilled by the collector shall be picked up immediately by the collector's employees.

(4) *Location of residential waste for collection.* All persons receiving residential service pursuant to this chapter shall place waste receptacle disposal containers and other items at the curbside, secured from disturbance by animals, unless the collector has agreed to provide a special service collection at another location.

(5) *Special services.* Special service such as backdoor collection, below ground collection, removal of any refuse other than residential waste, or additional pickup not provided for in this chapter shall be subject to negotiations between the collector and the owner or occupant of premises. Requests for pickup of bulky waste such as building materials, furniture, trees, sod, lumber and other items not defined in this chapter as "garbage" or "rubbish" shall be considered as requests for special pickup services. Such special services shall not be covered by the fees and charges set out by ordinance or resolution, but shall be agreed upon by the parties requesting such service and the collector. Charges for special services shall not be unreasonable or excessive.

(6) *Customer restrictions.*

a. Collector shall not be required to collect residential waste receptacles containing garbage or refuse not generated from the customer served and shall not be required to collect nonresidential waste.

b. Collector shall have the right to terminate service to any customer violating any provision of this chapter.

(7) *Removal of improper receptacles.* Any container used for the collection or storage of



residential waste which fails to meet the standards prescribed by this chapter shall be clearly marked by the enforcement agency, specifying the manner in which the container fails to meet these requirements. Any container which fails to meet these requirements and is so marked shall be removed from service by the party furnishing it. Upon failure of the party furnishing the container to remove it from service after marking by the enforcement agency, the collector shall remove the container from service and destroy it.

(Code 1985, § 1-29-104)

**Sec. 82-132. Nonresidential service--Franchise for collection of non-owner-generated solid waste.**

(a) *Required; exception.* It shall be unlawful for any person, firm or entity to engage in the business of collecting and disposing of nonresidential solid waste generated by any other person, firm or entity without having been granted a franchise by the county. Provided, however, nothing in this section shall be construed to require any generator of nonresidential solid waste upon premises belonging to himself or itself from removing and disposing of such nonresidential solid waste without first obtaining a franchise. All such removal, transporting and disposal of owner-generated nonresidential solid waste shall be transported and disposed of in the manner specified in applicable county ordinances.

(b) *Term and conditions for franchise.* The franchise for the collection and disposal of nonresidential solid waste shall be for the period specified in the franchise agreement unless otherwise terminated. The collector is required to possess a certificate of need and a valid solid waste management permit as required by county Ordinance No. 85-7 or other applicable ordinances. Upon receipt of a properly executed franchise agreement, collector shall abide by all requirements of the agreement as written on the date of execution and to any amendments as may be imposed, from time to time, as a condition to the granting of a franchise.

(c) *Method of default or termination.* The franchise agreement is subject to default or termination under certain conditions as outlined in the agreement.

(d) *Appeal to default or termination.* Collector has certain rights of appeal on an action to default or terminate this agreement as outlined in the agreement.

(Code 1985, § 1-29-104.1)

**Sec. 82-133. Same--Owner-generated solid waste.**

Arrangements for the management of nonresidential solid waste shall be made by the owner or tenant of the nonresidential property, or by the producer of the nonresidential solid waste.

(1) *Frequency.* All nonresidential solid waste shall be collected at sufficient intervals to protect the environment; however, garbage produced on a nonresidential property shall be collected at least twice a week.

(2) *Scheduling.* Such collections shall be scheduled so that collection vehicles do not interfere with rush-hour traffic.

(3) *Abandoned property.* Abandoned property shall be removed and disposed of in accordance with F.S. § 705.101 et seq.

(4) *Dead animals.* The health officer shall provide the necessary equipment and personnel to remove dead canine, feline, and other small animals on public property or private property, and shall schedule such collections to provide pickup with a minimum of delay. The removal of other dead animals on public property shall be the responsibility of the department of *public services*. These dead animals shall be disposed of promptly to prevent such dead animals from becoming a sanitary nuisance. The provisions of this subsection shall not apply to dead animals or parts thereof from any commercial or agricultural activity within this locality. However, in any event, if an animal is known or suspected to have died of a communicable disease, the handling and disposal of the carcass shall be in accordance with F.S. § 823.041.

(Code 1985, § 1-29-105)

**Sec. 82-134. Storage of solid waste.**

The property owner or occupant shall store solid waste on his premises or property or shall require it to be stored or handled in such a manner as to prevent the propagation, or harborage of rats or arthropod vectors or the creation of a sanitary nuisance.

(Code 1985, § 1-29-106)

**Sec. 82-135. Storage of garbage and putrescible waste.**

All garbage and putrescible matter or mixed garbage and rubbish shall be stored in containers which are nonabsorbent, watertight, vector-resistant, durable, easily cleaned and designed for safe handling; or in paper or plastic bags having sufficient strength and water tightness and which are designed for proper containment.

(Code 1985, § 1-29-107)

**Sec. 82-136. Container size and construction.**

(a) All solid waste containers shall be of adequate size and sufficient numbers to contain without overflowing all the refuse, except yard trash or bulky waste, a residence or other establishment generates within the designated period of time between collections. All containers shall be maintained in a sound, clean condition, free from putrescible residue.

(b) Containers shall be free of all sharp edges and any inside structure which prevents the free discharge of the contents.

(Code 1985, § 1-29-108)

**Sec. 82-137. External bins.**

(a) External stationary storage bins for putrescible solid waste shall be prohibited from being built or added on to existing or new buildings.

(b) New installations of underground receptacles shall be prohibited. Existing receptacles may continue in use until they become impractical to repair.

(Code 1985, § 1-29-109)

**Sec. 82-138. Mechanical containers.**

Mechanically serviced containers (bulk containers) shall be designed or equipped so as to prevent spillage or leakage during on-site storage and/or transport. The container shall be easily cleanable and located on firm, level ground or a concrete pad, and shall be easily accessible by the collection vehicle. Such containers shall be used for any parcel of property containing six or more residential units, unless this requirement is excused by the board of county commissioners upon receipt of a petition for exemption setting forth reasons for the request and evidencing satisfactory alternative means of solid waste management.

(Code 1985, § 1-29-110)

**Sec. 82-139. Storage of hazardous or infectious wastes.**

Hazardous or infectious wastes whose uncontrolled release into the environment would cause acute and/or chronic effects on air and water quality; on fish, wildlife, or other biota; and on the health and welfare of the public shall be stored or transported only in special containers where due regard has been given to the hazardous nature of the waste, protective enclosures, and operating procedures, and where adequate measures are taken to assure personal safety, accident prevention, and detection of potential environmental damages.

(Code 1985, § 1-29-111)

#### **Sec. 82-140. Requirements for equipment used in collection and transportation.**

All equipment used in collection and transportation of solid waste be constructed, operated and maintained in such a manner as to minimize health safety hazards to solid waste collector personnel and the public. All vehicles shall be maintained in good mechanical condition, shall be enclosed or adequate provisions shall be made for suitable cover to prevent contents from escaping in accordance with F.S. ch. 316, and shall be kept clean so as to prevent propagation and attraction of vectors and the creation of sanitary nuisances.

(Code 1985, § 1-29-112)

#### **Sec. 82-141. Transportation of garbage and putrescible wastes.**

Garbage and putrescible waste shall be transported in enclosed vehicles which meet the standards established by the American National Standards Institute (ANSI, Section 245.1) safety standards for refuse collection equipment or metal containers which are watertight, impervious and suitable to protect the contents from flies, insects, and rodents.

(Code 1985, § 1-29-113)

#### **Sec. 82-142. Transportation of hazardous waste.**

When transporting hazardous waste, the generator or owner of the hazardous waste shall package, identify, and label such materials in accordance with the 49 CFR 100--199, dated October 1, 1974, which are hereby incorporated and made a part of this chapter.

(Code 1985, § 1-29-114)

#### **Sec. 82-143. Disposal of solid waste, flow control and right of refusal.**

(a) *Disposal.* All solid waste generated in the county shall be disposed of in accordance with F.A.C. chs. 62-701 through 62-722 and this chapter. No solid waste shall be disposed of except in approved disposal facilities operated by the county or by persons possessing valid permits, franchises and certificates of need issued according to this chapter.

(b) *Flow control.* All commercial solid waste and residential solid waste (except sanitary waste in septic tanks) generated or collected in the county shall be delivered to the Perdido Landfill or to another solid waste management facility designated by the county.

(c) *Presumptions relating to generation of solid waste.* All solid waste delivered to a solid waste transfer station located in Escambia County, Florida, is presumed to have been generated within the county and such waste shall be delivered to the Perdido Landfill, or another solid waste management facility designated by the county. The presumption contained herein may be rebutted if and to the extent that the owner or operator of the transfer station provides documents (e.g., customer contracts; scale house records; truck manifests) or other evidence demonstrating to the county's satisfaction that the solid waste was not generated within the county.

(d) *Right of refusal.* Any solid waste determined by the department of solid waste management to be

harmful, dangerous, or detrimental to the department's personnel, equipment or operations may be rejected at the county's solid waste management facilities.

(Code 1985, § 1-29-115; Ord. No. 2007-39, § 1, 8-2-2007)

#### **Sec. 82-144. Disposal of hazardous or infectious wastes.**

Any producer of hazardous or infectious waste must possess a permit for handling or managing solid waste issued in accordance with section 82-103. This permit will specify all management techniques to be used in connection with such solid waste. Under no circumstances will untreated hazardous or infectious wastes be disposed of at disposal facilities not specifically permitted to dispose of such wastes.

(Code 1985, § 1-29-116)

#### **Sec. 82-145. Builders and tree surgeons.**

Builders, building contractors, and privately employed tree trimmers and tree surgeons shall remove or cause to be removed all trash and debris from the premises upon which they are working, including limbs, tree trunks, roots, concrete slabs, concrete blocks, bricks, building debris, and all materials used by contractors in the course of building and/or alterations, in accordance with this chapter for removal and/or disposal as specified in this chapter.

(Code 1985, § 1-29-117)

#### **Sec. 82-146. Title to solid waste.**

In the absence of an agreement to the contrary, specified in a permit or contract with the county, title to all solid waste generated or otherwise found within the county shall vest in the county when it is finally disposed of according to the provisions of this chapter and the provisions of the individual permit or contract.

(Code 1985, § 1-29-118)

#### **Sec. 82-147. Owner's responsibility.**

The fact that any improved real property located within the county is designed for occupation or use, is occupied or used, or is capable of being occupied or used, shall be in prima facie evidence that solid waste is being produced or accumulated upon such property. The owner of such property shall be responsible for insuring that any solid waste generated upon such property is being managed in accordance with the terms and provisions of this chapter, and may be required by the director to show to the satisfaction of the director that such management is being done.

(Code 1985, § 1-29-119)

#### **Sec. 82-148. Generator's responsibility.**

Prosecution for a violation of this chapter shall be initiated by the enforcement agency officer who witnesses such offense or has sufficient probable cause to believe an offense occurred or who discovers an article of litter bearing a person's, corporation's, company's, firm's, business's, or institution's name or address on the property of another or on any public property. It shall be presumed that any article of litter so discovered is the property of such person whose name or address appears thereon, and that such person, company, corporation, firm, business, or institution placed or caused to be placed such article of litter on the property of another or public property. This presumption is based on the tenet that all generators of such litter are responsible for such litter until such time as has been properly disposed of.

(Code 1985, § 1-29-120)



**Sec. 82-149. Permittee's responsibility.**

All persons possessing permits issued in accordance with this chapter shall defend, indemnify and hold harmless the county from any and all claims from damages of whatsoever kind or nature arising from or in any manner connected with any of his activities under this chapter. The permittee shall carry worker's compensation insurance on his employees and show proof of insurance and payment of premiums thereon to the director, as requested. All such policies shall provide for notice by the insurer to the director at least 60 days prior to any termination, revocation or modification thereof.

(Code 1985, § 1-29-121)

**Sec. 82-150. Exemption; Pensacola Naval Air Station.**

Commencing 150 days from the effective date of this section [August 8, 2007], all commercial solid waste and residential solid waste (except sanitary waste in septic tanks) generated on or collected at the United States Navy Command facilities, or supported tenant commands in the county, shall be disposed of at the Perdido Landfill or another solid waste management facility designated by the county.

(Code 1985, § 1-29-122; Ord. No. 2007-39, § 2, 8-2-2007)

Secs. 82-151--82-165. Reserved.