

AN ORDINANCE ENTITLED THE HOLMES COUNTY LITTER LAW; PROHIBITING ANY PERSON FROM LITTERING AS PRESIDENTED HEREIN; DEFINING TERMS USED THEREIN; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; PROVIDING AN EFFECTIVE DATE.

BE IT HEREBY ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF HOLMES COUNTY, FLORIDA, pursuant to the provisions of Florida Statutes 125.66 (2), as follows:

SECTION 1: Short Title: This Ordinance shall be known as the Holmes County Litter Law.

SECTION 2: Definitions: As used in this Ordinance,

(A) "Litter" means any garbage, rubbish, trash, refuse, can, bottle, container, paper, lighted or unlighted cigarette or cigar, or flaming or glowing material.

(B) "Person" means any individual, firm, corporation, or unincorporated association.

(C) "Law Enforcement Officer" means any officer of the Florida Highway Patrol, county sheriffs' departments, municipal law enforcement departments, law enforcement departments of any other political subdivision, Department of Natural Resources, and Game and Fresh Water Fish Commission. In addition, and solely for the purposes of this section, "law enforcement officer" means any employee of a county or municipal park or recreation department designated by the department head as a litter enforcement officer.

SECTION 3: Prohibited Acts: It is unlawful for any person to throw, discard, place, or deposit litter in any manner or amount:

(A) In or on any public highway, road, street, alley, or thoroughfare, including any portion of the right-of-way thereof, or any other public lands, except in containers or areas lawfully provided therefor; in any case where any litter is thrown or discarded from a motor vehicle, the operator of the motor vehicle shall be deemed in violation of this section;

(B) In or on any freshwater lake, river, or stream or tidal or coastal water of the state; or

(C) In or on any private property, unless prior consent of the owner has been given and unless said litter will not cause a public nuisance or be in violation of any other state or local law, rule, or regulation.

SECTION 4: Penalties, Enforcement: Any person who violates the provisions of this Ordinance, shall be charged as follows:

1. If the violation involves litter of a total weight of less than five (5) pounds, then the violator shall be deemed guilty of a noncriminal violation and shall be fined an amount of \$25. Violations of this sub-paragraph shall be triable in the county courts.

2. If the violation involves litter of a total weight of 5 pounds or more, then the violator shall be deemed guilty of a misdemeanor of the second degree and shall be punished as provided in ss. 775.082 and 775.083.

3. However, imposition of such fine shall not prohibit a judge from imposing civil penalties which would include, but not be limited to, picking up litter or performing other labor commensurate with the offense committed. The money collected from the assessed fines shall go into the General Revenue Fund of the County to be used for litter control.

4. It shall be the duty of all law enforcement officers, as defined herein, to enforce the provisions of this section.

SECTION 5: Effective Date: This Ordinance shall become effective upon being enacted and duly filed in the Office of the Secretary of State.

ENACTED in regular session this 3rd day of MARCH, A.D., 1980.

ATTEST:

Cody Taylor (SEAL)
Clerk

BOARD OF COUNTY COMMISSIONERS
OF HOLMES COUNTY, FLORIDA

BY: Ray W. Lewis
Chairman

