

ORDINANCE 91-03

AN ORDINANCE REGULATING DEALERS IN RECYCLABLE MATERIAL; REQUIRING A PERMIT AND ESTABLISHING THE PROCEDURES NECESSARY FOR RECEIPT OF THE TYPES AND AMOUNT OF THE RECYCLABLE MATERIAL PURCHASED BY DEALER; REQUIRING AN ACCOUNTING OF AMOUNTS AND TYPES OF RECYCLABLE MATERIALS PURCHASED; PROVIDING FOR REVOCATION OF PERMIT AND OTHER PENALTIES; PROVIDING AN EFFECTIVE DATE.

Whereas, the legislature of the State of Florida adopted Chapter 88-130, Laws of Florida, entitled the Solid Waste Management Act ("the Act"),

Whereas, one of the purposes of the Act was to require counties to develop and implement recycling programs within their jurisdictions to return valuable materials to productive use, to conserve energy and natural resources, and to protect capacity at Solid Waste Management Facilities, and

Whereas, in developing and implementing recycling programs, counties must give consideration to the collection, marketing, and disposition of Recyclable Material by persons engaged in the business of Recycling on the effective date of the Act, and

Whereas, the Board of County Commissioners of Holmes County (the "Board") finds that it is in the public interest to retain permitting authority over the purchasing of Recyclable Materials to ensure that the requirements of the Act are fulfilled, and

Now, Therefore, be it enacted by the Board of County Commissioners of Holmes County:

Section 1. Purpose. The purpose of this Ordinance, short-titled the "Holmes County Recyclable Material Ordinance", is to assist the Board in complying with the Act.

Section 2. Definitions. The defined terms used herein shall have the same definitions as provided in Section 403.703, Florida Statutes.

- a. "Person" means any and all persons, natural or artificial, including any individual, firm, or association; any municipal or private corporation organized or existing under the laws of this state; any county of this state; and any governmental agency of this state or the Federal Government.

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- b. "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.
- c. "Recyclable Materials" means those materials which have known recycling potential, can be feasibly recycled, and have diverted or removed from the solid waste stream for sale, use or reuse, by separation, collection, or processing; to include aluminum and other non-ferrous or ferrous metals, newsprint, plastics and glass.
- d. "Recyclable Materials Dealer" means any person who engages in the business of the purchasing, receiving or resale of recyclable materials as defined herein.

Section 3. Permit Required. It shall be unlawful for any person to engage in business within this County as a recyclable materials dealer without first obtaining a permit to do so.

Section 4. Application. An applicant for a Recyclable Materials Dealer Permit, as required under this Ordinance, may obtain the permit by submitting in writing to the Board or their designee, on a form to be provided by the County, an application which shall substantially contain the following information:

- a. Applicant's Name.
- b. Applicant's business address.
- c. Applicant's business phone number.
- d. Applicant's business hours.
- e. A description of the type of Recyclable Materials in which the Applicant desires to purchase and sell.

Section 5. Reporting Requirements. It shall be the continuing obligation of all permitted Recyclable Materials Dealers within this County to maintain complete and accurate records of all Recyclable Materials purchased during each calender month. Each Recyclable Materials Dealer shall finish to the Board or their designee no later than the 15th day of each calender month, a statement, on a form to be provided by the County, which shall identify in detail the specific type and weight of Recyclable Materials purchased in total by the Dealer during the preceding calender month.

Section 6. Penalties. Any person, firm, entity, partnership, trust, corporation, association, or other organization failing to comply with the provisions of this Ordinance shall be guilty of a misdemeanor and 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 not to exceed Five Hundred Dollars (\$500.00), or by imprisonment in the County Jail not to exceed sixty (60) days or by both such fine and imprisonment. Nothing herein shall prevent or limit the right of the "Board" to seek equitable or other appropriate judicial relief to enforce the provisions of this Ordinance or to revoke the Recyclable Materials Dealer Permit or levy administrative fines as provided under Section 162.09 of the Florida Statutes or both.

Section 7. Effective Date. This Ordinance shall take effect June 5, 1991

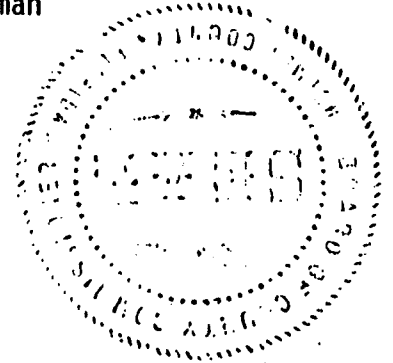
Enacted this 5th day of June 1991.

Holmes County Board of
County Commissioners

H.R.H.
H.R. Harrison, Chairman

Attest:

Cody Taylor
Cody Taylor, Clerk



CERTIFIED A TRUE COPY

CODY TAYLOR, Clerk Circuit Court
Holmes County, Florida,

By Alice Sanders D.C.