

HOLMES COUNTY ORDINANCE NUMBER 86- 02 .

AN ORDINANCE RELATING TO PAYMENT FOR SOLID WASTE DISPOSAL: PROVIDING DEFINITIONS: ESTABLISHING PAYMENT ACCOUNTS: PROVIDING FOR THE CONTROL OF DELINQUENT ACCOUNTS: ESTABLISHING RATES FOR USE OF LANDFILLS: PROVIDING FOR ITS APPLICABILITY TO BE FOR ALL USERS OF COUNTY DISPOSAL FACILITIES OR SANITARY LANDFILLS: ESTABLISHING PENALTIES IN THE EVENT OF VIOLATIONS: PROVIDING FOR SEVERABILITY IN THE EVENT THAT ANY PART IS FOUND INVALID, UNLAWFUL, OR UNCONSTITUTIONAL: AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HOLMES COUNTY, FLORIDA:

SECTION 1. Short Title. This Ordinance shall be known as "The Holmes County Payment Policy Ordinance for users of County Solid Waste Facilities".

SECTION 2. Authority and Purpose. This Ordinance is adopted pursuant to the general laws of the State of Florida to protect the health, safety, and general welfare of the people of Holmes County, Florida by providing a payment policy for use of the County solid waste facilities in order to provide financial security for the County and to provide a convenient and practical service to users of said facilities.

SECTION 3. Definitions. The following words, phrases, or terms used in this Ordinance, unless the context indicates otherwise; shall have the following meanings:

(a) "Board" means, Board of County Commissioners of Holmes County, Florida.

(b) "Commercial Accounts" means, those users who apply for and are issued accounts for their use at Holmes County solid waste facilities.

(c) "Payments Accounts" means, accounts established by users of Holmes County's solid waste facilities so that they may use said facilities and pay in accordance with the provisions of this Ordinance.

(d) "Deliquent Accounts" means, those payment accounts established pursuant to this Ordinance which have fallen past-due in paying monthly charges.

(e) "Disposal Facility" means, site where solid waste is disposed of, whether by sanitary landfilling, incineration, treatment, recovery, or recycling.

(f) "Individual" means, those users who use Holmes County solid waste facilities at the rate set for a user who deposits less than 200 pounds.

(g) "Miscellaneous" means, those users who use Holmes County's solid waste facilities at the rate set for a user who deposits over 200 pounds, and who does not have a payment account for use at said facilities.

(h) "Sanitary Landfill" means, a site where solid waste is disposed of using sanitary landfilling techniques.

(i) "User" means, any person, firm partnership, corporation or municipality who is served by and makes use of any Holmes County disposal facility or sanitary landfill.

SECTION 4. Establishing Payment Accounts. Any user of the County's trash disposal sites or sanitary landfills may establish payment accounts as a means of paying monthly solid waste disposal rates and charges incurred under this Ordinance by:

(a) Agreeing to pay within thirty (30) days of the date of billing, all solid waste disposal rates and charges incurred in each month upon presentation of a bill for said charges by the Board of County Commissioners.

(b) Settling outstanding commercial accounts as provided for in Section 5 of this ordinance.

SECTION 5. Controlling Delinquent Accounts. When any user fails to pay upon presentation by the Board of County Commissioners, or its authorized agent, a bill for charges incurred through use of the County's disposal facilities or sanitary landfills, the user shall thereafter pay cash for each disposal in the County's disposal facilities or sanitary landfills prior to making said disposal until said user is in compliance with Section 4 of this Ordinance.

SECTION 6 Rates. The following rates are hereby established:

(a) Anyone involved in Collection Service shall pay \$1.00 per month per customer, for the use of the landfill.

(b) Those other than individual users, or Collection Services, shall be required to pay an annual fee of \$25.00; which will include a sticker to be placed in the windshield authorizing the use of landfills for that year.

These rates shall be reviewed annually and may be adjusted upwards or downwards, based on the landfill expenses and receipts.

All fees collected for the use of landfills will be used to defray the operational expense of the Landfill only.

SECTION 7. Applicability. This Ordinance shall be applicable to any and all users of County disposal facilities or sanitary landfills who wish to pay the established rates in the manner provided.

SECTION 8. Penalties. Any person, firm or corporation who shall violate any of the provisions of this Ordinance or who shall fail, neglect, or refuse to

comply with any order or notice given in pursuance and by authority of this Ordinance shall be guilty of a misdemeanor of the second degree and subject to punishment as prescribed by Florida law.

SECTION 9. Severability. If any section, subsection, paragraph, clause, sentence, phrase, or portion of this Ordinance is for any reason found invalid, unlawful, or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof. All ordinances or parts of ordinances in conflict herewith by and the same are hereby repealed with the effective date of this Ordinance.

SECTION 10. Effective Date. A Certified copy of this Ordinance shall be filed in the Office of the Secretary of State by the County Clerk of Holmes County, Florida, and this Ordinance shall take effect upon receipt of an official acknowledgment from that office that it has been filed.

New payment accounts may be established at any time during regular business hours immediately following the date when this Ordinance shall have taken effect.

BOARD OF COUNTY COMMISSIONERS OF
HOLMES COUNTY, FLORIDA

BY: *Alene Smith*
Chairman



ATTEST:
CODY TAYLOR,
COUNTY CLERK

BY: *Cody Taylor*

(SEAL)

DATE ADOPTED: 5-19-86