

Chapter 34 SOLID WASTE¹

ARTICLE I. IN GENERAL

Sec. 34-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dead animals means all animals which may die or which may be killed for other than food purposes.

Garbage means all solid and semisolid kitchen refuse subject to decay or putrefaction and all market waste of animal and vegetable matter which was intended to be used as food.

Manure means cleanings from all barns, stables, corrals, or pens used for stabling or penning of animals or fowl.

Offal means waste animal matter from butcher houses, slaughterhouses, or packinghouses.

Recycling means any process by which solid waste, or materials that would otherwise become solid waste, are collected, separated, or processed and reused or returned to use in the form of raw materials or intermediate or final products. Such raw materials or intermediate or final products include, but are not limited to, crude oil, fuels, and fuel substitutes.

Rubbish means all waste material not of a ~~putrescible~~-putrid nature.

Solid waste means sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. "Recovered materials," as defined in F.S. § 403.703(28), and "post-use polymers," as defined in F.S. § 403.703(24), are not solid waste.

(Code 1983, § 93.01; Code 1996, § 34-1)

State law reference(s)—Definitions, F.S. § 403.703; definitions to be consistent with such statute, F.S. § 403.7031.

Sec. 34-2. Interference with town agents.

No person shall interfere with, hinder, or oppose any Code Enforcement officer, ~~agent, or member of the town council~~ in the performance of ~~his~~-their duties in the enforcement of this Chapter 34~~under this chapter~~, or tear down, mutilate, deface, or alter any placard or notice affixed to the premises in the enforcement of this chapter.

(Code 1983, § 93.02; Code 1996, § 34-2)

¹State law reference(s)—Municipal Home Rule Powers Act, F.S. ch. 166; resource recovery and management, F.S. § 403.702 et seq.; local government solid waste responsibilities, F.S. § 403.706.

Sec. 34-3. Dumping on or near streets.

It shall be unlawful for any person to dump or leave garbage, rubbish, dead animals, offal, or manure in or on any public highway, road, or alley of the town or within 300 yards of a public highway, road, or alley.

(Code 1983, § 93.12; Code 1996, § 34-3)

State law reference(s)—Florida Litter Law, F.S. § 403.413.

Secs. 34-4—34-30. Reserved.

ARTICLE II. COLLECTION AND DISPOSAL

DIVISION 1. GENERALLY

Sec. 34-31. Garbage receptacles; dumpsters.

Garbage shall be retained in watertight receptacles of impervious material which are provided with tightfitting covers suitable to protect the contents from flies, insects, rats, and other animals. All dumpsters and garbage receptacles shall be enclosed in such a manner as to screen them from view.

(Code 1983, § 93.10; Code 1996, § 34-31)

Secs. 34-32—34-50. Reserved.

DIVISION 2. FRANCHISE

Sec. 34-51. Agreements required.

No person shall collect solid waste for recycling or otherwise and remove such waste from [throughout](#) the town without having first obtained a franchise agreement from the town. Upon application to the town, the town may grant such privilege or franchise to a private company or corporation related to the collection of solid waste and recyclable materials for such term of years and upon such conditions and limitations as may be deemed expedient and in the best interest of the town for the accomplishment of this purpose. Such franchise may be granted either with or without a competitive procurement process such as a request for proposal so long as the franchise granted is deemed by the town council in its full discretion to be in the best interests of the residents of the town in conformance with F.S. § 180.14, as such may be amended.

(Code 1983, § 93.11(A); Code 1996, § 34-51; Ord. No. 281, § 1, 8-25-2015)

Sec. 34-52. Reserved.

Editor's note(s)—Ordinance No. 281, § 1, adopted August 25, 2015, repealed § 34-52, which pertained to application for nonexclusive franchise agreement and derived from Code 1983, § 93.11(B).

Sec. 34-53. Duties of franchisee.

Each contractor granted an [exclusive or](#) nonexclusive franchise under this division by the town shall be obligated to perform, at a minimum, the following:

- (1) Collect and remove for lawful disposal all properly contained or bundled solid waste, ~~not~~ including recyclable material, ~~which shall be the obligation of the exclusive franchisee.~~
- (2) Furnish to the town, annually or upon request, a financial audit performed by an accountant, in accordance with generally accepted accounting principles.
- (3) Provide access to the town administrator or his designee, at any time during business hours and without notice, to all records collected and maintained in the contractor's possession regarding solid waste collection within the town. Contractors shall collect and maintain a record of solid waste collection volume by contract, payments made and outstanding by contract, individual truck volumes and the county solid waste authority truck volume or weight receipts, and other business records showing the business relationship between the contractor and businesses and residences within the town. The contractor shall furnish to the town, upon request, copies of such records.
- (4) Furnish to the town, annually or upon request, a certificate of insurance showing the contractor has in force all-risk liability insurance, or a combination of business, automobile and general liability insurance, in a face amount of not less than \$250,000.00 per occurrence, combined single limit for bodily injury, personal injury, and property damage liability. In addition, the contractor shall provide umbrella liability insurance coverage in an amount not less than \$2,000,000.00 for refuse collection operations, and workers' compensation insurance, as required by law.

(Code 1983, § 93.11(C); Code 1996, § 34-53)

Sec. 34-54. Transfer.

Each franchise provided in this division, whether exclusive or nonexclusive, shall not be transferred or assigned, including any individual rights or obligations thereunder, without the express approval of the town council.

(Code 1983, § 93.11(D); Code 1996, § 34-54)

Sec. 34-55. Collection service required.

Collection of garbage, rubbish and bulk yard waste, as well as all recyclable materials approved for collection by the solid waste authority of the county, shall be collected pursuant to franchise agreements authorized by the town council. All owners and lessees of real property within the town are required to use the solid waste and recyclable material collection services provided by such franchises.

(Code 1983, § 93.11(E); Code 1996, § 34-55)

Sec. 34-56. Method of disposal; prohibitions.

Garbage, offal, dead animals, and manure, or rubbish mixed with offal, dead animals, or manure, or a combination thereof, shall be disposed of in accordance with regulations established by the Solid Waste Authority of Palm Beach County, Florida (SWA). This material shall not be disposed of by being deposited in any natural or artificial body of water or on the watershed of any surface public water supply, or within one-half mile of any

habitation or place of business where it may become a nuisance or menace to health through the breeding of flies, harboring of rodents, or pollution.

(Code 1983, § 93.13; Code 1996, § 34-56)

Sec. 34-57. Penalty.

The penalty for violation of any section of this chapter shall be as provided for in Section 1-13 of this Code.