

Chapter 235 - SOLID WASTE ^[153]

⁽¹⁵³⁾ **Cross reference**— Ch. 90, Garbage and Waste.

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PART 1. - SOLID WASTE FRANCHISE FOR RESIDENTIAL SERVICE

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Sec. 235.1. - Short title.

This Part shall be known and may be cited as the "Seminole County Solid Waste Franchise Ordinance."

(Ord. No. 90-12, § 1, 8-28-90)

Sec. 235.2. - Definitions.

For the purpose of this Chapter, the definitions contained in this Section shall apply unless otherwise specifically stated.

Biohazardous Waste: Any Waste or liquid Waste which may present a threat of infection to humans. The term includes, but is not limited to, nonliquid human tissue and body parts; laboratory and veterinary Waste which contain human-disease-causing agents; used disposable sharps; human blood, and human blood products and body fluids; and other materials which in the opinion of the Florida Department of Health and Rehabilitative Services or the Florida Department of Environmental Protection represent a significant risk of infection to Persons outside the generating facility.

Biological Waste: Waste that causes or has the capacity of causing disease or infection and includes, but is not limited to, Biohazardous Waste, diseased or dead animals, and other Wastes capable of transmitting pathogens to humans or animals, or as may be further defined by regulation of either the Florida Department of Health and Rehabilitative Services or the Florida Department of Environmental Protection.

Board: The Board of County Commissioners of Seminole County, Florida.

Building: Any structure, whether temporary or permanent, built for the support, shelter or enclosure of Persons, chattel or property of any kind. This term shall include trailers, Mobile Homes, or any vehicles serving in any way the function of a Building.

Certificate of Public Convenience and Necessity: The certificate issued by the County or its designee pursuant to this Chapter.

Clearing and Demolition Debris: Debris resulting from tree removal, land clearing, land development, Building construction, Building demolition or home improvement.

Collection: The process whereby Waste is removed and transported to a Waste Permitted Disposal Facility.

Commercial Collection Service: The Collection, disposal and recycling of Waste generated by Commercial Property which is provided by a Person for consideration.

Commercial Container: Any detachable receptacle for the collection of Waste which is designed or intended for mechanical pickup.

Commercial Property: All Improved Property which is used for nonresidential, commercial or industrial purposes, all Governmental Property, Mobile Homes within a Mobile Home Park and all Multi-Family Dwelling Units which utilize a Commercial Container for the collection of Waste.

Contractor: Those Persons who have entered into a Residential Franchise Contract with the County or who have been authorized by Certificate of Public Convenience and Necessity or contract by the County to provide Residential or Commercial Collection Service.

County: Seminole County, Florida.

Customer: The owner or occupant of Improved Property who has entered into an agreement for the collection and disposal of Waste.

Garbage: All kitchen and table food waste, animal or vegetative waste that is attendant with or results from the storage, preparation, cooking or handling of food materials.

Garbage Receptacle: Any commonly available light gauge steel, plastic or galvanized receptacle of a nonabsorbent material, closed at one end and open at the other, furnished with closely fitted top or lid and handle(s) including waterproof plastic bags of heavy mill construction which can be safely and securely closed. A Garbage Receptacle including Waste materials shall not exceed 50 gallons in capacity or 50 pounds in weight.

Governmental Property: All property owned by any federal, state, County, municipal or local governmental units, or any agency of such governmental unit, including school boards.

Hazardous Waste: Waste or a combination of Wastes, which, because of its quantity, concentration, physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed.

Improved Property: All Residential Property or Commercial Property occupied as a business or dwelling that generates, or is capable of generating, Waste.

Infectious Waste: Any Waste which may cause disease or may be reasonably expected of harboring pathogenic organisms. Included are Waste resulting from the operation of medical clinics, hospitals, and other facilities producing Wastes which may consist of, but are not limited to, diseased human and animal parts, contaminated bandages, pathological specimens, hypodermic needles, contaminated clothing and surgical gloves, or as may be further defined by regulation of either the Florida Department of Health and Rehabilitative Services or the Florida Department of Environmental Regulation.

Materials Recycling Facility (MRF): Any facility designated by the County for the purpose of receiving, sorting, processing, storing, or preparing Recyclable Materials for sale.

Mobile Home: Manufactured homes, trailers, campers and recreational vehicles.

Multi-Family Dwelling Unit: A residential living unit in any Building or structure with kitchen facilities capable of being utilized for residential living other than a hotel or motel unit and containing four or more residential living units under one roof.

Permitted Disposal Facility: The place or places specifically permitted and authorized by the County for the disposal of Waste.

Person: Any individual, partnership, firm, organization, corporation, association or any other legal entity, whether singular or plural, masculine or feminine, as the context may require.

Recyclable Materials: Newspapers, aluminum cans, steel cans, bottles, jars and other glass or plastic items. If recycling services are provided by a County franchised Contractor, the term "Recyclable Materials" includes all materials collected pursuant to the contract. If recycling services are provided under a Certificate of Public Convenience and Necessity, the term "Recyclable Materials" in addition to the above items includes all materials designated by resolution to be Recyclable Materials.

Residential Collection Service: The collection, disposal and recycling of Waste generated by Residential Property provided by a Person for consideration.

Residential Franchise Contract: An agreement between the Board and a Contractor which authorizes the providing of Residential Collection Service within a Service Area.

Residential Property: All Improved Property which is used as a Single-Family Dwelling Unit and all Multi-Family Dwelling Units and Mobile Homes which utilize Garbage Receptacles for the collection of Solid Waste.

Rubbish: All refuse, accumulation of paper, excelsior, rags, wooden or paper boxes and container, sweep-ups and all other accumulations of a nature other than Garbage, which are usual to housekeeping and to the operation of stores, offices and other business places. Also, Rubbish shall include any bottles, cans or other containers which, due to their ability to retain water, may serve as breeding places for mosquitoes or other water-breeding insects.

Service Area: A geographic area, as authorized by this Chapter, which is served by a Contractor providing Residential or Commercial Collection Service pursuant to a Franchise Contract or Certificate of Public Convenience and Necessity.

Single-Family Dwelling Unit: A Building or Mobile Home, or a portion thereof, designed for residential occupancy which is arranged, designed or used as living quarters.

Sludge: The accumulated solids, residues, and precipitates generated as a result of Waste treatment or processing, including wastewater treatment, water supply treatment, or operation of an air pollution control facility, and mixed liquids and solids pumped from septic tanks, grease traps, privies, or similar disposal appurtenances.

Solid Waste: Garbage, Rubbish, Yard Trash, White Goods and Furniture.

Special Waste: Waste that may require special handling and management, including, but not limited to, whole tires, used oil, Sludge, lead-acid batteries, Clearing and Demolition Debris, Hazardous Waste and Infectious Waste, Biological and Biohazardous Waste.

Waste: Any combination of Solid Waste, Special Waste, Recyclable Material, or Yard Trash.

White Goods and Furniture: Inoperative and discarded refrigerators, ranges, washers, water heaters, and other similar domestic appliances, household goods and furniture generated from Improved Property.

Yard Trash-Bulk: Large cuttings of vegetative and wood matter which are part of normal yard maintenance which cannot be cut for placement in a receptacle or bundle due to the material exceeding the weight and size restrictions for Yard Trash-Regular. Yard Trash-Bulk shall be of a type as to be readily handled by mechanical equipment. Yard Trash-Bulk does not include any form of matter or Debris resulting from tree removal, land clearing, land development, building demolition or home improvement. Home improvement matter or Debris includes but is not limited to carpeting, cabinets, dry wall, lumber, paneling and other construction related matter or Debris.

Yard Trash-Regular: Vegetative matter resulting from yard and landscaping maintenance and shall include materials such as tree and shrub trimmings, grass clippings, palm fronds or small tree branches which shall not exceed four feet in length and four inches in diameter. Such trash shall be bundled or placed in containers which are susceptible to normal loading and collection as other residential Solid Waste. No bundle or filled container shall exceed 50 pounds in weight.

(Ord. No. 90-12, § 3, 8-28-90; Ord. No. 91-16, § 2, 11-26-91; Ord. No. 2011-8, § 1, 3-22-2011)

Sec. 235.3. - Residential service areas.

(a) The Board by resolution may create, establish, alter, merge, or abolish Service Areas for the providing of Residential Collection Service. The Board may establish as many Service Areas as needed, in the Board's sole determination, to provide the necessary Residential Collection Service.

(b) Each Residential Service Area established by the Board shall be included within a Residential Franchise Contract granted to a Contractor pursuant to this Part.

(1) The Contractor who has been granted a Residential Franchise Contract for a Service Area shall be the exclusive provider of Residential Collection Service within that Service Area.

(2) The standard of service to be provided by a Contractor who provides Residential Collection Service within a Service Area shall be as contained in the Residential Franchise Contract for that Service Area.

(3) The Board may award as many Residential Franchise Contracts as are necessary to provide, in the Board's sole determination, effective and efficient Residential Collection Service. The Board is authorized to charge a Contractor a fee for the granting of a Residential Franchise Contract.

(4) No Person shall provide Residential Collection Service within a Service Area unless pursuant to a Residential Franchise Contract.

(c) Effective October 1, 1990, the owners and occupants of Residential Property who enter into an agreement for Residential Collection Service shall utilize the Contractor who has been granted a Residential Franchise Contract for the Service Area where such Residential Property is located.

(Ord. No. 90-12, § 4, 8-28-90)

Sec. 235.4. - Commercial collection service.

(a) The Owners and Occupants of Commercial Property may enter into an agreement for the providing of Commercial Collection Service with any Contractor who is authorized by the County to provide Commercial Collection Service.

(b) No Person shall provide Commercial Collection Service unless authorized by the County.

(Ord. No. 90-12, § 5, 8-28-90)

Sec. 235.5. - Scavenging prohibited.

No Person shall take, obtain, scavenge or use the Recyclable Material generated from the Residential Property of another Person, unless expressly authorized by the County.

(Ord. No. 90-12, § 6, 8-28-90)

Sec. 235.6. - Remedies.

Any Person who violates the provisions of this Chapter may be issued a citation and shall be subject to the jurisdiction and authority of the Code Enforcement Board as provided. The remedies provided herein shall be in addition and supplemental to all other remedies and procedures available to the County for the enforcement of this Chapter. Nothing contained herein shall prohibit the Board from enforcing the provisions of this Chapter through any other available civil or criminal proceeding.

(Ord. No. 90-12, § 7, 8-28-90; Ord. No. 91-16, § 3, 11-26-91)

Sec. 235.7. - Superseding conflicting provisions.

The provisions of this Part shall supersede and control when the provisions of this Part are deemed to be inconsistent with the provisions of any previously adopted Ordinance of the Board relating to the collection, disposal and recycling of Solid Waste generated by Residential Property. This Part exclusively regulates Residential Collection Service.

(Ord. No. 90-12, § 9, 8-28-90)

Secs. 235.8—235.20. - Reserved.

PART 2. - REGULATION OF WASTE GENERALLY

[Sec. 235.21. - Rules, regulations and rates.](#)
[Sec. 235.22. - Authorization to regulate.](#)
[Sec. 235.23. - Delegation of authority.](#)
[Sec. 235.24. - Franchise requirements and rates.](#)
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Sec. 235.21. - Rules, regulations and rates.

The Board, may, by duly adopted resolution, enact reasonable rules, regulations and set rates for Collection of Waste generated or originating in unincorporated Seminole County or the disposal of any Waste at County designated facilities to implement and carry out the provisions of this Chapter.

(Ord. No. 91-16, § 4, 11-26-91)

Sec. 235.22. - Authorization to regulate.

The Board is authorized to regulate and prescribe methods of Collecting, transporting, and disposing of any Waste originating or generated within the unincorporated County. The Board is authorized to regulate the disposal of Waste at County owned and designated facilities, regardless of origin.

(Ord. No. 91-16, § 4, 11-26-91)

Sec. 235.23. - Delegation of authority.

The Board is hereby authorized to delegate its authority to Collect and dispose of Waste as established by this Chapter including the collection of fees from the users of Waste Collection services and disposal facilities and services, to any agent, individual, corporation, or company, and may contract with such parties as the Board may require to carry out the purposes of this Chapter.

(Ord. No. 91-16, § 4, 11-26-91)

Sec. 235.24. - Franchise requirements and rates.

(a) The Board, may, by duly adopted resolution create, establish, alter, merge or abolish franchise Service Areas for the providing of Residential or Commercial Collection Service in unincorporated Seminole County pursuant to franchise contracts.

(b) The Board, may, by duly adopted resolution, require that any Person operating a private or public landfill, disposal facility, recycling facility, incinerator, dump, Residential Collection Service or Commercial Collection Service in the unincorporated County first obtain a franchise to engage in such business from the Board.

(c) The Board, may, by duly adopted resolution establish a reasonable franchise fee for the privilege of providing services in the unincorporated County pursuant to franchises authorized by subsections (a) or (b) above.

(d) It is unlawful for any Person to provide the services or operate a facility under subsection (a) or (b) above without being franchised as required by County.

(Ord. No. 91-16, § 4, 11-26-91)

Sec. 235.25. - Authorization for waste collection services.

The Board is hereby authorized to create, establish, maintain and operate, directly or indirectly, Waste Collection services in any part of unincorporated Seminole County.

(Ord. No. 91-16, § 4, 11-26-91)

Sec. 235.26. - Fees

The Board is hereby authorized to charge and collect fees from the providers and users of Waste Collection services to defray the cost and expenses necessary for the establishment, maintenance and operation of Waste Collection and disposal services.

(Ord. No. 91-16, § 4, 11-26-91)

Sec. 235.27. - Policing collectors.

The Board is authorized to police and regulate all Persons generating, collecting, transporting, disposing or in any way affecting Waste generated, originated or brought within the unincorporated area of the County.

(Ord. No. 91-16, § 4, 11-26-91)

Sec. 235.28. - Operations in the event of natural disaster.

In the event of a natural disaster such as a hurricane, tornado, major storm, flood or other such event, the holder of a Residential Collection Service or Commercial Collection Service Certificate of Public Convenience and Necessity or franchise contract shall exercise best efforts to resume services as soon as possible. In the event that the County declares a state of emergency, the holder of a Residential Collection Service or Commercial Collection Service Certificate of Public Convenience and Necessity or franchise contract shall exercise best efforts to assist County by making equipment and personnel available for clean-up from such events. The holder of the Certificate of Public Convenience and Necessity will negotiate reasonable compensation with the County for services requested and authorized by County pursuant to this Section.

(Ord. No. 91-16, § 4, 11-26-91)

Sec. 235.29. - Bond or letter of credit.

(a) An applicant for a Certificate of Public Convenience and Necessity shall post with the Clerk of the Board of County Commissioners a bond or letter of credit in a form approved by the County to insure the payment of all outstanding amounts due the County for landfill, transfer station charges, fees, or other sums due the County.

(b) The face amount of such bond or letter of credit shall be not less than the larger of the sum of two months average billing to the applicant for County landfill and transfer charges or \$10,000.00.

(c) No bond or letter of credit shall be required for holders of a Certificate of Public Convenience and Necessity who have maintained a faithful record of payment to Seminole County for the preceding 12-month period.

(Ord. No. 91-16, § 4, 11-26-91)

Sec. 235.30. - Nuisance declared.

Any violation of this Chapter, resolutions adopted or rules promulgated by the County to effectuate or carry out this Chapter is declared a nuisance and injurious to the health, safety and welfare of the inhabitants of the County.

(Ord. No. 91-16, § 4, 11-26-91)

Sec. 235.31. - Compliance with law.

Persons holding Certificates of Public Convenience and Necessity shall comply at all times with applicable federal, state, and local laws and regulations relating to the certificate holder's Waste operation.

(Ord. No. 91-16, § 4, 11-26-91)

Secs. 235.32—235.50. - Reserved.

PART 3. - WASTE CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

[Sec. 235.51. - Authority to issue Certificates of Public Convenience and Necessity.](#)

[Sec. 235.52. - Certificate of Public Convenience and Necessity.](#)

[Sec. 235.53. - Certificate exemption.](#)

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[Sec. 235.56. - Prior approval of Board of County Commissioners required before change in ownership of certificate holder.](#)

[Sec. 235.57. - Relinquishment and termination of service; notice required.](#)

[Sec. 235.58. - Certificate suspension or revocation.](#)

[Secs. 235.59—235.70. - Reserved.](#)

Sec. 235.51. - Authority to issue Certificates of Public Convenience and Necessity.

(a) The Board reserves the authority to issue Certificates of Public Convenience and Necessity to Persons requesting certificates for Residential Collection Service and Commercial Collection Service.

(b) The Board delegates to the Director of Environmental Services the authority to issue Certificates of Public Convenience and Necessity other than as provided in subsection (a) above.

(Ord. No. 91-16, § 5, 11-26-91; Ord. No. 2011-8, § 2, 3-22-2011)

Sec. 235.52. - Certificate of Public Convenience and Necessity.

(a) It is unlawful to Collect Waste, operate a public or private landfill, disposal facility, recycling facility, incinerator or dump in the unincorporated County without a Certificate of Public Convenience and Necessity.

(b) The County Certificate of Public Convenience and Necessity shall specifically designate the permitted Waste operations that are authorized including, but not limited to: the operation of a public or private landfill, disposal facility, recycling facility, incinerator, dump, Residential Collection Service, Commercial Collection Service, or other such services as designated by the County.

(c) The County Certificate of Public Convenience and Necessity shall specifically designate the Waste types that are authorized to be handled at the permitted operation including, but not limited to: Solid Waste, Special Waste, Recyclable Material, White Goods and Furniture, Biohazardous Waste, Biological Waste, Garbage, Hazardous Waste, Infectious Waste, Sludge, Rubbish, Yard Trash (Regular and Bulk).

(d) The applicant for a Certificate of Public Convenience and Necessity shall comply with all requirements of the Seminole County Land Development Code and all other applicable rules and regulations applicable to the specific Waste operation. Applicants for landfill operations, as a condition for issuance of a Certificate of Public Convenience and Necessity, shall first apply for and receive a special exception pursuant to Section 5.104(b)(16), Land Development Code, or successor provisions.

(e) Certificates of Public Convenience and Necessity shall be issued upon a finding that:

(1) There exists a public need for the services which is not being met by holders of outstanding Certificates of Public Convenience and Necessity;

(2) Proof of ability to serve the proposed Customers of the applicant;

(3) Proof of financial responsibility;

(4) Posting of required bonds or letters of credit; and

(5) For firms requesting to operate commercial collection service, proof of insurance as described below:

(a) *General.* The Certificate of Public Convenience and Necessity (COPCN) holder shall, at the COPCN holder's own cost, procure the insurance required under this section.

(1) The COPCN holder shall furnish the Director of Environmental Services with a Certificate of Insurance signed by an authorized representative of the insurer evidencing

the insurance required by this Section (Workers' Compensation/Employers' Liability, Commercial General Liability and Business Automobile). The County, its official, officers and employees shall be additional insureds. The Certificate of Insurance shall provide that the County shall be given not less than 30 days written notice prior to the cancellation or restriction of coverage. Until such time as the insurance is no longer required to be maintained by the COPCN holder, the COPCN holder shall provide the County with a renewal or replacement Certificate of Insurance not less than 30 days before expiration or replacement of the insurance for which a previous certificate has been provided.

(2) The Certificate of Insurance shall contain a statement that it is being provided in accordance with Chapter 235 Seminole County Code and that the insurance is in full compliance with the requirements of Chapter 235 Seminole County Code; provided further, that in lieu of the statement on the Certificate of Insurance, the COPCN holder shall, at the option of the County, submit a sworn, notarized statement from an authorized representative of the insurer that the Certificate of Insurance is being provided in accordance with Chapter 235 Seminole County Code and that the insurance is in full compliance with the requirements herein.

(3) In addition to providing the Certificate of Insurance, if required by the County, the COPCN holder shall, within 30 days after receipt of the request, provide the County with a certified copy of each of the policies of insurance providing the coverage required by this section.

(4) Neither approval by the County nor failure to disapprove the insurance furnished by a COPCN holder shall relieve the COPCN holder of the COPCN's full responsibility for liability, damages and accidents.

(b) *Insurance company requirements.* Insurance companies providing the insurance hereunder must meet the following requirements:

(1) Companies issuing policies, other than Workers' Compensation, must be authorized by maintaining Certificates of Authority issued to the companies by the Department of Insurance of the State of Florida, to conduct business in the State of Florida. Policies for Workers' Compensation may be issued by companies authorized as a group-self-insurer by F.S. § 440.57.

(2) In addition, such companies other than those authorized by F.S. § 440.57, shall have and maintain a Best's Rating of "A-" or better and a Financial Size Category of "VII" or better according to A.M. Best Company. The Business Auto Policy may be issued by companies who are members of the Florida Joint Underwriting Association in lieu of the Best's Rating.

(3) If, during the period which an insurance company is providing the insurance coverage required herein, an insurance company shall: 1) lose its Certificate of Authority, 2) no longer comply with F.S. § 440.57, or 3) fail to maintain the Best's Rating and Financial Size Category, the COPCN holder shall, as soon as the COPCN holder has knowledge of any such circumstance, immediately notify the County and immediately replace the insurance coverage provided by the insurance company with a different insurance company meeting the requirements of this section. Until such time

as the COPCN Holder has replaced the unacceptable insurer with an insurer acceptable to the County, the COPCN holder shall be deemed to be in material default of its COPCN.

(c) *Specifications.* Without limiting any of the other obligations or liability of the COPCN holder, the COPCN holder shall, at the COPCN holder's sole expense, procure, maintain and keep in force amounts and types of insurance conforming to the minimum requirements set forth in this subsection. Except as otherwise specified in this section, the insurance shall become effective prior to the commencement of work by the COPCN holder and shall be maintained in force until the COPCN termination date. The amounts and types of insurance shall conform to the following minimum requirements.

(1) Workers' Compensation/Employers' Liability.

(A) The COPCN holder's insurance shall cover the COPCN holder and its subcontractors of every tier for those sources of liability which could be covered by the latest edition of the standard Workers' Compensation Policy, as filed for use in Florida by the National Council on Compensation Insurance, without restrictive endorsements. In addition to coverage for the Florida Workers' Compensation Act, where appropriate, coverage is to be included for any other applicable Federal or State law.

(B) Subject to the restrictions of coverage found in the standard Workers' Compensation Policy, there shall be no maximum limit on the amount of coverage for liability imposed by the Florida Workers' Compensation Act, the United States Longshoremen's and Harbor Workers' Compensation Act or any other coverage customarily insured under Part One of the standard Workers' Compensation Policy.

(C) The minimum amount of coverage under Part Two of the standard Workers' Compensation Policy shall be:

LIMITS

| | |
|--------------|-------------------------|
| | |
| \$500,000.00 | (Each Accident) |
| \$500,000.00 | (Disease Each Employee) |
| \$500,000.00 | (Disease Policy Limit) |

(2) Commercial General Liability.

(A) The COPCN holder's insurance shall cover the COPCN holder for those sources of liability which would be covered by the latest edition of the standard General Commercial Liability Coverage Form (ISO Form CG 00 01), as filed for use in the State of Florida, by the Insurance Services Offices, without the attachment of restrictive endorsements other than the elimination of Coverage C, Medical Payment and the elimination of coverage for Fire Damage Legal Liability.

(B) The COPCN holder shall maintain separate limits of coverage applicable only to the work performed hereunder. The minimum limits to be maintained by the

COPCN holder (inclusive of any amounts provided by an Umbrella or Excess policy) shall be those that would be provided with the attachment of the Amendment of Limits of Insurance (Designated Project or Premises) endorsement (ISO Form CG 25 01) to a Commercial General Liability Policy with amount specified for each project:

| | LIMITS |
|--|----------------|
| General Aggregate | \$1,000,000.00 |
| Personal Injury & Advertising Limit | \$1,000,000.00 |
| General Liability Per Occurrence Bodily Injury & Property Damage | \$1,000,000.00 |

(3) Business automobile liability.

(A) The COPCN holder's insurance shall cover the COPCN for those sources of liability which would be covered by Part IV of the latest edition of the standard Business Auto Policy (ISO Form CA 00 01), as filed for use in the State of Florida, by the Insurance Service Office, without the attachment of restrictive endorsements. Coverage shall include owned, non-owned and hired autos.

(B) The minimum limits to be maintained by the COPCN holder (inclusive of any amounts provided by an Umbrella or Excess policy) shall be per accident combined single limit for bodily injury liability and property damage liability. If the coverage is subject to an aggregate, the COPCN holder shall maintain separate aggregate limits of coverage applicable to claims arising out of or in connection with the work under Chapter 235 Seminole County Code. The separate aggregate limits to be maintained by the COPCN holder shall be a minimum of three times the per accident limit required and shall apply separately to each policy year or part thereof.

(C) The minimum amount of coverage under the Business Automobile Liability shall be:

| | LIMITS |
|---|----------------|
| Bodily Injury and Property Damage Liability Combined Occurrence | \$1,000,000.00 |

(d) *Coverage.* The insurance provided by the COPCN holder pursuant to this section shall apply on a primary basis and any other insurance or self-insurance maintained by the County or the County's officials, officers or employees shall be excess of and not contributing with the insurance provided by or on behalf of the Contractor.

(e) *Occurrence basis.* The Workers' Compensation Policy, Commercial General Liability and the Business Auto Policy required herein shall be provided on an occurrence rather than

a claims-made basis.

(f) *Obligations.* Compliance with the foregoing insurance requirements shall not relieve the COPCN holder, its employees or agents of liability from any obligations hereunder.

(f) The applicant shall make written application for a Certificate of Public Convenience and Necessity upon forms designated by the Director of Environmental Services and shall file the application with the Seminole County Solid Waste Management Division. The applicant shall furnish the following information:

(1) The present and prior names of businesses operated by the applicant, form of doing business, names of owners or stockholders holding more than five percent of the common stock, date of incorporation, number of years in business;

(2) The applicant shall state whether the owners or stockholders holding more than five percent of the common stock have operated a Waste, Solid Waste, Special Waste or Recyclable Materials business under a different form of ownership or name;

(3) The local and principal business address and telephone numbers, name of local Person responsible for operation of business;

(4) The estimated number of Customers, type of Customers (Residential, Commercial or Industrial) area to be served, map of area to be served;

(5) The number and types of vehicles, identification numbers, makes and models, body types and capacities;

(6) Copies of forms of agreement for service with the Customers;

(7) Applicants for landfill Certificates of Public Convenience and Necessity shall identify the existing or proposed site volume.

(8) A certification that the applicant is capable of performing the services applied for and is financially responsible; and

(9) Such other and further information as the Board by resolution may from time to time require on the application form.

(g) Upon the completion of its investigation and finding that the application meets the requirements of this Chapter and all resolutions promulgated hereunder, the Board shall grant a Certificate of Public Convenience and Necessity for a period which shall expire on the last day of September following the date of issuance. If the Board determines that the applicant does not meet the criteria for the issuance of a Certificate of Public Convenience and Necessity, it shall make a report of its findings which shall be filed with its clerk. A copy of the report shall be mailed to the applicant at its last known address.

(h) All contracts of holders of Certificates of Public Convenience and Necessity with Customers in the County shall be deemed to incorporate the requirements and standards of service set forth in this Chapter.

(Ord. No. 91-16, § 5, 11-26-91; Ord. No. 2006-68, § 1, 9-26-06; Ord. No. 2011-8, § 3, 3-22-2011)

Editor's note— Section 4 of Ord. No. 2006-68 provided for an effective date of Oct. 1, 2006.

Sec. 235.53. - Certificate exemption.

Persons operating Residential Collection Services or Commercial Collection Services pursuant to franchise contracts with the County are exempt from obtaining Certificates of Public Convenience and Necessity from the County. This exemption is limited to the term of the Person's contract with the County.

(Ord. No. 91-16, § 5, 11-26-91)

Sec. 235.54. - Certificate of Public Convenience and Necessity fees.

The Board shall establish from time to time by resolution application fees, investigation fees, issuance fees, and such other fees as it may require for the issuance of Certificates of Public Convenience and Necessity. The Board may provide for the proration of the annual certificate fee for initial Certificates of Public Convenience and Necessity.

(Ord. No. 91-16, § 5, 11-26-91)

Sec. 235.55. - Records and reports by certificate holders.

(a) The holder of a Certificate of Public Convenience and Necessity shall keep and maintain such operating records as may be required by the County.

(b) The holder of a Certificate of Public Convenience and Necessity shall keep and maintain Collection and Recycled Material records as required by the County. For the purpose of this Section, the term "Collected" includes material recycled, landfilled and combusted. The holder of a Certificate of Public Convenience and Necessity shall keep and report to County, quarterly or at other times directed by County, detailed reports of Collected and Recycled Materials by weight and material type including the local and principal business address, telephone numbers and the names of local Persons responsible for the business operations of each vendor to whom Recyclable Materials are sold or otherwise marketed. The reports shall include, but not be limited to the following Collected and Recycled Material types:

- (1) Newspapers;
- (2) Glass;
- (3) Aluminum cans;
- (4) Plastic bottles;
- (5) Construction and demolition Debris;
- (6) Yard Waste;
- (7) White goods;
- (8) Tires;
- (9) Other Plastics;
- (10) Ferrous metals;

- (11) Other metals (non-ferrous);
- (12) Paper; corrugated;
- (13) Paper; office;
- (14) Paper; other;
- (15) Food wastes;
- (16) Textiles;
- (17) Miscellaneous.

(c) A failure to provide reports requested by the County in a timely manner will result in the suspension or revocation of the Certificate of Public Convenience and Necessity.

(Ord. No. 91-16, § 5, 11-26-91)

Sec. 235.56. - Prior approval of Board of County Commissioners required before change in ownership of certificate holder.

If there is a change of ownership of any kind in the holder of a Certificate of Public Convenience and Necessity, then such certificate shall be revoked unless prior approval in writing for the transfer has been obtained from the Board.

(Ord. No. 91-16, § 5, 11-26-91)

Sec. 235.57. - Relinquishment and termination of service; notice required.

It is unlawful for the holder of a Certificate of Public Convenience and Necessity to relinquish his certificate and discontinue service except after giving 30 days' written notice to each of his Customers and to the County.

(Ord. No. 91-16, § 5, 11-26-91)

Sec. 235.58. - Certificate suspension or revocation.

(a) After 30 days' written notice to the certificate holder and after a hearing conducted by the Board, the Board may revoke or suspend a Certificate of Public Convenience and Necessity if the holder fails to comply with the applicable provisions of this Chapter or any resolutions, rules or regulations related thereto.

(b) At a revocation or suspension hearing for a Certificate of Public Convenience and Necessity, the Person whose certificate is subject to revocation or suspension shall have the right to appear, be represented by counsel, testify, produce witnesses in his own behalf and cross-examine witnesses who appear against him.

(c) All those who testify at a Certificate of Public Convenience and Necessity revocation or suspension hearing shall be under oath.

(Ord. No. 91-16, § 5, 11-26-91)

Secs. 235.59—235.70. - Reserved.

PART 4. - WASTE COLLECTION AND DISPOSAL

- [Sec. 235.71. - Waste disposal sites.](#)
- [Sec. 235.72. - Disposal of waste.](#)
- [Sec. 235.73. - County disposal site separation of waste.](#)
- [Sec. 235.74. - Source separation and containerization of waste.](#)
- [Sec. 235.75. - Recycling services.](#)
- [Sec. 235.76. - Title to recyclable materials.](#)
- [Sec. 235.77. - Business waste and recycling reports.](#)
- [Sec. 235.78. - Conditions of service for residential or commercial collection service.](#)
- [Sec. 235.79. - Collection vehicles.](#)
- [Sec. 235.80. - Sanitary condition of vehicles generally.](#)
- [Sec. 235.81. - Transportation; leakage and spillage.](#)
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- [Sec. 235.83. - Office required.](#)
- [Sec. 235.84. - Collection intervals.](#)
- [Sec. 235.85. - Collection hours.](#)
- [Sec. 235.86. - Termination of service.](#)
- [Secs. 235.87—235.90. - Reserved.](#)

Sec. 235.71. - Waste disposal sites.

(a) The County shall designate all disposal sites for Waste generated, Collected, and disposed of in the unincorporated County. All designated disposal sites, except County owned facilities, shall hold a valid Certificate of Public Convenience and Necessity required by this Chapter.

(b) The County shall maintain separate County owned disposal areas for Solid Waste and Clearing and Demolition Debris.

(c) It is unlawful for any Person to dispose of Waste in the unincorporated County at a facility not designated by the County for disposal of that specific type of Waste. It is unlawful for any Person to fail to obey County regulations governing the use of County designated disposal facilities. It is unlawful to dispose of Waste at County owned disposal facilities without payment of all applicable disposal fees or charges.

(d) The Board is authorized to charge fees, as established by resolution, for disposal of Waste in County designated disposal sites.

(Ord. No. 91-16, § 6, 11-26-91)

Sec. 235.72. - Disposal of waste.

(a) All Solid Waste originating and generated, Collected and disposed of in unincorporated Seminole County shall be disposed of at County designated disposal facilities operated by the County or operating under a valid County Certificate of Public Convenience and Necessity.

(b) It is unlawful for any Person to burn Waste except at a County designated disposal facility or pursuant to valid permits issued by the Division of Forestry of the State of Florida and other appropriate regulating governmental entities.

(c) It is unlawful for any Person to bury Waste except at a County designated disposal facility or pursuant to valid permits issued by the County and appropriate regulating governmental entities.

(Ord. No. 91-16, § 6, 11-26-91)

Sec. 235.73. - County disposal site separation of waste.

(a) All Persons utilizing County owned or designated disposal sites for Solid Waste, Special Waste, Recyclable Materials or Yard Trash (Regular and Bulk) shall be responsible for disposal site separation of Solid Waste, Special Waste, Recyclable Materials or Yard Trash (Regular and Bulk) as follows:

(1) All Persons shall unload Collection vehicles including trailers pursuant to the rules and regulations established by the County for use of the disposal site.

(2) All Persons shall unload Collection vehicles including trailers at designated bays and locations within disposal sites as directed by County.

(b) All Persons shall separate Solid Waste excluding Yard Trash, Special Waste, Recyclable Materials or Yard Trash (Regular and Bulk) prior to unloading Collection vehicles or trailers as follows:

(1) Solid Waste excluding Yard Trash shall not be co-mingled with Special Waste, Recyclable Materials or Yard Trash (Regular and Bulk).

(2) Special Waste shall not be co-mingled with Solid Waste excluding Yard Trash, Recyclable Materials or Yard Trash (Regular and Bulk).

(3) Recyclable Materials shall not be co-mingled with Solid Waste excluding Yard Trash, Special Waste or Yard Trash (Regular and Bulk).

(4) Yard Trash (Regular and Bulk) shall not be co-mingled with other Solid Waste, Special Waste or Recyclable Materials.

(5) All Clearing and Demolition Debris shall be disposed of in County designated disposal areas or at operations holding valid Certificates of Public Convenience and Necessity for the disposal of Clearing and Demolition Debris.

(c) It is unlawful for any Person to violate the provisions of this Section. In addition to available enforcement provisions, the County may direct that Collection vehicles or trailers containing any combination of co-mingled Solid Waste, Special Waste, Recyclable Materials or Yard Trash (Regular and Bulk) not unload at County owned or designated disposal sites. In the event that co-mingled Solid Waste, Special Waste, Recyclable Materials or Yard Trash (Regular and Bulk) are inadvertently unloaded at County owned or designated disposal sites, the owner of the Collection vehicle or trailer shall remove the contaminated materials, at the owner's expense, and shall further be liable for all costs incurred by the County in enforcing this Section.

(Ord. No. 91-16, § 6, 11-26-91)

Sec. 235.74. - Source separation and containerization of waste.

(a) All Persons utilizing Residential Collection Service provided by County franchised Contractors shall be responsible for source separation of Solid Waste, Recyclable Materials, and Yard Trash-Regular as follows:

(1) Recyclable Materials shall be placed in a suitable recycling bin at the usual accessible pick-up location on scheduled days. No Person shall co-mingle Recyclable Materials with Yard Trash-Regular or other Solid Waste.

(2) Yard Trash-Regular shall be properly containerized and placed at the usual accessible pick-up location on scheduled days. No Person shall co-mingle Yard Trash-Regular with Recyclable Materials or other Solid Waste.

(3) Solid Waste shall be properly containerized and placed at the usual accessible pick-up location on scheduled days. No Person shall co-mingle Solid Waste with Recyclable Materials or Yard Trash-Regular.

(4) County Contractors providing Residential Collection Service are authorized to leave contaminants or contaminated Garbage Receptacles at curbside provided that the contaminated items are tagged as to the reason why the item was unacceptable.

(b) Persons utilizing Residential Collection Service provided by County franchised Contractors shall comply with the Waste quantity restrictions set forth in the applicable contracts. Waste placed in the usual accessible pick-up location is restricted to Waste generated by the specific dwelling unit receiving Residential Collection Service. It is unlawful for any Person to place Waste or co-mingle Waste with the Waste of Persons receiving Residential Collection Service or Commercial Collection Service.

(c) All Residential Collection Service Solid Waste, Yard Trash-Regular and Recyclable Material shall be properly containerized in Garbage Receptacles or tied in bundles not exceeding four feet in length. No filled Garbage Receptacle or bundle shall exceed 50 pounds in weight.

(d) White Goods and Furniture for pick-up shall be placed at the usual accessible pick-up location.

(e) It is unlawful for any Person to violate the provisions of this Section.

(f) All Persons generating Clearing and Demolition Debris shall exercise best efforts to source separate the Debris into components suitable for recycling. The Board may by resolution, designate specific components of Clearing and Demolition Debris to be source separated and require recycling of those specific components.

(Ord. No. 91-16, § 6, 11-26-91)

Sec. 235.75. - Recycling services.

(a) Persons holding Certificates of Public Convenience and Necessity for Residential Collection Services shall provide recycling services to their Customers including at a minimum collection of newspapers, steel cans, aluminum cans, plastic bottles, glass (clear, green and brown) and such other items designated by resolution to be recyclable.

(b) Persons holding Certificates of Public Convenience and Necessity for Commercial Collection Services shall on the effective date of this Part exercise best efforts to provide recycling services to

their Customers.

(c) Effective July 1, 1992, Persons holding Certificates of Public Convenience and Necessity for Commercial Collection Services shall provide recycling services to their Customers, unless equal minimum recycling services required by this Subsection are provided to the Customer by another holder of a Certificate of Public Convenience and Necessity. Persons providing recycling services to Multi-Family Dwelling Units shall at a minimum include the Collection of newspapers, steel cans, aluminum cans, plastic bottles, glass (clear, green, and brown) and such other items designated by resolution to be recyclable. Persons providing recycling services to Commercial Property other than Multi-Family Dwelling Units shall at a minimum include the Collection of newspapers, steel cans, aluminum cans, plastic bottles, glass (clear, green, and brown), corrugated paper, office paper, and such other items designated by resolution to be recyclable. Effective July 1, 1992, Persons holding Certificates of Public Convenience and Necessity for Commercial Collection Services shall exercise best efforts to provide recycling services to include the Collection of tires, other plastics, ferrous metals, nonferrous metals, textiles and other items that may be recyclable.

(d) All Persons holding Certificates of Public Convenience and Necessity for Clearing and Demolition Debris collection or landfilling shall on the effective date of this Part exercise best efforts to provide recycling services to their Customers. The Board may by resolution require that a certain percentage of Clearing and Demolition Debris be recycled as a condition of application for a continued operation under a Certificate of Public Convenience and Necessity for Collection of or landfilling of Clearing and Demolition Debris.

(Ord. No. 91-16, § 6, 11-26-91)

Sec. 235.76. - Title to recyclable materials.

(a) As between the County and its franchised Contractors, the terms and conditions of County franchised Residential Collection Service and Commercial Collection Service contracts shall control as to title to Recyclable Materials.

(b) In the event that the County does not enter contracts with franchised Contractors providing Residential and Commercial Collection Services, then contracts between Contractors and their Customers shall control as to title to Recyclable Materials.

(c) If a Person receiving Residential Collection Service or Commercial Collection Service, pursuant to franchise contract or otherwise, places Recyclable Materials at the designated pick-up location established by contract or places such items on the public right of way, the Person is deemed to have abandoned and relinquished title to the Recyclable Materials.

(Ord. No. 91-16, § 6, 11-26-91)

Sec. 235.77. - Business waste and recycling reports.

(a) All Persons engaging in or managing any business, profession or occupation within Seminole County shall report to the County, annually or other times directed by the County, activities related to the disposal of Waste as required by the County including detailed reports related to Recyclable Materials.

(b) The detailed reports related to Recyclable Materials shall identify materials recycled by weight and type including the local and principal business address, telephone numbers and the names of local

Persons responsible for the business operations of each vendor to whom Recyclable Materials are sold or otherwise marketed.

(Ord. No. 91-16, § 6, 11-26-91)

Sec. 235.78. - Conditions of service for residential or commercial collection service.

(a) The holder of a Certificate of Public Convenience and Necessity for Residential or Commercial Collection Service shall:

- (1) Collect Waste with as little disturbance as reasonably possible and shall leave Garbage Receptacles and Commercial Containers at the same point they were Collected without obstructing roadways, driveways, sidewalks, or mailboxes.
- (2) Assure that each employee shall wear a uniform or shirt bearing the certificate holder's name.
- (3) Assure that each driver of a Collection vehicle is properly licensed for the type of vehicle that is being driven.
- (4) The holder of a certificate shall provide all operating and safety training for all employees as required by federal, state and local law and regulations.

(Ord. No. 91-16, § 6, 11-26-91)

Sec. 235.79. - Collection vehicles.

(a) All vehicles used to Collect and transport Waste, shall have beds of impervious material which can be cleaned.

(b) All vehicles used for Residential Collection Service or Commercial Collection Service shall be packer loader trucks or other vehicles as approved by County which are reasonably watertight and securely covered to prevent leakage, spillage, or blowing of Debris.

(c) All vehicles used for Residential Collection Service or Commercial Collection Service shall have the certificate holder's business name painted and maintained on each side of the vehicle in letters of not less than three inches in size.

(d) It is unlawful for any Person to park a vehicle used for Residential Collection Service or Commercial Collection Service which contains Waste for a period of time which is in excess of 12 hours.

(Ord. No. 91-16, § 6, 11-26-91)

Sec. 235.80. - Sanitary condition of vehicles generally.

All vehicles used to Collect and transport Waste shall be maintained in a clean and sanitary manner. All such vehicles shall be water washed daily to prevent accumulations of Waste, dirt, grease or decomposing material. The vehicles shall be washed once per week with a bleach or other sanitizing solution to prevent offensive odors.

(Ord. No. 91-16, § 6, 11-26-91)

Sec. 235.81. - Transportation; leakage and spillage.

- (a) All Waste generated and Collected in the unincorporated County shall be transported to County designated facilities in packer loader trucks or other vehicles including trailers, securely covered to prevent leakage, spillage, or blowing of Debris.
- (b) A charge of an amount equal to the disposal fee will be charged to any Person who fails to comply with subsection (a) above.
- (c) It is unlawful for any Person to permit Waste to spill, leak, blow, or drop from any Collection vehicle onto any public or private property, roadway, or right-of-way.
- (d) For the purposes of this Section, the Collection and transport of Waste includes Yard Trash (Regular and Bulk) and other Waste Collected and transported in trailers, trucks or other Collection vehicles used by landscaping or other lawn and garden services.
- (e) All Waste generated and Collected in unincorporated Seminole County shall be transported to County designated facilities utilizing the primary collector, arterial, state and interstate roadways. Waste Collection vehicles including landscaping or lawn and garden service vehicles and trailers are permitted to utilize local residential roadways only while Collecting Waste generated in the local residential area on the scheduled pick-up routes and pick-up days or when providing landscaping or lawn and garden services in the local residential area.

(Ord. No. 91-16, § 6, 11-26-91)

Sec. 235.82. - Commercial containers.

- (a) All accumulation of Waste, except Recyclable Material which may be stored in recycling bins, shall be kept in Commercial Containers until the time of Collection.
- (b) All Commercial Containers shall be:
 - (1) Free of leakage;
 - (2) Constructed to prevent the escape of odors;
 - (3) Composed of nonabsorbent, waterproof material;
 - (4) Equipped with handles or otherwise designed to accommodate safe, efficient Collection of Waste;
 - (5) Free of jagged or sharp edges;
 - (6) Shall have tight-fitting covers to prevent the entry of flies, insects or animals. The use of plastic or similar disposal bags is permitted; however, the bags must be of a heavy mill construction, waterproof, and securely closed.
 - (7) Shall be kept in a safe, sanitary condition and shall be washed periodically in a bleach or other sanitizing solution to prevent accumulations of Waste, dirt, grease or decomposing material. The periodic washing shall occur with such frequency to prevent offensive odors.
- (c) All Commercial Containers shall comply at all times to applicable OSHA requirements and other federal, state, and local laws and regulations. All Commercial Containers shall be constructed or

permanently secured by chains or cables to prevent the tipping over of the Commercial Container or spillage. All Commercial Containers shall be securely covered with lids of impervious material. When not in use, all Commercial Container covers and lids shall be securely fastened to prevent the entry of insects or animals and to prevent injury to Persons.

(Ord. No. 91-16, § 6, 11-26-91)

Sec. 235.83. - Office required.

The holder of a Residential or Commercial Collection Service Certificate of Public Convenience and Necessity shall maintain an office where service may be applied for and complaints made and which provides toll-free telephone access for Customers living in Seminole County. Such office shall be equipped with a listed telephone number and shall have a responsible Person in charge during normal working hours. The certificate holder shall provide either a telephone answering service or mechanical device to receive Customer inquiries during the times when the office is closed.

(Ord. No. 91-16, § 6, 11-26-91)

Sec. 235.84. - Collection intervals.

The holder of a Certificate of Public Convenience and Necessity providing Commercial Collection Service or Residential Collection Service shall collect Waste at least one time per week. In the event of holidays, the certificate holder providing Commercial Collection Service or Residential Collection Service will resume normal collection the next regular scheduled day for the Customers not served due to the holiday.

(Ord. No. 91-16, § 6, 11-26-91)

Sec. 235.85. - Collection hours.

Collection of Waste is restricted to the hours of 6:00 a.m to 8:00 p.m. Monday through Saturday for Residential Collection Service and 6:00 a.m. to 8:00 p.m., Monday through Sunday for Commercial Collection Service within unincorporated Seminole County. It is unlawful to Collect Waste in violation of the above time restrictions.

(Ord. No. 91-16, § 6, 11-26-91)

Sec. 235.86. - Termination of service.

If any provisions of this Chapter relating to Residential Collection Service or Commercial Collection Service is violated by any Customer of a holder of a Certificate of Public Convenience and Necessity or if said Customer fails to pay all charges due to said certificate holder, then said certificate holder may discontinue service to the Customer if, after giving the Customer and County 30 days notice of the violation or the lack of payment, the Customer still continues said violation or still refuses to pay.

(Ord. No. 91-16, § 6, 11-26-91)

Secs. 235.87—235.90. - Reserved.

PART 5. - DEBRIS REMOVAL FROM PRIVATE STREETS, ROADS, ROADWAYS AND PRIVATE PROPERTY

- [Sec. 235.91. - Intent and Purpose.](#)
- [Sec. 235.92. - Definitions.](#)
- [Sec. 235.93. - Private roadways.](#)
- [Sec. 235.94. - Waiver.](#)
- [Sec. 235.95. - Indemnification and Hold Harmless.](#)
- [Sec. 235.96. - Emergency Roadway Clearance.](#)
- [Sec. 235.97. - Private property.](#)
- [Secs. 235.98—235.99. - Reserved.](#)

Sec. 235.91. - Intent and Purpose.

After declaration of a disaster in accordance with Code Section 72.5, the primary mission of the County will be to protect lives and property, restore governmental services and clear public streets. Depending on the magnitude of the disaster and after accomplishment of the primary mission, resources may be available to the County that may not be available to a private property owner. The intent and purpose of this part is to establish a process by which the County may evaluate and, if necessary, remove Debris from along privately owned streets, roads, roadways, and other private property in the event of an immediate threat to life, public health and safety after a significant disaster. While the County recognizes that, as a general proposition, the removal of Debris from private property is the responsibility of the property owner, there are occasions when, because of the magnitude of the disaster and the threat posed to life, health, and safety, there may be a compelling need to remove Debris from private streets, roads, and roadways and other private property as described in this Part.

(Ord. No. 2008-21, § 1, 5-6-08)

Sec. 235.92. - Definitions.

As used in this Part, the following terms shall have the following meanings, unless the context clearly otherwise requires:

- (a) *"Access Properties"* means access to the properties depicted on the map entitled "Maintained Roads Map", as it may be amended from time to time, maintained by and in the custody of the County Public Works Department, and incorporated herein as if fully set forth verbatim. Access shall be provided if: (1) the County is undertaking to clear and push Debris in accordance with Section 235.965 and (2) it is reasonably possible with respect to the equipment used to provide access under the circumstances. The Maintained Roads Map represents the best efforts of the County to set forth a complete listing; however, due to the nature of the roadway system and the historical problems relating to documentation and memorialization of roadways and rights-of-way, the listing may not be all inclusive.
- (b) *"Debris"* shall include, but is not limited to, displaced, broken, or discarded building and construction materials, garbage, vegetative matter and spoiled or ruined household goods or materials.
- (c) *"Private Property"* means all property that is not owned or controlled by a governmental entity.
- (d) *"Private Streets, Roads and Roadway"* shall include the rights-of-way as well as the improved surface that provides access to residential and commercial areas as identified as "private roadways" in the Maintained Roads Map.

(Ord. No. 2008-21, § 1, 5-6-08)

Sec. 235.93. - Private roadways.

The County shall remove Debris from Private Roadways when such Debris is determined to pose an immediate threat to the health, safety and welfare of the community. Pursuant to Code Section 72.7(a), the County Manager shall determine whether there is an immediate threat to the public health, safety, and welfare sufficient to warrant removal of said Debris in accordance with any 1 of the following standards:

- (a) There is a significant likelihood that rescue vehicles will be significantly hindered from rendering emergency services to residential and commercial property should the Debris be allowed to remain in place absent County removal.
- (b) The type of Debris is such that it may reasonably cause disease, illness, or sickness which could injure or adversely affect the health, safety, or general welfare of those residing and working in the area if it is allowed to remain.
- (c) The clearing is necessary to effectuate orderly and expeditious restoration of County-wide utility services including, but not limited to, power, water, sewer, and telephone.
- (d) The Debris is determined by the County Building Official to be dangerous or hazardous.
- (e) The Debris prevents garbage collection thereby creating a public health hazard.
- (f) The Debris contains contaminants which have a reasonable likelihood of leeching into the soil and/or aquifer of the County.
- (g) The Debris has a substantial negative impact in preventing or adversely affecting emergency repairs to buildings and/or property.
- (h) The Debris presents a reasonable danger of being transported by wind and/or water into the surrounding areas of the County and thereby increasing the cost of recovery and removal.
- (i) The Debris poses a significant likelihood of, if left over time, producing mold which would be injurious to public health.
- (j) The presence of the Debris significantly adversely impacts the County's recovery efforts.
- (k) The Debris significantly interferes with drainage or water runoff, so as to be a significant hazard in the event of significant rainfall.
- (l) The sheer volume of the Debris is such that it is impractical and unreasonable to remove in an orderly and efficient manner absent action by the County.
- (m) The type, extent and nature of the Debris is such that it would cause much greater damage if the Debris was not removed immediately.
- (n) Commercial or other specific areas will be cleared if, in the opinion of the County Manager, the clearance will aid the County's recovery operations or aid the health, safety, or welfare of the residents of the County.

(Ord. No. 2008-21, § 1, 5-6-08)

Sec. 235.94. - Waiver.

With regard to eligibility for Federal funding, the Federal Emergency Management Agency (FEMA) may waive the requirement for the County to establish the criteria listed in Code Section 235.93 as a condition precedent to County action depending on the severity of the situation.

(Ord. No. 2008-21, § 1, 5-6-08)

Sec. 235.95. - Indemnification and Hold Harmless.

Prior to removal of Debris by the County as contemplated herein on Private Roadways and Private Property, or clearance by the County of Private Property as provided herein, the private property owner shall indemnify and hold harmless, to the maximum extent permitted by law, the Federal, State, and local government and all employees, officers and agents of the Federal, State, and local government connected with the rendering of such service.

(Ord. No. 2008-21, § 1, 5-6-08)

Sec. 235.96. - Emergency Roadway Clearance.

Nothing herein shall preclude a first response by the County to clear and push Debris from all roadways (both public and private) including Access Properties necessary for the movement of emergency vehicles including police, fire and ambulance within the first 70 hours after a disaster declaration.

(Ord. No. 2008-21, § 1, 5-6-08)

Sec. 235.97. - Private property.

Nothing herein shall require the County to remove Debris from Private Property other than the Private Roadways identified above except where the severity of the situation is of such magnitude or the Debris is so widespread that it is determined by the County Manager to be a significant immediate threat to the health, safety and welfare of the County and in the overriding public interest of the County to remove Debris from such areas.

(Ord. No. 2008-21, § 1, 5-6-08)

Secs. 235.98—235.99. - Reserved.