

Chapter 25 - SOLID WASTES

Footnotes:

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Editor's note— Ord. No. 98-2, §§ 1—7, adopted January 13, 1998, has been treated by the editor as repealing §§ 25-16—25-24, 25-36—25-42, 25-61—25-73, and 25-86—25-91, and adding new §§ 25-2—25-7 as herein set out. Said former provisions pertained to similar subject matter, and derived from Local Laws of Fla., Chs. 31118, 70-846, 78-584, 83-496, and the following ordinances:

Ord. No.	Date	Ord. No.	Date	Ord. No.	Date
R-81-26	10- 6-81	85-22	7-23-85	86-33	9-23-86
83-1	1-18-83	86-2	2-22-86	86-40	11-25-86
84-10	9-18-84	86-3	2-25-86	87-1	1-13-87
85-5	2-15-83	86-12	5-13-86	87-2	2-10-87
85-7	3-26-85	86-17	6-10-86	87-16	9- 8-87
85-17	7- 2-85	86-31	9-23-86		

Cross reference— Local laws relating to solid wastes, App. G, ch. 26; littering, § 11-56 et seq.

State Law reference— Home rule powers of chartered counties, Fla. Const., Art. VIII, § 1(g); resource recovery and management, F.S. § 403.701 et seq.; Florida Litter Law of 1977, F.S. § 403.413.

Sec. 25-1. - Garbage collection.

(a)

Title. This Section shall be titled and known as the "Garbage and Yard Waste Collection Ordinance of Palm Beach County, Florida."

(b)

Definitions. The following terms and phrases shall have the meaning set forth below, unless the context clearly indicates otherwise.

Collection Point shall mean the swale, parkway or area adjacent to the street, where the Garbage or Yard Waste is placed for collection. The Collection Point shall not include public walkways, sidewalks, or streets.

Garbage shall mean refuse, rubbish, waste and trash from residential, commercial or industrial activities, including, but not limited to, kitchen and table waste, animal or vegetative waste that is attendant with or results from the storage, preparation, cooking, or handling of food; paper; cloth; plastics; discarded household goods and appliances; and similar materials. "Garbage" does not include Yard Waste.

Garbage Cart shall mean a container provided by the Solid Waste Authority of Palm Beach County for the disposal of Garbage at the Collection Point.

Maximum Allowable Yard Waste shall mean an accumulation of Yard Waste at the Collection Point of six (6) cubic yards or less, calculated by the following: $(L \times W \times H)/27$ (measured in feet).

Non-Conforming Yard Waste shall mean one (1) or more of the following: whole trees, root balls, tree trunks or other bulky non-containerized vegetative material; vegetative material resulting from large scale landscape projects, land/lot clearing, or other similar debris not conducive to manual hand loading; and Yard Waste that does not conform to the size and weight restrictions contained in Section 25-1(c)(1)(h) below.

Non-Conforming Waste shall mean construction, or other similar debris not conducive to manual hand loading.

Yard Waste shall mean leaves, grass, plants, small branches or other similar material resulting from normal yard maintenance, tree trimming and landscaping.

Yard Waste Containers includes garbage cans, trash cans, or other types of containers used to hold or contain Yard Waste that do not to exceed fifty (50) gallons in size.

(c)

Requirements, prohibitions and exemptions.

(1)

Garbage Carts and Yard Waste Containers shall be placed for collection in accordance with the following:

a.

Garbage Carts and Yard Waste Containers shall be placed at the Collection Point no earlier than 3:00 p.m. on the day preceding the day upon which collection is customarily made.

b.

Garbage Carts and Yard Waste Containers shall be removed from the Collection Point on the same day collection is scheduled to occur.

c.

Garbage Carts and Yard Waste Containers shall be placed within two (2) feet of the street curb or edge of road right-of-way [in front of any fence or other barrier or enclosure] and readily accessible from the street or alley where collection service is rendered.

d.

Garbage must be placed in the Garbage Cart provided by the Solid Waste Authority of Palm Beach County.

e.

Garbage Carts and Yard Waste Containers shall be placed at least three (3) feet from any obstruction including, without limitation, automobiles, trailers, motor homes, fences, lampposts, mailboxes, or fire hydrants and in front of any fence or other barrier or enclosure if any.

f.

Garbage Carts and Yard Waste Containers shall be placed in a manner that provides the collector with unimpeded access.

g.

Except when placed for collection service in accordance with subsection 25-1(c)(1)a.—f. above, Garbage Carts and Yard Waste Containers shall be placed in a storage location within, adjacent to, or behind a structure, building, fence, landscaping, or other barrier which substantially screens the view of the Garbage Carts and Yard Waste Containers from the street or public right-of-way.

h.

Yard Waste must be under six (6) feet in length per piece, under six (6) inches in diameter per piece, and under fifty (50) pounds in weight per container or piece with the exception of palm fronds, which may be any size as long as neatly stacked at the Collection Point.

(2)

It is the responsibility of the property owner, occupant, tenant, lessee and agent to comply with these regulations.

(3)

Properties where Garbage Carts or Yard Waste Containers are confined to a designated collection area and are secured from accidental dislodging or disturbance are exempt from restrictions contained in subsection 25-1(c)(1)g., e.g., fenced areas for Garbage Carts with street facing openings.

(4)

Only Yard Waste below the Maximum Allowable Yard Waste Volume shall be placed at the Collection Point within the placement period described in subsection 25-1(c)(1)a.

(5)

In the event Yard Waste in excess of the Maximum Allowable Yard Waste, Non-Conforming Yard Waste or Non-Conforming Waste is placed at the Collection Point, no part or portion of such waste will be removed by the Solid Waste Authority of Palm Beach County or the hauler contracted by the Solid Waste Authority of Palm Beach County; instead, the entire curbside accumulation will remain at the Collection Point and may be tagged with instructions regarding removal. The property owner and any other party identified in subsection 25-1(c)(2) shall be responsible for causing the removal of such Yard Waste, Non-Conforming Yard Waste, or Non-Conforming Waste.

(6)

Exemptions. The prohibitions contained in this Section shall not apply to storm generated debris resulting from a hurricane or other natural disaster.

(d)

Enforcement, penalties and citation procedures.

(1)

This Section may be enforced by any officer of the Code Enforcement Division of Palm Beach County ("County") or an inspector of the Solid Waste Authority of Palm Beach County ("SWA").

(2)

It shall be unlawful for any person to fail, neglect, or refuse to comply with and abide by each provision of this Section. The performance on each day of any prohibited act or practice, or the failure to perform on each day any required act or practice shall constitute a separate offense and shall be punishable as such.

(3)

Applicability. This section shall be applicable in the unincorporated areas of Palm Beach County.

(4)

The violation of any provision of this Section may be enforced pursuant to the procedures and penalties of F.S. § 162.01 et seq. and Article 10 of the Palm Beach County Unified Land Development Code.

(5)

The provisions of this Section may also be enforced pursuant to [Chapter 8.5](#), Article II, of the Palm Beach County Code (the "Code Enforcement Citation Ordinance of Palm Beach County, Florida") and shall be punishable as set forth therein.

(6)

In addition to the sanctions contained herein, the County or SWA shall be authorized to take any other appropriate legal action, including, but not limited to, seeking cease and desist orders, instituting other administrative actions, and requesting temporary and permanent injunctions to enforce the provisions of this Section. It is the purpose of this Section to provide additional and cumulative remedies.

(Ord. No. 96-9, §§ 2—7, 3-19-96; Ord. No. [2019-022](#), art. 1, 6-18-19)

Sec. 25-2. - 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:

Biological waste means solid waste that causes or has the capability of causing disease or infection and includes, but is not limited to, biomedical waste, diseased or dead animals, and other wastes capable of transmitting pathogens to human or animals. The term does not include human remains that are disposed of by persons licensed under Chapter 470, Florida Statutes.

Biomedical waste means any solid 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; discarded disposable sharps; human blood, and human blood products and body fluids; and other materials which in the opinion of the department of health and rehabilitative services represent a significant risk of infection to persons outside the generating facility. The term does not include human remains that are disposed of by persons licensed under Chapter 470, Florida Statutes.

Clean debris means any solid waste which is virtually inert and which is not a pollution threat to groundwater or surface waters and is not a fire hazard and which is likely to retain its physical and chemical structure and expected conditions of disposal or use. The term includes uncontaminated concrete, including embedded pipe or steel, brick, glass, ceramics and other wastes designated by the department.

Construction and demolition debris means materials generally considered to be not water soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard and lumber, from the construction or destruction of a structure as part of a construction or demolition project and including rocks, soils, tree remains, trees and other vegetative matter which normally results from land clearing or land development operations for a construction project, including such debris from construction of structures at a site remote from the construction or demolition project site. Mixing of construction and demolition debris with other types of solid waste, including material from a construction or

demolition site which is not from the actual construction or destruction of a structure, will cause it to be classified as other than construction and demolition debris.

County means Palm Beach County, Florida.

County landfill means any landfill or disposal facility owned or operated by the county or the solid waste authority.

Hazardous waste means solid waste, or a combination of solid wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible 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. The term does not include human remains that are disposed of by persons licensed under Chapter 470, Florida Statutes.

Land disposal means any placement of hazardous waste in or on the land and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt bed formation, salt dome formation, or underground mine or cave, or placement in a concrete vault or bunker intended for disposal purposes.

Recovered materials means metal, paper, glass, plastic, textile or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. Recovered materials as described above are not solid waste.

Recyclable material means those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.

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.

Sludge includes 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 waste disposal appurtenances.

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 above are not solid waste.

Solid waste authority means the solid waste authority of Palm Beach County, Florida, created by Chapter 75-473, Laws of Florida, as amended.

Solid waste disposal facility means any solid waste management facility which is the final resting place for solid waste, including landfills and incineration facilities that produce ash from the process of incinerating municipal solid waste.

Solid waste management means the process by which solid waste is collected, transported, stored, separated, processed, or disposed of in any other way, according to an orderly, purposeful and planned program, which includes closure and long-term maintenance.

Solid waste management facility means any solid waste disposal area, volume reduction plant, transfer station, materials recovery facility or other facility, the purpose of which is resource recovery or the disposal, recycling, processing or storage of solid waste. The term does not include recovered materials processing facilities which meet the requirements of Florida Statutes 403.7046(4), except the portion of such facilities, if any, that is used for the management of solid waste.

Special wastes means solid wastes that can required special handling and management, including, but not limited to, white goods, waste tires, used oil, lead-acid batteries, construction and demolition debris, ash residue, yard trash and biological wastes.

White goods includes inoperative and discarded refrigerators, ranges, water heaters, freezers and other similar domestic and commercial large appliances.

Yard trash means vegetative material from landscaping, maintenance or land clearing operations.

Words not defined herein shall have the meaning as defined in Chapter 403, Part IV, Florida Statutes, as amended or succeeded.

(Ord. No. 98-2, §§ 1—7, 1-13-98)
Sec. 25-3. - Franchise required.

It shall be unlawful for any person to carry on the business of collection, removal and disposal of solid waste or of residential recyclable material in the unincorporated areas of the county without first having been granted a franchise as authorized by the solid waste authority.

(Ord. No. 98-2, §§ 1—7, 1-13-98)

Sec. 25-4. - Compliance with rules and regulations.

It shall be unlawful for any person to fail to comply with rules and regulations under this article adopted by the board of county commissioners.

(Ord. No. 98-2, §§ 1—7, 1-13-98)

Sec. 25-5. - Hazardous, biological or biomedical waste.

It shall be unlawful for any person to dispose of any hazardous, biological or biomedical waste at any county landfill site.

(Ord. No. 98-2, §§ 1—7, 1-13-98)

Sec. 25-6. - Unauthorized removal of material or scavenging.

(a)

It shall be unlawful for any person to remove any material from a county landfill site without the prior written approval of the county or the solid waste authority.

(b)

It shall be unlawful for any person to enter upon a county landfill site, for the purpose of scavenging, without approval of the county or the solid waste authority.

(c)

It shall be unlawful for any person to scavenge or to remove without written authorization from the county or solid waste authority, any recyclable material or recovered material set out by residents of the unincorporated areas of the county for collection under any county or solid waste authority recycling program.

(Ord. No. 98-2, §§ 1—7, 1-13-98)

Sec. 25-7. - Compliance with permits.

It shall be unlawful for any person to fail to comply with the terms of any permit issued to him for the use of a county landfill.

(Ord. No. 98-2, §§ 1—7, 1-13-98)