

AN ORDINANCE RELATING TO LITTER; PROHIBITING CERTAIN DISPOSITIONS OF LITTER, INCLUDING PROHIBITING THE DISPOSAL OF LITTER ON PUBLIC AND PRIVATE PROPERTY EXCEPT IN PUBLIC LITTER RECEPTACLES OR IN AUTHORIZED PRIVATE LITTER RECEPTACLES AND ALSO PROHIBITING THE DISPOSAL OF LITTER IN UNAUTHORIZED PRIVATE LITTER RECEPTACLES; PROVIDING DEFINITIONS AND PRESUMPTIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAVANA, FLORIDA:

SECTION 1. When adopted this ordinance shall be known as the Litter Ordinance of the Town of Havana and shall be enforced in conjunction with Ordinance No. 250 which is known as the Refuse Collection Ordinance of the Town of Havana and with Ordinance No. 199 which is known as the Nuisance Ordinance of the Town of Havana.

SECTION 2. DEFINITIONS: The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them as follows, except where the context clearly indicates a different meaning:

(a) "Bulky Waste" means items of solid waste, such as appliances and furniture.

(b) "Commercial or Industrial Waste" means waste accumulation including but not limited to metal, metal products, minerals, chemicals, rock, tar, oil, grease, grass, crockery, rubber, tires, bottles, cans, lumber, sawdust, waste from animal packing or slaughter houses or other materials usually created by commercial or industrial enterprises.

(c) "Construction and Demolition Waste" means the waste, building materials, and rubble resulting from construction, remodeling, repair, and demolition operations on houses, commercial buildings, pavements, and other structures.

(d) "Governing Body" means the Town Council of the Town of Havana, Florida.

(e) "Hazardous Waste" means any hazardous, toxic, or radioactive waste or substance as defined by applicable federal, state, or local laws, ordinances or regulations.

(f) "Household Waste" means garbage and refuse.

1. "Garbage" means all kitchen and table food waste

and animal or vegetable waste that is attendant with or results from the storage, preparation, cooking, or handling of food materials, including byproducts of the preparation or packaging of such foods or other matter.

2. "Refuse" means accumulations of rubbish, such as paper, sweepings, dust, rags, bottles, cans, and other waste material of any kind usually attendant to a domestic household or house-keeping.

(g) "Law Enforcement Officer" means any law enforcement officer of the Town of Havana or any law enforcement officer of the Gadsden County Sheriff's Department, the Department of Natural Resources, the Game and Fresh Water Fish Commission, or the State of Florida or any political subdivision thereof.

(h) "Litter" means all waste materials, including, but not limited to, bulky waste, commercial or industrial waste, construction and demolition waste, hazardous waste, household waste, including garbage and refuse, solid waste, and yard waste, thrown or deposited as prohibited herein.

(i) "Litter Receptacle" means a mechanical container, a roll-off container, or any other disposal container provided by the Town, which containers are constructed or placed for use as a depository for litter.

(j) "Mechanical Container" means a container with a volume of two cubic yards or greater and which is emptied into a front-end loader truck. The words "mechanical container" are synonymous with "dumpster".

(k) "Person" means any natural person, corporation, partnership, association, firm, receiver, guardian, trustee, executor, administrator, fiduciary, or representative or group of individuals or entities of any kind.

(l) "Private Property" means property owned by any person as defined herein, including but not limited to, yards, grounds, driveways, entrances or passageways, parking areas, storage areas, any body of water, vacant land, and recreation facilities.

the governing body hereby appoints the Chief of Police of the Town of Havana as the official who is charged and provided with the authority to administer this ordinance and to enforce the regulations and procedures contained herein. In the performance of his duties, the Chief of Police or his designee may enter upon any land at reasonable times and make surveys and examinations upon reasonable notification to the property owner or person(s) described in Section 3 above.

(b) Any person who violates any provision of this ordinance shall be guilty of a misdemeanor and shall upon conviction thereof be punished by fine not exceeding \$500.00 or by imprisonment not to exceed sixty (60) days or both such fine and imprisonment. Each day of violation after written notice shall constitute a separate offense.

(c) The governing body shall have the right to bring an immediate civil action to enjoin or restrain any violator from continuing any action which is proceeding in violation of this ordinance. In the event the violator is found by the court to be in violation hereof, the violator shall be required to pay the governing body's costs and reasonable attorney fees incurred in bringing the civil action. This action shall be in addition to any criminal action authorized herein.

SECTION 6. LEGAL STATUS.

(a) **Conflict With Other Instruments.** In case of conflict between this ordinance or any part hereof and the whole or part of any existing or future ordinance of the Town or the whole or part of any existing or future private covenant or deeds, the most restrictive in each case shall apply.

(b) **Separability Clause.** Should any article, section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decisions shall not affect the validity of this ordinance as a whole or any part thereof other than the parts so declared to be unconstitutional or invalid.

SECTION 7. CODIFICATION. It is the intent of the Town Council of the Town of Havana, Florida, that this ordinance amend the Code of Ordinances of the Town of Havana and be codified for

inclusion therein.

SECTION 8. EFFECTIVE DATE. This ordinance shall take effect immediately upon passage and approval hereof pursuant to applicable law.

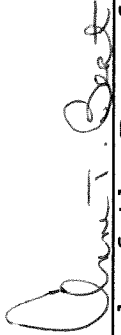
INTRODUCED in open session of the Town Council of the Town of Havana, Florida, this 28th day of April, A.D. 1992.

ADOPTED AND PASSED in open session of the Town Council of the Town of Havana, Florida, this 26th day of May, A.D. 1992.



Presiding Officer of the Town
Council of the Town of Havana,
Florida

ATTEST:



Clerk of the Town of Havana and
Clerk of the Town Council thereof