

TOWN OF REDDICK SOLID WASTE ORDINANCE

ARTICLE 1. LITTER AND JUNK

Sec. 1-1. Littering.

(a) *Definitions.* The following shall have the meanings ascribed to them except where the context clearly indicates a different meaning:

- (1) *Law enforcement officer* means any officer of the Florida Highway Patrol, county sheriff's departments, and solely for the purposes of this section, "last enforcement officer" means any Reddick Town Council official.
- (2) *Litter* means any garbage; rubbish; trash; refuse; can; bottle; box; container; paper; tobacco product; tire; appliance; mechanical equipment or part; building or construction material; tool; machinery; wood; motor vehicle or motor vehicle part; unserviceable mobile home or travel trailer; vessel; aircraft; farm machinery or equipment; or substance in any form resulting from domestic, industrial, commercial, or agricultural.
- (3) *Litter receptacle* means a container with a capacity of not less than ten (10) gallons, constructed and placed for use as a depository for litter.
- (4) *Person* means any individual, corporation, sole proprietorship, partnership, association, firm, receiver, guardian, trustee, executor, administrator, fiduciary, or representative, or unincorporated association or group of individuals or entities of any kind.
- (5) *Private property* means any real estate owned by any person.
- (6) *Public property* means any area that is used or held out for use by the public, whether owned or operated by public or private interests.
- (7) *Vehicle* means every device capable of being moved upon a public highway or public waterway and by which any person or property may be transported upon a public street or waterway.

(b) *Inferences.* The following inferences shall apply in the enforcement of this section, but shall be rebuttable by competent evidence:

- (1) When a violation of any of the provisions of this section has been observed by any person, and the litter has been ejected from a vehicle, that fact shall constitute prima facie evidence that the owner or operator of such motor vehicle was the person who ejected such litter.
- (2) Any article of litter bearing a person's name or address, shall constitute prima facie evidence that said litter is the property of such person, and shall constitute prima facie evidence that such person placed or caused to be placed such article of litter where found.

(c) *Violations.*

- (1) It is unlawful for any person to dispose of litter upon any property within The Town of Reddick, except in public litter receptacles or authorized private litter receptacles provided for public use.
- (2) It shall be unlawful to drive or move any vehicle on any street unless such vehicle is constructed or loaded to prevent any of its load from escaping therefrom; provided, that sand or any substance may be applied on a roadway in the cleaning or maintaining of such roadway by a government agency.

(d) *Enforcement.* It shall be the duty of all law enforcement officers to enforce the provisions of this section, and county code inspectors are also authorized to issue citations and initiate prosecutions.

(e) *Penalty.* Any person who violates the provisions of this section is guilty of a misdemeanor of the second degree punishable as provided by Florida statutes. The court may impose the additional penalties of picking up litter or performing other labor commensurate with the offense committed.

Sec. 1-2. Accumulation of junk; unserviceable vehicles.

(a) *Legislative findings.* The Reddick Town Council hereby finds that the accumulation of junk and the storage of unserviceable vehicles on privately-owned lands creates health hazards and attractive nuisances and impairs the economic welfare of adjoining properties. Such accumulation of junk and storage of unserviceable vehicles is hereby prohibited and declared to be a public nuisance.

(b) *Definitions.* The following shall have the meanings ascribed to them as follows, except where the context clearly indicates a different meaning:

(1) All these defined in section 1-1 of this Code shall have the same meanings when used in this section.

(2) "Junk" means any litter, debris, waste materials of any kind, dead or decaying vegetation or vegetative refuse, dead animals, used or unserviceable automobile and machinery parts, used and nonfunctional furniture and appliances, and used and nonfunctional tools, equipment, and implements, but shall not include compost piles for normal, personal, noncommercial use.

(3) "Unserviceable vehicle" means any vehicle which is required to be licensed by the state if used on public streets and which remains for a period of thirty (30) days in such condition that it cannot be started or moved under its own power, or in its normal and usual manner, without repair or the addition of parts, but does not include any licensed automobile which is more than twenty (20) years old and is undergoing active repair or restoration for display, use, or sale as an antique.

(c) *Violations.*

(1) It shall be unlawful for the owner of any land in The Town of Reddick to permit or to cause thereon any accumulation of junk within fifty feet of the boundaries of such owner's land, except for junk stored in enclosed litter receptacles or completely enclosed buildings; except for junk which

will not fit into standard-sized litter receptacles and which is set out for no more than ninety-six (96) hours for pickup and removal.

(2) It shall be unlawful for the owner of any land in The Town of Reddick to cause or permit to be stored thereon, within fifty feet of any boundary of such owner's land, any unserviceable vehicle, except for unserviceable vehicles stored on the premises of a lawfully established and maintained vehicle repair business; or vehicles stored within a completely enclosed building.

(3) It shall be unlawful for any owner, agent, contractor, or other person in charge of a construction, demolition, or development site to cause or permit the accumulation of junk or litter thereon, except in enclosed litter receptacles; to fail to furnish on-site litter receptacles; or to leave unused construction materials on the site for more than seven (7) days after the completion of the development, demolition, or construction or the expiration of the permit therefor.

(d) *Enforcement.* The provisions of this section shall be enforced by law enforcement officers as designated in Sec. 1-1.

(e) *Penalty.* Any person who violates the provision of this section is guilty of a misdemeanor of the second degree punishable as provided by Florida statutes.

Sec. 1-3 Enforcement proceedings.

(a) Upon proof of violation of these codes The Town of Reddick shall notify the owner of the property on which the violation exists by certified mail at such owner's last known mailing address. The notice shall afford the owner thirty (30) calendar days from receipt of the notice to remedy the violation or request a hearing at the first available Town Council Meeting. In the event the property owner does not remedy the violation according to the above proceedings, The Town of Reddick shall notify the County Code Enforcement Department of said violation and request the county proceed with enforcement according to Sec. 16-3 of the Marion County Solid Waste Ordinance.