

TOWN OF REDDICK  
ORDINANCE 2021-001

Solid Waste/Junk and Litter Control Ordinance

It is the expressed intent of the Town of Reddick Town Council by this Ordinance to promote a clean, healthy, safe, and attractive environment in which residents of the Town can live. The purpose of this Ordinance is to protect the health, safety, environment, and welfare through the regulation and prevention of litter. The objectives of this ordinance are to provide for uniform prohibition throughout the Town of Reddick of any and all littering on public and private property.

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** includes any law enforcement officer, as defined under s. 943.10(1), whose jurisdiction includes the Town of Reddick, including the Sheriff of Marion County and his deputies, and any officer of the Florida Highway Patrol, the Department of Environmental Protection, or the Fish and Wildlife Conservation Commission. "Law enforcement officer" also includes any Reddick Town Council official, code enforcement officers of the Town of Reddick, and code enforcement officers of Marion County.
  - 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 for any person to drive or move any vehicle on any street unless such vehicle is constructed or loaded to prevent any of its load from dropping, sifting, leaking, spilling, or otherwise 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 *in accordance with the alternate enforcement proceedings set forth in Section 1.3 below.*

(e) **Penalty.** Any person who violates the provisions of this section is guilty of a misdemeanor of the second degree punishable as provided by sections 775.082 or 775.083, Florida Statutes. If a person who violates this ordinance is sentenced to a term of probation, the court may impose community service, including picking up litter, as a condition of probation, in accordance with section 948.031, Florida Statutes.

## 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 the boundaries of such owner's land, except for junk stored in enclosed litter receptacles or completely enclosed buildings, or 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, 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 therefore.
- (d) **Enforcement.** It shall be the duty of all law enforcement officers to enforce the provisions of this section. As an alternative, Marion County code inspectors are also authorized to issue citations and initiate prosecutions in accordance with the alternate enforcement proceedings set forth in Section 1.3 below..
- (e) *Penalty.* Any person who violates any provision of Section 1-2(c) of this ordinance is guilty of a misdemeanor of the second degree punishable as provided by sections 775.082 or 775.083, Florida Statutes. If a person who violates this ordinance is sentenced to a term of probation, the court may impose community service, including picking up litter, as a condition of probation, in accordance with section 948.031, Florida Statutes.

Sec. 1-3 Alternate 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. This 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.