

PROPOSED

ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PERTAINING TO WASTE LIMITATION; AMENDING
3 SECTION 14-2 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE");
4 PROHIBITING OPERATORS OF SOLID WASTE MANAGEMENT FACILITIES FROM
5 LANDFILLING CERTAIN SPECIFIED WASTE; AND PROVIDING FOR SEVERABILITY,
6 INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

7 (Sponsored by Mayor Beam Furr)

8
9 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
10 BROWARD COUNTY, FLORIDA:

11 Section 1. Section 14-2 of the Broward County Code of Ordinances is hereby
12 amended to read as follows:

13 **Sec. 14-2. Regulations generally.**

14 (a) *Purpose and Intent.* It is the purpose and intent of this section to exercise
15 the police powers of the county and authority granted to the county pursuant to
16 Chapter 403, ~~F.S.~~ Florida Statutes, to plan for and regulate the disposal of processable
17 waste in the most feasible and environmentally safe manner and to conserve the limited
18 landfill capacity available in Broward County. In order to accomplish these goals and the
19 duties and obligations imposed on the county by law, all operators of solid waste
20 management facilities shall be prohibited from landfilling within Broward County: (i) any
21 processable waste in excess of one thousand (1,000) tons per day at any facility so long

22 as there exists capacity at any operating resource recovery facilities in the county ~~which~~
23 that are available to accept and dispose of processable waste; and (ii) "garbage," as that
24 term is defined in Rule 62-701.200, Florida Administrative Code, within any portion of the
25 solid waste management facility that is located above an elevation of
26 two hundred twenty-five (225) feet National Geodetic Vertical Datum (NGVD), except
27 during a disaster declared by any level of government, including federal, state, or local,
28 or as directed by the County following an express finding by the Board of County
29 Commissioners that the landfilling of "garbage" as would otherwise be prohibited is in the
30 best interests of the public. Nothing herein shall prohibit the landfilling of "Class III waste,"
31 "construction and demolition debris," "sludge" (excluding liquid sludge), "ash residue,"
32 "bottom ash," or "fly ash," as those terms are defined in Rule 62-701.200, Florida
33 Administrative Code, or nonhazardous soils.

34 . . .

35 Section 2. Severability.

36 If any portion of this Ordinance is determined by any court to be invalid, the invalid
37 portion will be stricken, and such striking will not affect the validity of the remainder of this
38 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
39 legally applied to any individual, group, entity, property, or circumstance, such
40 determination will not affect the applicability of this Ordinance to any other individual,
41 group, entity, property, or circumstance.

42 Section 3. Inclusion in the Broward County Code of Ordinances.

43 It is the intention of the Board of County Commissioners that the provisions of this
44 Ordinance become part of the Broward County Code of Ordinances as of the effective

45 date. The sections of this Ordinance may be renumbered or relettered and the word
46 "ordinance" may be changed to "section," "article," or such other appropriate word or
47 phrase to the extent necessary to accomplish such intention.

48 Section 4. Effective Date.

49 This Ordinance is effective as of the date provided by law.

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By: /s/ Alexis Marrero Koratich 11/19/2024
Alexis Marrero Koratich (date)
Assistant County Attorney

By: /s/ Maite Azcoitia 11/19/2024
Maite Azcoitia (date)
Deputy County Attorney

AIK/gmb
Waste Limitation Ordinance
11/19/2024
#70056.0070

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.