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Donald C. Spencer, Clerk
Santa Rosa County, Florida

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Trans # 689032

ORDINANCE NO. 2016 - 22

AN ORDINANCE RELATING TO SANTA ROSA COUNTY; ESTABLISHING THE BEAR WISE SAFETY ORDINANCE; CREATING SECTION 18-68 SANTA ROSA COUNTY FLORIDA CODE; REQUIRING THAT GARBAGE CARTS BE SECURED FROM BEAR INTRUSION; ALLOWING FOR USE OF COUNTY APPROVED, BEAR RESISTANT CARTS; REQUIRING NON-BEAR RESISTANT CARTS TO BE PROPERLY SECURED TO PREVENT BEAR INTRUSION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 1 of the Florida Constitution and Chapter 125, Florida Statutes, the County is authorized to protect the public health, safety, and welfare of its residents;

WHEREAS, according to the Florida Fish and Wildlife Conservation Commission (FWC), black bears have recovered from population declines;

WHEREAS, as a consequence of this recovery, there has been an increase in human-bear interactions within urban and rural areas;

WHEREAS, black bears are attracted to unsecured garbage containers, and the majority of interactions are associated with unsecured garbage containers; and

WHEREAS, the Board of County Commissioners finds that it is in the best interests of the citizens of Santa Rosa County to enact these provisions.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA ROSA COUNTY, FLORIDA, THAT:

SECTION 1. This Ordinance shall be known and may be cited as "Bear Wise Safety Ordinance". The Board does hereby establish a Bear Wise area for the enforcement of this Ordinance. The area shall be all of that portion of South Santa Rosa County described as follows and depicted on the attached map:

That portion of the unincorporated area of Santa Rosa County lying south and west of Eglin Air Base.

SECTION 2. Section 18-68 of the Santa Rosa County Florida Code is created as follows:

Garbage cart rules, use of Garbage Carts, and set-out Procedures are as follows:

(a) All Customers in the Bear Wise area of Santa Rosa County shall place all of their Garbage and Rubbish in their Garbage Cart in order to receive Residential Collection Service.

Customers shall not put Yard Trash in their Garbage Cart and shall place Recycling in their Recycling Cart.

(b) Customers shall place their Garbage Cart at the curbside, unless an alternative location is agreed upon by the Customer and the Franchisee, on the Scheduled Collection Day prior to six o'clock (6:00) a.m.

(c) All Garbage must be placed inside the Garbage Cart, and no Garbage placed outside the Garbage Cart will be picked up.

(d) A Customer shall not place their Garbage and Rubbish in another person's Garbage Cart or disposal container, or set out Garbage and Rubbish for collection on property not owned or occupied by the Customer.

(e) A Customer shall only set out for collection the Garbage and Rubbish that is generated at the Customer's dwelling.

(f) Customers are responsible for removing their Garbage Carts from the right-of-way, replacing them on their property and properly securing them by ten o'clock (10:00) p.m. on the day of Collection Service.

(g) Customers shall have the option of using a County approved, bear resistant Garbage Cart, if available. Non bear resistant Garbage Carts containing household garbage shall be secured from bear intrusion until the Cart is permitted to be placed Curbside for Collection.

SECTION 2. CODIFICATION. The provisions of this ordinance shall become and be made a part of the code of laws and ordinances of the County of Santa Rosa. The sections of this ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

SECTION 4. EFFECTIVE DATE. A copy of this Ordinance shall be filed in the office of the Secretary of State within ten (10) days of enactment and shall take effect upon said filing.

PASSED AND ADOPTED by a vote of 3 yeas and 0 nays and 1 absent of the Board of County Commissioners of Santa Rosa County, Florida, on the 13th day of October, 2016.

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BOARD OF COUNTY COMMISSIONERS
SANTA ROSA COUNTY, FLORIDA

By: _____
Chairman

ATTEST:

Donald C. Spencer
Clerk of Court

I, Donald C. Spencer, Clerk of Court of Santa Rosa County, Florida, do hereby certify that the same was adopted and filed of record and sent electronically to the Secretary of the State of Florida, on this 13th day of October, 2016.

Donald C. Spencer
Donald C. Spencer, Clerk of Court

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Bear Wise Safety Area