



**Bay County Board of County Commissioners
Agenda Item Summary**

Revisions to Chapter 22 of the BOCC Code of Ordinances

DEPARTMENT MAKING REQUEST/NAME:

County Attorney
Brian Leebrick, County Attorney

MEETING DATE:

December 16, 2025

REQUESTED MOTION/ACTION:

Board to hold a public hearing and adopt changes to Chapter 22 of the Code of Ordinances related to solid waste.

AGENDA

Public Hearing

BUDGETED ITEM?

BUDGET ACTION:

FINANCIAL IMPACT SUMMARY
STATEMENT:

BACKGROUND:

Chapter 22 of the Code of Ordinances addresses Solid Waste. Provisions in Section 22-1 regarding visibility of refuse containers and compactors along certain roads are being moved to Chapter 15. A provision in Section 22-2 from 2008 which imposed a temporary moratorium on construction and debris landfills is deleted. The litter control provisions in Article II of Chapter 22 were deemed duplicative of state law and are removed. Provisions in Article III of Chapter 22 that related to an annual disposal special assessment or a resource recovery system (the incinerator) are removed. Provisions in Article III and IV of Chapter 22 that compelled residents to use the resource recovery system are removed. A reference in Section 22-93 to the closed Majette Tower South landfill is updated to refer to the current Steelfield Road facility. Article V of Chapter 22 is revised to reflect that the county does not currently require permits for recyclable materials dealers, and that the state now certifies recovered materials dealers.

ATTACHMENTS:

Description

Type

Proposed Revisions to Chapter 22

Proposed Revisions to Chapter 22 Exhibit

Proposed Revisions to Chapter 22 BIS

ORDINANCE _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BAY COUNTY, FLORIDA, RELATING TO SOLID WASTE; SECTION 21-1, RELATED TO VISIBILITY OF REFUSE CONTAINERS AND COMPACTORS ALONG CERTAIN ROADS, IS TRANSFERRED TO SECTION 15-26 AND AMENDED TO ADD A REFERENCE TO NAVY BOULEVARD; DIVISION 1, ARTICLE 2, CHAPTER 22, RELATED TO LITTER CONTROL, IS DELETED INCLUDING SECTION 22-32, ALLOWING LOANS TO ESCAPE FROM VEHICLES, AN 22-23, EVIDENCED CREATING INFERENCE OF RESPONSIBILITY FOR LITTER; SECTION 22-2, RELATED TO A TEMPORARY MORATORIUM ON CONSTRUCTION AND DEMOLITION DEBRIS LANDFILLS, IS DELETED; SECTIONS 22-83 AND 22-85 RELATED TO THE COUNTY SOLID WASTE DISPOSAL AND RESOURCE RECOVERY SYSEM, ARE DELETED; SECTION 22-86, RELATED TO PROPERTY LEASEED TO THE GOVERNMENT, IS DELETED; SECTION 22-87, RLATED TO SPECIAL ASSESSMENTS ON TAX EXEMPT PROPERTY, IS DELETED; SECTION 22-88, RELATED TO THE DUTY OF DELIVER WASTE, IS DELETED; SECTION 22-92, RELATED TO THE ROLE OF THE PROPERTY APPRAISER, CLERK, AND TAX COLLECTOR REGARDING A TAX ASSESSMENT, IS DELETED; SECTION 22-148, RELATED TO DISPOSAL CONTROL, IS DELETED; SECTIONS 22-201 AND 22-202, PROVIDING A SHORT TITLE AND DEFINITIONS FOR ARTICLE V, RELATED TO DEALERS OF RECYCLED MATERIAL, ARE DELETED; SECTION 22-204, RELATED TO PERMITS FOR RECYCLABLE MATERIALS DEALERS, IS DELETED; SECTIONS 22-81, RELATED TO DEFINITIONS RELATED TO THE COUNTY'S SOLID WASTE AND RECOURSE RECOVERY SYSTEM, AND 22-82, RELATED TO FINDINGS THEREOF, ARE MODIFIED TO REMOVE OR MODIFY PROVISIONS THAT ARE NO LONGER APPLICABLE; SECTIONS 22-91 AND 22-150 ARE AMENDED TO REMOVE REFERENCE TO THE RESOURSE RECOVERY SYSTEM; SECTION 22-93 IS AMENDED TO REFER TO THE COUNTY'S CURRENT

LANDFILL AT STEELFIELD ROAD; SECTION 22-149 IS AMENDED TO MODIFY THE REQUIREMENT OF RELATED TO USE OF COUNTY SOLID WASTE FACILITIES; SECTION 22-204, RELATED TO PERMITS FOR RECYCLABLE MATERIALS DEALERS IS DELETED; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AREA ENCOMPASSED; AND PROVIDING AN EFFECTIVE DATE AND INCLUSION IN THE CODE OF ORDINANCES.

THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BAY COUNTY, FLORIDA:

SECTION 1. TRANSFER AND AMENDMENT. Article II, Chapter 15 is renamed “Miscellaneous Offenses”. Section 22-1, Visibility of refuse containers and compactors along certain roads, is transferred to section 15-26 under Article II, Chapter 15. Paragraph (b)(1) of that Section is amended as follows:

(1) County Road 3031 (Thomas Drive or Navy Boulevard);

SECTION 2. DELETIONS. Division 1, Article 2, Chapter 22, including Sections 22-32 and 22-32 are deleted. Sections 22-2, 22-83, 22-85, 22-86, 22-87, 22-88, 22-92, 22-148, 22-201, 22-202, and 22-204 are deleted.

SECTION 3. AMENDMENT. Portions of Articles III, IV, and V, Chapter 22, is amended as shown on Exhibit 1 (additions underlined, deletions ~~struck through~~).

SECTION 4. APPLICABILITY.

It is hereby intended that this Ordinance shall constitute a uniform law applicable in all unincorporated areas of Bay County, Florida.

SECTION 5. SEVERABILITY.

If any portion of this Ordinance is for any reason held invalid or declared to be unconstitutional, inoperative, or void by any court of competent jurisdiction, such holdings shall not affect the validity of the remainder of this Ordinance.

SECTION 6. RESOLUTION OF CONFLICT OF LAWS.

In all instances where Florida law, as evidenced by the Florida Administrative Code, Florida Statutes, applicable case law or otherwise, mandates standards or requirements that are stricter than the provisions of this Ordinance, or where a matter is addressed by Florida law that is not addressed by this Ordinance, then said law shall govern. In situations where this Ordinance addresses a matter in a manner that is stricter than that of Florida law, the provisions of this Ordinance shall control.

SECTION 7. INCLUSION IN THE BAY COUNTY CODE.

The provisions of this Ordinance shall be included and incorporated in the Bay County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Bay County Code, once established.

SECTION 8. FILING OF ORDINANCE.

In accordance with the provisions of § 125.66, Fla. Stat., a certified copy of this Ordinance shall be filed with the Florida Department of State.

SECTION 9. EFFECTIVE DATE.

This Ordinance shall become effective immediately upon filing with the Florida Department of State.

DULY ADOPTED in regular session this ____ day of _____ 2025.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
BAY COUNTY, FLORIDA**

Bill Kinsaul, Clerk

Clara Y. Pease, Chairman

APPROVED AS TO FORM:

Bay County Attorney's Office

Chapter 22 SOLID WASTE¹

ARTICLE III. COUNTY SOLID WASTE DISPOSAL ~~AND RESOURCE RECOVERY~~ SYSTEM²

DIVISION 1. GENERALLY

Sec. 22-81. Definitions.

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

~~Act means Laws of Fla. ch. 83-370.~~

~~Annual disposal special assessment means the annual assessment imposed upon parcels of real property for the disposal of solid waste for the applicable year based upon the classification of use of such parcel of property as specified in the rate resolution.~~

~~Annual disposal special assessment roll means the list prepared by the property appraiser and confirmed by the board of county commissioners each year, containing a summary description of each parcel of real property within the county, the name and address of the owner of each such parcel as indicated on the records maintained by the property appraiser, and the assessment authorized by this article against each parcel.~~

~~Bond ordinance means Ordinance No. 84-07, enacted by the county, authorizing the bonds.~~

~~Bonds means the \$60,000,000.00 adjustable rate resource recovery bonds, series 1984, issued by the county.~~

~~Governmental agencies means all state, federal or local agencies or units of government located within the county, including but not limited to the United States, the county, the school district, all municipalities within the county, and any special districts and municipal service taxing units which own improved real property within the county.~~

Hazardous waste means waste, or a combination of wastes, which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or

¹Cross reference(s)—Health and social services, ch. 11; local sales tax to support solid waste activity, § 14-3; nuisances, ch. 17; utilities, ch. 25; local laws relating to solid waste disposal and resource recovery, app. B, § 301 et seq.

State law reference(s)—Authority to act in the common interest of the people of the county and exercise all powers and privileges not specifically prohibited (all in manner not inconsistent with law), F.S. § 125.01(1)(w).

²State law reference(s)—Resource recovery and management, F.S. § 403.702 et seq.; local government solid waste responsibilities, F.S. § 403.706.

otherwise managed. These materials may include, but not be limited to, volatile, chemical, biological, explosive, flammable, radioactive and toxic materials.

~~*Municipality* means any municipality within the boundaries of the county.~~

~~*Owner* means the person owning an interest in real property located within the county.~~

~~*Property appraisal adjustment board* means the property appraisal adjustment board established for the county pursuant to F.S. ch. 194 or other law of similar import.~~

~~*Property appraiser* means the property appraiser of the county.~~

~~*Rate resolution* means the resolution adopted by the board of county commissioners under the provisions of section 22-111 incorporating a schedule of annual special assessments to be imposed upon the owners of all real property in the county.~~

~~*Resource recovery facility* means the solid waste disposal and resource recovery facilities, including steam products and electrical generating facilities, which are a part of the solid waste disposal and resource recovery system and which are financed by the bonds.~~

Solid waste means garbage, refuse and other discarded solid materials, including solid waste materials resulting from industrial, commercial or agricultural operations, governmental operations, and community activities, but does not include solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows, other common water pollutants or special wastes, or any by-products, the sale or reuse of which is intended by the persons from whose process they resulted.

Solid waste disposal and resource recovery system or *system* means the entire system utilized to dispose of solid waste, which includes sanitary landfills, ~~the resource recovery facility~~, transfer stations, ~~electrical generation and transmission equipment~~, and other equipment; ~~and shall have the same meaning as set forth in the bond ordinance.~~

Special wastes means any wastes that require extraordinary management. They include, but are not limited to, abandoned automobiles, inoperative and discarded refrigerators, ranges, washers, water heaters and other similar domestic and commercial appliances, used tires, waste oil, sludges, dead animals, septic tank pumpings, and infectious and hazardous wastes.

~~*Tax collector* means the tax collector of the county.~~

(Ord. No. 85-04, § 2, 8-6-85)

Cross reference(s)—Definitions and rules of construction generally, § 1-2.

Sec. 22-82. Findings.

It is hereby found and declared by the board of county commissioners that:

~~(1) The findings of fact set out in the Act have been examined and determined to be true on August 6, 1985.~~

~~(2) There is a need to develop an acceptable alternative to sanitary landfills due to the county's high water table and other geographic characteristics that make the development of new landfills especially expensive and difficult.~~

~~(3) There is an excessive accumulation and unauthorized dumping of solid waste on private property, including undeveloped forested lands, and an inordinate amount of littering on and near public rights-of-way within the county resulting in the necessity for more stringent regulation of solid waste disposal practices within the county to protect the health, safety and welfare of the citizens of the county.~~

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- ~~(4) The imposition of special assessments on real property for the disposal of solid waste and the elimination of tipping fees or fees charged at the solid waste disposal site will assist in reducing excessive accumulation and unauthorized dumping of solid waste on private property and littering on and near public rights-of-way.~~
- ~~(5) It is necessary for the promotion of the common interests of the people of the county to provide for the effectuation and financing of a solid waste disposal and resource recovery system, and it is necessary to the health, safety and welfare of the citizens and residents of the county to provide an adequate solid waste disposal and resource recovery system for all residents and commercial and industrial operators within the county.~~
- ~~(6) Because of matters set forth in this section, the county has issued the bonds to finance the acquisition and construction of the solid waste disposal and resource recovery system, pursuant to which the county, among other things, covenants with the holders of the bonds to impose and collect fees, rates and other disposal charges sufficient to, in combination with other revenues of the system, make principal and interest payments on the bonds.~~
- ~~(7) The Act authorizes the board of county commissioners to construct, operate and maintain or contract with persons for the construction, operation and maintenance of the solid waste disposal and resource recovery system for the use and benefit of the inhabitants of the county, and grants to the county the power to:~~
- ~~a. Compel the inhabitants of the county to use the solid waste disposal and resource recovery system established by the board of county commissioners exclusive of any other facilities being operated or maintained by any other governmental authorities or private parties; and~~
- ~~b. Prescribe, fix, establish and collect rates, fees or other charges for the use of the solid waste disposal and resource recovery system and to pledge such revenues as security for the payment of bonds issued under the legal authority granted by the Act for the construction of the solid waste disposal and resource recovery system.~~
- (18)** F.S. § 125.01 grants the board of county commissioners the power to provide and regulate solid waste collection and disposal.
- (29)** The board of county commissioners is currently capable of disposing of all solid waste generated in the county.
- ~~(10) The purpose of this article is implement the provisions of the Act and the covenants contained in the bond ordinance.~~
- (311)** This article is adopted under the authority and power granted the board of county commissioners under the Act, F.S. § 125.01, and other applicable law.

(Ord. No. 85-04, § 1, 8-6-85)

Sec. 22-91. Unlawful disposal of waste; failure to deliver waste.

It shall be unlawful for any person to:

- (1) Dump, leave or bury any solid waste on public or private property without the written consent of the owner of such property;
- (2) Cause or permit the accumulation on real property owned or controlled by him of solid waste in such quantities as to constitute a nuisance; or
- (3) Fail to deliver solid waste to the solid waste disposal ~~and resource recovery~~ system within a reasonable period of time.

(Ord. No. 85-04, § 22, 8-6-85)

Sec. 22-93. Scavenging at sanitary landfills.

- (a) *Intent of section.* The board of county commissioners does hereby find that the activity of scavenging or salvaging is adverse to public health and safety in that such activity creates risks of personal injury and hinders the safe, efficient and cost-effective operation of a sanitary landfill, and that in the best interest of public health and safety this activity should be prohibited at the existing sanitary landfill (**Majette Tower South Steelfield Road landfill**) and prohibited at all other sanitary landfills that may be operated by the board of county commissioners unless exempted as provided in this section.
- (b) *Purpose of section.* The purpose of this section is to make unlawful the activity of scavenging or salvaging at any sanitary landfill operated by or on behalf of the board of county commissioners, unless exempted as provided in this section.
- (c) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
 - (1) *Deposited for disposal* means the relinquishment of the custody, control and care by a person of solid waste at any sanitary landfill.
 - (2) *Sanitary landfill* means a facility for the disposal or processing of solid waste located in the county and owned by or operated on behalf of the board of county commissioners.
 - (3) *Scavenging or salvaging* means the knowing gathering and collecting of any item deposited for disposal at any sanitary landfill, or the removal of any item deposited for disposal from any sanitary landfill.
 - (4) *Solid waste* means any item deposited for disposal at a sanitary landfill.
- (d) *Prohibited.* It shall be unlawful for any person to scavenge or salvage at any sanitary landfill, except as otherwise provided by this section.
- (e) *Authority to adopt controlled scavenging plan.* The board of county commissioners, by resolution, may adopt a plan allowing controlled scavenging or salvaging at a sanitary landfill, provided that the plan is submitted to and approved by the state department of environmental regulation prior to its implementation as provided in this subsection. This plan shall include but not be limited to operations and permit application procedures, criteria for approving a permit, permit conditions, and allowance to issue a permit exempting the holder thereof from certain provisions of this article and allowing scavenging and salvaging pursuant to the adopted plan and conditions of the permit.
- (f) *Territorial applicability of section.* All territory within the legal boundaries of the county, including all incorporated and unincorporated areas, shall be embraced by the provisions of this section.

(Ord. No. 83-2, §§ 2—7, 4-5-83)

Secs. 22-94—22-110. Reserved.

DIVISION 2. RESERVED⁵

Secs. 22-111—22-145. Reserved.

ARTICLE IV. DISPOSAL CONTROL⁷

Sec. 22-149. Use of approved disposal facilities required.

- (a) All solid waste generated within or brought into the incorporated and unincorporated areas of the county shall be disposed in the system by delivering the solid waste to county-approved solid waste disposal facilities with the exception of the following:
 - (1) Hazardous wastes, biological waste or biohazardous wastes.
 - (2) All solid waste disposed in an exempt manner as specified in F.A.C. 17-701.030(3).
 - (3) Recyclable material as authorized and permitted by state law and as may be regulated by resolution of the board of county commissioners.
- (b) It shall be unlawful for any person to dispose of solid waste ~~generated within the county at a location outside of the county or~~ at any location that is not a county-approved solid waste disposal facility except as provided in subsection (a).
- (c) The county-approved solid waste disposal facilities shall be the resource recovery facility located at 7504 Highway 231 North, Panama City, Florida, the Steelfield Road Landfill located at 11411 Landfill Road, West Bay, Florida, the Panama City Transfer Station located at 15th Street and East Bay Avenue, Panama City, Florida, the Panama City Beach Transfer Station located at the intersection of Back Beach Road and Gulf Boulevard, Panama City Beach, Florida, and any licensed private landfill. The county may delete, add to, or otherwise modify the county-approved solid waste disposal facilities by resolution.
- (d) The operation of any disposal sites other than county-approved solid waste disposal facilities is prohibited unless exempt as provided in subsection (a).
- (e) Failure to dispose of solid waste as required by this section is unlawful.

(Ord. No. 91-10, § 5, 9-23-91)

Sec. 22-150. Tipping fee.

The county does hereby levy tipping fees on all persons taking solid waste for disposal at the ~~Resource Recovery Facility~~, Steelfield Road Landfill, Panama City Transfer Station, and the Panama City Beach Transfer Station. The county shall adopt by resolution a schedule of user charges that may be a flat rate or a rate based on the tons of solid waste delivered. The county may designate other locations from time to time by resolution of the board of county commissioners at which tipping fees may be collected. The county may provide by resolution for conditions to extend credit payment accounts to persons and to establish late penalties. All revenues received from the tipping fees shall be used solely to fund the costs of the system. Failure by any person to pay tipping fees when due shall be unlawful, and, upon notice to the county staff by the ex officio clerk and auditor of the board of county commissioners that a person has failed to pay tipping fees when due, the county staff shall refuse to accept solid waste from any such person at all county-approved solid waste disposal facilities.

(Ord. No. 91-10, § 6, 9-23-91; Ord. No. 91-13, § 2, 10-15-91)

⁷State law reference(s)—Resource recovery and management, F.S. § 403.702 et seq.

ARTICLE V. DEALERS IN RECOVERED MATERIALS⁹

Sec. 22-203. Penalties.

Any person failing to comply with the provisions of this article shall be punished as provided in section 1-6. Nothing in this section shall prevent or limit the right of the county manager to seek equitable or other appropriate judicial relief to enforce the provisions of this article or refer violations to the special magistrate, who code enforcement board which shall be empowered to revoke the recyclable materials dealer permit, levy administrative fines as provided under Chapter 7, Part II, of the Code of Ordinances F.S. § 162.09, or both.

(Ord. No. 89-22, § 6, 12-5-89)

Sec. 22-205. Reporting requirements.

It shall be the continuing obligation of all permitted-certified recovered recyclable materials dealers within this county to maintain complete and accurate records of all recyclable materials purchased during each calendar month. Each recyclable-certified recovered materials dealer shall furnish to the county manager or his designee no later than the fifteenth day of each calendar month, a statement, on a form to be provided by the county, which shall identify in detail the specific type and weight of recyclable-recovered materials purchased in total by the dealer during the preceding calendar month.

(Ord. No. 89-22, § 5, 12-5-89)

⁹Cross reference(s)—Licenses, permits and miscellaneous business regulations, ch. 14.

State law reference(s)—Recycling programs, F.S. § 403.706(2), (3), (9)—(13).

BUSINESS IMPACT STATEMENT

Meeting Date: December 16, 2025

Proposed Title/Reference: Chapter 22 (Solid Waste) Revisions.

Exemptions: This ordinance is not exempt under § 125.66(3)(c), F.S.

Summary of Proposed Ordinance and Statement of Public Purpose to be Served:

Chapter 22 of the Code of Ordinances addresses Solid Waste. Provisions in Section 22-1 regarding visibility of refuse containers and compactors along certain roads are being moved to Chapter 15. A provision in Section 22-2 from 2008 which imposed a temporary moratorium on construction and debris landfills is deleted. The litter control provisions in Article II of Chapter 22 were deemed duplicative of state law and are removed. Provisions in Article III of Chapter 22 that related to an annual disposal special assessment or a resource recovery system (the incinerator) are removed. Provisions in Article III and IV of Chapter 22 that compelled residents to use the resource recovery system are removed. A reference in Section 22-93 to the closed Majette Tower South landfill is updated to refer to the current Steelfield Road facility. Article V of Chapter 22 is revised to reflect that the county does not currently require permits for recyclable materials dealers, and that the state now certifies recovered materials dealers.

Estimate of Direct Economic Impact on Private/For Profit Businesses:

(a) **Estimate of Direct Business Compliance Cost:** None unless the business is creating a nuisance.

(b) **New Charges/Fees on Businesses Impacted:** None.

(c) **Estimate of Regulatory Costs:** None.

Good faith estimates of number of businesses likely impacted: Impossible to quantify.