## Chapter 11B DUMPS AND LANDFILL SITES [[1]](#BK_1A8B399EFED4F2CA226CC6C0C8A84807)

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Sec. 11B-1. Legislative findings.

The County Commission finds and declares that disposal of a considerable portion of combustible waste materials and refuse in Dade County is accomplished by the operation of dumps and landfill sites in Dade County, and further finds and declares that the operation of such dumps and landfill sites necessarily involves a high risk of fires. The County Commission finds and declares that because of the large size of the dumps and landfill sites, a fire thereon becomes an extreme hazard to the health, safety and welfare of the community, in that such a fire produces great and abnormal quantities of smoke. The County Commission finds and declares that such smoke creates a hazardous condition in the community by: (1) seriously reducing visibility of the highways and streets, thus jeopardizing the safety of the motorists, pedestrians, and residents; (2) seriously reducing visibility in the air, thus jeopardizing the safe operation of aircraft and endangering passengers' lives and cargo and the lives of residents of the community; and (3) polluting the air and endangering the health of residents. The County Commission finds and declares that a fire itself on a dump or landfill site subjects surrounding lands to fires and thus endangers the lives and properties of the owners thereof. The County Commission finds and declares that in order to protect the health, safety and welfare of the citizens of this community from the hazards of smoke and fires resulting from the use of dumps and landfill sites, it is necessary to impose minimum requirements upon the operation of dumps or landfill sites to avoid the possibility of fires thereon and to expedite the extinguishing of fires which may occur thereon. Further, the County Commission finds and declares that in order to insure compliance with such minimum requirements, it is necessary to require persons operating or causing to be operated a dump or landfill site to obtain a permit therefor, which permit shall be issued only upon a satisfactory showing of compliance with such minimum requirements.

(Ord. No. 69-81, § 1, 11-19-69)

Sec. 11B-2. Definitions.

As used in this chapter, the following words and phrases shall have the meanings ascribed to them in this section:

(1) *Person* shall include any individual, corporation, partnership, association, or municipality, and shall include any agent or employee thereof and shall include both singular and plural.

(2) *Permittee* shall mean any person who has obtained a permit in the manner herein provided, and shall include any agent or employee of the permittee.

(3) *Combustible waste* shall mean all waste substances capable of incineration or burning.

(4) *Refuse* shall mean all waste substances including garbage as well as combustible and noncombustible wastes.

(5) *Dump or landfill site* shall mean any land used for the purpose of permitting any person to deposit or make disposal thereon of any combustible waste or refuse, or any combination thereof, whether the land is used in such manner for profit or not; provided, however, "dump or landfill site" shall not include land upon which is deposited only rock, dirt, sand or any combination thereof.

(6) *Board* shall mean the Dade County Fire Prevention and Safety Appeals Board.

(7) *County Manager* shall mean the County Manager of Dade County and shall include whatever person or department is designated by the County Manager to administer the provisions of this chapter.

(Ord. No. 69-81, § 2, 11-19-69)

Sec. 11B-3. Administration of chapter.

The County Manager is hereby authorized and directed to administer all provisions of this chapter. The County Manager may designate any person or department, including the Metropolitan Dade County Fire Chief, to administer the provisions of this chapter. Where such a designation is made by the County Manager, the designee may do and accomplish all things required herein in the name of the County Manager.

(Ord. No. 69-81, § 12, 11-19-69)

Sec. 11B-4. Application of chapter.

This chapter shall be applicable in both the incorporated and unincorporated areas of Dade County.

(Ord. No. 69-81, § 14, 11-19-69)

Sec. 11B-5. Penalty for violation of chapter.

Whoever violates any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine of not more than five hundred dollars ($500.00) or by imprisonment in the County Jail for a term not to exceed sixty (60) days, or by both such fine and imprisonment in the discretion of the County. Such fine and/or imprisonment shall in no manner restrict or prevent the County from filing suit against the person or his bond, for recovery of the amount of expenses incurred as herein defined.

(Ord. No. 69-81, § 11, 11-19-69)

Sec. 11B-6. Chapter cumulative and additional to other laws.

The provisions of this chapter shall be cumulative and additional to and not in derogation of any and all other provisions of law pertaining to fires, operations of dumps, pollution, public and private nuisances, and garbage and trash. Municipalities may establish and enforce higher standards for issuance of city permits and operation of dumps and landfill sites in the incorporated areas than those standards required herein for the issuance of a County permit.

(Ord. No. 69-81, § 15, 11-19-69)

Sec. 11B-7. Unlawful to operate a dump or landfill site without valid permit.

It shall be unlawful for any person to operate or permit to be operated any dump or landfill site in Dade County without a valid current permit issued in the manner herein provided, or to operate or permit to be operated a dump or landfill site from and after the time the permit has been revoked or to operate or permit to be operated any dump or landfill site in violation of any provision of this chapter.

(Ord. No. 69-81, § 3, 11-19-69)

Sec. 11B-8. Application for permit; issuance of permit; fees.

(a) All applications for permits for a dump or landfill site shall be filed with the County Manager and shall contain the full name and address of the applicant; a description and survey of the land to be used as a dump or landfill site; a description of the sequence and plan of operation; the location of a working, nonpay telephone which satisfies the requirement of [Section 11B-12](../level2/PTIIICOOR_CH11BDULASI.docx#PTIIICOOR_CH11BDULASI_S11B-12MISTOPDULASI)(1) of this chapter; the size and type of fencing which satisfies the requirement of [Section 11B-12](../level2/PTIIICOOR_CH11BDULASI.docx#PTIIICOOR_CH11BDULASI_S11B-12MISTOPDULASI)(2) of this chapter; the availability, size and type of equipment for fire control purposes which satisfies the requirement of Sections [11B-12](../level2/PTIIICOOR_CH11BDULASI.docx#PTIIICOOR_CH11BDULASI_S11B-12MISTOPDULASI)(3) and (4) of this chapter; plans for fire, nuisance and vermin control; existing and proposed roadways and easements; existing topography and watercourses, together with a diagram and written statement explaining proposed location and extent of earthwork and fill operations; and the proposed estimated daily or weekly volume of waste materials to be deposited thereon. The application shall contain an agreement to hold Dade County harmless from any and all claims, liabilities, costs or damages arising out of the issuance of the permit and the operation of the dump or landfill site. The application shall be signed by the applicant and acknowledged in the manner prescribed by law.

(b) The County Manager shall examine the application and shall be permitted access to the land on which the dump or landfill site is to be operated for purposes of his examination of such land. Upon determining that no violation of zoning, health, or other applicable State laws or County ordinances would be involved and upon determining that the requirement of [Section 11B-9](../level2/PTIIICOOR_CH11BDULASI.docx#PTIIICOOR_CH11BDULASI_S11B-9BORE) of this chapter is satisfied and that the requirements of [Section 11B-12](../level2/PTIIICOOR_CH11BDULASI.docx#PTIIICOOR_CH11BDULASI_S11B-12MISTOPDULASI) of this chapter are satisfied or can be satisfied, the County Manager shall issue the permit.

(c) A schedule of filing fees to cover the cost of investigating and processing applications for permits shall be established by the County Manager and approved by the Board of County Commissioners and no application shall be issued until the appropriate filing fee for such permit is paid.

(Ord. No. 69-81, § 4, 11-19-69)

Annotation—AO 4-29.

Sec. 11B-9. Bond required.

(a) No permit herein required shall be issued unless there is filed at the time of application therefor a cash bond or a bond with a corporate surety in the amount of twenty thousand dollars ($20,000.00) to assure that: (1) the permittee will operate the dump or landfill site in accordance with the conditions and requirements of this chapter and will comply with all of the conditions and requirements of this chapter; and (2) the permittee shall reimburse Dade County, in accordance with [Section 11B-14](../level2/PTIIICOOR_CH11BDULASI.docx#PTIIICOOR_CH11BDULASI_S11B-14COBEREMECO) of this chapter, for any and all expenses and costs which Dade County may incur as a result of extinguishing any fire in the dump or landfill site which the permittee has either failed to extinguish or is unable to extinguish within the time specified in [Section 11B-10](../level2/PTIIICOOR_CH11BDULASI.docx#PTIIICOOR_CH11BDULASI_S11B-10REPE)(b) of this chapter, or which Dade County is requested to extinguish by the permittee; provided, however, that no municipality shall be required to secure and file the bond herein required.

(b) Before a corporate bond is accepted by the County Manager as being in compliance with this section, the bond shall be reviewed and approved by the Dade County Insurance and Safety Division, and shall be filed with the Clerk of the Board of County Commissioners. A corporate bond shall be executed by a corporation authorized to do business in the State of Florida as a surety. A cash bond shall be deposited with the Clerk of the Board of County Commissioners, who shall give receipt therefor.

(Ord. No. 69-81, § 5, 11-19-69)

Sec. 11B-10. Revocation of permit.

(a) Any permit issued under the provisions of this chapter may be revoked by the County Manager by written notice thereof for any of the following reasons: (1) any violation of any law or ordinance pertaining to the operation of a dump or landfill site; (2) any violation of any of the requirements for the operation of a dump or landfill site as provided herein; or (3) failure to have at all times a current and satisfactory bond, in the amount required by [Section 11B-9](../level2/PTIIICOOR_CH11BDULASI.docx#PTIIICOOR_CH11BDULASI_S11B-9BORE) of this chapter, covering the operation of the permittee's dump or landfill site. Revocation of a permit under this subsection shall be effective on the day that written notice thereof is received by the permittee.

(b) In the case of failure to comply with the requirements of [Section 11B-13](../level2/PTIIICOOR_CH11BDULASI.docx#PTIIICOOR_CH11BDULASI_S11B-13DUPEEVFI) of this chapter, or if any fire is not extinguished within four (4) hours from the time of its detection or from the time it should have been detected by the permittee, the County Manager may order the permit revoked and may take any and all steps necessary to extinguish the fire. Revocation of a permit under this subsection shall be effective at the time written or oral notice thereof is received by the permittee.

(Ord. No. 69-81, § 8, 11-19-69)

Sec. 11B-11. Appeals from refusal to issue permit or from revocation of permit.

(a) *Written petition for review; time for filing.* Any person whose application for a permit is denied by the County Manager, or any permittee whose permit has been revoked in the manner herein provided, may appeal to the Dade County Fire Prevention and Safety Appeals Board by filing with the Secretary of the Board a written petition for review and setting forth therein the reasons why his application for said permit should have been granted or why the permit should not have been revoked. In either case, the Board shall have no jurisdiction to entertain any such appeal unless a written petition or request for review is filed with the Secretary of the Board within twenty (20) days after the date upon which the permittee receives notice that his permit has been revoked or the person receives notice that his application for a permit has been denied.

(b) *Hearing date.*

(1) In the case of an appeal from the denial of an application for a permit, the Board shall set such appeal for hearing at the earliest possible date not to exceed fourteen (14) days from the day on which the Secretary of the Board receives the written petition and shall cause notice thereof to be given to the applicant and the County Manager.

(2) In the case of an appeal from the revocation of a permit, the Board shall set such appeal for hearing on a date not later than five (5) days from the date on which the Secretary of the Board receives the written petition and shall cause notice thereof to be given to the permittee and the County Manager.

(c) *Computation of time.* In computing the period of time within which an appeal must be taken from the denial or revocation of a permit, the day of receipt of notice of said denial or revocation shall not be included, and in computing the period of time within which the Board must set a hearing date, the day on which the Secretary of the Board receives the written petition for appeal shall not be included. The last day of any period of time herein provided shall be counted, unless it is a Saturday, Sunday or a legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday nor a legal holiday. Intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation when any period of time prescribed herein is less than seven (7) days; where said period is greater than seven (7) days, Saturdays, Sundays and legal holidays shall be included.

(d) *Hearing procedure; time for decision of Board.* At all hearings, the Board shall hear and consider all facts material to the appeal, and thereafter the Board may affirm, reverse or modify the action or decision appealed from, provided that the Board shall not take any action which conflicts or nullifies any of the provisions of this chapter. In the case of an appeal from the denial of a permit, the Board shall render its decision within five (5) days from the date on which the hearing is concluded, and in the case of an appeal from the revocation of a permit the Board shall render its decision by the end of the day following the day on which the hearing is concluded notwithstanding that day may be a Saturday, Sunday or legal holiday.

(e) *Review.* The decision of the Board shall be final, and no rehearing or reconsideration shall be granted. Any person, including the permittee and the County, whether or not a previous party to the decision, who is aggrieved by any decision of the Board may apply to the Circuit Court of Dade County for a review thereof by writ of certiorari in accordance with the applicable Florida Appellate Rules.

(Ord. No. 69-81, § 9, 11-19-69)

Sec. 11B-12. Minimum standards for operation of dump or landfill site.

In the operation of any dump or landfill site, the following requirements shall apply:

(1) A working, nonpay telephone shall be located on the land to be used for the dump or landfill site, and shall be easily accessible. This requirement may be waived by the County Manager if the applicant demonstrates that a two-way radio in good working operation is installed in a vehicle which is used to patrol the premises on a twenty-four-hour basis, or if the applicant shall provide adequate transportation to carry the operator or watchman of the dump or landfill site to a working, nonpay telephone located in close proximity to the dump or landfill site.

(2) Fencing, of a size and type adequate to restrict ingress or egress to the dump or landfill site by use of any access road, shall be installed; this requirement may be waived upon satisfactory showing that a watchman shall be on duty twenty-four hours a day to guard against unauthorized use of the dump or landfill site.

(3) A water pump, in good working condition and of a capacity of at least five hundred (500) gallons per minute, shall be located on the land to be used as a dump or land fill site, and there shall be available sufficient hoses to be connected thereto by proper fittings to reach all portions of the land to be used as a dump or land fill site. A well, lake, stream or other source of water shall be available to supply water in sufficient quantity for the capacity of the water pump.

(4) A bulldozer or other heavy earth-moving equipment shall be supplied and shall be of a size and weight capable of moving without difficulty the type of refuse deposited on the land to be used as a dump or land fill site. A person able to operate such equipment shall be on duty at all times, or shall be on call and able to respond to any call within one (1) hour of the call.

(5) On no less than a monthly basis, the operators of all Class I disposal facilities permitted by the State of Florida Department of Environmental Regulation and not owned by Metropolitan Dade County shall submit to the County a report indicating the amount of solid waste disposed of by each user of the facility, which report must be delivered to the Department on a schedule and format to be prescribed by the Department.

(Ord. No. 69-81, § 6, 11-19-69; Ord. No. 91-123, § 1, 10-15-91)

Sec. 11B-13. Duty of permittee in event of fire.

In the event that a fire should occur on the dump or land fill site, the permittee of the dump or land fill site shall first immediately notify the Dade County Fire Department and shall thereafter take all necessary measures to extinguish the fire by use of the equipment required by [Section 11B-12](../level2/PTIIICOOR_CH11BDULASI.docx#PTIIICOOR_CH11BDULASI_S11B-12MISTOPDULASI) of this chapter and whatever other equipment may be available.

(Ord. No. 69-81, § 7, 11-19-69)

Sec. 11B-14. Costs to be reimbursed; method of collecting.

In the event that the Dade County Fire Department is requested by the permittee to extinguish a fire on a dump or land fill site, or in the event that a permit is revoked under the provisions of [Section 11B-10](../level2/PTIIICOOR_CH11BDULASI.docx#PTIIICOOR_CH11BDULASI_S11B-10REPE)(b) of this chapter and the Dade County Fire Department extinguishers the fire on the dump or land fill site, the County Manager shall cause to be prepared a statement of all costs incurred by Dade County incident to extinguishing the fire.

Upon preparation of the statement, the County Manager shall certify the statement as being correct and shall present said statement to the permittee and request payment thereof. The permittee shall make payment in full within twenty (20) days of receiving said statement.

(Ord. No. 69-81, § 10, 11-19-69)

FOOTNOTE(S):

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Amendment note— Chapter 11B, §§ 11B-1—11B-14, is derived from Ord. No. 69-81, §§ 1—12, 14 and 15, enacted Nov. 19, 1969, effective thirty days after enactment. The ordinance was included as a part of this Code pursuant to § 16 thereof. [(Back)](#BK_A3BC7089107EDC6610C57EA1F1532265)

**Cross reference—** Solid waste management, Ch. 15; fire prevention, Ch. 14; lot, junk, garbage and trash clearing, Ch. 19; environmental protection, Ch. 24. [(Back)](#BK_A3BC7089107EDC6610C57EA1F1532265)

**State Law reference—** Solid waste, F.S. § 403.701 et seq. [(Back)](#BK_A3BC7089107EDC6610C57EA1F1532265)