



## **LIVESTOCK WASTE HAULER (LWH) PERMIT AGREEMENT**

**THIS AGREEMENT** is hereby made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, between the Town of Loxahatchee Groves, Florida, (hereafter referred to as "Town") and \_\_\_\_\_ (hereafter referred to as Livestock Waste Hauler, hereafter referred to as "LWH").

In accordance with the provisions of Ordinance 2014-03 (as provided), the following rules and regulations are to be strictly adhered to:

- All Commercial Livestock Waste Haulers transporting Livestock Waste within the Town must obtain a permit from the Town prior to engaging in any hauling of Livestock Waste.
  - (a) In obtaining the permit, the Commercial Livestock Waste Haulers will:
    1. Identify every property within the Town from which it will haul Livestock Waste, and every Approved Disposal Site (whether located within the Town or not) to which it will deliver Livestock Waste.
    2. Provide copies of all licenses and registrations for vehicles used for hauling Livestock Waste.
    3. Acknowledge on a form provided by the Town that (1) loads to be deposited within the Town originate from a Livestock Facility within the Town, or shows by separate affidavit its load originated from outside the State of Florida; (2) upon receipt of a request from a property owner within the Town for Livestock Waste, it will confirm prior to engaging in hauling that the Livestock Waste will be deposited within a Livestock waste storage area or used solely for bona fide agricultural purposes pursuant to Best Management Practices (BMP) for livestock waste application where applicable, and that the property owner has obtained the necessary permit from the Town; and (3) that it has read and reviewed this

ordinance and agrees to its requirements and provisions, and will adhere to such in providing its hauling services.

4. Pay the required fees for the permit.

(b) An annual permit shall be valid from October 1 to September 30 and shall expire each September 30 regardless of the date it is issued. Commercial Livestock Waste Haulers are responsible for the timely renewal of the annual permits.

(c) The annual permit fee for a Commercial Livestock Waste Hauler shall be \$560.00. An annual permit shall permit the Commercial Livestock Waste Hauler to transport up to twenty (20) loads. The permit fee shall be \$2000.00 if a Commercial Livestock Waste Hauler transports Livestock Waste prior to obtaining a permit from the Town.

(d) A Commercial Livestock Waste Hauler may transport in excess of twenty (20) loads, for a maximum of thirty (30) additional loads, at an additional fee of \$40.00 per load, paid in advance to the Town. Should the Commercial Livestock Waste Hauler fail to pay such fee in advance, the fee shall be \$100.00 per load.

(e) The fees set forth in this ordinance may be amended by the Town Council by resolution.

(f) No permit shall be issued to a Commercial Livestock Waste Hauler who has not remedied previous violations of this Ordinance.

- All Livestock Waste deposited at Approved disposal sites in the Town must originate from within the Town or be shown by affidavit to have originated from outside the State of Florida.
- Commercial Livestock Waste Haulers may deposit Livestock Waste only at Approved Disposal Sites for the purpose of composting in an approved composting area, or for bona fide agricultural purposes.

- Hauling of Livestock Waste by Commercial Livestock Waste Haulers within the Town shall be permitted only between the hours of 9:00 a.m. through 4:00 p.m., Monday through Friday, except holidays as listed on the Town website. Hauling of Livestock Waste by Commercial Livestock Waste Haulers is prohibited at all other times.
- Hauling records shall be provided by Commercial Livestock Waste Haulers to the Town Manager each month, no later than the fifth (5th) business day of the month following the month for which the report is filed. Hauling records shall identify the waste source, quantity in cubic yards, and the waste disposal site with quantity deposited in cubic yards within an approved site. Hauling records shall include signed load tickets or affidavits certifying the loads from both the source and disposal site owners. Failure to timely provide monthly hauling records shall result in the revocation of the permit. The Town reserves the right to audit the hauling record and load tickets from the generating properties and disposal sites which have been approved as a disposal site as defined herein. The failure to cooperate with such audit shall result in the revocation of a permit.
- The hauling of Livestock Waste by Commercial Livestock Waste Haulers within the Town is a privilege, not a right. The Town Council reserves the right to amend this Ordinance at any time, and any such amendments will apply to both future permits, and active permits unless specifically exempted by the Town Council.
- A Commercial Livestock Waste Hauler that violates any of the provisions of this ordinance shall have its permit revoked by the Town Manager. Should a person violate this ordinance on more than one (1) occasion during a calendar year, that person shall not be granted a permit from the Town for a period of one (1) calendar year from the date of the last violation.
- A violation of this ordinance is deemed by the Town Council to be a public nuisance.
- The Town Council specifically finds that a violation of this ordinance presents a public nuisance for purposes of enforcement of Section 403.413, Florida Statutes, and law enforcement officers charged with the enforcement of state and local laws within the Town shall strictly enforce Section 403.413, Florida Statutes. Upon the issuance of a violation notice under Section 403.413, Florida Statutes, or this ordinance, any permits issued by the Town to the Commercial

Livestock Waste Hauler shall be suspended and the Commercial Livestock Waste Hauler shall cease all Livestock Waste hauling until such time as a hearing is conducted or the fines paid.

- This ordinance shall be enforced as follows:

(a) Law enforcement officers are authorized to enforce this ordinance. In addition to penalties resulting from a violation of Section 403.413, Florida Statutes, the fines for violations of this ordinance shall be:

<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>All Additional Offenses</b>
\$100	\$250	\$400	\$500

(b) The Town may also file charges for any offense in a court with jurisdiction, in which case the penalty shall be a fine of \$500, imprisonment not to exceed sixty (60) days, or both, for each violation of this ordinance. The Town shall recover its costs of prosecution, including attorney’s fees, filing fees, and personnel costs for law enforcement and Town employees.

(c) To the extent authorized by law, the Town Administration is authorized to use the Town’s Code Enforcement process to enforce violations of this ordinance where a law enforcement officer has not otherwise issued violations of Section 403.413, Florida Statutes, or of this ordinance. In such instances, the fine shall be the maximum permitted by law. The Town shall recover its costs of prosecution, including attorney’s fees, filing fees, and personnel costs for law enforcement and Town employees.

(d) Each day a violation remains, and each haul for which there is no permit, constitutes a separate violation of this ordinance.

## Vehicle Information

Livestock waste hauling stickers will be distributed upon the approval of your livestock waste hauling permit. These permit stickers will be required to be placed in the window of all trucks that are certified to haul throughout the Town. There is no charge for the first three permit stickers issued. An additional charge of \$16.50 per sticker will be applied for all stickers thereafter. Please list truck information below **making sure to complete all fields:**

	Year	Make / Model	Color	License Plate #	US DOT Number
1.					
2.					
3.					

Additional Stickers at \$16.50 each:

	Year	Make / Model	Color	License Plate #	US DOT Number
1.					
2.					

\_\_\_\_\_ Additional Stickers @ \$16.50 each = \$ \_\_\_\_\_

Please submit payment for additional permit stickers along with payment for the annual permit fee.

The information provided in this application is accurate and may be relied upon. This form is part of the Permit Agreement. I have read, understand, and will comply with the terms and conditions of the LWH Permit Agreement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

# **NOTICE**

**TO: ALL ANIMAL WASTE HAULERS**

**THE DUMPING OF HORSE MANURE IN THE TOWN OF LOXAHATCHEE GROVES IS PROHIBITED.**

ATTACHED IS A COPY OF ORDINANCE NO. 2014-03 THAT DETAILS THE NEED FOR ALL LIVESTOCK WASTE HAULERS TO REGISTER WITH THE TOWN OF LOXAHATCHEE GROVES AND SECURE AN ANNUAL PERMIT TO HAUL MANURE WITHIN THE TOWN. MANURE DELIVERIES WITHIN THE TOWN ARE ALLOWED WITH LOXAHATCHEE GROVES MANURE ONLY FOR FERTILIZER PURPOSES ONLY.

THE PROPERTY OWNER RECEIVING THE MANURE IS ALSO REQUIRED TO OBTAIN A PERMIT FROM THE TOWN. (AT NO CHARGE)

The LWH is only permitted to dump the number of loads designated on this license agreement. THE TOWN MUST BE NOTIFIED FOR EACH DELIVERY TO INDICATE HOW MUCH MANURE IS BEING RECEIVED AND WHICH PERMITTED HAULER IS MAKING THE DELIVERY. PROPERTY OWNERS MUST ENSURE THAT MANURE PILES ARE SPREAD WITHIN 72 HOURS, dumped a minimum of 50 feet from all property boundaries, and not within 75 feet of a well.

HAULERS IN THE TOWN OF LOXAHATCHEE GROVES WITHOUT PERMITS STICKERS ON THEIR TRUCKS WILL BE FINED AND REPORTED TO THE VILLAGE OF WELLINGTON AS A VIOLATION OF YOUR PERMIT WITH THEM. HAULERS RISK LOSING PERMITS WITH BOTH THE VILLAGE OF WELLINGTON AND THE TOWN OF LOXAHATCHEE GROVES.

**Town Manager**

**Francine L. Ramaglia**

# LIVESTOCK WASTE HAULING

## Permit Application Form

Hauler Name: \_\_\_\_\_

Business is a: \_\_\_ Corporation \_\_\_ Joint Venture \_\_\_ Partnership \_\_\_ LLC \_\_\_ Sole Proprietor

Contact: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ St: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Stated Number of loads exceeding the 20 allowed by this permit: \_\_\_\_\_

(This is an annual amount – if hauler is found to exceed the permitted number of loads, they will be subject to a fine of \$100 per load exceeding the number stated in this permit. If the hauler anticipates exceeding the 20 loads, an additional fee of \$40/load may be paid in advance.)

**Annual Permit Fee: \$560.00**

**Hauling without a permit fine: \$2,000.00**

plus, excess load charge: \_\_\_\_\_ extra vehicle tags: \_\_\_\_\_

TOTAL Due: \_\_\_\_\_ checks are to be made payable to The Town of Loxahatchee Groves

Property address of dump site: \_\_\_\_\_

Property Owner Permit received: \_\_\_ yes \_\_\_ no

PBC Property Use Code \_\_\_\_\_ Town Manager approval for residential dump site  
MUST be checked if property is not Bona-Fide Agricultural

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before this \_\_\_ day of \_\_\_\_\_, 20 \_\_, by  
\_\_\_\_\_, as \_\_\_\_\_ of \_\_\_\_\_.

He/she is \_\_\_ personally known to me or \_\_\_ has produced \_\_\_\_\_ as identification, and  
who did take an oath.

[SEAL]

\_\_\_\_\_  
Notary Public, State of Florida

### Town of Loxahatchee Groves

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Town Manager or Designee