

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 (or by the County Administrator, if during the Board's recess) that the  
30 landfilling of "garbage" as would otherwise be prohibited is in the best interests of the  
31 public. Nothing herein shall prohibit the landfilling of "Class III waste," "construction and  
32 demolition debris," "sludge" (excluding liquid sludge), "ash residue," "bottom ash," or "fly  
33 ash," as those terms are defined in Rule 62-701.200, Florida Administrative Code, or  
34 nonhazardous soils.

35 . . .

36 Section 2. Severability.

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

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