

ORDINANCE 95-4

AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, ADOPTING A MORATORIUM PROHIBITING THE APPROVAL OF THE PUBLIC SERVICE FACILITY OVERLAY DISTRICT AUTHORIZING THE OPERATION OF A CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL; PROVIDING FOR A SHORT-TITLE; ESTABLISHING THE AUTHORITY TO ADOPT THE ORDINANCE; PROVIDING FOR DEFINITIONS; PROVIDING FOR A STATEMENT OF APPLICABILITY; ESTABLISHING A MORATORIUM; PROVIDING FOR EXEMPTIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND ESTABLISHING AN EFFECTIVE DATE.

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CLERK OF STATE

FILED

THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS FINDS THAT:

WHEREAS, groundwater is an important resource within Hernando County which must be protected; and,

WHEREAS, inappropriate land use contributes to the degradation of groundwater quality; and,

WHEREAS, Chapter 125.01(1)(K)(1), Florida Statutes, authorizes counties to provide and regulate waste and sewage collection and disposal, water supply, and conservation programs; and,

WHEREAS, the improper operation of Construction and Demolition Debris Landfills has a negative impact on groundwater supplies; and,

WHEREAS, the Department of Environmental Protection Rules and Regulations are not well developed with respect to Construction and Demolition Debris Landfills; and,

WHEREAS, as a result of the lack of regulation of Construction and Demolition Debris Landfills, there is a risk of groundwater contamination resulting from improper operation of the landfill; and,

WHEREAS, the Florida Department of Environmental Protection is in the process of proposing amendments to their rule regulating Construction and Demolition Debris Landfills; and,

WHEREAS, the Hernando County Comprehensive Plan mandates the management of solid waste; and,

WHEREAS, Construction and Demolition Debris Landfills are a very intense utilization of land and inconsistent with many land use categories:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, that the following provisions are hereby enacted and hereby become the Moratorium Prohibiting the Approval of the Public Service Facility Overlay District Authorizing the Operation of a Construction and Demolition Debris Landfill in Hernando County.

SECTION I. SHORT TITLE

This article shall be known and cited as the "Moratorium Prohibiting the Approval of the Public Service Facility Overlay District for Construction and Demolition Debris Landfills".

SECTION II. AUTHORITY

This article is adopted pursuant to the general laws of Florida, and the provisions hereof and all sections contained herein shall be construed as having been adopted in the interests of the health, safety, and general welfare of the people and environment of Hernando County, Florida.

SECTION III. DEFINITION

As used in this ordinance Construction and Demolition Debris Landfill shall have the following meaning: a solid waste facility for materials generally considered to be not water soluble and non-hazardous in nature, including but not limited to steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure. The term includes: rocks, soils, tree remains, trees and other vegetative matter which normally result from land clearing or land development operations for a construction project.

SECTION IV. APPLICABILITY

This moratorium is applicable to all new approvals for a Public Service Facility Overlay District authorizing the operation of a Construction and Demolition Debris Landfill.

SECTION V. MORATORIUM

Subsequent to the effective date of this ordinance, the approval of a Public Service Facility Overlay District for a Construction and Demolition Debris Landfill shall be prohibited until whichever of the following occurs first:

1. Two (2) years
2. Necessary amendments to the Comprehensive Plan and Land Development Regulations applicable to Construction and Demolition Debris Landfills have been adopted, and the Florida Department of Environmental Protection has adopted amendments to their

regulation applicable to Construction and Demolition Debris Landfills.

SECTION VI. EXEMPTIONS

All Construction and Demolition Debris Landfills which are legally operating or have received approval pursuant to the Zoning Ordinance of Hernando County prior to the effective date of this ordinance are exempt from regulation hereunder.

SECTION VII. ENFORCEMENT

Implementation and enforcement of this ordinance shall be by staff as designated by the County Administrator.

SECTION VIII. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this ordinance, for any reason, is held to be unconstitutional, void or invalid, the validity of the remaining portions of said ordinance shall not be effected thereby.

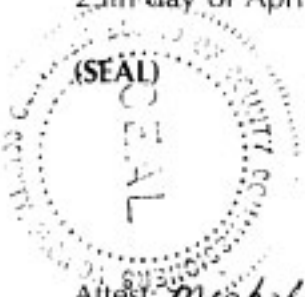
SECTION IX. INCLUSION INTO THE CODE

The provisions of this ordinance shall be included and incorporated into the Land Development Regulations of Hernando County, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the code.

SECTION X. EFFECTIVE DATE

This Ordinance shall become effective upon receipt of the official acknowledgement from the office of the Secretary of State of the State of Florida that this Ordinance has been filed with said office.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular Session this 25th day of April, 1995.



Attest: *Michelle Montano*, Deputy Clerk
KAREN NICOLAI, Clerk

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

By: *John Richardson*
JOHN RICHARDSON, Chairman