

**ORDINANCE NO. 2002-01**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF HERNANDO, STATE OF FLORIDA, AMENDING SECTIONS 8-104, 14-20, 14-21 AND 14-22, HERNANDO COUNTY CODE OF ORDINANCES, TO CLARIFY ACTS INTENDED TO BE PROHIBITED, PENALTIES THEREFOR AND ENFORCEMENT RESPONSIBILITY AND PROCEDURES WITH RESPECT TO CONSTRUCTION MATERIALS, TRASH AND DEBRIS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE COUNTY CODE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS** the Hernando County Board of County Commissioners has determined that control of trash and other debris at construction sites is important to the welfare of the residents of Hernando County, and

**WHEREAS** the Board desires to set forth specific criteria for control of trash and debris at construction sites in the interest of residents, responsible contractors and subcontractors, property owners and County enforcement staff alike, and

**WHEREAS** containment of construction debris at job sites should be required where debris which is subject to off-site dispersal if not properly contained is present at a site,

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, THAT:**

**Section 1.** Section 8-104, Hernando County Code of Ordinances, is hereby amended to read as follows, with crossed-through wording to be deleted and underlined wording to be added:

Sec. 8-104. Local code requirements.

(a) ~~Trash control. It shall be the responsibility of the building contractor, subcontractors, owners, and any and all other persons operating or maintaining a construction site or otherwise constructing, building, altering, demolishing or repairing a principal structure, to ensure that each job construction site, and immediate vicinity, is equipped with an appropriately sized trash container sufficient to prevent building materials and/or trash and debris from blowing around surrounding areas, when such materials are present at a site, pursuant to the provisions and subject to the violations and penalties specified in Chapter 14 of this code. The purpose of this section regulation is to properly contain the trash on the job site. Failure to contain trash is not a violation unless it extends beyond the job site. The following actions shall be taken by the building official:~~

~~1st Offense: Red tag on job site.~~

~~2nd Offense: Letter of reprimand plus red tag.~~

~~3rd Offense: Action by construction licensing board.~~

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~~(b) Disposal of materials. It shall be a violation of this division for any person to bury any type of building material or natural vegetation, excluding grass and sod.~~

**Section 2.** Section 14-20, Hernando County Code of Ordinances, is hereby amended to read as follows, with crossed-through wording to be deleted and underlined wording to be added:

Sec. 14-20. Disposal; exceptions.

(a) Garbage, offal, ~~dead animals~~, or trash mixed with garbage, offal ~~or dead animals~~, or any combination thereof shall be disposed of only at an approved sanitary landfill or other permitted disposal site. Such materials shall not be disposed of by being placed in any natural or artificial body of water. The owner of a five-acre tract of land or larger may dispose of his own solid waste on his own property; ~~provided, he shall first have obtained a permit from the county health department approving the approximate location of the disposal site. The disposal site shall be determined by the health department to be suitable for such purposes prior to issuance of the permit.~~

(b) Properly constructed and maintained compost facilities shall not be construed as a violation of this division.

(c) Open burning of garbage, offal, ~~dead animals~~, trash and manure or trash mixed with garbage, offal, ~~dead animals~~ or manure is hereby prohibited as a violation of this division; provided, however, that, this shall not be construed to prohibit burning of leaves, yard clippings and similar materials where a burning permit has been obtained and the conditions will not create a nuisance or hazard to neighboring residents.

(d) It shall be prima facie evidence of a violation of this division if abandoned or dumped material disposed of in a manner other than outlined in this division can be established as having originated with a particular person and such person has allowed such material to be dumped, discarded, abandoned or disposed of in an area other than an approved disposal site, unless such person has contracted for the disposal of waste material with an approved garbage franchise.

(e) All garbage, offal, ~~dead animals~~ and trash shall be removed to an approved sanitary landfill or other permitted disposal site at sufficient frequency to prevent a sanitary nuisance. In no case shall garbage be removed less than once per week. Such removal shall be at the expense of the owner and/or occupant of the premises either by a franchised collection service or by the owner or occupant.

(f) All construction materials, ~~including trash, packaging, discarded materials and debris~~ shall be securely and properly contained on the construction site during the construction period so as not to create an unsightly condition or so as not to be scattered over other properties in the area. After completion of construction and not more than fifteen (15) days thereafter, all remaining or discarded materials, trash or debris shall be completely cleared from the construction site.

1. Without limiting the foregoing, the following specific violations of this subsection are hereby designated for enforcement pursuant to the terms thereof or any other applicable provisions of this code.

a. **Container required; penalty.** It shall be unlawful for any person to operate or

maintain a construction site without a container for containment and disposal of construction or demolition debris, when construction materials which are subject to dispersal to adjacent properties if uncontained are present on the site. A violation of this paragraph may be noticed in a Notice of Violation to the violator and a reasonable time for compliance shall be allowed prior to citation or arrest.

**b. Containment of materials required; penalty.** It shall be unlawful for any person to operate or maintain a construction site if all construction materials are not securely and appropriately contained on the construction site in accordance with the requirements of this subsection.

i. A violation of this paragraph that does not involve or include dispersal of construction materials beyond the limits of the construction site shall be noticed in a Notice of Violation requiring immediate correction, and the time for compliance shall be reasonably determined based on the particular facts and circumstances, but may not exceed 72 hours.

ii. A violation of this paragraph which involves dispersal of construction materials beyond the limits of the construction site or parcel of property on which work is occurring shall be presumed to be irreparable in nature, and an immediate citation may be issued or arrest made.

**c. Burial of certain materials unlawful; penalty.** It shall be unlawful for any person to bury, or authorize or require to be buried, any type of building or construction materials or natural vegetation, excluding grass and sod, except where such material is incorporated into a structure below grade in strict accordance with permitted building or construction plans. A violation of this paragraph shall be presumed to be irreparable in nature, and an immediate citation may be issued or arrest made.

**d. Allowing or permitting certain dispersal of construction materials unlawful; penalty.** It shall be unlawful for any person operating or maintaining a construction site to allow or permit construction materials to be dispersed in any manner, including but not limited to man-made, weather-related or other natural or unnatural means, onto any property other than the construction site on which such work is occurring, unless such property is specifically designated and permitted for disposal of construction and demolition debris and such disposal is accomplished in compliance with all applicable requirements. A violation of this paragraph shall be presumed to be irreparable in nature, and an immediate citation may be issued or arrest made.

**2. For purposes of this sub-section, the following terms shall have the meanings specified:**

**a. "Construction materials" shall mean trash, packaging, discarded materials or debris of any type generated by any activity on a construction site, whether or not such activity is directly related to construction.**

**b. "Construction site" shall mean any lot or that portion of an unplatted parcel of property upon which construction, alteration, repair, demolition or remodeling of**

a principal structure is occurring, whether or not a building permit is required. Three or fewer contiguous lots on which construction, alteration, repair, demolition or remodeling of one or more principal structures is occurring shall be construed to be one "construction site."

c. "Person" shall mean a contractor, subcontractor or owner who operates or maintains a construction site; or an employee or independent contractor of any of them.

d. "Container" shall mean a receptacle for construction or demolition debris which is sized appropriately for the scope and stage of a particular construction project, which is fully shielded with opaque sides so as to prevent view of contents from adjacent public or private property, and which is configured so as to prevent dispersal of contents from any opening.

**Section 3.** Section 14-21, Hernando County Code of Ordinances, is hereby amended to read as follows, with crossed-through wording to be deleted and underlined wording to be added:

Sec. 14-21. Enforcement.

(a) The provisions of this division shall be enforced as set forth in sections 14-22 and 14-23 of this division. Additionally, this division may be enforced pursuant to the provisions of the county environmental health ordinance, which provides for the levying of civil fines.

(b) The director of the environmental health section of the county health department shall be responsible for enforcement of this Division, except that the director of environmental health, the director of code enforcement, and the Building Official, together with their officers and inspectors, shall be the official within the county to ensure jointly and individually responsible for and charged with the enforcement of section 14-20(f) of this division, except that nothing herein shall prohibit or affect the jurisdiction of any authorized law enforcement officer to enforce the provisions of this division, nor shall any person issue a citation hereunder unless independently authorized to do so by other applicable laws or ordinances.

**Section 4.** Section 14-22, Hernando County Code of Ordinances, is hereby amended to read as follows, with crossed-through wording to be deleted and underlined wording to be added:

Sec. 14-22. Penalties. Unless otherwise provided in the penalty prescribed for an offense or infraction pursuant to section 14-20(f), a violation of this division shall may be prosecuted as a misdemeanor or as a civil infraction and shall subject any person violating any section of this division to punishment as provided in section 1-8 of this Code, or as provided in s. 125.69, Florida Statutes, as amended from time to time. Procedures for citation as a civil infraction shall be subject to applicable provisions of section 125.69 or Chapter 162, Florida Statutes, as amended from time to time. Each day that a violation of this division occurs shall constitute a separate offense.

**Section 5. Severability**

It is declared to be the intent of the Board of County Commissioners that if any section, subsection, clause, sentence, phrase or provision of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this Ordinance.

**Section 6. Inclusion in the Code**

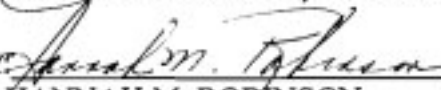
It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida, and that codification of this Ordinance shall be consistent with any direction herein with respect to matters added and deleted from the existing codification. To this end, the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "ordinance" may be changed to "section", "article", or other appropriate designation.

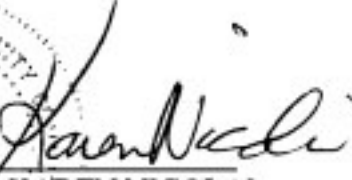
**Section 7. Effective Date**

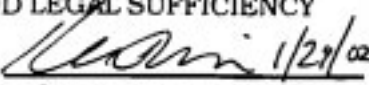
This Ordinance shall become effective on March 1, 2002.

**ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS** in Regular Session this 29th day of January, 2002, A.D.

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

By:   
HANNAH M. ROBINSON  
Chairperson

Attest:   
KAREN NICOLAI  
Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY  
BY:  1/29/02  
County Attorney's Office