

ORDINANCE NO. 80-3

An Ordinance to be entitled

AN ORDINANCE REGULATING THE DISPOSAL OR STORAGE OF HAZARDOUS MATERIALS WITHIN CALHOUN COUNTY, FLORIDA; PROVIDING FOR PERMITS; PROVIDING FOR EXCEPTIONS TO THE GENERAL PROHIBITION; PROVIDING FOR CRIMINAL PENALTIES; PROVIDING FOR CIVIL PENALTIES AND LIENS; PROVIDING AN EFFECTIVE DATE.

This Ordinance is adopted pursuant to the authority conferred on the Board of County Commissioners of Calhoun County, Florida, by the Constitution of the State of Florida and Chapter 125, Florida Statutes. It is hereby found that uncontrolled disposal or storage of hazardous materials within Calhoun County endangers both the health of the public and the environment of said County and it is necessary for the governing body of Calhoun County to place restrictions on the disposal and storage of hazardous materials. BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CALHOUN COUNTY, FLORIDA:

Section 1. It shall be unlawful for any person, firm, corporation, partnership, governmental body or any other entity, to dispose of or store hazardous materials within Calhoun County, Florida, these hazardous materials including, but not being limited to, any nuclear, atomic, radioactive, poisonous, toxic, or odorous materials, and any other material or waste product which may be hazardous to the health of the people or the environment of Calhoun County, without first obtaining a written permit from the Board of County Commissioners of Calhoun County, Florida, in an open and public regular or special meeting. However, Calhoun County farmers' storage and disposal of hazardous materials within Calhoun County in their normal farming operations shall be excluded from the provisions of this Ordinance.

Section 2. The Board of County Commissioners may, upon written application of said applicant, issue its permit for the disposal or storage of hazardous materials within said County if said Board, by a majority vote, determines that no substantial risk is likely that the health of the people or the environment of the County is endangered. In determining whether or not to issue its permit, the Board may seek the assistance of the Calhoun County Health Department or any other agency or person in making

its determination, and any and all out-of-pocket expenses of the Board in making the assessment shall be paid by the applicant prior to the issuance of the permit. In the event the permit is denied and the applicant does not pay the reasonable expenses incurred in the Board's assessment, the total of said assessments shall constitute a lien upon all personal and real property of the applicant located in Calhoun County for a period of ten (10) years, and said lien may be foreclosed by the Board at any time during this period, with the applicant being liable for all the Board's Court costs and attorneys' fees at all judicial levels in said foreclosing suit. Such a permit issued by the Board shall not be for a period exceeding one year.

Section 3. Any entity who shall cause any damage to any public property shall be liable therefor, and Calhoun County shall have the right and authority to pursue all legal means against said violator, including, but not limited to, injunctive relief, and the violator shall be liable for all of Calhoun County's expenses concerning same, including attorneys' fees and all costs at all judicial levels.

Section 4. Any entity who shall violate a provision of this Ordinance or fail to comply therewith, or any of the provisions thereof, shall be guilty of a misdemeanor of the second degree and punishable by a fine not to exceed \$500.00 or by imprisonment in the County Jail not to exceed sixty (60) days, or by both such fine and imprisonment. Each entity shall be deemed guilty of a separate offense for each and every day or a portion thereof during which any violation of any of the provisions of this Ordinance is continued.

Section 5. Any entity who shall violate a provision of this Ordinance or fail to comply therewith, or with any of the provisions thereof, may be assessed a civil fine by the Board of County Commissioners in an amount not to exceed \$100.00 per day for each and every day or a portion thereof during which any violation of any of the provisions of this Ordinance is continued, and said civil fine shall be a lien, and may be foreclosed, as provided by Section 2 hereof.

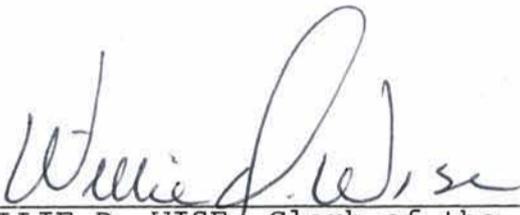
Section 6. If any word, sentence, phrase, clause, section

or portion of this Ordinance shall be held invalid or unconstitutional by a Court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 7. This Ordinance shall become effective July 1, 1980.

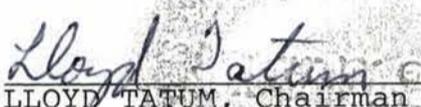
PASSED AND ADOPTED in regular session this 1st day of July, 1980.

ATTEST:

  
WILLIE D. WISE, Clerk of the Board of County Commissioners of Calhoun County, Florida

BOARD OF COUNTY COMMISSIONERS OF CALHOUN COUNTY, FLORIDA

BY:

  
LLOYD TATUM, Chairman

