

ORDINANCE NO. 2025-_____

AN ORDINANCE OF HERNANDO COUNTY, FLORIDA, AMENDING APPENDIX A (ZONING), ARTICLE IV, SECTION 11 (PSF PUBLIC SERVICE FACILITY OVERLAY DISTRICT), SUBSECTION 5, BY ALIGNING OPERATIONAL REQUIREMENTS WITH STATE REGULATORY AGENCIES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Hernando County Board of County Commissioners (“County”), is empowered to enact, amend, and repeal ordinances in accordance with Section 125.01(1)(h), Florida Statutes, which authorizes the County to adopt, amend, and repeal zoning regulations for the benefit of the public health, safety, and general welfare; and

WHEREAS, Chapter 163, Part II, Florida Statutes, requires the implementation of these goals, objectives, and policies through the adoption of consistent land development regulations; and

WHEREAS, the County desires to update and amend the land development regulations and to eliminate redundancy in operational requirements between the Florida Department of Environmental Protection (“FDEP”) regulations and the Public Service Facility Overlay District (“PSF”) zoning district regulations; and

WHEREAS, the County finds that the proposed amendment is necessary to address current land use needs, promote a more balanced development pattern, and align with the Comprehensive Plan; and

WHEREAS, the County has conducted a public hearing and has duly considered the matters presented, in accordance with applicable law; and

WHEREAS, the Board of County Commissioners, for itself and acting as the Local Planning Agency, finds and determines that the proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan.

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

Section 1. Hernando County Code of Ordinances, Appendix “A” (Zoning), Article IV, Section 11 (PSF Public Service Facility Overlay District), subsection (B)(5) of the Hernando County Code is hereby amended, to read as follows with strike-through text deleted and underlined text added:

(5) A construction and demolition (C&D) debris landfill facility shall meet the following operational standards:

(a) The owner/operator of a construction and demolition debris landfill shall be responsible for compensating the appropriate fire department for all expenses in the extinguishing or containing of a fire above the cost of an average fire call as determined by the Florida State Fire Marshal's *Output Report*:

~~(b) The owner/operator of a construction and demolition debris landfill shall provide the county with financial assurance, easily accessible to the county, in the amount needed for closure and care of the facility once closed not to be less than five (5) years. This financial assurance shall be in one of the following methods: a bond, insurance, irrevocable letter of credit, or cash. The financial assurance may be of co-obligation between the county and the Florida Department of Environmental Protection.~~

~~(b e)~~ The owner/operator of a proposed construction and demolition debris landfill shall provide to the Hernando County Solid Waste Division ~~county~~ a copy of their Florida Department of Environmental Protection permit and/or any other such permits as required by the law, rule or regulation by of any successor agency. If an owner/operator of a proposed construction and demolition debris landfill is unable to attain or is exempt from the Florida Department of Environmental Protection rules, the proposed landfill does not meet the requirements of this ordinance, and shall not be allowed to operate.

~~(d) All facilities receiving more than one hundred (100) tons per day, shall install scales to weigh incoming C&D debris. Facilities receiving less than one hundred (100) tons per day shall submit an alternate procedure for calculating daily waste, subject to approval by the county.~~

~~(e) Initial cover of six (6) inches of soil shall be applied and maintained in order to minimize adverse environmental, safety or health effects such as those resulting from birds, blowing litter, disease vectors, odors, or fires. The minimum frequency for applying cover is every two (2) weeks.~~

~~(f) A minimum of one C&D spotter (per FDEP standards) shall be present on site for each one hundred (100) tons, or part thereof, of C&D debris disposed per day.~~

~~(cg)~~ The Hernando County Solid Waste Management Division will perform annual inspections at each privately owned C&D disposal facility ~~no less than once per week and will perform periodic inspections as deemed necessary~~ The purpose of these inspections will be to assess compliance with this ordinance and the Florida Department of Environmental Protection's rules and regulations, and to enforce the Hernando County Zoning Regulations.

~~(h) Inspection frequency by county employees shall be as follows:~~

Facility	Frequency
Accept less than 50 tons per day	Once a week
Accept 50—100 tons per day	Three times per week
Accept 100 tons or more per day	Five times per week

(di) Owners/operators shall provide unrestricted access to their C&D disposal facilities during normal operating hours for other all county departments and personnel (such as solid waste, code enforcement, sheriff's department office, and the fire department) for to conduct compliance inspections to assess compliance with this ordinance and the Florida Department of Environmental Protection's rules and regulations, and to enforce the Hernando County Zoning Regulations.

(ej) Owners/operators shall maintain all records on-site for a minimum of three (3) years from the date of waste receipt. The following records shall be required:

Daily tons of C&D debris received.

Daily tons of C&D debris recycled and type (i.e., cardboard, concrete, wood, ferrous metal, etc.)

Name and address of the recycler or receiver of the recycled materials.

Daily tons of C&D debris disposed at the site.

Daily tons of rejected waste, type of waste, and the disposal location of the rejected waste.

(f) The County reserves the right at any time to request copies of the records, and information requested by the County shall be provided or made available to the County within twenty (20) working days of a written request for any relevant, non-financial information as may be needed to satisfy this Ordinance, FDEP or any other State requirements.

(gk) Owners/operators shall submit ~~a quarterly report~~ an annual report summarizing the ~~above~~ information in paragraph (e) above to the Hernando County Solid Waste Management Division on the fifteenth of the next month following each quarter (April 15th, July 15th, October 15th, and January 15th). on or before the 31st day of January for the previous calendar year.

(hl) Owners/operators shall submit ~~a copy~~ copies of the FDEP-required ground water monitoring well analyses to the Hernando County Solid Waste Management Division after each sampling event upon request.

(m) Owners/operators shall ~~pay a regulatory fee to the county for each ton of C&D debris received, except for tons that are recycled and rejected. The fee~~

~~shall be deposited into the Construction and Demolition Debris Revenue Account. The revenue generated by this regulatory fee will fund the cost of county inspections, and the remainder will help pay for any future cleanup costs resulting from C&D disposal facilities or illegal dumping sites.~~

~~(n) C&D disposal facility owners/operators shall pay the total regulatory fee due each month to the county no later than thirty (30) days following the end of each calendar month.~~

~~(o) The amount of the regulatory fee shall be established by resolution of the board.~~

Section 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 3. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 4. 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. To this end, the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "ordinance" may be changed to "section," "article," or any other appropriate designation.

Section 4. This ordinance shall become effective immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this ordinance has been filed with said office.

BE IT ORDANIED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, in Regular Session, this ____ day of _____, 2025.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

Douglas A. Chorvat, Jr.
Clerk of the Circuit Court & Comptroller

By: _____
Brian Hawkins
Chairman

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: Victoria Anderson
County Attorney's Office