

APR 30 1991

AN ORDINANCE OF HERNANDO COUNTY, FLORIDA SETTING FORTH RULES AND REGULATIONS FOR THE RECLAMATION OF ALL MONIES SPENT OR EQUIPMENT DAMAGED OR DISABLED DURING THE MITIGATION OF A HAZARDOUS MATERIAL INCIDENT WITHIN HERNANDO COUNTY OR ANY MUTUAL AID RENDERED; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1:

This Ordinance shall be referred to as the "Hernando County Hazardous Material Reclamation Ordinance" or "The Hernando County Response Cost Reimbursement Ordinance", and shall be effective within Hernando County, Florida.

SECTION 2:

As used in this Ordinance, the following words and terms shall have the following meaning, unless a different meaning is clearly intended.

(a) "Board" shall mean the Board of County Commissioners of Hernando County, Florida.

(b) "Ordinance" shall mean the rules and regulations pertaining to the reclamation of all monies spent or equipment damaged or disabled during the mitigation of a hazardous material incident.

(c) "County" shall mean Hernando County, Florida.

(d) "Hazardous Material Authority" shall mean the Board of County Commissioners of Hernando County, Florida.

(e) "Hazardous Materials" shall mean any chemical solid, liquid or gas which by reason of its nature, location, condition or use may cause loss, damage, death or injury to persons, property or environment by reason of fire, explosion, release or action of the elements.

(f) "Mitigation" shall mean the controlling of a leak, spill or accident involving hazardous chemicals, solid, liquid or gas to prevent further damage, death or injury to persons, property or environment.

(g) "Reimbursement" shall mean the act of recovering expended funds as a result of a hazardous material incident.

(h) "Hazardous Material Official" shall mean those persons employed by the Board of County Commissioners with the responsibility of the mitigation of a hazardous material incident.

SECTION 3: Mitigation of A Hazardous Material Incident.

After the mitigation of a hazardous material incident, the Hazardous Material Official determines that the incident occurred through the negligence of the owner(s) or persons leasing or employees of said persons of the property, business or transporting vehicle.

The negligent parties are responsible for all restitution of expenses incurred as a result of the said hazardous material incident.

(a) Expenses:

1. Manpower used to respond to the incident
2. Equipment used or damaged as a result of a hazardous material incident
3. Vehicle use in response to a hazardous material incident
4. Travel expenses to and from a hazardous material incident
5. Outside Contractors employed by the Board to assist in mitigation of a hazardous material incident

Statement of expenses will be forwarded to the owner(s) or leaser(s) of the property, business or transporting vehicle by the Board. Payment will be required within 60 days. If payment is not received within 60 days of notice, the Board may place a lien upon real or personal property of the owners or transport vehicle for a period of Twenty (20) years. The lien shall state the name of the owner(s) or leaser(s), the amount of the lien and the purpose of the lien, and shall describe the property or transport vehicle upon which the hazardous material incident occurred. It shall not be necessary for the lien to be sworn to, and shall be signed by the Chairman of the Board of County Commissioners or the Hazardous Material Official, and said lien shall be enforced by any procedure

now authorized for enforcement of lien. All costs of enforcing said lien shall be taxed against the owner(s) or leaser(s) of the property or transport vehicle including reasonable attorney's fees and court costs incurred by the Board.

SECTION 4: FORMS

The Board of County Commissioners shall adopt, by resolution, such forms as may be necessary for administration of the Ordinance.

SECTION 5: FEE RESOLUTION

The Board of County Commissioners shall adopt, by resolution, a fee schedule as may be necessary for the cost of efficient administration of this ordinance.

SECTION 6: PENALTIES AND LEGAL REMEDIES

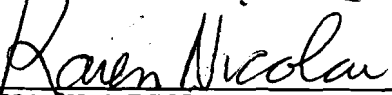
Pursuant to Section 125.69, Florida Statutes, a person who violates any provisions of this Ordinance shall be subject to prosecution in the name of the State in the same manner as misdemeanors are prosecuted; and, upon conviction, such person shall be punished by a fine not to exceed FIVE HUNDRED DOLLARS AND NO/100 (\$500.00) or by imprisonment in the County Jail not to exceed sixty (60) days, or by both such fine and imprisonment. Each day or fraction thereof that the violation continues shall be considered as a separate offense.

SECTION 7: SEVERABILITY

If any portion of this Ordinance should be declared unconstitutional, or if the applicability of this Ordinance or any portion thereof to any person or circumstances should be held invalid, the validity of the remainder of this Ordinance and the applicability of this Ordinance, or any portion thereof to other persons and circumstance, shall not be affected thereby.

DONE AND ADOPTED this 23rd day of April, 1991.


ATTEST:


KAREN NICOLAI, CLERK

BOARD OF COUNTY COMMISSIONERS
OF HERNANDO COUNTY, FLORIDA

BY: 
HAROLD VARVEL, CHAIRMAN

FOR THE USE AND RELIANCE OF HERNANDO COUNTY
ONLY. APPROVED AS TO FORM ONLY.


ROBERT B. BATTISTA
CHIEF ASSISTANT COUNTY ATTORNEY