

ORDINANCE NO. 2013- 38

1
2
3 AN ORDINANCE AMENDING CHAPTER 28 (UTILITIES) OF THE
4 HERNANDO COUNTY CODE OF ORDINANCE, ARTICLE V (ON-SITE
5 SEWAGE DISPOSAL SYSTEMS) DELETING SECTIONS 28-188
6 THROUGH 28-194, RENUMBERING REMAINING SUBSECTIONS;
7 REPEALING ANY PROVISIONS IN CONFLICT HEREWITH; PROVIDING
8 FOR APPLICABILITY, SEVERABILITY; CONFLICTING PROVISIONS,
9 FILING WITH THE DEPARTMENT OF STATE, PROVIDING FOR
10 INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE
11 DATE.

12
13 WHEREAS, the Board of County Commissioners (County) has adopted the Hernando County
14 Comprehensive Plan within which are included goals, objectives, and policies related to the
15 process for review and approval of certain development applications; and

16
17 WHEREAS, Chapter 163, Part II, Florida Statutes, requires the implementation of these goals,
18 objectives, and policies through the adoption of consistent land development regulations; and

19
20 WHEREAS, 163.3162 (3)(g) expressly recognizes the power of county governing body to
21 regulate by ordinance the transportation or land application of domestic wastewater residuals or
22 other forms of sewage sludge and expressly provides that such ordinances shall not be deemed to
23 be a "duplication of regulation."

24
25 WHEREAS, the County desires to update and modernize its code of ordinances to provide
26 modified regulations for Land Application of Sludge and contents from On-Site Sewage
27 Disposal Systems, as provided for herein.

28
29 WHEREAS, this proposed amendment to the Hernando County Code of Ordinances has
30 received public hearings before the Planning Commission, Local Planning Agency and the Board
31 of County Commissioners as applicable, as required by state and local law; and

32
33 WHEREAS, the Board of County Commissioners finds that the proposed amendment is
34 consistent with the goals, objectives and policies of the Comprehensive Plan.

35
36 NOW THEREFORE:

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

39
40 SECTION I. AMENDING HERNANDO COUNTY CODE OF ORDINANCES,
41 CHAPTER 28 (UTILITIES), ARTICLE V, (ON-SITE SEWAGE DISPOSAL SYSTEMS),
42 SECTION 28-188 (LAND APPLICATION).

43
44 Chapter 28 (Utilities), of the Hernando County Code of Ordinances, Article V (On-Site Sewage
45 Disposal Systems), Section 28-188 (Land Application) is amended to read as follows, with
46 underlined language added and strike through language deleted:
47

1 **Sec. 28-188. ~~Land application.~~**

2
3 ~~Land application is permitted under the following conditions:~~

- 4 ~~(a) The sludge and contents from on-site waste disposal systems shall be disposed of~~
5 ~~at a site approved by the Hernando County Public Health Unit. Sludge or septage~~
6 ~~stored on-site shall not create a violation of Chapter 386, Florida Statutes. The~~
7 ~~approval of the site will be based on requirements of Part IV of Chapter 17-7,~~
8 ~~Florida Administrative Code and criteria listed at Section 28-190~~
- 9 ~~(b) Untreated domestic septage, portable toilet waste or food service sludge shall not~~
10 ~~be applied to the land. A pretreatment facility capable of providing for~~
11 ~~stabilization must be provided. EPA Handbook 625/6-84-009, "Septage~~
12 ~~Treatment and Disposal," shall be utilized for construction of any permanent~~
13 ~~treatment facility. Criteria for land application or disposal of domestic septage is~~
14 ~~provided in Part IV of Chapter 17-7, Florida Administrative Code.~~
- 15 ~~(c) Hernando County shall require inspection of domestic septage and portable toilet~~
16 ~~waste. If the operator or hauler is using lime stabilization, he or she must call the~~
17 ~~Hernando County Health Department when the lime is applied and wait for two~~
18 ~~(2) hours before land spreading. The operation shall have necessary pH testing~~
19 ~~equipment.~~
- 20 ~~(d) The county may observe and test at the disposal site to ascertain that the pH is~~
21 ~~being maintained and the material is being disposed of properly. Records for~~
22 ~~chemical toilets shall be maintained and shall show a daily estimated total~~
23 ~~volume. Operators permitted in Hernando County shall be the sole users of the~~
24 ~~sites described herein.~~
- 25 ~~(e) A permitted operator transporting, pumping and handling septage and sludges~~
26 ~~shall be governed by the following:~~
- 27 ~~(1) Collection trucks for residential and commercial purposes shall have a~~
28 ~~minimum capacity of twelve hundred (1200) gallons.~~
- 29 ~~(2) Portable toilet equipment must conform with Rule 10D-6, Florida~~
30 ~~Administrative Code.~~
- 31 ~~(3) There must be an adequate storage site for the operation.~~
- 32 ~~(4) Deflection devices must be provided to assure proper distribution when~~
33 ~~land spreading.~~

34
35 **SECTION II. AMENDING HERNANDO COUNTY CODE OF ORDINANCES,**
36 **CHAPTER 28 (UTILITIES), ARTICLE V, (ON-SITE SEWAGE DISPOSAL SYSTEMS),**
37 **SECTION 28-189 (APPLICATION SITE APPROVAL).**

38
39 Chapter 28 (Utilities), of the Hernando County Code of Ordinances, Article V (On-Site Sewage
40 Disposal Systems), Section 28-189 (Application site approval) is amended to read as follows,
41 with underlined language added and strike through language deleted:

42
43 **Sec. 28-189. - Application site approval.**

44
45 ~~Each sludge and septage application site shall be approved by the Hernando County~~
46 ~~Public Health Unit prior to its use. The county public health unit will review the suitability of~~
47 ~~each site using the criteria in Section 28-190 of this article and Part IV of Chapter 17-7, Florida~~

1 ~~Administrative Code. The county public health unit will advise the county administrator when a~~
2 ~~request for approval of a specific application site has been received by the public health unit. The~~
3 ~~administrator will provide the public health unit with data on the zoning classification of the site,~~
4 ~~size of the site, and access routes to the site. The county public health unit must receive an~~
5 ~~application for a septage disposal site permit for currently in use disposal sites by May 1, 1990.~~
6 ~~If an application is not received, the site will not be an approved septage disposal site as of May~~
7 ~~2, 1990, and subject to the penalties outlined in Section 29-194. Whenever a permit application is~~
8 ~~disapproved, the applicant may appeal to the Hernando County Environmental Health Board.~~
9 ~~This appeal must be filed with the county public health unit within thirty (30) days of the~~
10 ~~disapproval of the application.~~

11
12 **SECTION III. AMENDING HERNANDO COUNTY CODE OF ORDINANCES,**
13 **CHAPTER 28 (UTILITIES), ARTICLE V, (ON-SITE SEWAGE DISPOSAL SYSTEMS),**
14 **SECTION 28-190 (APPLICATION SITE REQUIREMENTS).**

15
16 Chapter 28 (Utilities), of the Hernando County Code of Ordinances, Article V (On-Site Sewage
17 Disposal Systems), Section 28-190 (Application site requirements) is amended to read as
18 follows, with underlined language added and strike through language deleted:

19
20 **Sec. 28-190. - Application site requirements.**

21
22 ~~Use of application sites must meet the following requirements:~~

- 23
24 (a) ~~Each site applicant must restrict access to all but the owner, his representative and~~
25 ~~permitted haulers.~~
26 (b) ~~A minimum 100 foot buffer zone will be maintained from the property lines of all~~
27 ~~adjoining property owners.~~
28 (c) ~~Each site must be a minimum of ten (10).~~
29 (d) ~~At access points and every one hundred (100) yards along the perimeter signs~~
30 ~~shall be posted conspicuously, indicating that the land is used for septage/sludge~~
31 ~~disposal.~~
32 (e) ~~Only a permitted operator may operate a private (nongovernmental) facility to~~
33 ~~treat domestic septage, food service sludge, portable toilet waste or industrial~~
34 ~~nontoxic sludge. The privately owned and operated facility shall contain adequate~~
35 ~~equipment for treatment and disposal of septage/sludge as set forth in Chapter 17-~~
36 ~~7, Florida Administrative Code.~~
37 (f) ~~The Hernando County Public Health Unit shall determine the number of operators~~
38 ~~or haulers permitted on a specific disposal land site and the amount of~~
39 ~~septage/sludge that may be applied.~~
40 (g) ~~The Hernando County Public Health Unit shall perform random inspections to~~
41 ~~ascertain whether or not proper treatment and disposal of the sludge or septage~~
42 ~~has occurred and to verify that the requirements of this article have been met.~~

43
44 **SECTION IV. AMENDING HERNANDO COUNTY CODE OF ORDINANCES,**
45 **CHAPTER 28 (UTILITIES), ARTICLE V, (ON-SITE SEWAGE DISPOSAL SYSTEMS),**
46 **SECTION 28-191 (ENFORCEMENT).**
47

1 Chapter 28 (Utilities), of the Hernando County Code of Ordinances, Article V (On-Site Sewage
2 Disposal Systems), Section 28-191 (Enforcement) is amended to read as follows, with underlined
3 language added and strike through language deleted:

4
5 **Sec. 28-191. –Enforcement and penalties provisions.**

6
7 ~~The Hernando County Public Health Unit shall be charged with enforcing the provisions of this~~
8 ~~article.~~

9
10 **SECTION V. AMENDING HERNANDO COUNTY CODE OF ORDINANCES,**
11 **CHAPTER 28 (UTILITIES), ARTICLE V, (ON-SITE SEWAGE DISPOSAL SYSTEMS),**
12 **SECTION 28-192 (RECORDS).**

13
14 Chapter 28 (Utilities), of the Hernando County Code of Ordinances, Article V (On-Site Sewage
15 Disposal Systems), Section 28-192 (Records) is amended to read as follows, with underlined
16 language added and strike through language deleted:

17
18 **~~Sec. 28-192. –Records.~~**

19
20 ~~The records required to be kept and maintained by the permitted operator pursuant to this~~
21 ~~article shall be kept at the operator's principal place of business in Hernando County and shall be~~
22 ~~subject to inspection. Failure to keep and maintain such records shall be grounds for revocation~~
23 ~~of the permit authorized by this article. A summary of this concerning the previous month's~~
24 ~~activity will be sent to the Hernando County Public Health Unit by the fifteenth day of each~~
25 ~~month. This report will include totals of each type of material collected and type and total~~
26 ~~material disposed of at each disposal site used. All operators or haulers are to maintain a~~
27 ~~collection and hauling record that is open for inspection, which provides the following~~
28 ~~information as to each hauling operation:~~

- 29
30 (a) ~~— Date and time of collection;~~
31 (b) ~~— Name of the job site;~~
32 (c) ~~— Sludge generator or business;~~
33 (d) ~~— Description of material collected;~~
34 (e) ~~— Estimated amount of material collected;~~
35 (f) ~~— Signature of owner or operator of business or site where material was obtained,~~
36 ~~when possible;~~
37 (g) ~~— Time arrived at private disposal site; and~~
38 (h) ~~— Amount of line added to the tank.~~

39
40 **SECTION VI. AMENDING HERNANDO COUNTY CODE OF ORDINANCES,**
41 **CHAPTER 28 (UTILITIES), ARTICLE V, (ON-SITE SEWAGE DISPOSAL SYSTEMS),**
42 **SECTION 28-193 (REVOCATION PROCEDURE).**

43
44 Chapter 28 (Utilities), of the Hernando County Code of Ordinances, Article V (On-Site Sewage
45 Disposal Systems), Section 28-193 (Revocation procedure) is amended to read as follows, with
46 underlined language added and strike through language deleted:

1 **Sec. 28-193. - Revocation procedure.**
2

3 ~~(a) Authority. The Hernando County Code Enforcement Board shall have authority to~~
4 ~~revoke or suspend the permits authorized by this article or issue letters of~~
5 ~~reprimand to permit holders or invoke any penalties herein.~~

6 ~~(b) In the event of a violation or imminent threat to the public health, the health~~
7 ~~department, in addition to any other remedies provided by law, may institute a~~
8 ~~suit for injunction to prevent or terminate such violation.~~
9

10 **SECTION VII. AMENDING HERNANDO COUNTY CODE OF ORDINANCES,**
11 **CHAPTER 28 (UTILITIES), ARTICLE V, (ON-SITE SEWAGE DISPOSAL SYSTEMS),**
12 **SECTION 28-194 (PENALTY FOR VIOLATION).**
13

14 Chapter 28 (Utilities), of the Hernando County Code of Ordinances, Article V (On-Site Sewage
15 Disposal Systems), Section 28-194 (Penalty for violation) is amended to read as follows, with
16 underlined language added and strike through language deleted:
17

18 ~~**Sec. 28-194. - Penalty for violation.**~~
19

20 ~~Any violation of this article shall constitute a misdemeanor and shall be punishable as~~
21 ~~provided in Section 1-8 of the Hernando County Code.~~
22

23 **SECTION VIII. APPLICABILITY.** This Ordinance shall be applicable throughout the
24 unincorporated area of Hernando County.
25

26 **SECTION IX. SEVERABILITY.** It is declared to be the intent of the Board of County
27 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
28 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect
29 the validity of the remaining portions of this ordinance.
30

31 **SECTION X. CONFLICTING PROVISIONS.** Special acts of the Florida Legislature
32 applicable only to unincorporated areas of Hernando County, Hernando County ordinances,
33 County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this
34 ordinance to the extent of such conflict except for ordinances concerning either adoption or
35 amendment of the Comprehensive Plan, pursuant to Chapter 163, part II, Florida Statutes.
36

37 **SECTION XI. FILING WITH THE DEPARTMENT OF STATE.** The clerk shall be and is
38 hereby directed forthwith to send a certified copy of this ordinance to the Bureau of
39 Administrative Code, Department of State, R.A. Gray Bldg., Room 101, 500 S. Bronough Street,
40 Tallahassee, FL 32399-0250.
41

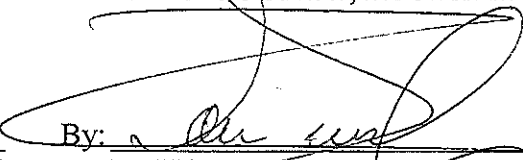
42 **SECTION XII. INCLUSION IN CODE.** It is the intention of the Board of County
43 Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of
44 this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County,
45 Florida. To this end, any section or subsection of this Ordinance may be renumbered or re-
46 lettered to accomplish such intention, and the word "ordinance" may be changed to "section,
47 "article," or other appropriate designation. Section IV through Section IX shall not be codified.

1
2 **SECTION XIII. EFFECTIVE DATE.** This ordinance shall take effect immediately upon
3 filing with the Department of State.
4

5
6 **DULY PASSED AND ADOPTED IN REGULAR SESSION THIS** 10 **DAY OF**
7 December, 2013
8

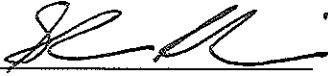
9
10 **BOARD OF COUNTY COMMISSIONERS**
11 **HERNANDO COUNTY, FLORIDA**

12
13
14
15 Attest: 
16 DONALD C. BARBÉE JR, CLERK

17
18
19 By: 
20 DAVID D. RUSSELL, JR., CHAIRMAN



21
22
23 **Approved as to Form and**
24 **Legal Sufficiency**

25
26 By: 
27