

1 An Ordinance relating to the regulation
2 of mining operations within Hernando County,
3 Florida, providing for allowance of mining
4 operations in accordance with approved mining
5 property plats and zoning regulations; pro-
6 viding for approval procedure of mining plats
7 by the County; requiring the submittance of
8 a plan by mining operations to be approved by
9 the County; requiring such plan to insure, as
10 a minimum: efforts to preserve the natural
11 resources, efforts to provide for restoration
12 of aesthetic values, control of the physical
13 and chemical quality of the water draining
14 from the area of operation; soil stabilization,
15 elimination of health and safety hazards;
16 providing penalty for failure to submit such a
17 plan to the County; providing procedure
18 for determining noncompliance with approved
19 plan; providing penalty for noncompliance
20 with approved plan; providing severability
21 clause; providing effective date.

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

24 SECTION 1. Mining operations may be permitted
25 in only those districts or zoning districts as out-
26 lined by existing mining property plats, approved
27 by the Board of County Commissioners of Hernando
28 County, Florida and in accordance with zoning regulations
29 for Hernando County, Florida, or in those areas
30 designated as a special exemption use.

31 SECTION 2. All mining plats that designate

1 mining districts or zoning districts for mining pur-
2 poses shall be submitted to the Board of County Commis-
3 sioners, Hernando County, Florida, with sufficient
4 data and information to adequately inform said Board
5 of County Commissioners the extent, scope and nature of
6 the mining operations to be conducted in said district
7 or zoning district. Such plats shall in all cases
8 adhere to applicable zoning regulations and to Section
9 211.32 of Florida Statutes. If a special exemption
10 use application is sought to be approved, additional
11 information may be required by the Board of County
12 Commissioners. Upon a determination by the Board of
13 County Commissioners that such plats meet requisite
14 zoning regulations and adhere to Section 211.32 of
15 Florida Statutes, the Board of County Commissioners
16 shall approve such mining plats.

17 SECTION 3. (a) Each mining company performing
18 pursuant to this Ordinance shall submit to the Hernando
19 County Planning Commission for their approval a plan
20 developed for each mining operation which shall
21 require the conducting by such mining company of a
22 reclamation and restoration program, and which shall
23 insure efforts to provide for the preservation of
24 natural resources. Existing mining operations shall
25 have its plan submitted within 60 days from the effec-
26 tive date of this Ordinance. Mining operations to
27 be started after the effective date of this Ordinance
28 shall submit its plan for approval prior to the
29 commencement of mining operations.

30 (b) The plan submitted pursuant to
31 this section shall insure, as a minimum:

1 (i) that the mining company
2 will take actions, specified by the plan, to provide
3 for the preservation of natural resources consistent
4 with the peculiarities of each operation, and
5 in addition thereto, each such mining company shall
6 provide for the conservation and preservation of
7 remaining natural resources, to include limestone
8 deposits, timber or any other materials found to
9 exist on such property;

10 (ii) that the mining company
11 will take actions, specified by the plan, to provide
12 for the restoration of aesthetic values of those
13 areas previously mined, such plan to include pro-
14 visions for contouring and promotion of the growth
15 of vegetation;

16 (iii) that the mining company
17 will take actions, specified by the plan, to control
18 the physical and chemical quality of the water drain-
19 ing from the area of operation. Such plan shall
20 insure that the quality of water resulting from its
21 mining operations are not harmful to the underground
22 water supply and that all acid wastes shall be and
23 are strictly prohibited to be contained in its normal
24 operation discharges;

25 (iv) that the mining company
26 will take actions, specified by the plan, to provide
27 for the stabilization of soils resulting in and about
28 such mining operation giving practical consideration to
29 the characteristics and capabilities of any and all
30 materials being utilized;

31 (v) that the mining company

1 will take actions, specified by the plan, to eliminate
2 health and safety hazards from its mining operations.
3 Such provisions shall include provisions for the
4 proper and timely posting of notice of any pending
5 danger resulting in or about its mining operations
6 to insure that suitable health and safety standards
7 shall exist during such company's mining operations.

8 SECTION 4. The plan provided for in Section 3
9 of this Ordinance shall be presented to the Hernando
10 County Planning Commission. It shall be the duty of
11 such Commission to study, analyze and evaluate the
12 proposed plan, with such expert and professional
13 help as the Commission deems necessary, and to deter-
14 mine if such proposed plan meets the criteria and
15 standards as set forth in Section 3(b). If the plan
16 meets the criteria and standards as set forth in
17 Section 3(b), then the Commission shall approve such
18 plan and it shall then be the duty of the mining
19 company to implement the provisions of the plan. If
20 the plan is not approved by the Commission, the mining
21 company shall have a reasonable time in which to sub-
22 mit a new and conforming plan. The approval or non-
23 approval of the plan shall be appealable to the
24 Hernando County Board of Adjustment.

25 SECTION 5. Upon the failure of any mining company
26 to submit a plan within the time for submittance as
27 set out in Section 3(a) or upon the failure to submit
28 a conforming plan pursuant to Section 4, approved by
29 the Planning Commission, the Planning Commission is
30 hereby authorized to inaugurate and put into effect
31 a plan conforming to the criteria set forth in Section

1 3(b), and it shall be the duty of the mining company
2 to implement the provisions of such a plan with the
3 same force and effect as if the plan had been one
4 submitted and approved pursuant to Section 4. Such
5 a mining company shall have a reasonable time in
6 which to fully implement the plan.

7 SECTION 6. It shall be the duty of the Hernando
8 County Planning Commission to insure that the plan
9 approved pursuant to Section 4 or the plan adopted
10 pursuant to Section 5 is being fully implemented and
11 carried out by the mining company. Upon the receipt
12 of any complaints as to the failure of the mining
13 company to implement or carry out any provision of a
14 plan approved pursuant to Section 4 or adopted pursuant
15 to Section 5, the Hernando County Planning Commission
16 shall hear the complaint and a public hearing shall
17 be given on the matter. It shall be the duty of the
18 Planning Commission to determine whether or not the
19 mining company is conforming with the provisions
20 of any said plan. Upon a determination that said
21 mining company is not complying with any provisions of
22 a plan approved pursuant to Section 4 or a plan adopted
23 pursuant to Section 5, the Planning Commission shall
24 advise the mining company in writing of any non-
25 compliance and the mining company shall have a reason-
26 able time in which to correct such noncompliance.
27 Upon failure of the mining company to correct the
28 matters of noncompliance after the expiration of a
29 reasonable time, the Planning Commission shall order the
30 mining company to cease operations until such time
31 that compliance with said plans is fully established.

1 SECTION 7. Violation of any provision of this
2 Ordinance shall constitute a misdemeanor and shall
3 be punishable as provided in Chapter 125.69 of
4 Florida Statutes. Each day of conducting mining opera-
5 tions in noncompliance with a plan approved pursuant
6 to Section 4 or a plan adopted pursuant to Section 5
7 shall constitute a separate offense and shall be punish-
8 able as such.

9 SECTION 8. If any section, subsection, sentence,
10 clause, or provision of this Ordinance is held to be
11 invalid or unconstitutional, the remainder of the
12 Ordinance shall not be affected.

13 SECTION 9. This Ordinance shall become
14 effective upon acknowledgment from the Secretary
15 of State that the Ordinance has been duly filed.

16 ORDAINED in Brooksville, Hernando County, Florida,
17 this 6th day of December, A.D. 1971.

18
19 

20 CHAIRMAN,
21 Board of County Commissioners
22 of
23 Hernando County
24
25
26
27
28
29
30
31