

AN ORDINANCE TO BE KNOWN AS THE HERNANDO COUNTY ENVIRONMENTAL HEALTH ORDINANCE; ADOPTING BY REFERENCE CHAPTERS 154, 381, 386, 500, 513, 514 FLORIDA STATUTES, CHAPTER 17-22 FLORIDA ADMINISTRATIVE CODE, AND ALL RULES TO DATE ADOPTED BY THE HEALTH PROGRAM OFFICE OF THE FLORIDA DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES, PURSUANT TO SUCH GENERAL STATE LAWS INCLUDING SAID LAWS AS THEY MAY IN THE FUTURE BE AMENDED; PROVIDING FOR DEFINITIONS; PROVIDING FOR AN ENVIRONMENTAL HEALTH BOARD; PROVIDING FOR AN ENVIRONMENTAL HEALTH HEARING BOARD; PROVIDING FOR ISSUANCE OF PERMITS; PROVIDING FOR ENFORCEMENT PROCEDURES; PROVIDING FOR HEARINGS; PROVIDING FOR JUDICIAL REVIEW; PROVIDING FOR AN ENVIRONMENTAL HEALTH LABORATORY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR APPLICABILITY; PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS AS FOLLOWS:

SECTION 1. SHORT TITLE

This Ordinance shall be known and may be cited as the Hernando County Environmental Health Ordinance.

SECTION 2. DECLARATION OF LEGISLATIVE INTENT

The Board of County Commissioners of Hernando County finds and declares that the reasonable control of activities which are causing or may cause pollution or contamination of the environment is necessary for the protection and preservation of the public health, safety and general welfare.

Chapter 125.01 Florida Statutes authorizes the County to provide environmental health programs and to perform other acts not inconsistent with general or special laws and which are of common interest to the residents of Hernando County, Florida.

It is the intent and purpose of this Ordinance to authorize the Board of County Commissioners of Hernando County, sitting as the County Environmental Health Board, to provide and maintain for the citizens and visitors of said county standards which will insure sanitary practice and freedom of the environment from contaminants or synergistic agents injurious to human, plant or animal life, or which unreasonably interfere with the comfortable enjoyment of life or property, or the conduct of business.

SECTION 3. DEFINITIONS

The following words as used in this Ordinance shall have the following meanings:

A. "Environment" shall include, but not be limited to man's surroundings which affects human health and welfare, plant or animal

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life, and the reasonable enjoyment of life or property, or the conduct of business.

B. "Pollution" is the presence in the environment of any one or more substances or contaminants in quantities which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonably interfere with the enjoyment of life or property.

C. "Contaminant" is any substance which is harmful to plant, animal or human life.

D. "Board" shall mean the Hernando County Environmental Health Board.

E. "Persons" shall be construed to include any natural person, individual, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer, or any other entity whatsoever, or any combination of such, jointly or severally.

F. "Hearing Board" means the Hernando County Environmental Health Hearing Board.

G. "County Health Director" means the Director of the Hernando County Health Department or his (her) duly authorized representative.

H. "Violation of this Ordinance" shall mean violation of the terms of this act or violation of any County Ordinance regarding environmental control or rule or ordinance of the Environmental Health Board promulgated hereunder or violation of any law of the State or rule of a State agency including the Department of Environmental Regulation and the Department of Health and Rehabilitative Services pertaining to environmental control or violation of a Hearing Board Order.

I. "Rule" means the whole or a part of the Board's statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure or practice requirements of the Board.

J. "Department" means the Hernando County Health Department.

SECTION 4. HERNANDO COUNTY ENVIRONMENTAL HEALTH BOARD

The Board is established pursuant to this Ordinance and shall consist of the five members of the Board of County Commissioners.

SECTION 5. ENVIRONMENTAL HEALTH BOARD; DUTIES AND POWERS

The Board shall have the following duties, functions, powers and responsibilities:

A. The Board shall adopt, revise and amend from time to time appropriate ordinances and rules necessary for the implementation and effective enforcement, administration and interpretation of the provisions of this Ordinance, and shall provide for the effective and continuing control and regulation of the environment in the County within the framework of this act. When approved by the Board and filed with the Clerk of the County Commissioners, and adopted as provided by law, such ordinances and rules shall have the force and effect of law.

B. The Board shall perform such other duties, functions and responsibilities as may become necessary to contribute to improvement in the control of the environment in Hernando County.

SECTION 6. ENVIRONMENTAL HEALTH OFFICER

The Director of the Environmental Health Section of the Hernando County Health Department shall be the Environmental Health Officer.

SECTION 7. ENVIRONMENTAL HEALTH OFFICER; DUTIES AND POWERS

The duties, functions, powers and responsibilities of the Environmental Health Officer shall include the following:

A. In cooperation with the County Health Director, enforcing the provisions of this act and county ordinances adopting enforcement procedures provided herein, and rules promulgated, and all laws of the State and rules of State agencies, including the Department of Environmental Regulation and the Department of Health and Rehabilitative Services pertaining to environmental control.

B. Conducting investigations and instituting legal proceedings to abate violations of this act and all rules promulgated hereunder in accordance with the law of the State of Florida and the provisions of this act.

C. Cooperating with industry, business, institutions, governmental agencies and other interested parties in accomplishing effective environmental control.

D. Publicizing and disseminating information to the public concerning the environment and recommending methods for its control.

E. Enlisting and encouraging public support, and the assistance of civic, technical, scientific and educational organizations, and the cooperation of industrial and business enterprises and organizations.

F. Making periodic reports concerning the status of the environment in Hernando County and the enforcement of the provisions of this Ordinance and recommendations concerning the improvement of environmental control. Such reports shall be filed with the Board and be made available to other governmental agencies which may be interested.

G. Performing such other administrative duties as may be assigned by the Board.

H. Exercising additional powers to be described hereunder.

SECTION 8. EXEMPTIONS

The provisions of this Ordinance do not apply to:

A. Agricultural operations in the growing, harvesting or processing of crops and the raising of fowls or animals.

B. Use of equipment in the performance of such agricultural operations.

C. Barbecue equipment or outdoor fireplaces used for non-commercial purposes.

D. Agricultural land clearing operations or agricultural land grading.

E. Incinerators and heating equipment in or used in connection with residences used exclusively as dwellings for not more than four (4) families.

F. Fires set or permitted by any public officer, board, council or commission when such fire is set or permission given in the performance of such duty of the officer for the purpose of weed abatement, the prevention or elimination of the fire hazard, or the instruction of employees in the methods of fire fighting which is, in the opinion of such officer, necessary; or from fires set pursuant to permit for purpose of instruction of employees of private industrial concerns in methods of fire fighting, or for civil defense instruction.

G. The use of an orchard or citrus grove heater which does not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute.

H. Odors emanating from agricultural operations in the growing, harvesting or processing of crops or raising of fowls or animals.

SECTION 9. PERMITS

A. Ninety (90) days following the effective date of this Ordinance, it shall be unlawful for any person, firm or corporation to operate an establishment over which the Department exercises regulatory authority without having first obtained a valid operating permit. Such permits shall be conspicuously displayed and shall remain valid unless and until revoked or suspended as herein specified, or until the ownership of such establishment changes, or until rendered invalid for non-payment of the assessment fee as prescribed in Section 14 of this Ordinance.

B. Establishments to be permitted shall include but not be limited to:

1. Food Service Establishments
2. Food Outlets
3. Food Processing Plants
4. Bottled Water Plants
5. Abattoirs
6. Rendering Plants
7. Camps - migrant, educational, recreational, etc.
8. Trailer Parks
9. Private Schools and Kindergartens
10. Child Care Centers and Family Day Care
11. Emergency Medical Vehicles

12. Septic Tank Pump Trucks
13. Swimming Pools and Bathing Places
14. Incarceration Facilities
15. Non-Emergency Transport

C. No construction, extension or alterations of any regulated establishment shall take place until the owner or operator has prepared plans showing the existing and/or proposed layout, and has submitted said plans for review and received written approval from the Hernando County Health Department.

D. Any person who operates an establishment as specified in Section 9A of this Ordinance shall within thirty (30) days of the effective date of this Ordinance make application for a permit to operate such establishment upon forms furnished by the Department.

E. Upon receipt of such application, the Health Officer shall:

1. Cause an inspection to be conducted for the purpose of determining whether the establishment is in substantial compliance with appropriate codes and regulations.

2. Upon receipt of written recommendation by an authorized representative of the Department, issue a permit to operate.

F. If an inspection shows an establishment not to be in substantial compliance with the appropriate codes, regulations or provisions of this Ordinance, issuance of the permit shall be denied. In such event, the owner or operator shall be notified in writing within fourteen (14) days of such denial by certified mail or personal delivery of a letter which shall enumerate the reason(s) for such denial. Upon request by the person denied a permit, the Department shall set up a prompt hearing before the Hearing Board. The decision of said Board shall be binding upon the Department.

SECTION 10. ENFORCEMENT PROCEDURES AGAINST PERMITTED ESTABLISHMENTS

A. The County Health Officer or his duly authorized representative shall have right of entry to and shall inspect all establishments and/or premises specified herein at reasonable times and frequencies to insure compliance with the provisions of this Ordinance. Such inspections shall be in writing and notice of the results of such inspections shall be accomplished by presenting a copy of the official inspection report to the operator or owner of the establishment. Sufficient time for correction of the violation(s) shall be indicated on the inspection report. If warranted, a reinspection shall be scheduled to determine compliance.

B. If a reinspection discloses any violation(s) of this Ordinance to continue to exist, the Department may issue a formal notice to correct violation(s). Such notice shall be served upon the violator by personal service or by certified mail and shall briefly set forth the general nature of the violation(s) and specify

a reasonable time within which the violation shall be rectified or stopped, commensurate with the circumstances. Reasonable time herein means the shortest practical time to rectify or abate the violation(s).

C. When the Department determines that any establishment as set forth in Section 9 of this Ordinance is not maintaining minimum compliance with applicable codes, regulations or the terms of this Ordinance, the Department may request a hearing before the Hearing Board for revocation of said permit. Notice of hearing shall be furnished the holder of said permit fourteen (14) days prior to the hearing and shall include a statement of findings that warrant revocation. A decision of the Hearing Board shall be binding upon the Department.

D. Whenever a violator fails to comply with a formal notice to correct a violation, the Department shall forward to the Hearing Board a notice of non-compliance and the Hearing Board may summon the violator to appear before it to show cause why the violation has not been corrected.

E. Upon the recommendation of the Director and with the concurrence of the County Health Officer that an imminent threat to the public health, safety or welfare exists, and such threat cannot be immediately remedied or the owner or operator refuses to immediately remedy such condition, the Health Officer is hereby empowered to immediately close such establishment and/or order the offending property vacated until such time as the threat has been removed. The establishment shall remain closed and/or the property remain vacated until written approval for re-occupancy has been issued by the Health Officer.

F. In the event a violator fails to comply with the provisions of Paragraph E above, the County Attorney shall file for a writ of injunction, requiring the violator to refrain from the particular act charged or institute other civil or criminal action as may be appropriate.

SECTION 11. HEARINGS

A. Time for notice of hearings: Within fourteen (14) days after filing with the Hearing Board of a notice of non-compliance,

the Hearing Board shall notice a hearing to be held within forty-five (45) days of the filing date. Service of notice on all parties shall be completed fourteen (14) days before the hearing. Hearings may be continued from day-to-day until completed.

B. Service of notice: Service of Notice of Hearing may be made in person to all parties, may be served by certified mail or by publication as provided by law.

C. Content of notice: Notice of hearing will specify date, time and exact place of hearing. Notice will specify the Rule(s) appealed from or alleged to have been violated and attached thereto shall be a copy of the notice of appeal, notice of non-compliance or petition.

D. Conduct of hearings before Hearing Board:

1. All hearings of the Hearing Board shall be open to the public.

2. Evidence A case may be presented by oral or documentary evidence. Oral evidence shall be taken only on oath or affirmation.

3. The Hearing Board shall give probative effect to evidence which would be admissible in civil proceedings in the courts of this state, but in receiving evidence, due regard shall be given to the technical and highly complicated subject matter and the exclusionary rules of evidence shall not be used to prevent the receipt of evidence having substantial probative effect.

SECTION 12. JUDICIAL REVIEW

Any person aggrieved by any action or decision of the Hearing Board may seek appropriate judicial review.

SECTION 13. ENVIRONMENTAL HEALTH LABORATORY

An environmental laboratory is hereby established and authorized to perform such bacteriological and chemical tests as may be authorized by any state regulatory agency. Appropriate fees may be charged for laboratory services in accordance with the provisions of Section 14 of this Ordinance. The Department is authorized to enter into contracts with large users of laboratory service.

SECTION 14. ASSESSMENT OF FEES

The Department is hereby authorized to assess fees for the services and/or permits specified herein.

A. Annual fees shall be assessed the establishments enumerated in this section, which are permitted in accordance with the terms of Section 6 of this Ordinance. The owner or operator of each such permitted facility shall be mailed a bill on or before June 15 of each year which bill shall be due and payable on July 1st of that year. Fees not remitted on or before July 31st of that year shall be re-assessed by a second mailing and shall contain a warning statement that failure to remit payment on or before August 31st will result in automatic invalidation of the operating permit in accordance with Paragraph B of this section.

B. Failure to remit the fee assessment by any permitted establishment on or before August 31st of each year will automatically invalidate said permit as of 12:01 A.M. the following day.

C. Fee assessment schedule for permitted establishments:

1. Bars, Taverns, Cocktail Lounges
2. Food Service Establishments
3. Food Outlets
4. Mobile Food Service Vehicles
5. Food Processing Plants
6. Bottled Water Plants
7. Abattoirs
8. Rendering Plants
9. Migrant Labor Camps
10. Recreational Camps
11. Trailer Parks
12. Private Schools and Kindergartens
13. Child Care Centers
14. Emergency Medical Vehicles
15. Barber Shops
16. Swimming Pools
17. Septic Tank Pumping Trucks

D. The Department is authorized to assess fees for the following services, which fees shall be due and payable at the time of application for the service(s).

1. Septic Tank Permits (new)
2. Septic Tank (existing)
3. Percolation Test and Soil Log
4. Private Water Samples Delivered to Lab
5. Private Water Samples Collected by Sanitarian
6. Public Water Samples Delivered to Lab
7. Public Water Samples Collected by Sanitarian
8. Repeat Tests of Unsatisfactory Samples
9. Public Well Clearance Survey
10. Main Clearance
11. Fecal Coliform Samples

E. Waiver of Fees. The fee schedule adopted in this section shall apply uniformly to all establishments enumerated, provided, that there shall be no fees assessed temporary food establishments or non-profit public service organizations. For establishments requiring more than one permit, only one (1) fee shall be assessed, that fee being the highest fee assigned to the individual permits involved. It is further provided that permitted establishments serviced by a private well shall not be assessed additional fees for laboratory services nor shall any resident of Hernando County be denied access to laboratory services because of inability to pay for same. Establishments granted permits issued with fewer than six (6) full months remaining in the fiscal year shall be assessed at one half ($\frac{1}{2}$) the annual assessment fee. All fees collected shall be deposited in the Hernando County Health Department Trust Fund.

SECTION 15. HEARING BOARD; ORGANIZATION

The Board shall appoint a five (5) member Hearing Board, the members of which shall have the following qualifications and terms of office:

A. The Hearing Board shall be five residents of Hernando County made by the Board on the basis of experience of interest in the field of environmental control. The composition and representative membership of the Hearing Board shall be as follows:

B. The members of the Hearing Board shall elect a chairman. The presence of three (3) or more shall constitute a quorum of the Hearing Board. Members shall serve without compensation, but may be reimbursed for such travel expenses, mileage expenses, and/or per diem expenses as may be authorized by the Board. The chairman may call hearings by the Hearing Board and hearings may be called by written notice signed by at least three (3) members of the Hearing Board and the Hearing Board at any hearing may fix and call a hearing on a future date. The Hearing Board shall convene no less frequently than every forty-five (45) days. Minutes shall be kept of all hearings by the Hearing Board. All hearings shall be public. The Board of County Commissioners shall provide

adequate and competent clerical and administrative personnel as may be reasonably required by the Hearing Board for the proper performance of its duties.

C. Of the members first appointed, one shall serve for 1 year, one for 2 years, and three for 3 years; in each case until his successor has been appointed. Thereafter all appointments shall be for a 3 year period. The board members shall select a chairperson from among themselves at their first meeting.

D. No member of the Hearing Board shall sit in review or take any action on any matter in which he has a financial or personal interest, either direct or indirect.

E. In the event a vacancy occurs, the Board of County Commissioners shall appoint a person to serve the unexpired term.

F. It shall be the duty of the Hearing Board to assemble in formal session and to hear, make judgement, and render binding decisions upon cases presented before it by the Department.

SECTION 16. HEARING BOARD; DUTIES AND POWERS

The Hearing Board shall have the following duties, functions, powers and responsibilities:

A. To hear appeals by persons aggrieved by actions or decisions of the Environmental Health Officer not already referred to the State Attorney for criminal prosecution. Consider the facts material to such appeals, and render a decision promptly. Such decision may affirm, reverse or modify the action or decision appealed from, provided that such decision shall not be in conflict with the provisions of this act.

B. To conduct due process hearings into the merits of alleged violations of this act.

C. To issue, after due process hearing, injunctive orders, including orders providing for affirmative relief, against persons found in violation of this act.

D. After due public hearing upholding a violation, to reach a decision setting forth such findings of fact and conclusions of law as are required in view of the issues presented. The decision shall contain an order which may be framed in the manner

of a writ of injunction requiring the violator to conform with either or both of the following requirements:

1. To refrain from committing, creating, maintaining, or permitting the violations.
2. To take such affirmative action as the Hearing Board deems necessary and reasonable under the circumstances to correct such violation.

E. To issue orders imposing civil penalties of up to \$500.00 for each day of violation against persons found to have violated this act.

F. To issue subpoenas to command the appearance of any person before a hearing at a specified time and place to be examined as a witness. Such subpoenas may require such person to produce all books, papers and documents in his possession or under his control, material to such hearings.

G. To administer oaths to any or all persons who are to testify before the Hearing Board.

H. To adopt rules for the conduct of its hearings not inconsistent with the provisions of this act.

SECTION 17. APPEALS FROM ACTIONS OR DECISIONS OF ENVIRONMENTAL HEALTH OFFICER; PROCEDURE

Any persons aggrieved by an action or decision of the Environmental Health Officer not already referred to the State Attorney for criminal prosecution may appeal to the Hearing Board by filing within ten (10) days after the date of the action or decision complained of, a written notice of appeal which shall set forth concisely the action or decision appealed from and the reasons of grounds for the appeal. The Hearing Board shall set such appeal for hearing at the earliest possible date, and cause notice thereof to be served upon the appellant and the Environmental Health Office.

SECTION 18. JUDICIAL REVIEW

The Environmental Health Office or any person aggrieved by any action or decision of the Hearing Board may seek judicial review as provided by s. 120.68, Florida Statutes. No action shall be taken to collect fines imposed for violation of this Ordinance until judgment becomes final.

SECTION 19. CRIMINAL ENFORCEMENT; PROCEDURE

A. Whenever the Environmental Health Officer has received or obtained evidence that a specific violation of this Ordinance or any rules or regulations adopted pursuant to this Ordinance has been committed, the Environmental Health Officer may notify the state attorney of Hernando County of such violation. Such notice shall contain a description of the violation, the date of the violation, the location of the violation and the name and address of the violator.

B. Upon receipt of such notice, the state attorney shall institute proceedings in the criminal court of record for prosecution of the violation.

SECTION 20. CIVIL ENFORCEMENT; PROCEDURE

A. It shall be the duty of the County Health Director, with the advice and assistance of the Environmental Health Officer to determine compliance with the terms of this Ordinance.

B. If any person is in violation of the provision of this Ordinance, the County Health Director may give the violator reasonable time by formal notice, within which to correct such violation. Should the violation continue beyond the time specified for correction, the County Health Director shall notify the Environmental Health Officer in writing of such failure to correct the violation. If any person has been in violation of this Ordinance for conducting an activity without benefit of or in violation of the terms of a required permit or has been in violation of this Ordinance for conducting an activity which resulted in environmental damage or a public health threat, the County Health Director in lieu of or in addition to the above procedure for formal notice may notify the Environmental Health Officer in writing of the violation.

C. Upon the County Health Director's notice of a failure to correct violation or notice of an activity conducted without or in violation of a required permit or an unlawful activity which resulted in environmental damage or a public health threat, the Environmental Health Officer shall notify the Hearing Board which shall, within forty-five (45) days of such notice order the violator

to appear before it to show cause why he should not be required to correct the violation and pay civil penalties.

D. If after due process hearing, the Hearing Board upholds the violation, the Hearing Board shall reach a decision setting forth findings of fact and such conclusions of law as are required in view of the issues submitted.

SECTION 21. ENFORCEMENT OF HEARING BOARD ORDERS AND INJUNCTIVE RELIEF

If preventive or corrective measures are not taken or any civil penalty imposed is not forfeited in accordance with any order of the Hearing Board, or if the Environmental Health Officer finds that a violation of the provisions of this Ordinance exists so as to create an emergency requiring immediate action to protect human health or welfare, or to prevent irreparable environmental damage, the Environmental Health Officer may institute proceedings in the circuit court for Hernando County, through the County Attorney, to abate and prosecute violations of this Ordinance or enforce orders of the Hearing Board. Such relief may include both temporary and permanent injunctions. Any proceedings initiated under this section shall be brought for and in the name of Hernando County.

SECTION 22. VIOLATIONS; CRIMINAL PENALTIES

A. It is unlawful to violate this Ordinance or the Ordinances or rules duly adopted pursuant to it. Such violation of any provision of this Ordinance is declared to be a criminal offense and misdemeanor within the meaning of s. 775.08, Florida Statutes, and shall be punishable as provided by law. Each day during any portion of which such violation occurs constitutes a separate offense.

B. It is unlawful to violate any duly constituted order of the Hearing Board. Such violation is declared to be a criminal offense and misdemeanor within the meaning of Section 775.08, Florida Statutes, and shall be punishable as provided by law. Each day during any portion of which violation occurs constitutes a separate offense.

SECTION 23. VIOLATIONS; CIVIL PENALTIES

Any person found by the Hearing Board to be or have been in violation of this Ordinance may have imposed against him a civil

penalty not to exceed five hundred dollars (\$500.00) for each day of violation. In determining the amount of such civil penalty, the Hearing Board shall consider the nature, duration, and environmental impact of such violation. The Hearing Board shall incorporate the amount of the penalty imposed on its final decision and order finding such person in violation. All civil penalties collected under this section shall be paid into the general fund of Hernando County.

SECTION 24. CIVIL FINES TO BE LIENS

Any fine imposed by order of the Hearing Board shall, upon expiration of the time for appeal and the filing of said order with the Clerk of the Circuit Court, become a statutory lien against any and all property of the respondent.

SECTION 25. REFUSAL TO OBEY SUBPEONA ISSUED BY THE HEARING BOARD

A. Whenever any person duly subpoenaed to appear and give evidence or to produce any books and papers before the Hearing Board neglects or refuses to appear, or to produce any books or papers, as required by the subpoena, or refuses to testify or to answer any question which the Hearing Board decides is proper and pertinent, he shall be deemed in contempt, and the Hearing Board shall report the fact to the judge of the Circuit Court of the district in which the person resides.

B. Upon receipt of the report, the judge of the Circuit Court shall issue an order directed to the sheriff of Hernando County commanding the sheriff to forthwith bring such person before the judge who entered the order.

C. On the return of the order and the production of the body of the defendant, the judge has jurisdiction of the matter. The person charged may purge himself of contempt in the same way and the same proceedings shall be had, and the same penalties may be imposed, and the same punishment inflicted as in the case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a circuit court of the state.

SECTION 26. CONSTRUCTION IN RELATION TO OTHER LAW

A. It is the purpose of this Ordinance to provide additional cumulative remedies to control the environment of this county. Nothing contained herein shall be construed to abridge or alter rights of action or remedies in equity under the common law or statutory law, criminal or civil, nor shall any provisions of this Ordinance, or any act done by virtue thereof, be construed as estopping the state or any municipality or person affected by environmental pollution, in the exercise of its or his rights in equity or under common law or statutory law to suppress nuisances or to abate environmental pollution.

B. The provisions of this Ordinance do not prohibit the enactment or enforcement by any municipality of any local ordinance stricter than or identical to this Ordinance and the ordinances and rules adopted pursuant to this Ordinance, which local ordinance prohibits, regulates or controls environmental pollution.

SECTION 27. POWERS OF HEALTH DEPARTMENT

Nothing in this Ordinance shall limit or reduce the powers of the Hernando County Health Department pursuant to interlocal agreement, general or special law or any other source of authority.

SECTION 28. SEVERABILITY CLAUSE

If any provisions of this Ordinance or application thereof to any persons or circumstances, is held invalid, such 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 29. EFFECTIVE DATE

This Ordinance shall take effect as provided by law

ADOPTED IN Regular Session this 9th day of September, 1980, A.D.

SECRETARY OF STATE

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BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By

Attest