

Chapter 58

ENVIRONMENT*

* **Charter References:** General powers of county, § 2.01.

Cross References: Fresh water conservation board, § 2-251 et seq.; water and navigation control authority, § 2-271 et seq.; health and sanitation, ch. 66; natural resources, ch. 82; solid waste, ch. 106; Pinellas Park water management district, § 114-131 et seq.; waterways, ch. 130; Honeymoon Island, setback line for coastal construction on certain portions of land, § 130-2; floodplain management, ch. 158; environmental and natural resource protection, ch. 166; flood damage prevention, § 170-101 et seq.

State Law References: General powers of chartered counties, Fla. Const. art. VIII, § 1(g); environmental control, F.S. ch. 403; local pollution control programs, F.S. § 403.182.

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ARTICLE I.

IN GENERAL

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ARTICLE II.

ENVIRONMENTAL ENFORCEMENT*

* **Editors Note:** The act contained in this article retains its status as a special act as it was enacted after the charter. *See* charter § 5.02. The source of each section is stated in the history note following the section. Unless stated otherwise, the presence of more than one act in a history note indicates that the section is derived from the first listed act as amended by the other acts listed in the history note. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citations to state statutes and session laws, and expression of numbers in text has been used. Catchlines have been added or adjusted as necessary to accurately reflect the contents of the sections. Textual references to other sections of the same act or to other acts found in this Code are altered so as to reference this Code. The internal numbering or lettering scheme within sections has been made consistent with the scheme used in this Code; however, deleted paragraphs are reserved to maintain sequence. Sections providing for legal status (i.e., severability sections, repealers and effective dates) have been deleted. Additions for clarity are indicated by brackets.

Sec. 58-26. Short title.

This article may be known as the "Pinellas County Environmental Enforcement Act."
(Laws of Fla. ch. 90-403, § 1)

Sec. 58-27. Definitions.

As used in this article, the following words and phrases have the following meanings, unless some other meaning is plainly indicated:

- (1) *Board* means the board of county commissioners of Pinellas County.
- (2) *County* means Pinellas County.
- (3) *Person* includes any natural person, individual, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, or public officer or any other entity whatsoever, or any combination of such, jointly or severally.
- (4) *Pollution* means the presence in the air, soil, or waters of the county of any substance, contaminant, noise, or manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of the air, soil, or water in a quantity or at a level that is or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or that unreasonably interferes with the enjoyment of life or property, including outdoor recreation.

(Laws of Fla. ch. 90-403, § 3)

Cross References: Definitions generally, § 1-2.

Sec. 58-28. Civil penalty; assessment of damages; joint and several liability.

(a) The board may institute a civil action in a court of competent jurisdiction to establish liability and to recover damages for any pollution, or any degradation, alteration, or elimination, of or to the air, water, soil, natural resources, or animal or plant life of the county, caused by any violation of the ordinances, rules, or regulations adopted by the board and to impose and recover a civil penalty for each such violation in an amount of not more than \$10,000.00 for each offense. Each day during any portion of which such violation occurs constitutes a separate offense.

(b) A person who causes pollution or degradation, alteration, or elimination of or to the air, water, soil, natural resources, or animal or plant life of the county is liable to the county for such damages and the reasonable costs and expenses that the county incurs in investigating the source of the pollution or damage, in restoring the air, water, or animal or plant communities to their former condition, and in enforcing this article, whether by consent order, civil action, or otherwise.

(c) Whenever two or more persons cause pollution or damage to the air, water, soil, natural resources, or animal or plant life of the county in violation of any ordinance, rule, or regulation adopted by the board so that the damage is indivisible, each violator is jointly and severally liable for such damage and for the reasonable costs and expenses incurred in investigating the source of discharge or damage, in controlling and abating the source and the pollutant, and in restoring the air, water, or property, including the animal, plant, and aquatic life, to its former condition; however, if the damage is divisible and may be attributed to a particular violator or violators, each violator is liable only for the damage attributable to his violation.

(Laws of Fla. ch. 90-403, § 4; Laws of Fla. ch. 2005-294, § 4)

Sec. 58-29. Declaration of legislative intent.

The legislature finds and declares that the reasonable control and regulation of activities that are causing or may reasonably be expected to cause pollution or damage to the air, water, soil, natural resources, or animal

or plant life in Pinellas County is necessary for the protection and preservation of the public health, safety, and welfare. The legislature, through F.S. ch. 187, the state comprehensive plan, and F.S. ch. 163, pt. II (F.S. § 153.3161 et seq.), the local government comprehensive planning and land development regulation act, mandates that each county, through the preparation and adoption of a comprehensive plan, preserve and enhance present advantages; encourage the most appropriate use of land, water, and natural resources consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land and water within its jurisdiction. The legislature further finds that the conservation and coastal management elements of the Pinellas County comprehensive plan mandate the protection of marine and estuarine habitats, surface waters, endangered and threatened species, and native vegetation and its associated wildlife. The legislature further finds that the penalty and investigative authority of the board of county commissioners of Pinellas County, pursuant to F.S. ch. 125, is inadequate for the investigation and enforcement of local environmental ordinances and regulations. It is the intent and purpose of this article to provide the board of county commissioners of Pinellas County with the power and authority to impose and recover a civil penalty for, to have limited rights of entry for monitoring, investigating, and analyzing, and to order emergency orders for, infractions of ordinances of Pinellas County, in order to effectively enforce, for the citizens of and visitors to that county, standards that will ensure the protection, enhancement, and restoration of the air, water, soil, natural resources, and animal and plant life of that county.

(Laws of Fla. ch. 90-403, § 2)

Sec. 58-30. Construction of article.

The provisions of this article must be liberally construed in order to effectively carry out the purposes of this article in the interest of the public health, safety, and general welfare. The provisions of this article are not intended and may not be construed as superseding or conflicting with any statutory provisions relating to, or rules adopted by, the department of health and rehabilitative services, the department of environmental regulation, the department of natural resources, or the Southwest Florida Water Management District, but must be construed as implementing and assisting the enforcement thereof.

(Laws of Fla. ch. 90-403, § 8)

Sec. 58-31. Applicability of article.

This article applies to the unincorporated area of the county and to the incorporated area of the county to the extent permitted by Fla. Const. art. VIII, § 1(g) and the Home Rule Charter for Pinellas County (Laws of Fla. ch. 80-590), as amended.

(Laws of Fla. ch. 90-403, § 9)

Sec. 58-32. Emergency order.

If a violation of any ordinance, rule, or regulation adopted by the board pertaining to the regulation of air, water, soil, noise, natural resources, or animal or plant life in the county creates an immediate health or safety hazard, threatens immediate serious damage to the public health, or threatens or causes irreparable injury or damage to the air, water, soil, natural resources, or animal or plant life or property, the board may order immediate cessation of the operations causing such condition. Any person who receives such an order for cessation of operations shall immediately comply with the requirements of the order. It is unlawful for any person to fail or refuse to comply with an emergency order issued and served pursuant to this section.

(Laws of Fla. ch. 90-403, § 7)

Sec. 58-33. Pollution recovery fund created; purpose; maintenance; source and disposition of moneys.

(a) There is hereby created the Pinellas County pollution recovery fund for the purpose of:

- (1) Mitigating the impact of damage resulting from violations of ordinances, rules, and regulations adopted by the board pertaining to the regulation of the air, water, soil, noise, natural resources, and animal and plant life of the county;
- (2) Acquiring, protecting, restoring, and maintaining land in the county for the purpose of creating or enhancing habitats having unique or significant ecological value;
- (3) Purchasing plants for placement on and constructing capital improvements on public properties, and providing for their maintenance, for the purposes set forth in this article; and
- (4) Making other expenditures that advance the purposes set forth in this article.

(b) The Pinellas County pollution recovery fund must be kept, maintained, and identified by the board solely for the purposes set forth in this article. The finance director of the county is authorized to establish the Pinellas County pollution recovery fund and to receive and disburse moneys from the fund in accordance with the provisions of this article.

(c) The Pinellas County pollution recovery fund consists of the following moneys:

- (1) All moneys recovered by the board in any action against, or settlement or consent order with, any person who has polluted or engaged in an activity in violation of any ordinance, rule, or regulation adopted by the board pertaining to the regulation of the air, water, soil, noise, natural resources, or animal or plant life of the county or in an activity tending to pollute the air, soil, or water of the county. However, any moneys specified in this paragraph which are required to be deposited in alternative funds or trusts pursuant to federal, state, or local law may not be deposited in the Pinellas County pollution recovery fund.
- (2) All moneys offered to and accepted by the county for the Pinellas County pollution recovery fund in the form of federal, state, or other governmental grants, allocations, or appropriations, as well as foundation or private grants and donations.

(d) Unless otherwise restricted by the terms and conditions of a particular grant, gift, appropriation, or allocation, all interest earned on the investment of moneys of the Pinellas County pollution recovery fund accrue to that fund and may be disbursed only for projects authorized consistent with this article. The moneys in the Pinellas County pollution recovery fund may be invested only in accordance with the laws pertaining to the investment of county funds.

(Laws of Fla. ch. 90-403, § 5)

Sec. 58-34. Inspections.

(a) Any duly authorized representative of the board may at any reasonable time enter and inspect

any property, premises, or place, except a building that is used exclusively for a private residence, if the board has reason to believe that:

- (1) Degradation, alteration, or elimination of or to the air, water, soil, natural resources, or animal or plant life of the county is being caused by any violation of the ordinances, rules, and regulations adopted by the board; or
- (2) A possible source of pollution or a condition of a permit granted pursuant to an ordinance, rule, or regulation adopted by the board pertaining to the regulation of the air, water, soil, noise, natural resources, or animal or plant life of the county is not in compliance with the provisions of such ordinance, rules, regulation, or permit.

(b) A person may not refuse reasonable entry or access to any authorized representative of the board who requests entry for purposes of inspection and who presents appropriate credentials; nor may a person obstruct, hamper, or interfere with any such inspection. The owner or operator of the property, premises, or place must be provided a report, if requested, setting forth all facts found which relate to the status of his compliance.

(c) An inspection pursuant to subsections (a) and (b) may be conducted only after:

- (1) Consent for the inspection is received from the owner, operator, or person in charge of the property, premises, or place; or
- (2) The appropriate inspection warrant [has been] issued by a judge of a county court or circuit court having jurisdiction of the place or thing to be searched.

(Laws of Fla. ch. 90-403, § 6)

Secs. 58-35--58-55. Reserved.

ARTICLE III.

HAZARDOUS MATERIALS RELEASES

Sec. 58-56. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

CFR means the Code of Federal Regulations.

Costs, as used in connection with an emergency response pursuant to section 58-62, shall include, but not be limited to, the cost of operating and maintaining equipment associated with the emergency response; the cost of materials used in the response; the cost of contract labor and materials; and legal and professional costs.

County warning point means the centralized point provided by the division for receipt and dissemination of warnings and emergency information from the public, private businesses, and local, state or federal agencies.

Department means the county's department of civil emergency services, or any successor department or agency of the county responsible for civil emergency services.

Division means the division of emergency management of the department, or any successor department or division of the county responsible for emergency management.

Emergency response personnel means any public employee, including, but not limited to, any firefighter, or emergency response personnel, who responds to any condition caused, in whole or part, by a hazardous material that jeopardizes or could jeopardize public health or safety or the environment.

Environment means any surface water, groundwater, drinking water supply, land surface or subsurface strata, or ambient air within the county.

Facility means:

- (1) Any building, equipment, structure, installation, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft; or
- (2) Any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located.

Florida substance list means the compilation of toxic substances established by the secretary of the state department of labor and employment security and which are subject to the provisions of F.S. ch. 442, as amended.

Hazardous material means any material that, because of its quantity, concentration, or physical chemical characteristics, poses significant present or potential hazard to human health and safety or to the environment if released into the workplace or environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste and toxic substances.

Hazardous substance means any substance or chemical product for which one of the following applies:

- (1) The manufacturer or producer is required to prepare an MSDS for the substance or product pursuant to any applicable federal law or regulation.
- (2) The substance is listed as an extremely hazardous substance in appendices A and B of 40 CFR 355.
- (3) The substance is listed in the title III list of lists.

Hazardous waste or *extremely hazardous waste* means any material or substance identified in 40 CFR 261.

MSDS means a material safety data sheet prepared pursuant to the regulations of the Occupational

Safety and Health Administration of the United States Department of Labor.

Person means any individual, trust, firm, corporation, joint stock company, partnership, association, municipality or other public entity.

Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment.

Threatened release means the condition creating a substantial probability of harm, when the probability and potential extent of harm make it reasonably necessary to take immediate action to prevent, reduce, or mitigate damages to persons, property or the environment.

Title III list of lists means the Consolidated List of Chemicals Subject to Reporting Under Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, published by the United States Environmental Protection Agency.

Toxic substance means any chemical substance or mixture in a gaseous, liquid, or solid state, which substance or mixture causes a significant risk to safety or health during, or as a proximate result of, any customary or reasonably foreseeable handling or use; which is listed in the state substance list; and which is manufactured, produced, used, applied, or stored in the workplace.

(Ord. No. 89-65, § 2, 12-12-89)

Cross References: Definitions generally, § 1-2.

Sec. 58-57. Authority.

This article is enacted pursuant to Fla. Const. art. VIII, § 1(g), the Charter of Pinellas County, F.S. ch. 125 and F.S. ch. 252, pt. I (F.S. § 252.31 et seq.).

(Ord. No. 89-65, § 1, 12-12-89)

Sec. 58-58. Penalty for violation of article.

Violations of this article are punishable as provided in section 1-8.

(Ord. No. 89-65, § 7, 12-12-89)

Sec. 58-59. Territory embraced.

This article shall be effective in the incorporated as well as unincorporated areas of the county; however, to the extent that this article conflicts with a municipal ordinance, the municipal ordinance shall prevail.

(Ord. No. 89-65, § 8, 12-12-89)

Charter References: Conflicts between county and municipal ordinances, §§ 2.01, 2.04.

Sec. 58-60. Administrative authority.

The department is hereby designated as the county agency responsible for administration and enforcement of this article.

(Ord. No. 89-65, § 3, 12-12-89)

Sec. 58-61. Prohibition; notification.

(a) No person shall release or cause or permit the release of hazardous materials into the environment.

(b) The owner or operator of a facility shall, upon discovery, immediately notify the county of any release or threatened release of a hazardous material to the county warning point by dialing 911. Each facility shall provide all state, city or county fire or public health or safety personnel and emergency response personnel with access to the facility at which a release has occurred or is threatened to occur.

(Ord. No. 89-65, § 4, 12-12-89)

Sec. 58-62. Cleanup or abatement; liability for costs.

(a) The division is authorized to clean up or abate, or cause to be cleaned up or abated, the effects of any hazardous material unlawfully released upon or onto property or facilities within the county. The following described persons shall be jointly and severally liable to the county for the payment of all costs incurred by the county as a result of such mitigation or abatement activity:

- (1) Any person whose negligent or willful act or omission proximately caused such release;
- (2) The person who owned or had custody or control of the hazardous substance or the material at the time of such release, without regard to fault or proximate cause; and
- (3) The person who owned or had custody or control of the container which held such hazardous material or substance at the time of or immediately prior to such release, without regard to fault or proximate cause.

(b) The county may institute suit in a court of competent jurisdiction to recover the costs for the mitigation or abatement necessitated by a release of hazardous materials. All sums recovered by the county pursuant to this section shall be deposited into the fund or funds from which such sums were expended.

(Ord. No. 89-65, § 5, 12-12-89)

Sec. 58-63. Verification and supervision of cleanup or abatement.

In the event that any person undertakes, either voluntarily or upon order of the division, to clean up or abate the effects of any hazardous substance or material unlawfully released into the environment, the division may take such action as is necessary to supervise or verify the adequacy of the cleanup or abatement. The persons described in section 58-62(a) of this article shall be liable to the county for all costs incurred as a result of such supervision or verification.

(Ord. No. 89-65, § 6, 12-12-89)

Secs. 58-64--58-85. Reserved.

ARTICLE IV.

AIR QUALITY

DIVISION 1.

GENERALLY

Sec. 58-86. Title.

The title of this article is the "Pinellas County Comprehensive Air Quality Ordinance."
(Ord. No. 95-27, § 1, 4-18-95)

Sec. 58-87. Authority.

This article is adopted in compliance with and pursuant to chapter 78-601, Laws of Florida, Rule 62-209, Florida Administrative Code, and F.S. §§ 125.275 and 403.182. Upon adoption of this article, municipalities within Pinellas County, Florida, are hereby preempted, pursuant to the above authority, from adoption of any ordinance pertaining to air quality.
(Ord. No. 95-27, § 2, 4-18-95)

Sec. 58-88. Statement of intent.

(a) The board of county commissioners finds that the growth in the amount, complexity, and concentration of air pollution in the county brought about by increasing urbanization, industrial development, and the increasing number and use of motor vehicles has resulted in mounting dangers to the public health and welfare, including injury to the public health, injury to agricultural crops and livestock, and damage to and deterioration of property.

(b) It is the intent of the board of county commissioners to provide for the protection and enhancement of the air quality of the county in order to protect human health and safety and to prevent injury to plant and animal life and to property, foster the comfort and convenience of the citizens of the county, promote the economic and social development of this county, and facilitate the enjoyment of the natural attractions of this county. To these ends, it is the purpose of this article to provide for a coordinated program of air pollution prevention, abatement, and control in the county.

(c) It is the intent of the board of county commissioners to provide the authority for the compliance and enforcement activities regarding this article and for any air quality permits issued by the department of environmental protection under chapter 62-210, Florida Administrative Code. It is not the intention of the board of county commissioners to perform compliance or enforcement activities on facilities owned or operated by the county.

(d) It is the intent of the board of county commissioners as a department of environmental protection (DEP) approved local air program to act as the DEP's agent within the county to the extent that the department has delegated various state air program activities to the county.

(e) It is the intent of the board of county commissioners to enter into and maintain a general operating agreement with DEP and an air program specific operating agreement with the Division of Air Resources Management, Southwest District office to specify the extent to which various air program activities

have been delegated to the county.

(f) It is the intent of the board of county commissioners to adopt by general reference the body of federal law governing air pollution abatement and prevention that is more specifically set forth in various sections throughout this article. The purpose and effect of any provisions of federal law adopted here in relation to Pinellas County shall be determined by the context in which it is applied. Procedural and substantive requirements in the incorporated federal laws are binding as a matter of county ordinance where the context so provides.

(Ord. No. 95-27, § 3(1.050), 4-18-95; Ord. No. 08-35, § 1, 6-17-08)

Sec. 58-89. Definitions--General.

As used in this article, the following words and phrases have the following meanings, unless some other meaning is plainly indicated:

Board means the board of county commissioners of Pinellas County.

County means Pinellas County.

Person includes any natural person, individual, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, or public officer or any other entity whatsoever, or any combination of such, jointly or severally.

Pollution means the presence in the air, soil, or waters of the county of any substance, contaminant, noise, or manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of the air, soil, or water in a quantity or at a level that is or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or that unreasonably interferes with the enjoyment of life or property, including outdoor recreation.

(Ord. No. 95-27, § 3(1.100), 4-18-95; Ord. No. 97-5, § 1, 1-28-97; Ord. No. 98-10, § 1, 1-6-98; Ord. No. 00-15, § 1, 2-8-00; Ord. No. 01-19, § 1, 4-3-01)

Sec. 58-90. Powers and duties of the board.

The board shall have the following powers and duties:

- (1) To hold hearings relating to the administration and enforcement of this article.
- (2) To issue complaints against any person violating any provision of this article and to enforce the same by appropriate administrative and judicial proceedings.
- (3) To require records relating to the emissions of any air pollutant source.
- (4) To secure or contract for necessary scientific, technical, administrative and operational services, including laboratory facilities.
- (5) To encourage voluntary cooperation by persons and affected groups to achieve the purposes of

this article.

- (6) To encourage and conduct studies, investigations and research relating to air contamination or air pollution and its causes, effects, prevention, abatement and control.
- (7) To determine by means of field studies, inspections, monitoring and samplings, the emission rates of any air pollutant source in the county.
- (8) To advise, consult, contract, and cooperate with agencies of the state, local governments, industries, other states, interstate or interlocal agencies, and the federal government and with interested persons or groups to achieve the purposes of this article.
- (9) To require from any person, reports containing information as may be necessary to determine the location, size and height of contaminant outlets, processes employed, fuels used, and the nature and time periods or duration of emissions, and such other information as is relevant to any air pollutant source.
- (10) To provide for the delegation of the power and duties of the board of employees of the county department of environmental management for the performance of any act or duty necessary or incidental to the determination of compliance with this article or rules and regulations promulgated thereto.
- (11) To hold conferences for the settlement or simplification of issues.
- (12) To establish, maintain and operate air quality monitoring stations and other devices and methodologies designed to measure air pollution. This shall include the authority to condemn easements in order to provide access or to locate air quality monitoring stations and other devices designed to measure air pollution.
- (13) To receive and administer grants or other funds from public and private agencies, including the state and federal government for the purpose of carrying out any functions of this article.
- (14) To adopt rules and regulations reasonably necessary for the implementation, administration and enforcement of this article.
- (15) To establish and collect reasonable fees to cover operating expenses related to the administration and enforcement of this article.

(Ord. No. 95-27, § 3(1.110), 4-18-95)

Sec. 58-91. Rules and regulations.

The board may study and promulgate appropriate rules and regulations reasonably necessary for the implementation of the intent of this article and for its enforcement, administration and interpretation regarding effective and continuing control and regulation of air quality within the county in accordance with the standards set forth herein.

(Ord. No. 95-27, § 3(1.120), 4-18-95)

Sec. 58-92. Prohibitions, violation, penalty, remedy and intent.

(a) It shall be a violation of this article, and it shall be prohibited:

- (1) To cause pollution, except as otherwise provided in this article, so as to harm or injure human health or welfare, animal, plant, or aquatic life or property.
- (2) To fail to obtain any permit required by this article or by rule or regulation, order, permit, compliance schedule or certification adopted or issued by the department or board pursuant to their lawful authority.
- (3) To make any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this article, or to falsify, tamper with, or render inaccurate any monitoring device or method required to be maintained under this article or by any permit, rule, regulation, or order issued under this article.

(b) Whoever commits a violation specified in subsection (a) above is liable to the county for any damages caused and for civil and criminal penalties, remedies and relief, available to the department of environmental protection in F.S. ch. 403.

(c) In addition to subsection (a) above, any person, organization, society, association or corporation, or any agent or representative thereof, who shall violate any provision of this article shall be subject, upon conviction in a court of competent jurisdiction, to a fine not exceeding the sum of \$500.00, or imprisonment in the county jail not exceeding 60 days, or by such fine and imprisonment. Each day during any portion of which such violation occurs constitutes a separate offense.

(Ord. No. 95-27, § 3(1.130), 4-18-95)

Sec. 58-93. Air pollution recovery trust fund.

All money collected pursuant to subsection 58-92(b) and section 58-96 shall be deposited into the county air pollution recovery trust fund and used only for air pollution control programs relating to the control of emissions, air quality monitoring, facility inspections, and other such purposes consistent with the requirements under this article and F.S. § 403.165. Interest earned by the investment of all monies from the air pollution recovery trust fund shall be used for purposes consistent with this section.

(Ord. No. 95-27, § 3(1.140), 4-18-95)

Sec. 58-94. Right of entry, inspections.

(a) The authorized representatives, agents or employees of the director may enter and inspect any property, premises or place, including improvements thereon, except a building which is used exclusively for a private residence, within the limits of the county, for the purpose of inspecting the same to determine whether a violation of this article is occurring, or to verify achievement of the terms and conditions of a compliance order as provided by section 58-96 herein. Inspections conducted pursuant to this section shall be limited to obtaining that information which is reasonably necessary for the above purposes and shall be conducted in such a manner as to assure minimal interference with normal business operations of the pollutant source. No person shall

refuse reasonable entry or access to any authorized representative of the director who requests entry for purposes of inspection and who presents appropriate credentials; nor shall any person obstruct, hamper, or interfere with any such inspection. The owner or operator of the premises shall receive a report, if requested, setting forth all facts found which relate to compliance status.

- (b) An inspection pursuant to subsection 58-94(a) may be conducted only after:
 - (1) Consent for the inspection is received from the owner, operator, or person in charge; or
 - (2) The appropriate inspection warrant as provided in this section is obtained.

(c) (1)

An inspection warrant as authorized by this Ordinance may be issued by a judge of any county court or circuit court of this state which has jurisdiction of the place or thing to be searched.

- (2) Upon proper affidavit being made, an inspection warrant may be issued under the provisions of this article:
 - a. When it appears that the properties to be inspected may be connected with or contain evidence of the violation of any of the provisions of this article or any rule properly promulgated thereunder; or
 - b. When the inspection sought is an integral part of a larger scheme of systematic routine inspections which are necessary to, and consistent with, the continuing efforts of the director to ensure compliance with the provisions of this article and any rules adopted thereunder.
- (3) The judge shall, before issuing the warrant, have the application for the warrant duly sworn to and subscribed by a representative of the board; and he may receive further testimony from witnesses, supporting affidavits, or depositions in writing to support the application. The affidavit and further proof, if had or required, shall set forth the facts tending to establish the grounds specified in subsection 58-94(c)(2) or the reasons for believing that such grounds exist.
- (4) Upon examination of the application and proofs submitted and if satisfied that cause exists for the issuing of the inspection warrant, the judge shall thereupon issue a warrant, signed by him with the name of his office, to any board representative, which warrant will authorize the representative forthwith to inspect the property described in the warrant.

(Ord. No. 95-27, § 3(1.150), 4-18-95)

Sec. 58-95. Confidentiality.

(a) Any information obtained, required, or discovered as a result of inspection, testing or sampling pursuant to this article, which is designated by the owner thereof to be a "trade secret," as defined by F.S. § 812.081, shall not be disclosed by the director or board, provided that the owner of such information provides a written notice to the director specifying the information which is to be considered a "trade secret" as defined above.

(b) Nothing herein shall be construed to prevent the use of such information by board employees or representatives of the department of environmental protection directly involved in the analysis of such information as it relates to an air pollutant source.

(c) Nothing herein shall be construed to prohibit the release of information designated a "trade secret" pursuant to the requirements of F.S. ch. 119, relating to the public records.

(d) Nothing herein shall be construed to prohibit the release of emissions data pursuant to the requirements of F.S. § 403.111.

(e) Prior to the release of any information designated a "trade secret," the board shall notify the owner of such information in writing of the identity of any person who requests same pursuant to the provisions of F.S. ch. 119, relating to public records, in order to permit such owner to take appropriate steps to maintain such trade secret. In no event shall the director withhold such information for any period of time in excess of 10 working days from the date of said request.

(Ord. No. 95-27, § 3(1.170), 4-18-95)

Sec. 58-96. Consent order.

(a) The director is authorized to enter into an agreement, referred to as a consent order, with any person for the purpose of specifying a plan of preventive or corrective action to assure or achieve full compliance with the provisions of this article.

(b) The consent order shall set forth the emission limitation(s) specific to the pollutant source which is the subject of the agreement. The consent order shall authorize inspection, sampling or testing of air pollutant source by agents or employees of the director to verify achievement of the terms and conditions set forth therein. A consent order may include, but shall not be limited to, the following phases:

- (1) Review and acceptance by the director of final control technology plans for the pollutant source.
- (2) Acquisition of pollution control equipment or component parts for process modification to achieve compliance with the emission limitation(s) set forth herein.
- (3) Initiation of on-site construction or installation of air pollution control equipment or component parts for process modification.
- (4) Completion of on-site construction or installation of air pollution control equipment or component parts for process modification.
- (5) Achievement of final compliance with all provisions of this article.

(6) Payment of a monetary settlement.

(Ord. No. 95-27, § 3(1.170), 4-18-95)

Sec. 58-97. Enforcement.

The board shall have the judicial and administrative remedies specified in chapter 78-601, Laws of Florida, provided in F.S. ch. 125, and available to the department of environmental protection in F.S. ch. 403. The board shall not perform compliance and enforcement activities on facilities owned or operated by the county.
(Ord. No. 95-27, § 3(1.180), 4-18-95)

Sec. 58-98. Area embraced.

All territory within the legal boundaries of the county, including all incorporated and unincorporated areas, are embraced by the provisions of this article.
(Ord. No. 08-35, § 13, 6-17-08)

Sec. 58-99. Reserved.

DIVISION 2.

PERMITS AND PRECONSTRUCTION REVIEW

Sec. 58-100. Permits for air pollution sources.

That body of federal law governing air pollution abatement and prevention by requiring permits and preconstruction review for air pollution sources, including nonattainment areas and Title V sources; public notice and comment, and administrative permit corrections; reporting requirements; air quality models; policies for stack heights; prevention of significant deterioration; sulfur storage and handling facilities; plantwide applicability limits; and operations and maintenance plans, except as these may be modified elsewhere in this Code or by state regulation, are hereby adopted and incorporated by reference in this Code.
(Ord. No. 08-35, § 2, 6-17-08)

Sec. 58-101. Purpose and scope--Permits.

All provisions contained in Rules 62-204.100(4), 62-210.100, 62-212.100, and 62-213.100, Florida Administrative Code, as they may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 95-27, § 3(2.210.100), 4-18-95; Ord. No. 97-5, § 2, 1-28-97; Ord. No. 00-15, § 2, 2-8-00; Ord. No. 03-63, § 1, 8-28-03)

Sec. 58-102. Definitions--Permits.

(a) All provisions contained in Rules 62-204.200 and 62-210.200, Florida Administrative Code, as they may be amended from time to time, are adopted and hereby incorporated by reference, except as may be modified herein. References to the department are to be replaced by references to Pinellas County only with regards to compliance and enforcement provisions.

(b) The following specific definitions shall apply to this article:

- (1) *Objectionable odor* shall mean any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance odor.
- (2) *Nuisance odor* shall mean any use of any property, facilities, equipment, processes, products or compounds, or the commission of any acts, intentional or accidental, that cause or materially contribute to the emission into the outdoor air of dust, fume gas, mist, odor, smoke or vapor, or any combination thereof of a character and in a quantity as to be detectable within a 90-day period by five persons not living in the same household, as verified by the director, at any point beyond the property limits of the premises occupied or used by the person responsible for the source thereof, so as to interfere with their health, repose of safety, or cause severe annoyance or discomfort, or tends to lessen normal food and water intake, or produces irritation of the upper respiratory tract, or produces symptoms of nausea, or is offensive or objectionable to normal persons because of inherent chemical or physical properties, or causes injury or damage to real property, personal property or human, animal or plant life of any kind, or is detrimental or harmful to the health, comfort, living conditions, welfare and safety of the inhabitants of the county, or which unreasonably interferes with the comfortable use and enjoyment of life or property or the conduct of business.

(Ord. No. 95-27, § 3(2.210.200), 4-18-95; Ord. No. 97-5, § 3, 1-28-97; Ord. No. 00-15, § 3, 2-8-00; Ord. No. 03-63, § 2, 8-28-03)

Sec. 58-103. Permits required.

(a) All provisions contained in Rules 62-210.300, and 62-210.310, Florida Administrative Code, as they may be amended from time to time, are adopted and hereby incorporated by reference.

(b) No air pollution source may be constructed, modified or operated in the county in violation of any conditions specified on the permit, or certification authorizing the activity or as may be incorporated by reference within the conditions of the permit authorizing the activity. Violation of any such permit or certification condition is a violation of this article.

(Ord. No. 95-27, § 3(2.210.300), 4-18-95; Ord. No. 97-5, § 4, 1-28-97; Ord. No. 03-63, § 1, 8-28-03; Ord. No. 08-35, § 3, 6-17-08)

Sec. 58-104. Public notice and comment.

All provisions contained in Rule 62-210.350, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 95-27, § 3(2.210.350), 4-18-95; Ord. No. 97-5, § 5, 1-28-97; Ord. No. 03-63, § 4, 8-28-03)

Sec. 58-104.1. Administrative permit corrections.

All provisions contained in Rule 62-210.360, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 97-5, § 6, 1-28-97; Ord. No. 03-63, § 5, 8-28-03)

Sec. 58-105. Reports.

All provisions contained in Rule 62-210.370, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 95-27, § 3(2.210.370), 4-18-95; Ord. No. 97-5, § 7, 1-28-97; Ord. No. 03-63, § 6, 8-28-03)

Sec. 58-106. Reserved.

Sec. 58-107. Air quality models.

All provisions contained in Rule 62-204.220(4), Florida Administrative Code, are adopted and hereby incorporated by reference.
(Ord. No. 95-27, § 3(2.210.500), 4-18-95; Ord. No. 97-5, § 9, 1-28-97; Ord. No. 03-63, § 7, 8-28-03)

Sec. 58-108. Stack height policy.

All provisions contained in Rule 62-210.550, Florida Administrative Code, pertinent to the county, are adopted and hereby incorporated by reference.
(Ord. No. 95-27, § 3(2.210.550), 4-18-95; Ord. No. 03-63, § 8, 8-28-03)

Sec. 58-109. Circumvention.

All provisions contained in Rule 62-210.650, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 95-27, § 3(2.210.650), 4-18-95; Ord. No. 97-5, § 10, 1-28-97; Ord. No. 03-63, § 9, 8-28-03)

Sec. 58-110. Excess emissions.

All provisions contained in Rule 62-210.700, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 95-27, § 3(2.210.700), 4-18-95; Ord. No. 97-5, § 11, 1-28-97; Ord. No. 03-63, § 10, 8-28-03)

Sec. 58-111. Forms.

All provisions contained in Rule 62-210.900, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 95-27, § 3(2.210.900), 4-18-95; Ord. No. 97-5, § 12, 1-28-97; Ord. No. 03-63, § 11, 8-28-03)

Sec. 58-111.1. Notification form for air general permits.

All provisions contained in Rule 62-210.920, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 97-5, § 13, 1-28-97; Ord. No. 03-63, § 12, 8-28-03)

Sec. 58-112. Purpose and scope--Preconstruction review.

All provisions contained in Rule 62-212.100, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 95-27, § 3(2.212.100), 4-18-95; Ord. No. 97-5, § 14, 1-28-97; Ord. No. 03-63, § 13, 8-28-03)

Sec. 58-113. Reserved.

Sec. 58-114. General preconstruction review requirements.

All provisions contained in Rule 62-212.300, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 95-27, § 3(2.212.300), 4-18-95; Ord. No. 97-5, § 15, 1-28-97; Ord. No. 03-63, § 14, 8-28-03)

Sec. 58-115. Prevention of significant deterioration (PSD).

All provisions contained in Rules 62-204.260 and 62-212.400, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 95-27, § 3(2.212.400), 4-18-95; Ord. No. 97-5, § 16, 1-28-97; Ord. No. 03-63, § 15, 8-28-03; Ord. No. 06-57, § 1, 7-25-06)

Sec. 58-116. Reserved.

Sec. 58-117. Preconstruction review for nonattainment areas.

All provisions contained in Rule 62-212.500, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 95-27, § 3(2.212.500), 4-18-95; Ord. No. 97-5, § 17, 1-28-97; Ord. No. 03-63, § 16, 8-28-03)

Sec. 58-118. Reserved.

Sec. 58-119. Sulfur storage and handling facilities.

All provisions contained in Rule 62-212.600 Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 95-27, § 3(2.212.600), 4-18-95; Ord. No. 97-5, § 18, 1-28-97; Ord. No. 03-63, § 17, 8-28-03)

Sec. 58-120. Actuals Plantwide Applicability Limits (PALS).

All provisions contained in Rule 62-212.720 Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 06-57, § 2, 7-25-06)

Sec. 58-121. Purpose and scope--Title V permits.

All provisions contained in Rule 62-213.100, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 95-27, § 3(2.215.100), 4-18-95; Ord. No. 97-5, § 19, 1-28-97; Ord. No. 03-63, § 18, 8-28-03)

Sec. 58-122. Reserved.

Sec. 58-123. Title V--Air general permits.

(a) All provisions contained in Rule 62-213.300, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(b) No air pollution source may be constructed, modified or operated in the county in violation of any conditions specified on the permit, or certification authorizing the activity or as may be incorporated by reference within the conditions of the permit authorizing the activity. Violation of any such permit or certification condition is a violation of this article.

(Ord. No. 95-27, § 3(2.215.220), 4-18-95; Ord. No. 97-5, § 20, 1-28-97; Ord. No. 03-63, § 19, 8-28-03)

Secs. 58-124--58-126. Reserved.

Sec. 58-127. Title V--Permit forms and instructions.

All provisions contained in Rule 62-213.900, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 95-27, § 3(2.215.900), 4-18-95; Ord. No. 97-5, § 21, 1-28-97; Ord. No. 03-63, § 20, 8-28-03)

Sec. 58-128. Operation and maintenance plan.

(a) An operation and maintenance (O&M) plan for pollution control equipment shall be submitted to the director for any source of pollution which is required by department permit pursuant to chapters 62-17, 62-210 or 62-213 Florida Administrative Code, to utilize a pollution control device, or that utilizes a pollution control device to meet an applicable standard. The O&M plan shall be submitted with the application for an operating permit, or general permit of such source and control device. The O&M plan shall include, but is not limited to:

- (1) Operating parameters of the pollution control device;
- (2) Time table for the routine maintenance of the pollution control device as specified by the manufacturer;
- (3) Time table for routine periodic observations of the pollution control device sufficient to ensure proper operation;
- (4) A list of the type and quantity of the required spare parts for the pollution control device which are stored on the premises of the permit applicant;
- (5) A record log which will indicate, at a minimum:
 - a. When maintenance was performed;

- b. What maintenance was performed;
- c. Who performed said maintenance and observations; and
- d. Acceptable parameter ranges for each operational check.

(b) An O&M plan for pollution control devices for pollution sources under a department permit pursuant to chapter 62-210 or 62-213, Florida Administrative Code, prior to the adoption of this article shall be submitted to the director upon:

(1) Renewal of such permit; or

(2) Violation of a specific or general emission limitation of a department permit.

(Ord. No. 95-27, § 3(2.230), 4-18-95; Ord. No. 97-5, § 22, 1-28-97; Ord. No. 00-15, § 4, 2-8-00; Ord. No. 01-19, § 2, 4-3-01)

Secs. 58-129--58-134. Reserved.

DIVISION 3.

GASOLINE VAPOR CONTROL

Sec. 58-135. Gasoline vapor controls.

That body of federal law governing air pollution abatement and prevention by providing testing methods to ascertain the operational status of vapor control devices on gasoline tanker trucks and similar gasoline storage vehicles or facilities, except as these may be modified elsewhere in this Code or by state regulation are hereby adopted and incorporated by reference in this Code.

(Ord. No. 08-35, § 4, 6-17-08)

Sec. 58-136. Purpose--Gasoline vapor control.

All provisions pertaining to stage I, contained in Rule 62-252.100, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 95-27, § 3(3.252.100), 4-18-95; Ord. No. 97-5, § 23, 1-28-97; Ord. No. 03-63, § 21, 8-28-03)

Sec. 58-137. Definitions--Gasoline vapor control.

All provisions contained in Rule 62-252.200, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference, except for the definition for gasoline dispensing facility.

- (1) *Gasoline dispensing facility*: Any site where gasoline is dispensed to motor vehicles, boats, or airplanes from stationary storage.

(Ord. No. 95-27, § 3(3.252.200), 4-18-95; Ord. No. 97-5, § 24, 1-28-97; Ord. No. 03-63, § 22, 8-28-03)

Sec. 58-138. Gasoline dispensing facilities--Stage I vapor recovery.

(a) All provisions pertaining to stage I vapor controls, contained in Rule 62-252.300, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference, except for 62-252.300(1) which is modified to read:

(1) *Applicability.* The emission limiting standards and control technology requirements as set forth in Rule 62-252.300(3), shall apply to all gasoline dispensing facilities, as follows:

- a. All new facilities (built after 1/31/90).
- b. All existing facilities (built prior to 2/1/90) with monthly gasoline throughput of greater than 10,000 gallons but less than 20,000 gallons from the date of July 1, 1979. Monthly gasoline throughput shall be based on the highest gasoline throughput for any single month.
- c. Once stage I equipment is installed it is required to be utilized and maintained.
- d. During periods of nondelivery, all delivery and vapor lines to gasoline storage tank(s) shall be sealed with vapor-tight caps or seals.

(Ord. No. 95-27, § 3(3.252.300), 4-18-95; Ord. No. 97-5, § 25, 1-28-97; Ord. No. 03-63, § 23, 8-28-03)

Sec. 58-139. Reserved.

Sec. 58-140. Gasoline tanker trucks.

All provisions contained in Rule 62-252.500, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 95-27, § 3(3.252.500), 4-18-95; Ord. No. 97-5, § 26, 1-28-97; Ord. No. 03-63, § 24, 8-28-03)

Sec. 58-141. Reserved.

Sec. 58-142. Forms--Gasoline vapor control.

All provisions contained in Rule 62-252.900, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 95-27, § 3(3.252.900), 4-18-95; Ord. No. 97-5, § 27, 1-28-97; Ord. No. 03-63, § 25, 8-28-03)

Secs. 58-143, 58-144. Reserved.

DIVISION 4.

ASBESTOS REMOVAL

Sec. 58-145. Asbestos removal.

That body of federal law governing air pollution abatement and prevention by providing standards for the removal of asbestos, providing definitions and for applicability, for notification procedures and providing a national emission standard for asbestos, except as these may be modified elsewhere in this Code or by state regulation, are hereby adopted and incorporated by reference in this Code.
(Ord. No. 08-35, § 5, 6-17-08)

Sec. 58-146. Purpose--Asbestos removal.

All provisions contained in Rules 62-204.100(4) and 62-257.100(2) and (4), Florida Administrative Code, as they may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 95-27, § 3(4.257.100), 4-18-95; Ord. No. 97-5, § 28, 1-28-97; Ord. No. 00-15, § 5, 2-8-00; Ord. No. 03-63, § 26, 8-28-03)

Sec. 58-147. Definitions.

(a) All definitions contained in Rules 62-204.200 and 62-257.200, Florida Administrative Code, as they may be amended from time to time, are adopted and hereby incorporated by reference, except as may be modified herein. References to the department are to be replaced by references to Pinellas County only with regards to compliance and enforcement provisions.

(b) The following specific definitions shall apply to this article:

(1) "Demolition activities" shall begin upon official receipt of the required written demolition notification.

(2) "Owner or operator", means any person or entity who owns, leases, operates, controls, or supervises either the asbestos removal project, or the site of the asbestos removal project. It shall include, but is not limited to, owners, consultants, contractors, and subcontractors. Consultants are included, when performing asbestos surveys, supervising renovation or demolition operations, or providing written notification.

(Ord. No. 95-27, § 3(4.257.200), 4-18-95; Ord. No. 97-5, § 29, 1-28-97; Ord. No. 00-15, § 6, 2-8-00; Ord. No. 03-63, § 27, 8-28-03)

Sec. 58-148. Applicability and notification procedure.

All provisions contained in Rule 62-257.301(1), Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 95-27, § 3(4.257.300), 4-18-95; Ord. No. 97-5, § 30, 1-28-97; Ord. No. 03-63, § 28, 8-28-03)

Sec. 58-149. National emission standard for asbestos.

(a) All provisions contained in subparagraph 62-204.800(10)(b)8, Florida Administrative Code, are adopted and hereby incorporated by reference, except as may be modified herein.

(b) Water from a decontamination chamber unit or waste load out shall be filtered through a five micron or less filter, and bagging of shower water is prohibited.

(c) All regulated asbestos containing material (RACM) shall be removed from nonexempt structures prior to any demolition activity.

(d) Prior to the commencement of any renovation or demolition operation, facility owners or operators must have a written asbestos survey report. The report shall conform to the following standards:

- (1) All affected areas of the facility shall be inspected for asbestos containing material, and;
- (2) For demolition operations, this report will be included with any written notifications, and for renovation operations, this report will be maintained on-site at all times during renovation operations, and;
- (3) The selection of samples, the number of samples, and the accuracy of the report for the asbestos survey, shall be the responsibility of the individual issuing the report, and;
- (4) The report shall specify the specific location where the suspect asbestos containing material was found, and;
- (5) The report shall specify the quantity of asbestos containing material found on pipes (linear feet), and on other facility components (square feet), and;
- (6) The report shall describe the component that is coated, or covered with asbestos containing material, and;
- (7) The report shall show the percent, by area, asbestos content of any asbestos containing material which are analyzed, and for samples, consisting of two or more distinct layers or materials, each layer should be treated separately and the results reported by layers, and;
- (8) The report shall describe the method used to determine the presence of all asbestos containing material. If suspect asbestos containing material is not collected or analyzed, the report must state that the material is presumed to be asbestos containing; and
- (9) The report shall state the type of operation (renovation, or demolition) the inspection is for, and;
- (10) The report shall clearly describe the affected areas of the facility the inspection covers, and;
- (11) The report shall contain the signature of the individual issuing the report, name of the individual performing the inspection, and the date of the inspection. For licensed asbestos consultants, the report will also include the legal seal and signature, and license number, and;
- (12) The report shall classify any asbestos containing, and any suspect asbestos containing material as either friable, Category I or Category II nonfriable asbestos containing material, and;
- (13) For demolition operations, the report shall clearly describe any areas of the affected facility not inspected, and state specific reason(s) for not inspecting the area(s), and further state that those

portions of the facility, which have not been inspected, will not be demolished until inspected for asbestos, and;

- (14) The survey shall clearly denote the source of the sampling protocol employed (such as AHERA 40 CFR 763.86) and/or any limitations incorporated in the survey, and whether the intent of the survey was for NESHAP compliance.

(e) All workers and supervisors performing asbestos removal must have proof of his/her asbestos training, a copy of the license under which they are performing asbestos removal, and a photo identification of themselves. The employer is responsible for insuring these documents are available, and on-site during all regulated asbestos renovations or demolitions.

(f) For renovation and demolition operations, which includes the collection, processing, packing, or transporting of any regulated asbestos containing material (RACM):

- (1) Any RACM must be adequately wet.
(2) There shall be no visible emissions to the outside air of any RACM.

(g) For the manufacturing, fabrication, and spraying operations, no visible emissions shall be discharged to the outside air during the collection, processing, packing, or transporting of any asbestos containing material (ACM) generated by the source.

(h) The requirements of subsections (f) and (g) of this section do not apply if an alternative emission control and waste treatment method has received prior written approval by the director. (Ord. No. 95-27, § 3(4.257.350), 4-18-95; Ord. No. 97-5, § 31, 1-28-97; Ord. No. 98-10, § 2, 1-6-98; Ord. No. 03-2, § 1, 1-7-03; Ord. No. 03-63, § 29, 8-28-03)

Secs. 58-150. Reserved.

Sec. 58-151. Reserved.

Editors Note: Ord. No. 08-35, § 6, adopted June 17, 2008, repealed § 58-151, which pertained to forms and derived from Ord. No. 95-27, § 3(4.25.900), adopted April 18, 1995; Ord. No. 97-5, § 32, adopted Jan. 28, 1997; and Ord. No. 03-63, § 30, adopted Aug. 28, 2003.

Secs. 58-152--58-160. Reserved.

DIVISION 5.

AMBIENT AIR QUALITY STANDARDS

Secs. 58-161--58-175. Reserved.

DIVISION 6.

STATIONARY SOURCES--EMISSION STANDARDS

Sec. 58-176. Emission standards for stationary sources.

That body of federal law which governs air pollution abatement and prevention by establishing emission standards for stationary sources of air pollution, providing general pollution emission limiting standards and prescribing the proper testing methods to detect and quantify air pollutants emitted from the various sources, more specifically described in this division, except as these rules may be modified elsewhere in this Code or by state regulation, are hereby adopted and incorporated by reference in this Code.

(Ord. No. 08-35, § 7, 6-17-08)

Sec. 58-177. Purpose--Stationary sources, emissions standards.

All provisions contained in Rules 62-204.100(4) and 62-296.100, Florida Administrative Code, as they may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 00-15, § 7, 2-8-00; Ord. No. 03-63, § 31, 8-28-03)

Sec. 58-178. General pollution emission limiting standards.

All provisions contained in Rule 62-296.320, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 95-27, § 3(6.296.320), 4-18-95; Ord. No. 97-5, § 33, 1-28-97; Ord. No. 03-63, § 32, 8-28-03)

Secs. 58-179, 58-180. Reserved.

Sec. 58-181. Incinerators.

All provisions contained in Rule 62-296.401, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 95-27, § 3(6.296.401), 4-18-95; Ord. No. 97-5, § 34, 1-28-97; Ord. No. 03-63, § 33, 8-28-03)

Sec. 58-182. Sulfuric acid plants.

All provisions contained in Rule 62-296.402, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 95-27, § 3(6.296.402), 4-18-95; Ord. No. 97-5, § 35, 1-28-97; Ord. No. 03-63, § 34, 8-28-03)

Sec. 58-183. Phosphate processing.

All provisions contained in Rule 62-296.403, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 95-27, § 3(6.296.403), 4-18-95; Ord. No. 97-5, § 36, 1-28-97; Ord. No. 03-63, § 35, 8-28-03)

Sec. 58-184. Kraft (Sulfate) pulp mills and tall oil plants.

All provisions contained in Rule 62-296.404, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 95-27, § 3(6.296.404), 4-18-95; Ord. No. 97-5, § 37, 1-28-97; Ord. No. 03-63, § 36, 8-28-03)

Sec. 58-185. Fossil fuel steam generators with more than 250 million Btu per hour heat input.

All provisions contained in Rule 62-296.405, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 95-27, § 3(6.296.405), 4-18-95; Ord. No. 97-5, § 38, 1-28-97; Ord. No. 03-63, § 37, 8-28-03)

Sec. 58-186. Fossil fuel steam generators with less than 250 million Btu per hour heat input, new and existing emissions units.

All provisions contained in Rule 62-296.406, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 95-27, § 3(6.296.406), 4-18-95; Ord. No. 97-5, § 39, 1-28-97; Ord. No. 03-63, § 38, 8-28-03)

Sec. 58-187. Portland cement.

All provisions contained in Rule 62-296.407, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 95-27, § 3(6.296.407), 4-18-95; Ord. No. 97-5, § 40, 1-28-97; Ord. No. 03-63, § 39, 8-28-03)

Sec. 58-188. Nitric acid plants.

All provisions contained in Rule 62-296.408, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 95-27, § 3(6.296.408), 4-18-95; Ord. No. 97-5, § 41, 1-28-97; Ord. No. 03-63, § 40, 8-28-03)

Sec. 58-189. Sulfur recovery plants.

All provisions contained in Rule 62-296.409, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 95-27, § 3(6.296.409), 4-18-95; Ord. No. 97-5, § 42, 1-28-97; Ord. No. 03-63, § 41, 8-28-03)

Sec. 58-190. Carbonaceous fuel burning equipment.

All provisions contained in Rule 62-296.410, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 95-27, § 3(6.296.410), 4-18-95; Ord. No. 97-5, § 43, 1-28-97; Ord. No. 03-63, § 42, 8-28-03)

Sec. 58-191. Sulfur storage and handling facilities.

All provisions contained in Rule 62-296.411, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 95-27, § 3(6.296.411), 4-18-95; Ord. No. 97-5, § 44, 1-28-97; Ord. No. 03-63, § 43, 8-28-03)

Sec. 58-192. Dry cleaning facilities.

All provisions contained in Rule 62-296.412, Florida Administrative Code, are adopted and hereby incorporated by reference.

(Ord. No. 95-27, § 3(6.296.412), 4-18-95; Ord. No. 97-5, § 45, 1-28-97; Ord. No. 03-63, § 44, 8-28-03)

Sec. 58-193. Synthetic organic fiber production.

All provisions contained in Rule 62-296.413, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 95-27, § 3(6.296.413), 4-18-95; Ord. No. 97-5, § 46, 1-28-97; Ord. No. 03-63, § 45, 8-28-03)

Sec. 58-194. Concrete batching plants.

All provisions contained in Rule 62-296.414, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 95-27, § 3(6.296.414), 4-18-95; Ord. No. 97-5, § 47, 1-28-97; Ord. No. 03-63, § 46, 8-28-03)

Sec. 58-195. Soil thermal treatment facilities.

All provisions contained in Rule 62-296.415, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 95-27, § 3(6.296.415), 4-18-95; Ord. No. 97-5, § 48, 1-28-97; Ord. No. 03-63, § 47, 8-28-03)

Sec. 58-195.1. Volume reduction, mercury recovery and mercury reclamation.

All provisions contained in Rule 62-296.417, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 97-5, § 49, 1-28-97; Ord. No. 03-63, § 48, 8-28-03)

Sec. 58-196. Reasonably available control technology.

All provisions contained in Rule 62-296.500, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 95-27, § 3(6.296.500), 4-18-95; Ord. No. 97-5, § 50, 1-28-97; Ord. No. 03-63, § 49, 8-28-03)

Sec. 58-197. Can coating.

All provisions contained in Rule 62-296.501, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 95-27, § 3(6.296.501), 4-18-95; Ord. No. 97-5, § 50, 1-28-97)

Sec. 58-198. Coil coating.

All provisions contained in Rule 62-296.502, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 95-27, § 3(6.296.502), 4-18-95; Ord. No. 97-5, § 52, 1-28-97; Ord. No. 03-63, § 51, 8-28-03)

Sec. 58-199. Paper coating.

All provisions contained in Rule 62-296.503, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 95-27, § 3(6.296.503), 4-18-95; Ord. No. 97-5, § 53, 1-28-97; Ord. No. 03-63, § 52, 8-28-03)

Sec. 58-200. Fabric and vinyl coating.

All provisions contained in Rule 62-296.504, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 95-27, § 3(6.296.504), 4-18-95; Ord. No. 97-5, § 54, 1-28-97; Ord. No. 03-63, § 53, 8-28-03)

Sec. 58-201. Metal furniture coating.

All provisions contained in Rule 62-296.505, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 95-27, § 3(6.296.505), 4-18-95; Ord. No. 97-5, § 55, 1-28-97; Ord. No. 03-63, § 54, 8-28-03)

Sec. 58-202. Surface coating of large appliances.

All provisions contained in Rule 62-296.506, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 95-27, § 3(6.296.506), 4-18-95; Ord. No. 97-5, § 56, 1-28-97; Ord. No. 03-63, § 55, 8-28-03)

Sec. 58-203. Magnetic wire coating.

All provisions contained in Rule 62-296.507, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 95-27, § 3(6.296.507), 4-18-95; Ord. No. 97-5, § 57, 1-28-97; Ord. No. 03-63, § 56, 8-28-03)

Sec. 58-204. Petroleum liquid storage.

All provisions contained in Rule 62-296.508, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 95-27, § 3(6.296.508), 4-18-95; Ord. No. 97-5, § 58, 1-28-97; Ord. No. 03-63, § 57, 8-28-03)

Sec. 58-205. Bulk gasoline plants.

All provisions contained in Rule 62-296.509, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 95-27, § 3(6.296.509), 4-18-95; Ord. No. 97-5, § 59, 1-28-97; Ord. No. 03-63, § 58, 8-28-03)

Sec. 58-205.1. Bulk gasoline terminals.

All provisions contained in Rule 62-296.510, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 95-27, § 3(6.296.510), 4-18-95; Ord. No. 97-5, § 60, 1-28-97; Ord. No. 03-63, § 59, 8-28-03)

Sec. 58-205.2. Solvent metal cleaning.

All provisions contained in Rule 62-296.511, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 95-27, § 3(6.296.511), 4-18-95; Ord. No. 97-5, § 61, 1-28-97; Ord. No. 03-63, § 60, 8-28-03)

Sec. 58-205.3. Cutback asphalt.

All provisions contained in Rule 62-296.512, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 95-27, § 3(6.296.512), 4-18-95; Ord. No. 97-5, § 62, 1-28-97; Ord. No. 03-63, § 61, 8-28-03)

Sec. 58-205.4. Surface coating of miscellaneous metal parts and products.

All provisions contained in Rule 62-296.513, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 95-27, § 3(6.296.513), 4-18-95; Ord. No. 97-5, § 63, 1-28-97; Ord. No. 03-63, § 62, 8-28-03)

Sec. 58-205.5. Surface coating of flat wood paneling.

All provisions contained in Rule 62-296.514, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 95-27, § 3(6.296.514), 4-18-95; Ord. No. 97-5, § 64, 1-28-97; Ord. No. 03-63, § 63, 8-28-03)

Sec. 58-205.6. Petroleum liquid storage tanks with external floating roofs.

All provisions contained in Rule 62-296.516, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 95-27, § 3(6.296.516), 4-18-95; Ord. No. 97-5, § 65, 1-28-97; Ord. No. 03-63, § 64, 8-28-03)

Sec. 58-205.7. Graphic arts systems.

All provisions contained in Rule 62-296.515, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 95-27, § 3(6.296.700), 4-18-95; Ord. No. 97-5, § 66, 1-28-97; Ord. No. 03-63, § 65, 8-28-03)

Sec. 58-205.8. Reasonably available control technology (RACT)--Requirements for major VOC and NOx emitting facilities.

All provisions contained in Rule 62-296.570, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 95-27, § 3(6.296.701), 4-18-95; Ord. No. 97-5, § 67, 1-28-97; Ord. No. 03-63, § 66, 8-28-03)

Sec. 58-205.9. Reasonably available control technology (RACT)--Lead.

All provisions contained in Rule 62-296.600, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 95-27, § 3(6.296.702), 4-18-95; Ord. No. 97-5, § 68, 1-28-97; Ord. No. 03-63, § 67, 8-28-03)

Sec. 58-205.10. Lead processing operations in general.

All provisions contained in Rule 62-296.601, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 95-27, § 3(6.296.703), 4-18-95; Ord. No. 97-5, § 69, 1-28-97; Ord. No. 03-63, § 68, 8-28-03)

Sec. 58-205.11. Primary lead-acid battery manufacturing operations.

All provisions contained in Rule 62-296.602, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 95-27, § 3(6.296.704), 4-18-95; Ord. No. 97-5, § 70, 1-28-97; Ord. No. 03-63, § 69, 8-28-03)

Sec. 58-205.12. Secondary lead smelting operations.

All provisions contained in Rule 62-296.603, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 95-27, § 3(6.296.705), 4-18-95; Ord. No. 97-5, § 71, 1-28-97; Ord. No. 03-63, § 70, 8-28-03)

Sec. 58-205.13. Electric arc furnace equipped secondary steel manufacturing operations.

All provisions contained in Rule 62-296.604, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 95-27, § 3(6.296.706), 4-18-95; Ord. No. 97-5, § 72, 1-28-97; Ord. No. 03-63, § 71, 8-28-03)

Sec. 58-205.14. Reasonably available control technology (RACT) particulate matter.

All provisions contained in Rule 62-296.700, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 95-27, § 3(6.296.707), 4-18-95; Ord. No. 97-5, § 73, 1-28-97; Ord. No. 03-63, § 72, 8-28-03)

Sec. 58-205.15. Portland cement plants.

All provisions contained in Rule 62-296.701, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 95-27, § 3(6.296.708), 4-18-95; Ord. No. 97-5, § 74, 1-28-97; Ord. No. 03-63, § 73, 8-28-03)

Sec. 58-205.16. Fossil fuel steam generators.

All provisions contained in Rule 62-296.702, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 95-27, § 3(6.296.709), 4-18-95; Ord. No. 97-5, § 75, 1-28-97; Ord. No. 03-63, § 74, 8-28-03)

Sec. 58-205.17. Carbonaceous fuel burners.

All provisions contained in Rule 62-296.703, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 95-27, § 3(6.296.710), 4-18-95; Ord. No. 97-5, § 76, 1-28-97; Ord. No. 03-63, § 75, 8-28-03)

Sec. 58-205.18. Asphalt concrete plants.

All provisions contained in Rule 62-296.704, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 95-27, § 3(6.296.711), 4-18-95; Ord. No. 97-5, § 77, 1-28-97; Ord. No. 03-63, § 76, 8-28-03)

Sec. 58-205.19. Phosphate processing operations.

All provisions contained in Rule 62-296.705, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 95-27, § 3(6.296.712), 4-18-95; Ord. No. 97-5, § 78, 1-28-97; Ord. No. 03-63, § 77, 8-28-03)

Sec. 58-205.20. Glass manufacturing process.

All provisions contained in Rule 62-296.706, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 95-27, § 3(6.296.800), 4-18-95; Ord. No. 97-5, § 79, 1-28-97; Ord. No. 03-63, § 78, 8-28-03)

Sec. 58-205.21. Electric arc furnaces.

All provisions contained in Rule 62-296.707, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 95-27, § 3(6.296.810), 4-18-95; Ord. No. 97-5, § 80, 1-28-97; Ord. No. 03-63, § 79, 8-28-03)

Sec. 58-205.22. Sweat or pot furnaces.

All provisions contained in Rule 62-296.708, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 95-27, § 3(6.296.820), 4-18-95; Ord. No. 97-5, § 81, 1-28-97; Ord. No. 03-63, § 80, 8-28-03)

Sec. 58-205.23. Lime kilns.

All provisions contained in Rule 62-296.709, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 97-5, § 82, 1-28-97; Ord. No. 03-63, § 81, 8-28-03)

Sec. 58-205.24. Smelt dissolving tanks.

All provisions contained in Rule 62-296.710, Florida Administrative Code, as it may be amended from

time to time, are adopted and hereby incorporated by reference.
(Ord. No. 97-5, § 83, 1-28-97; Ord. No. 03-63, § 82, 8-28-03)

Sec. 58-205.25. Materials handling, sizing, screening, crushing and grinding operations.

All provisions contained in Rule 62-296.711, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 97-5, § 84, 1-28-97; Ord. No. 03-63, § 83, 8-28-03)

Sec. 58-205.26. Miscellaneous manufacturing process operations.

All provisions contained in Rule 62-296.712, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 97-5, § 85, 1-28-97; Ord. No. 03-63, § 84, 8-28-03)

Sec. 58-205.27. Standards of performance for new stationary sources and emission guidelines.

That body of federal law governing air pollution abatement and prevention by providing standards of performance for new stationary sources and emission guidelines, which may generally be described or referred to from time to time in Rules 62-204.800(8) and 62-204.800(9), Florida Administrative Code, and except as modified elsewhere herein, is adopted and hereby incorporated by reference in this Code.
(Ord. No. 97-5, § 86, 1-28-97; Ord. No. 00-15, § 8, 2-8-00; Ord. No. 01-19, § 3, 4-3-01; Ord. No. 02-55, § 1, 7-9-02; Ord. No. 03-2, § 2, 1-7-03; Ord. No. 03-63, § 85, 8-28-03; Ord. No. 04-38, § 1, 6-15-04; Ord. No. 05-24, § 1, 4-5-05; Ord. No. 05-76, § 1, 11-15-05; Ord. No. 06-57, § 3, 7-25-06; Ord. No. 08-35, § 8, 6-17-08)

Sec. 58-205.28. National emissions standards for hazardous air pollutants.

That body of federal law governing air pollution abatement and prevention by providing national standards for general hazardous air pollutant emissions, which may be referred to in general from time to time in Rules 62-204.800(10) and 62-205.800(11), Florida Administrative Code, except as may be modified herein, are adopted and hereby incorporated by reference.
(Ord. No. 97-5, § 87, 1-28-97; Ord. No. 98-10, § 3, 1-6-98; Ord. No. 00-15, § 9, 2-8-00; Ord. No. 03-2, § 3, 1-7-03; Ord. No. 03-63, § 86, 8-28-03; Ord. No. 04-38, § 1, 6-15-04; Ord. No. 05-24, § 2, 4-5-05; Ord. No. 08-35, § 9, 6-17-08)

Sec. 58-205.29. National volatile organic compound emission standards for consumer and commercial products.

That body of federal law governing air pollution abatement and prevention by providing national volatile organic compound emission standards for consumer and commercial products, which may be referred to in general from time to time in Rule 62-204.800(7), Florida Administrative Code, are adopted and hereby incorporated by reference in this Code.
(Ord. No. 97-5, § 88, 1-28-97; Ord. No. 98-10, § 4, 1-6-98; Ord. No. 00-15, § 10, 2-8-00; Ord. No. 01-19, § 4, 4-3-01; Ord. No. 03-2, § 4, 1-7-03; Ord. No. 03-63, § 87, 8-28-03; Ord. No. 04-38, § 1, 6-15-04; Ord. No. 05-24, § 3, 4-5-05; Ord. No. 05-76, § 2, 11-15-05; Ord. No. 06-57, § 4, 7-25-06; Ord. No. 08-35, § 11, 6-17-08)

DIVISION 7.

STATIONARY SOURCES--EMISSION MONITORING

Sec. 58-205.30. Emission monitoring of stationary sources of air pollutants.

That body of federal law governing air pollution abatement and prevention by requiring monitoring of emissions from stationary sources of air pollutants, requiring general compliance testing, providing compliance testing methods and supplementary testing processes, providing federally approved efficiency testing procedures for capturing volatile organic compounds, providing federal standards for continuous monitor performance and exceptions and approval of alternate procedures and requirements is hereby adopted and incorporated by reference in this Code.

(Ord. No. 03-2, § 5, 1-7-03; Ord. No. 03-63, § 88, 8-28-03; Ord. No. 08-35, § 11, 6-17-08)

Sec. 58-205.31. Purpose--Stationary sources, emissions monitoring.

All provisions contained in Rule 62-297.100, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 00-15, § 11, 2-8-00; Ord. No. 03-63, § 89, 8-28-03)

Sec. 58-205.32. General compliance test requirements.

All provisions contained in Rule 62-297.310, Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.

(Ord. No. 97-5, § 89, 1-28-97; Ord. No. 03-63, § 90, 8-28-03)

Secs. 58-205.33--58-205.37. Reserved.

Sec. 58-205.38. Compliance test methods.

All provisions contained in Rule 62-297.401 Florida Administrative Code are adopted and hereby incorporated by reference.

(Ord. No. 97-5, § 90, 1-28-97; Ord. No. 00-15, § 12, 2-8-00; Ord. No. 03-63, § 91, 8-28-03)

Secs. 58-205.39--58-205.43. Reserved.

Sec. 58-205.44. Supplementary test procedures.

All provisions contained in Rule 62-297.440 Florida Administrative Code are adopted and hereby incorporated by reference.

(Ord. No. 97-5, § 91, 1-28-97; Ord. No. 00-15, § 13, 2-8-00; Ord. No. 03-2, § 6, 1-7-03; Ord. No. 03-63, § 92, 8-28-03)

Sec. 58-205.45. EPA voc capture efficiency test procedures.

All provisions contained in Rule 62-297.450 Florida Administrative Code, as it may be amended from

time to time, are adopted and hereby incorporated by reference.
(Ord. No. 97-5, § 92, 1-28-97; Ord. No. 03-63, § 93, 8-28-03)

Sec. 58-205.46. Reserved.

Sec. 58-205.47. EPA continuous monitor performance.

All provisions contained in Rule 62-297.520 Florida Administrative Code are adopted and hereby incorporated by reference.
(Ord. No. 97-5, § 93, 1-28-97; Ord. No. 00-15, § 14, 2-8-00; Ord. No. 03-63, § 94, 8-28-03)

Sec. 58-205.48. Reserved.

Sec. 58-205.49. Exceptions and approval of alternate procedures and requirements.

All provisions contained in Rule 62-297.620 Florida Administrative Code, as it may be amended from time to time, are adopted and hereby incorporated by reference.
(Ord. No. 97-5, § 94, 1-28-97; Ord. No. 03-63, § 95, 8-28-03)

Sec. 58-205.50. Reserved.

Editors Note: Ord. No. 08-35, § 13, adopted June 17, 2008, renumbered the former § 58-205.50 as § 58-98.

ARTICLE V.

OPEN BURNING*

* **Cross References:** Fire prevention and protection, ch. 62.

Sec. 58-206. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Air pollution means the presence in the outdoor atmosphere of the state 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, including outdoor recreation.

Approved fuel means that fuel approved for use by the state department of environmental protection.

Excessive visible emissions means air pollutants emitted in such quantity as to obscure an observer's view to a degree equal to or greater than no. 2 (or 40 percent opacity) on the Ringelmann Smoke Chart as published in the U.S. Bureau of Mines Information Circular No. 7718.

Forced draft means an adequate current of air, blown or forced by a fan or other mechanical means, which is directed or arranged in relation to the open burning in such a manner as to increase the temperature of

the fire and to reduce or minimize the resultant pollution.

Land clearing operation means the uprooting or clearing of vegetation in connection with construction for buildings and rights-of-way, mineral operations, control of weeds, or enhancement of property value, but does not include site preparation; i.e., fires for the growing, raising, or harvesting of crops, timbers, or wildlife.

Open burning means any outdoor fire or open combustion of material which produces or may produce air pollution.

Outdoor heating device means any apparatus, machine, equipment, or other contrivance in which is burned any type of fuel capable of producing air pollution, used outdoors for the purpose of giving protection from cold or frost.

Sunset means official sunset as set forth by the U.S. Naval Observatory (tables are available at National Weather Services offices).

(Ord. No. 76-18, § 2, 9-21-76)

Cross References: Definitions generally, § 1-2.

Sec. 58-207. Penalty for violation of article.

Except as otherwise provided by law or ordinance, a person convicted of a violation of this article shall be punished by a fine not to exceed \$500.00 or by imprisonment in the county jail for a term not exceeding 60 days, or by both such fine and imprisonment. With respect to violations of this Code that are continuous with respect to time, each day the violation continues is a separate offense.

(Ord. No. 06-62, § 4, 8-1-06)

Sec. 58-208. Areas embraced.

All territory within the legal boundaries of the county, including all incorporated and all unincorporated areas, shall be embraced by the provisions of this article.

(Ord. No. 76-18, § 11, 9-21-76)

Charter References: Conflicts between county and municipal ordinances, §§ 2.01, 2.04.

Sec. 58-209. Declaration of intent.

(a) The board of county commissioners finds and declares that the open burning of materials outdoors and the use of outdoor heating devices result in or contribute to air pollution. The board further finds that regulation of open burning and outdoor heating devices will reduce air pollution significantly.

(b) It is the intent of the board of county commissioners to require that open burning be conducted in a manner, under conditions and within certain periods that will reduce or eliminate the deleterious and noisome effect of air pollution caused by open burning.

(Ord. No. 76-18, § 1, 9-21-76)

Sec. 58-210. Prohibitions.

(a) Any open burning not specifically allowed by this article is prohibited. No person shall ignite,

cause to be ignited, permit to be ignited, suffer, allow, burn, conduct or maintain any prohibited open burning.

(b) No person shall use or operate any outdoor heating device or burn any unapproved fuel for cold or frost protection except as provided in this article.

(Ord. No. 76-18, § 3, 9-21-76)

Sec. 58-211. Limitations.

Nothing in this article may be construed to allow open burning which causes or constitutes a hazard to air traffic, which artificially reduces visibility on public roadways to less than 500 feet, or which violates other laws, rules, regulations, or ordinances.

(Ord. No. 76-18, § 4, 9-21-76)

Sec. 58-212. Agricultural and silvicultural fires.

Open burning in connection with agricultural, silvicultural or forestry operations related to the growing, harvesting or maintenance of crops or in connection with wildlife management is allowed between the hours of 9:00 a.m. and one hour before sunset, provided that permission is secured from the division of forestry of the department of agricultural and consumer services prior to burning. The division of forestry may allow open burning at other times when there is reasonable assurance that atmospheric and meteorological conditions in the vicinity of the burning will allow good and proper diffusion and dispersement of air pollutants, and ready control of such fires within the designated boundaries.

(Ord. No. 76-18, § 5, 9-21-76)

Sec. 58-213. Burning for cold or frost protection.

Open burning or the use of outdoor heating devices for frost or cold protection in connection with agricultural or citrus operations is allowed, provided the fuel and the device used have approval from the state department of environmental protection prior to use.

(Ord. No. 76-18, § 6, 9-21-76)

Sec. 58-214. Land clearing.

(a) Open burning of wooden material or vegetation generated by a land clearing operation (except for agricultural, silvicultural, or forestry operations) or the demolition of a structure is allowed provided one of the following alternatives is satisfied:

- (1) The open burning is 50 yards or more from any occupied building or public highway and is performed between 9:00 a.m. (standard time) and one hour before sunset;
- (2) At other times when:
 - a. The open burning is 50 yards or more from any occupied building or public highway and a forced draft system is used; or
 - b. The open burning is 500 yards or more from any occupied building or public highway.

- (b) Permit required.
- (1) The applicant shall apply to the fire chief, or his authorized representative, of the fire control district wherein the open burning will take place and the fire chief or his authorized representative shall be responsible to issue and deny permission to burn.
- (2) The fire chief, or his representative, if permission to burn is granted, shall issue a written permit which shall be kept at the burn site by the applicant and shall be presented upon demand by law enforcement or fire personnel.
- (3) The permit may be revoked for failure to comply with the provisions of this section, or, if so determined by the fire chief or his authorized representative, the open burn is creating a public nuisance due to smoke, flying ash, air traffic or road traffic hazard.
- (4) The division of forestry and the fire control district affected shall be notified each day before the open burn is started.
- (5) The application for approval shall contain:
 - a. The name, address, and telephone number of the applicant;
 - b. The exact location of the requested open burning;
 - c. Name of the person in charge of the open burn.
- (6) A reasonable fee may be imposed by the issuing fire department or fire control district as necessary to pay for the administrative expense associated with the preparation and issuance of the permit.

(Ord. No. 76-18, § 7, 9-21-76; Ord. No. 80-10, § 1, 3-18-80)

Sec. 58-215. Industrial, commercial, municipal, and research open burning.

- (a) Open burning in connection with industrial, commercial, or municipal operations is prohibited, except when the open burning is the only feasible method of operation and prior approval is obtained from the board of county commissioners and the state department of environmental protection, or when an emergency exists which requires immediate action to protect human health and safety.
- (b) Open burning and the use of outdoor heating devices which are essential to a research project are allowed provided prior approval is obtained from the board of county commissioners and the state department of environmental protection.
- (c) The application for approval under this section shall include the following:
 - (1) The name, address, and telephone number of the person submitting the application;

- (2) The type of business or activity involved;
- (3) A description of the proposed equipment and operating practices, the type, quantity, composition and amount of air contaminants to be released to the atmosphere;
- (4) The schedule of burning operations, if known;
- (5) The exact location of the requested open burning;
- (6) If applicable, reasons why no method other than open burning is feasible; and
- (7) Evidence that the proposed open burning has been approved by the fire control authority which has jurisdiction.

(d) The board of county commissioners shall approve operations or research projects under this section only on specified conditions which protect the ambient air from pollutants and contaminants to the greatest extent, and may limit the approval to a specified time.
(Ord. No. 76-18, § 8, 9-21-76)

Sec. 58-216. Permitted open burning.

- (a) A campfire or other fire will be allowed that is used solely for recreational purposes, for ceremonial occasions, for outdoor noncommercial preparation of food, or on cold days for warming of outdoor workers, as long as excessive visible emissions are not emitted.
- (b) Open burning for the flaring of waste gases is allowed for reasons of safety, as long as excessive visible emissions are not emitted.
- (c) Open burning is allowed for the instruction and training of organized firefighters or industrial employees under the supervision of the appropriate public control official.
(Ord. No. 76-18, § 9, 9-21-76)

Secs. 58-217--58-235. Reserved.

ARTICLE VI.

STORMWATER AND SURFACE WATER POLLUTION*

* **Editors Note:** Ord. No. 06-13, § 1, adopted Feb. 7, 2006, amended Art. VI in its entirety to read as herein set out. Former Art. VI, §§ 58-236--58-246, pertained to stormwater pollution and derived from Ord. No. 93-81, §§ 1--11, adopted Sept. 28, 1993; Ord. No. 97-37, § 1--5, adopted June 3, 1997; and Ord. No. 03-24, §§ 1--9, adopted Apr. 15, 2003.

Cross References: Fresh water conservation board, § 2-251 et seq.; water and navigation control authority, § 2-271 et seq.; waterways, ch. 130; drainage requirements for site development, § 154-51 et seq.; floodplain management, ch. 158; management and storage of surface waters, § 166-111 et seq.; flood damage prevention, § 170-101 et seq.

Sec. 58-236. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act means the Federal Clean Water Act Amendments to the Federal Water Pollution Control Act, enacted by Congress in 1972, and commonly known as the Clean Water Act.

Authorized official means any employee or agent of the county authorized by the county administrator to administer or enforce the provisions of this article.

Best management practices or *BMPs* as stated in FAC 62-621.300(4)(a) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Construction means any on-site activity which will result in soil disturbance, including but not limited to the building, assembling, expansion, modification or alteration of the existing property, the erection of buildings or other structures, or any part thereof, or land clearing.

County administrator means the county administrator of Pinellas County, Florida, or an authorized official.

Discharge means any direct or indirect introduction of any solid, liquid or gaseous matter into the separate storm sewer system or to any receiving waters of the county. This includes discharges from non point sources, diffuse runoff, leaching and atmospheric deposition.

FDEP means the Florida Department of Environmental Protection.

Illicit discharge means any discharge that is not composed entirely of stormwater except discharges identified as authorized exceptions pursuant to subsection 58-244(c) of this article.

NPDES means the National Pollutant Discharge Elimination System; a program established by the Environmental Protection Agency under the Clean Water Act.

NPDES permit means an NPDES permit issued by FDEP, together with all conditions attached thereto.

Non-point sources (NPS) means diffuse runoff without a single point of origin that flows over the surface of the ground by stormwater and is then introduced to surface or ground waters. NPSs include, but are not limited to, atmospheric deposition and runoff, or leaching from agricultural lands, urban areas, unvegetated lands, onsite sewage treatment and disposal systems, and construction sites.

Person includes any natural person, individual, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, or public officer or any other entity whatsoever, or any combination of such, jointly or severally.

Receiving waters of the county means surface waters of the county including but not limited to open

channels, ponds, streams, creeks, lakes, swamps, wetlands located in Pinellas County unincorporated jurisdiction, as well as marine waters extending three leagues, or nine miles from the coastline.

Separate storm sewer system or "MS4" as stated in FAC 62-624.200(8) means the system of conveyances owned or operated by the county used for collecting, storing, and transporting stormwater. Such conveyances may include but are not limited to roads with stormwater systems, storm drains, catch basins, curbs, gutters, ditches, constructed channels, or ponds.

Site of industrial activity means any area or facility used for manufacturing, processing or raw materials storage, or storage of finished products.

Stormwater means any surface runoff and drainage of water from land surfaces, including the surfaces of buildings and other hardened surfaces on the land, but does not include any industrial or commercial process water, sediment or contaminants introduced into water as a result of activities conducted on the site.

SWFWMD means the Southwest Florida Water Management District.

(Ord. No. 06-13, § 1, 2-7-06)

Cross References: Definitions generally, § 1-2.

Sec. 58-237. Intent.

This article is adopted by the county for the purpose of maintaining efficient, economic and safe operation of the separate storm sewer system, and for the protection of the health, safety, and general welfare of the public within unincorporated county. This article is intended to prevent and abate pollution through the regulation and control of connections and discharges to the separate storm sewer system or receiving waters of the county and to limit the use of the separate storm sewer system to the collection, conveyance, treatment, and disposal of stormwater through appropriate regulation and enforcement. The prohibitive discharge standards contained in this article were developed under the authority of section 5 of the act and 40 CFR 122, applicable FDEP, SWFWMD regulations and applicable home rule power.

(Ord. No. 06-13, § 1, 2-7-06)

Sec. 58-238. Penalty for violation of article.

Failure to comply with the requirements of this article or any permit or approval granted or authorized under this article shall be punished as provided in section 1-8.

(Ord. No. 06-13, § 1, 2-7-06)

Sec. 58-239. Civil remedies.

(a) *Abatement.* In addition to the penalties provided in section 58-238 the board of county commissioners is hereby authorized to institute any appropriate action or proceeding, including suit for injunctive relief, in order to prevent, clean-up, or abate violations of this article.

(b) *Additional penalties.* The board of county commissioners is also authorized in accordance with the Pinellas County Environmental Enforcement Act (compiled in article II of this chapter) to impose and recover a civil penalty for each violation of this article in an amount not more than \$10,000.00 for each offense. If a violation of this article is continued, each day of such violation shall constitute a separate offense.

(Ord. No. 06-13, § 1, 2-7-06)

Sec. 58-240. Areas embraced.

The provisions of this article shall embrace all unincorporated areas within the legal boundaries of Pinellas County, Florida, as well as receiving waters of the county.

(Ord. No. 06-13, § 1, 2-7-06)

Sec. 58-241. Inspections and monitoring.

(a) *Authority for inspections.* Whenever necessary to make an inspection to enforce any provisions of this article, or regulation or permit issued under this article, or whenever an authorized official has reasonable cause to believe there exists any condition constituting a violation of any of the provisions of this article, or regulation or permit issued under this article, any authorized official may enter any property, building or facility at any reasonable time to inspect the same or to perform any duty related to enforcement of the provisions of this article or any regulations or permits issued under this article; provided, that:

- (1) If such property, building or facility is occupied, such authorized official shall first present proper credentials and request permission to enter; and
- (2) If such property, building or facility is unoccupied, such authorized official shall make a reasonable effort to locate the owner or other person having charge or control of the property, building or facility, and shall request permission to enter.

Any request for permission to enter made under this section shall state that the owner or person in control has the right to refuse entry, and that in such event that entry is refused, the authorized official may enter to make inspection only upon issuance of an inspection warrant by a court of competent jurisdiction. If the owner or person in control refuses permission to enter after such request has been made, the authorized official is hereby authorized to seek assistance from any court of competent jurisdiction in obtaining entry. Routine or area-wide inspections shall be based upon such reasonable selection processes as may be necessary to carry out the purposes of this article, including but not limited to random sampling and sampling in areas with evidence of stormwater contamination, non-stormwater discharges, or similar factors.

(b) *Authority for monitoring and sampling.* Any authorized official may install and maintain such devices as are necessary to conduct sampling or monitoring of discharges to the separate storm sewer system. During any inspections made to enforce the provisions of this article, or regulations or permits issued under this article, any authorized official may take any samples deemed necessary.

(c) *Requirements for monitoring.* The county administrator may require any person engaging in any activity or owning any property, building or facility, including but not limited to a site of industrial activity, to undertake reasonable monitoring of any discharge to the separate storm sewer system and to furnish periodic reports.

(d) *State inspections.* As part of the NPDES program, FDEP officials may also at any given time, request permission to inspect any site or facility for NPDES compliance.

(Ord. No. 06-13, § 1, 2-7-06)

Sec. 58-242. Administrative order.

The county administrator may issue an order to any person to immediately eliminate any connection or cease any illicit discharge to the separate storm sewer system, determined by the county administrator or authorized official to be in violation of any provision of this article, or in violation of any regulation or authorization issued under this article.

(Ord. No. 06-13, § 1, 2-7-06)

Sec. 58-243. NPDES permits.

Any person who by Florida State Statutes is required to hold an NPDES permit, which authorizes discharge to the county's separate storm sewer system, shall provide a copy of such permit to the county administrator or designee no later than 60 calendar days after the effective date of this article or 60 calendar days after issuance of the permit.

(Ord. No. 06-13, § 1, 2-7-06)

Sec. 58-244. Prohibited discharges.

(a) *General prohibitions.* Except as set forth under subsection (c) of this section or in accordance with a valid NPDES permit, any discharge to the separate storm sewer system or to any receiving waters of the county that is not composed entirely of storm water is prohibited.

(b) *Specific prohibitions.* In addition to the general prohibitions set forth in subsection (a) of this section, any discharge to the separate storm sewer system or to any receiving waters of the county containing any chemicals, petroleum products, automotive fluids of any kind, sewage, industrial waste, sediment, construction or building materials, yard waste or other waste materials, or containing any materials in violation of federal, State, county, municipal, or other laws, rules, regulations, orders or permits, or which causes or contributes to a violation of State water quality standards contained in Chapter 62, Florida Administrative Code, in the waters of the United States, is prohibited.

(c) *Authorized exceptions.* The following discharges are exempt from the general prohibition set forth under subsection (a) of this section provided they meet state water quality standards as provided in Rule 62-302, F.A.C., flows from firefighting, water line flushing and other contributions from potable water sources, landscape irrigation and lawn watering, irrigation water, diverted stream flows, rising groundwaters, direct infiltration of groundwater to the separate storm sewer system, uncontaminated pumped groundwater, foundation and footing drains, water from crawl space pumps, uncontaminated air conditioning condensation, springs, individual residential car washing, non-particulate filter backwash from residential swimming pools, flows from riparian habitats and wetlands, and discharges permitted under a valid NPDES permit.

(Ord. No. 06-13, § 1, 2-7-06)

Sec. 58-245. Spills and dumping; notification.

Any person who is responsible for any discharge to the separate storm sewer system or any receiving waters of the county in violation of this article shall immediately notify the county. Such person shall also take immediate action to ensure the containment and cleanup of such discharge and shall confirm such telephone

notification in writing to the county within three calendar days.
(Ord. No. 06-13, § 1, 2-7-06)

Sec. 58-246. Construction site discharges.

Construction sites must be contained to the maximum extent practicable using BMPs to prevent vehicle track out, accidental discharge or run-off of construction materials, including but not limited to sediment, mud, soil, sand, rubble, concrete, or any other building or site materials.
(Ord. No. 06-13, § 1, 2-7-06)

Sec. 58-247. Prohibited connections.

No person may maintain, use or establish any direct or indirect connection to the separate storm sewer system that results in any discharge in violation of this article. This prohibition applies to connections made in the past, regardless of whether made under a permit or other authorization, or whether permissible under laws or practices applicable or prevailing at the time the connection was made.
(Ord. No. 06-13, § 1, 2-7-06)

Sec. 58-248. Liability for violation of article.

Whenever a violation of this article occurs or exists, or has occurred or existed, any person, individually or otherwise, who has a legal, beneficial or equitable interest in the facility or instrumentality causing or contributing to the violation, or who has a legal, beneficial or equitable interest in real property upon which such violation occurs or exists, or has occurred or existed, shall be jointly and severally liable for such violation. This provision shall be construed to impose joint and several liability upon all persons, individually or otherwise, who, although such persons may no longer have any such legal, beneficial or equitable interest in such facility or instrumentality or real property, did have such an interest at any time during which such violation existed or occurred or continued to exist or to occur. This provision shall be liberally construed to protect the separate storm sewer system and receiving waters of the county and to accomplish the purposes of this article.
(Ord. No. 06-13, § 1, 2-7-06)

Secs. 58-249--58-265. Reserved.

ARTICLE VII.

INOPERABLE VEHICLES OR DERELICT VESSELS ON RESIDENTIAL AND PUBLIC PROPERTIES*

* **Editors Note:** Ord. No. 06-10, § 1, adopted Jan. 24, 2006, amended Art. VII in its entirety to read as herein set out. Former Art. VII, §§ 58-266--272, pertained to inoperable vehicles on residential and public properties and derived from Ord. No. 97-102, § 2, adopted Jan. 9, 1997; and Ord. No. 04-53, § 1, adopted July 27, 2004.

Sec. 58-266. Definitions.

Department means the Pinellas County Department of Environmental Management.

Fully enclosed structure means any commercial or residential garage or other permitted, manmade building structure that effectively screens and prevents viewing of its contents from adjacent properties, walkways, roadways or alleys.

Derelict vessel means any boat or conveyance designed to be used or actually used to transport persons, goods or a combination thereof upon, under, or over the water that is:

- (1) Deteriorated, rotten, damaged, dismantled, or otherwise in a state of disrepair so as to admit water where designed to be watertight, or otherwise not seaworthy as it was originally designed and built; or
- (2) Not capable of being lawfully operated on the waters of the state of Florida; or
- (3) Not displaying a current registration decal as required under state law; or
- (4) Not stored, parked, placed or maintained on a currently and lawfully registered trailer, on which the vessel is designed to be transported.

Inoperative vehicle means a vehicle that is in a state of disrepair and incapable of being moved under its own power, a vehicle or trailer that is incapable of being lawfully operated on the streets of the state, or a trailer that is in a state of disrepair. A vehicle or trailer shall be deemed inoperative if one or more parts which are required for the operation of the vehicle are missing, are dismantled, are inoperative or are not attached to the vehicle as designed. A vehicle or trailer shall be deemed to be incapable of being lawfully operated on the streets of the state if a current registration tag, also known as a license plate, of a kind required under state law as a condition of operation upon the public streets, is not affixed thereto.

Off-road vehicle means any vehicle not intended by design or manufacture to be used upon the streets of the state. Examples include but are not limited to; race car, swamp buggy, all terrain vehicle, amphibious vehicle, racing motorcycle or dirt bike. This definition is not intended to include any boat or vessel designed to be used solely in water.

Owner means the registered owner of the vehicle or the owner of the property upon which the inoperative vehicle is located.

Property means any individual parcel of real property or any portion thereof.

Public property means any federal, state, county or city-owned, leased, controlled, dedicated or platted real property, including but not limited to parks, marinas, alleys, streets, rights-of-way, submerged lands, or other real property.

Vehicle means any automobile, pickup truck, van, truck, motorized recreation vehicle, motorcycle, motor scooter, moped, or any other motorized device on or within which any person or property is or may be transported upon the streets of the state.

(Ord. No. 06-10, § 1, 1-24-06)

Sec. 58-267. Intent.

It is hereby declared, that due to the urban nature and population density of the county, it is in the best interest of its citizens to prohibit the open storage of inoperative vehicles, derelict vessels, or off-road vehicles on residential property and public property located in the unincorporated area of the county.
(Ord. No. 06-10, § 1, 1-24-06)

Sec. 58-268. Penalty for violation of article.

Violations of this article are punishable as provided for in section 1-8.
(Ord. No. 06-10, § 1, 1-24-06)

Sec. 58-269. Territory embraced.

This article shall apply to the unincorporated areas of the county.
(Ord. No. 06-10, § 1, 1-24-06)

Sec. 58-270. Prohibitions.

(a) No person nor any other business entity shall place, park or store, or allow to be placed, parked or stored any inoperative vehicle(s), derelict vessel(s), or off-road vehicles on, or attached to any accessory structure on, any residentially zoned property located in the unincorporated area of the county.

(b) No person nor any other business entity shall place, park or store, or allow to be placed, parked or stored any inoperative vehicle(s), derelict vessel(s), or off-road vehicles on any public property as defined in this article.
(Ord. No. 06-10, § 1, 1-24-06)

Sec. 58-271. Designation of investigating and enforcing authority.

(a) The department shall have the authority to investigate and enforce the provisions of this article.

(b) Pursuant to F.S. § 705.1015, the code enforcement officers of the department are designated by the board to administer the provisions of F.S. ch. 705 which pertain to lost or abandoned property.

(c) Each code enforcement officer of the department is authorized to have removed or impounded any inoperative vehicle, derelict vessel, or off-road vehicles from public property, which reasonably appears to be in violation of this article, in accordance with the provisions of F.S. ch. 705, as they pertain to lost or abandoned property.
(Ord. No. 06-10, § 1, 1-24-06)

Sec. 58-272. Exemption.

One off-road vehicle, per dwelling unit, may be placed or stored on residential property provided that the off-road vehicle is located on a trailer that has a current registration tag, also known as a license plate, of a kind required under state law as a condition of operation upon the public streets, affixed thereto. Any

inoperative vehicle or derelict vessel that is stored within a fully enclosed structure as described in this section is exempt from the prohibitions set forth in section 58-270.
(Ord. No. 06-10, § 1, 1-24-06)

Secs. 58-273--58-299. Reserved.

ARTICLE VIII.

LITTER AND WEEDS*

* **Cross References:** Lot clearing, § 58-326 et seq.; solid waste, ch. 106.
State Law References: Litter control, F.S. § 403.413 et seq.

Sec. 58-300. Intent.

It is hereby declared, due to the urban character and population density of the county that the excessive growth or accumulation of weeds and similar plant material, or the accumulation of debris or their noxious material upon property situate in the unincorporated area of the county is contrary to the public health, safety and welfare, in that such growth or accumulation creates a haven or breeding place for snakes, rats, rodents and other vermin of like or similar character, creates a fire hazard to adjacent properties, and creates a traffic hazard at road intersections within the county. It is therefore deemed in the best interest of the health, safety and welfare of the citizens of the county that such growth and accumulations be prohibited in accordance with this article.

(Ord. No. 04-51, § 1, 7-27-04)

Sec. 58-301. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Debris means nonhazardous material generally considered not to be water-soluble, including but not limited to steel, concrete, glass, brick, asphalt, roofing material, scrap building materials and lumber, and materials of a similar kind or character.

Garbage means all kitchen and table food waste, animal or vegetative waste that is attendant with or results from the storage, preparation, cooking, or handling of food.

Junk means old, used, or discarded materials or manufactured products which may or may not be reusable or saleable, such as inoperative refrigerators, stoves, or similar appliances, inoperative and derelict automobiles, boats, trucks and similar vehicles, and household articles such as furniture or home furnishings which are in such a state of disrepair as to preclude their effective use for their original intended purposes.

Person means any and all persons, natural or artificial, including any individual, firm, or association; any municipal or private corporation organized or existing under the laws of this state or any other state; and any governmental agency of this state or the federal government.

Refuse means materials that are unburnable at ordinary incinerator temperatures (800 to 1,800 degrees Fahrenheit), such as metals, mineral matter, large quantities of glass or crockery, metal furniture, auto bodies or parts, and other similar material or refuse not usual to housekeeping or to the operation of stores or offices.

Rubbish means vegetative matter resulting from landscaping maintenance or land-clearing operations, and includes materials such as tree and shrub trimmings, grass clippings, palm fronds, tree limbs and stumps.

Trash means combinations of rubbish, garbage, refuse, and debris and/or other debris such as paper, cardboard, cloth, glass, white goods, street sweepings, vehicle tires, and other like material.

(Ord. No. 84-33, § 1, 11-20-84)

Cross References: Definitions generally, § 1-2.

Sec. 58-302. Penalty for violation of article.

Violations of this article are punishable as provided in section 1-8.

Sec. 58-303. Territory embraced.

This article shall apply to the unincorporated areas of the county.

(Ord. No. 84-33, § 4, 11-20-84)

Sec. 58-304. Prohibition against excessive accumulation of certain materials.

No person shall dump or cause to be dumped, or place or cause to be placed, or leave or permit to accumulate any garbage, refuse, rubbish, junk, debris, or similar noxious material of any kind or cause or permit the untended growth or excessive accumulation of weeds or other plant material on any property situate in the unincorporated area of the county, whether improved or unimproved.

(Ord. No. 84-33, § 2, 11-20-84; Ord. No. 04-51, § 2, 7-27-04)

Secs. 58-305--58-325. Reserved.

ARTICLE IX.

LOT CLEARING*

* **Cross References:** Litter and weeds, § 58-301 et seq.; solid waste, ch. 106.

Sec. 58-326. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Debris means material which is stored externally and is not otherwise covered and shall include, but not be limited to, the following: discarded household items; inoperative or discarded machinery, automobiles or appliances; refuse, rubbish, trash or junk; and used, scrap or discarded lumber, pipe, steel, plumbing fixtures, insulation, and other building material.

Department means the county department of environmental management.

Excessive growth means the growth of weeds or plants, which are not cultivated or landscaped or regularly tended, which reach a height in excess of 12 inches.

Owner means the person, corporation, partnership, company, trust, estate or any combination or other business or legal entity, singular or plural, which is the record owner or owners as recorded on the current tax rolls of Pinellas County.

Property means any individual platted parcel of real property, or any portion thereof, as it is recorded in the public records of the county, whether or not such parcel is contiguous to any other platted parcel, or any individual parcel of real property described by metes and bounds in the public records of the county.

Repeat violation means a property that has been cleared by or at the direction of the county pursuant to the procedures set forth in this article.

(Ord. No. 78-23, § 3, 10-17-78; Ord. No. 97-30, § 1, 5-13-97; Ord. No. 04-52, § 1, 7-27-04)

Cross References: Definitions generally, § 1-2.

Sec. 58-327. Purpose.

The board of county commissioners hereby establishes a procedure whereby property located in the unincorporated areas of the county may be cleared of an excessive growth of weeds or other plants or cleared of an excessive accumulation of plant material or of debris, trash, junk or other noxious materials.

(Ord. No. 78-23, § 1, 10-17-78)

Sec. 58-328. Intent.

It is hereby declared, due to the urban character and population density of the county, that the excessive growth or accumulation of weeds and similar plant material, or the accumulation of debris or other noxious material upon property situate in the unincorporated area of the county is contrary to the public health, safety and welfare, in that such growth or accumulation creates a haven or breeding place for snakes, rats, rodents and other vermin of like or similar character, creates a fire hazard to adjacent properties, and creates a traffic hazard at road intersections within the county. It is therefore deemed to be in the best interest of the health, safety and welfare of the citizens of the county that such accumulations be removed in accordance with the procedures set out in this article.

(Ord. No. 78-23, § 2, 10-17-78)

Sec. 58-329. Penalty for violation of article.

Violations of this article are punishable as provided in section 1-8.

Sec. 58-330. Territory embraced.

This article shall apply to the unincorporated areas of the county.

Sec. 58-331. Prohibitions.

(a) No person, nor any other business entity, shall permit the excessive growth or accumulation of weeds or other similar plant material, or the accumulation of debris or other similar material which is untended and which creates or may create a haven and breeding place for snakes, rats, rodents or other vermin of similar kind or character, upon property situate in the unincorporated areas of Pinellas County.

(b) No person, nor any other business entity, shall permit the excessive growth or accumulation of plant material or the accumulation of debris or other similar material which is untended and which creates or may create a hazard of fire, endangering nearby structures or other flammable materials, upon property situate in the unincorporated area of Pinellas County.

(c) No person, nor any other business entity, shall permit the excessive growth or accumulation of plant material or the accumulation of debris or other similar material upon property situate in the unincorporated area of Pinellas County, which creates or may create a traffic hazard by obstructing passage upon any road, or by obstructing the view of approaching traffic at any intersection of roads in the unincorporated area of the county.

(Ord. No. 78-23, § 4, 10-17-78; Ord. No. 04-52, § 2, 7-27-04)

Sec. 58-332. Exemptions.

The prohibitions contained in section 58-331 of this article shall not apply to:

- (1) Contiguous property within the unincorporated area of the county, under common ownership, which exceeds five acres in area, except that, notwithstanding the applicability of the exemption as set forth in subsection (4) of this section, a width of 50 feet along the boundaries of such property shall be subject to the prohibitions contained in section 58-331 of this article to the extent that any portion of such property boundaries is within 150 feet of the nearest point of any intersection of a state, county, or municipal road dedicated for use as a public street or within 600 feet of any improved property within the county;
- (2) Property located in its entirety more than 150 feet from the nearest point of any intersection of a state, county, or municipal road dedicated for use as a public street;
- (3) Property located in its entirety more than 600 feet from any improved property within the county; or
- (4) Property which is unimproved and which is primarily in a natural state of vegetation and which is not otherwise in violation of section 58-331(b) or (c) of this article; except that a width of 50 feet along the boundaries of such property shall be subject to the prohibitions contained in section 58-331 to the extent that any portion of such property boundaries is within 150 feet of the nearest point of any intersection of a state, county, or municipal road dedicated for use as a public street or within 600 feet of any improved property within the county.

(Ord. No. 78-23, § 5, 10-17-78; Ord. No. 84-32, § 1, 11-20-84)

Sec. 58-333. Designation of investigating and enforcing authority; authority of department to investigate and enforce.

The department is hereby designated as the investigating and enforcing authority pursuant to the provisions of this article. The department is hereby authorized and directed to receive all complaints of violation of this article, to gather all relevant information concerning such complaints, to conduct field investigations and inspections of real property and to enter upon real property in the conduct of its official business pursuant to this article. The department shall also be responsible for providing all notices to affected property owners required by this article and to take such other action as is reasonably necessary to accomplish the purpose of this article. (Ord. No. 78-23, § 6, 10-17-78; Ord. No. 97-30, § 2, 5-13-97)

Sec. 58-334. Notice of violation.

(a) Upon receipt of a complaint and completion of a field investigation which indicates that a violation of this article has occurred, and failing voluntary compliance by the owner with the provisions of this article, the department shall make a written demand to the property owner for immediate compliance with the provisions of this article. Such written demand shall be made by (1) certified mail, return receipt requested, directed to the property owner as shown on the current tax rolls of the county, and (2) the posting of a placard for at least ten days in two locations, one of which shall be the property on which the violation exists and the other of which shall be at the front door of the county courthouse.

(b) The written demand referenced in subsection (a) of this section shall also include a notice that in the event the property owner does not achieve compliance with the provisions of this article within ten days from the date of the written demand, or in the case of repeat violations, within three days from the date of the written demand, the violation of this article will be abated by, or at the direction of, the county. The notice shall include an estimate of the administrative costs, mowing and clearing costs to be incurred by the county to achieve compliance with the provisions of this article. No property shall be cleared by, or at the direction of, the county until at least ten days after the date of the written demand, except in the case of repeat violations.

(c) The written demand and placard referenced in subsection (a) of this section shall also include a notice that the affected property owner may, within ten days of the date of the written demand, or in the case of repeat violations, within three days from the date of the written demand, request a hearing before the board of county commissioners in accordance with the provisions of section 58-335. If a request for such a hearing is not received within the appropriate time frame, then the right to the hearing is waived. (Ord. No. 78-23, § 7, 10-17-78; Ord. No. 79-14, § 1, 5-22-79; Ord. No. 84-32, § 2, 11-20-84; Ord. No. 97-30, § 3, 5-13-97; Ord. No. 04-52, § 3, 7-27-04)

Sec. 58-335. Hearing before the board.

The board of county commissioners shall, upon request, provide each property owner receiving notice of violation under this article an opportunity to be heard by the board and to present evidence or testimony that the subject property is not in violation of this article. Each affected property owner shall have the right to be represented by counsel. Upon hearing all testimony and evidence concerning the alleged violation, the board shall determine whether or not such owner has violated the provisions of this article and shall provide written notice of its determination to such owner. (Ord. No. 78-23, § 8, 10-17-78; Ord. No. 97-30, § 4, 5-13-97)

Sec. 58-336. Powers of the department.

Upon conclusion of the investigation held pursuant to this article, the department shall have the power to find that property is or is not in violation of this article. With respect to property found to be in violation of this article, the department shall have the following powers:

- (1) To authorize clearance of property by the county or its agents.
- (2) To require payment by the owner of administrative costs, as set forth in this section, to defray the cost of investigation, inspection, and expenses incurred to provide the notices required in this article. Such administrative costs may only be imposed by the department against each property owner who was noticed of the violation and who failed to clear such property within the appropriate notice period.
- (3) To require payment by the owner of actual costs incurred for mowing and clearing the property to achieve compliance with the provisions of this article.
- (4) To grant an extension of time to any property owner within which such property may be cleared.
- (5) To waive the imposition of administrative costs against any property owner found to be in violation of this article.

(Ord. No. 78-23, § 9, 10-17-78; Ord. No. 97-30, § 5, 5-13-97; Ord. No. 04-52, § 4, 7-27-04)

Sec. 58-337. Clearance of property.

After an investigation and upon a finding by the department that certain property is in violation of this article, the department shall reinspect such property in order to verify whether compliance with this article has been achieved. The department shall reinspect such property no earlier than ten days after the date of notice of violation, or three days after the date of the notice of violation in the case of a repeat violation. If, upon reinspection, the department determines that compliance has not been achieved, the department shall cause the property to be cleared by the county or its agents.

(Ord. No. 78-23, § 10, 10-17-78; Ord. No. 97-30, § 6, 5-13-97; Ord. No. 04-52, § 5, 7-27-04)

Sec. 58-338. Establishment of lien.

The county administrator or his designee is hereby authorized to assess against property which is cleared by the county or its agent pursuant to this article the actual cost to the county of clearing such property. The county administrator or his designee is further authorized to assess against property found to be in violation of this article administrative costs, pursuant to the authority granted by section 58-336. Such actual cost of clearance plus such administrative cost shall constitute a lien against such property. A notice of lien in such form as the board of county commissioners shall determine may be filed in the office of the clerk of the circuit court of the county and recorded as other liens are recorded. The same, upon recording, shall be constructive notice of such lien, which may be foreclosed pursuant to general law in the circuit court of the county.

(Ord. No. 78-23, § 11, 10-17-78; Ord. No. 06-08, § 1, 1-24-06)

Sec. 58-339. Interest on liens.

Except as otherwise provided in section 58-340, the principal amount of all assessment liens levied and assessed pursuant to this article shall bear interest at the rate of six percent per annum or fraction thereof and such interest as herein provided shall also constitute a lien against the property assessed of equal dignity. (Ord. No. 78-23, § 12, 10-17-78; Ord. No. 06-08, § 2, 1-24-06)

Sec. 58-340. Grace period prior to the imposition of interest on liens.

Each lien recorded pursuant to section 58-338 shall provide that no interest shall accrue until the 30th day after the filing of the lien in the official records of the clerk of the circuit court. Notice that a lien has been filed shall be sent via regular U.S. mail to the owner of record, at the address of record with the Pinellas County Tax Collector within three business days.

(Ord. No. 78-23, § 13, 10-17-78; Ord. No. 06-08, § 3, 1-24-06)

Sec. 58-341. Satisfaction of lien; authority for county administrator or designee to execute.

Upon payment to the county of the total amount of the lien established pursuant to this article, plus interest accrued thereon, plus the recording fee necessary to record a satisfaction of such lien, the county administrator or his designee is hereby authorized to execute a satisfaction of such lien which shall be filed by the department in the public records of the county. Such satisfaction of lien shall be filed in accordance with the requirements of general law pertaining to cancellation of liens against property.

(Ord. No. 78-83, § 14, 10-17-78; Ord. No. 06-08, § 4, 1-24-06)

Sec. 58-342. Fees.

Fees to be assessed by the board of county commissioners against property found to be in violation of this article shall be as follows:

- (1) *Clearance cost.* The clearance cost shall be the actual cost to the county to clear the property, either by the county or its agent.
- (2) *Administrative cost.* An administrative fee shall be established by resolution of the board of county commissioners to defray the cost of the county of all field investigations, inspections, reports, administrative expenses, reinspections, notices, invoicing, and recording costs, subject to the provisions of section 58-336.

(Ord. No. 78-23, § 15, 10-17-78; Ord. No. 80-34, § 1, 9-16-80)

Secs. 58-343--58-365. Reserved.

ARTICLE X.

AQUATIC PRESERVES*

* **Cross References:** Fresh water conservation board, § 2-251 et seq.; water and navigation control authority, § 2-271 et seq.; game and fish, § 14-86 et seq.; natural resources, ch. 82; parks and recreation, ch. 90.

DIVISION 1.

GENERALLY

Secs. 58-366--58-375. Reserved.

DIVISION 2.

COUNTYWIDE PRESERVE*

* **Editors Note:** The act contained in this division retains its status as a special act. *See* charter § 5.02. The source of each section is stated in the history note following the section. Unless stated otherwise, the presence of more than one act in a history note indicates that the section is derived from the first listed act as amended by the other acts listed in the history note. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citations to state statutes and session laws, and expression of numbers in text has been used. Catchlines have been added or adjusted as necessary to accurately reflect the contents of the sections. Textual references to other sections of the same act or to other acts found in this Code are altered so as to reference this Code. The internal numbering or lettering scheme within sections has been made consistent with the scheme used in this Code; however, deleted paragraphs are reserved to maintain sequence. Sections providing for legal status (i.e., severability sections, repealers and effective dates) have been deleted. Additions for clarity are indicated by brackets.

Sec. 58-376. Submerged lands included generally; purpose.

The submerged lands included within the boundaries of Pinellas County, as described in F.S. § 7.52, with the exception of those privately held submerged lands lying landward of established bulkhead lines, are hereby declared to be an aquatic preserve under the provisions of this division. It is the intent of the legislature that such bodies of water be preserved, insofar as possible, in an essentially natural condition so that their ecological and aesthetic values may endure for the enjoyment of future generations.

(Laws of Fla. ch. 72-663, § 1)

Sec. 58-377. Inclusion of public lands and waters; adding private uplands.

The aquatic preserve established under this division shall include the submerged bottom lands and the water column upon such lands as well as all publicly owned islands within the boundaries of the preserve. Any privately held upland within the boundaries of the preserve shall be deemed to be excluded therefrom; provided that the board of trustees of the internal improvement trust fund, hereinafter referred to as the trustees, may negotiate an arrangement with any such private upland owner by which such land may be included in the preserve.

(Laws of Fla. ch. 72-663, § 2)

Sec. 58-378. Limitations on sale and use of land.

The trustees shall maintain such aquatic preserve subject to the following provisions:

- (1) No further sale or transfer of sovereignty submerged lands shall be approved or consummated by the trustees, except when it is in the dominant interest of the general public.
- (2) a.

No further dredging or filling of submerged lands shall be approved or tolerated by the trustees except:

1. Such minimum dredging and spoiling as may be authorized for public navigation or transportation projects; and
 2. Such other alteration of physical conditions as may, in the opinion of the trustees, be necessary to enhance the quality or utility of the preserve or the public health, safety and welfare generally.
- b. There shall, in no case, be any dredging seaward of a bulkhead line for the sole or primary purpose of providing fill for any area landward of a bulkhead line.
 - c. In addition there shall be no drilling of gas or oil wells, excavation of minerals except the dredging of dead oyster shells as approved by the department of natural resources, and no erection of structures (other than docks and seawalls) within a preserve unless such activity is associated with activity authorized by this division.

- (3) The trustees shall not approve the seaward relocation or setting of bulkhead lines seaward of the mean high-water mark within the preserve.

(Laws of Fla. ch. 72-663, § 3; Laws of Fla. ch. 74-588, § 1)

Sec. 58-379. Rules and regulations.

(a) The trustees shall adopt and enforce reasonable rules and regulations to carry out the provisions of this division and specifically to provide:

- (1) Additional preserve management criteria as may be necessary to accommodate special circumstances; and
- (2) Regulation of human activity within the preserve in such a manner as not to unreasonably interfere with lawful and traditional public uses of the preserve, such as fishing (both sport and commercial), boating and swimming.

(b) Other uses of the preserve or human activity within the preserve, although not originally contemplated, may be permitted by the trustees but only subsequent to a formal finding of compatibility with the purposes of this division.

(Laws of Fla. ch. 72-663, § 4)

Sec. 58-380. Preservation of upland owners' rights.

Neither the establishment nor the management of the aquatic preserve under the provisions of this division shall operate to infringe upon the riparian rights of upland property owners adjacent to or within the preserve. Reasonable improvement for ingress and egress, mosquito control, shore protection, public transportation and similar purposes may be permitted by the trustees subject to the provisions of any other applicable laws under the jurisdiction of other agencies.

(Laws of Fla. ch. 72-663, § 5; Laws of Fla. ch. 74-58, § 2)

Sec. 58-381. Jurisdiction of county water and navigation control authority preserved.

Nothing in this division shall be construed to deprive the Pinellas County Water and Navigation Control Authority of its jurisdiction, powers and duties otherwise conferred by law.
(Laws of Fla. ch. 72-663, § 6)

Secs. 58-382--58-390. Reserved.

DIVISION 3.

BOCA CIEGA BAY*

* **Editors Note:** The act contained in this division retains its status as a special act. *See* charter § 5.02. The source of each section is stated in the history note following the section. Unless stated otherwise, the presence of more than one act in a history note indicates that the section is derived from the first listed act as amended by the other acts listed in the history note. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citations to state statutes and session laws, and expression of numbers in text has been used. Catchlines have been added or adjusted as necessary to accurately reflect the contents of the sections. Textual references to other sections of the same act or to other acts found in this Code are altered so as to reference this Code. The internal numbering or lettering scheme within sections has been made consistent with the scheme used in this Code; however, deleted paragraphs are reserved to maintain sequence. Sections providing for legal status (i.e., severability sections, repealers and effective dates) have been deleted. Additions for clarity are indicated by brackets.

Sec. 58-391. Designation as aquatic preserve; purpose.

Boca Ciega Bay, in Pinellas County, as hereinafter described, is designated and established as an aquatic preserve under the provisions of this division. It is the intent of the legislature that Boca Ciega Bay be preserved, insofar as possible, in an essentially natural condition so that its biological and aesthetic values may endure for the enjoyment of future generations.
(Laws of Fla. ch. 69-342, § 1)

Sec. 58-392. Boundaries described; preserve to include submerged lands, water columns thereon, islands owned by state.

(a) For the purposes of this division, Boca Ciega Bay, sometimes referred to in this division as the preserve, shall be comprised of that body of water in Pinellas County which lies south of the State Road 688 bridge at, or near, Indian Rocks Beach, and within the area enclosed by a line as follows:

Beginning at a point where the east end of said bridge crosses the western shoreline of mainland Pinellas County and extending in a generally southerly direction along the western shoreline of mainland Pinellas County to the west end of the Seminole Bridge following the bridge easterly to exclude Long Bayou and Cross Bayou, thence in a southerly direction including the western shoreline of the Sunshine Skyway causeway and extending to the southern boundary of Pinellas County, thence westerly along the Pinellas County line and around Mullet Key along a line 100 yards seaward of the shoreline of Mullet Key and northerly along a line passing 100 yards to the west of the shorelines of Summer Resort Key, Cabbage Key and Shell Key to the southernmost point of Long Key, thence in a generally northerly direction

along the inner shoreline of Long Key, Treasure Island and Sand Key to a point where the west end of the State Road 688 bridge crosses the inner shoreline of Sand Key, thence easterly along the south side of said bridge to the point of beginning.

The boundary of the preserve designated as the shoreline shall mean the line of mean high water along such shoreline.

(b) The preserve established by this division shall include the submerged bottom lands, the water column upon such lands and the islands owned by the state within the boundaries of the preserve. Any privately held land or submerged land within the established bulkhead lines or privately held islands within the preserve shall be deemed to be excluded therefrom. The trustees of the internal improvement fund may negotiate an arrangement with any such private owner whereas such lands or water bottoms may be included within the preserve.

(Laws of Fla. ch. 69-342, § 2)

Sec. 58-393. Maintenance as aquatic preserve; conditions.

The trustees of the internal improvement fund are hereby directed to maintain Boca Ciega Bay as an aquatic preserve subject to the following provisions:

- (1) No further sale, transfer or lease of sovereignty submerged lands within the preserve shall be approved or consummated by the trustees of the internal improvement fund, except upon a showing of extreme hardship on the part of the applicant or when the overwhelming public interest so demands.
- (2) No further dredging or filling of submerged lands within the preserve shall be approved or tolerated by the trustees of the internal improvement fund except:
 - a. Such minimum dredging and spoiling as may be authorized for public navigation projects; and
 - b. Such other alteration of physical conditions as may be necessary to enhance the quality or utility of the preserve as determined by the Pinellas County Water and Navigation Control Authority in a public hearing;
 - c. Dredging on submerged land in the preserve shall be prohibited except for the purpose of eliminating conditions hazardous to the public health or for the purpose of eliminating stagnant waters, unsightly mud flats, islands, and spoil banks, which dredging would enhance the aesthetic [value] and utility of the preserve and is clearly in the public interest as determined by the Pinellas County Water and Navigation Control Authority in a public hearing. There shall be no dredging beyond the bulkhead line for the sole purpose of providing fill for upland or submerged land within the bulkhead line. In addition there shall be no drilling of wells, excavation for shell or minerals, and no erection of structures (other than docks), within the preserve, unless such activity is associated with activity authorized by this division.

- (3) The trustees of the internal improvement fund shall not approve any seaward relocation of bulkhead lines, or further establishment of bulkhead lines, except as where a proposed bulkhead line is located at the line of mean high water along the shoreline.

(Laws of Fla. ch. 69-342, § 3)

Sec. 58-394. Rules and regulations, purposes; authority to permit other uses of preserve.

(a) The trustees of the internal improvement fund shall adopt and enforce reasonable rules and regulations to carry out the provisions of this division and specifically to provide:

- (1) Additional preserve management criteria as may be necessary to accommodate special circumstances; and
- (2) Regulation of human activity within the preserve in such a manner as not to unreasonably interfere with lawful and traditional public uses of the preserve, such as fishing (both sport and commercial), boating and swimming.

(b) Other uses of the preserve, or human activity within the preserve, although not originally contemplated, may be permitted by the trustees of the internal improvement fund, but only subsequent to a formal finding of compatibility with purposes of this division.

(Laws of Fla. ch. 69-342, § 4)

Sec. 58-395. Effect of establishment, management of aquatic preserve.

Neither the establishment nor the management of the Boca Ciega Bay aquatic preserve shall operate to infringe upon the riparian rights of upland property owners adjacent to or within the preserve. Reasonable improvement for ingress and egress, mosquito control, shore protection, bridges, causeways and similar purposes may be permitted by the trustees of the internal improvement fund, subject to the provisions of any other applicable laws under the jurisdiction of other agencies.

(Laws of Fla. ch. 69-342, § 5)

Sec. 58-396. Jurisdiction of county water and navigation control authority preserved.

Nothing in this division shall be construed to deprive the Pinellas County Water and Navigation Control Authority of its jurisdiction, powers and duties.

(Laws of Fla. ch. 69-342, § 6)

Secs. 58-397--58-415. Reserved.

ARTICLE XI.

MOSQUITO CONTROL*

* **Editors Note:** Ord. No. 07-18, § 1, adopted Mar. 13, 2007, amended art. XI in its entirety to read as herein set out. Former art. XI, §§ 58-416--58-418, pertained to similar subject matter and derived from Laws of Fla. ch. 67-1920, §§ 4--6.

Cross References: Health and sanitation, ch. 66.

State Law References: Mosquito control, F.S. ch. 388.

Sec. 58-416. Designation of governing body of mosquito control district; termination of duties of county health board.

From and after the effective date of this article, the governing body of the mosquito control district of Pinellas County shall be the Board of County Commissioners of Pinellas County. The Pinellas County Health Board, as the former governing body of said district, is directed to complete its affairs and to turn over to said board of county commissioners, not later than September 30, 1967, all funds and accounts belonging to said district after payment of debts owed by said district and to account for and turn over all real and personal property and records of said district in its possession to said board of county commissioners. Said board of county commissioners shall thereafter assume all of said district's liabilities, and the provisions of F.S. ch. 388 shall be applicable to the extent that said provisions are not in conflict with this article.
(Ord. No. 07-18, § 1, 3-13-07)

Sec. 58-417. Powers of governing body of mosquito control district.

The Pinellas County Board of County Commissioners, as governing body of the mosquito control district of Pinellas County, Florida, shall have the power to take all necessary and proper steps for the extermination of mosquitoes within Pinellas County, Florida, subject to the paramount control of the Florida Department of Agriculture and Consumer Services, and to abate as nuisances all stagnant water and other breeding places for mosquitoes, and to enter upon lands during daylight hours, whether public or private, in said county, for the purpose of inspection and examination of the same, and to remove therefrom, without notice, stagnant water or other breeding places for mosquitoes, and to purchase supplies and materials, and to employ such labor as may be necessary or proper in the furtherance of the objects of this article, and if necessary or proper, in the furtherance of the same, to build, construct and thereafter build and maintain necessary levees, cuts, canals or channels upon any land within the county, and to acquire by purchase, condemnation or other lawful means, in the name of the county, any necessary lands, rights-of-way, easements, property or material requisite or necessary for any of such purposes, and to make contracts to indemnify or compensate any owner of land or other property for any injury or damage necessarily caused by the exercise of its powers by this article conferred or arising out of the use, taking or damage of property for any purpose, and generally to do any and all things necessary or incident to the powers hereby granted, and to carry out the objects specified herein.
(Ord. No. 07-18, § 1, 3-13-07)

Sec. 58-418. Inspections of closures involving dwellings.

The provisions of this article relate to entry upon land upon which there is no dwelling house. All closures involving a dwelling house may be inspected upon permission of the owner or occupant thereof. In the event that such permission is arbitrarily withheld by such owner or occupant, inspection may be had thereafter only if such inspector has reasonable grounds to believe that such premises may be injurious to the public health and safety. The inspector may enter upon closures involving a dwelling house solely for the purposes of treatment and abatement of mosquito breeding areas for the prevention of mosquito-related public health risks.
(Ord. No. 07-18, § 1, 3-13-07)

Sec. 58-419. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abate means to take measures to control mosquito breeding.

Artificial containers means any man-made containers, including, but not limited to, tires, swimming pools, cans, vases, buckets, boats, and bird baths.

District means the Pinellas County Mosquito Control District.

Immature mosquito means a mosquito larva or pupa.

Mosquito breeding area means any site at which five or more immature mosquitoes are present in artificial containers, vegetative plants, lakes, ponds, or other areas of standing water at any one time, or any collection of standing water in which mosquitoes are likely to breed, unless such collection of water is treated so as effectually to prevent such breeding.

Mosquitoes capable of carrying disease means those genera of mosquitoes involved in the transmission of disease, including but not limited to *Culex*, *Culiseta*, *Anopheles*, and *Aedes*.

Owner means the person, corporation, partnership, municipality, company, trust, estate, homeowners' association, or any combination or other business or legal entity, singular or plural, which is the record owner or owners as recorded on the tax rolls of Pinellas County.

Responsible party means the owner or tenant of the property that is the site of the artificially induced mosquito breeding.

Vegetative plant means any growing plant, including, but no limited to, bromeliads, cattails, water lettuce, and water hyacinth.
(Ord. No. 07-18, § 1, 3-13-07)

Sec. 58-420. Penalty for violation of article.

Violations of this article are punishable as provided in section 1-8.
(Ord. No. 07-18, § 1, 3-13-07)

Sec. 58-421. Territory embraced.

This article shall apply to all areas within the political boundaries of the county.
(Ord. No. 07-18, § 1, 3-13-07)

Sec. 58-422. Prohibition against mosquito breeding areas.

No person or any other business entity shall allow the existence of, have, create, keep, maintain, cause, or permit any mosquito breeding area within the county.
(Ord. No. 07-18, § 1, 3-13-07)

Sec. 58-423. Investigation and abatement procedures.

The district is hereby authorized and empowered to investigate, enforce, and abate conditions capable of mosquito breeding areas throughout Pinellas County. The district shall make, or cause to be made, inspections on any lot, tract, parcel of land, improved or unimproved, lake, or pond for the purpose of identifying mosquito breeding areas. The district, in order to abate a mosquito breeding area, is authorized to apply pesticides, in accordance with label directions, on any lot, tract, parcel of land, improved or unimproved, lake or pond, without notice.

(Ord. No. 07-18, § 1, 3-13-07)

Sec. 58-424. Enforcement proceedings.

(a) Whenever the district determines that a site is a mosquito breeding area, the district shall make a written demand to the responsible party for immediate compliance with the provisions of this article. Such written demand shall be made by personal service, posting of the property on which the violation exists, or certified mail. The written demand shall also include a notice that the responsible party shall take corrective action to abate the mosquito breeding area within five days of receipt or posting of said written demand. The requirement for a written demand in no way limits the authority or ability of the district to treat a mosquito breeding area immediately upon determination of the area as a mosquito breeding area.

(b) In the event that the district determines that mosquitoes capable of carrying disease are present near the mosquito breeding area, the district shall make a written demand to the owner of the property for immediate compliance with the provisions of this article. Such written demand shall be made by personal service, posting of the property on which the violation exists, or certified mail. The written demand shall also include a notice that the owner shall take corrective action to abate the mosquito breeding area within five days of receipt or posting of said written demand and that if the owner of the property does not achieve compliance with the provisions of this article within five days from the date of the written demand, the violation of this article will be abated by, or at the direction of, the county.

(c) The district shall take corrective action to abate the mosquito breeding area, at the owner's expense, five calendar days from the issuance date of the citation. The responsible party shall pay the district for the cost of performing such abatement, which includes all expenses, fines, penalties, interest, and actual administrative costs. The owner shall make payment to the district within 14 days of receipt of the payment invoice from the district.

(Ord. No. 07-18, § 1, 3-13-07)

Sec. 58-425. Powers of the district.

Upon conclusion of the investigation held pursuant to this article, the district shall have the power to find that property is or is not in violation of this article. With respect to property found to be in violation of this article, the district shall have the following powers:

- (1) To authorize abatement of mosquito breeding areas on property by the county or its agents.
- (2) To require payment by the owner of administrative costs, as set forth in this section, to defray the

cost of investigation, inspection, and expenses incurred to provide the notices required in this article. Such administrative costs may only be imposed by the district against each owner who was noticed of the violation and who failed to abate the mosquito breeding area within the appropriate notice period.

- (3) To require payment by the owner of actual costs incurred for the abatement of the mosquito breeding area on the property to achieve compliance with the provisions of this article.
- (4) To grant an extension of time to any property owner within which such property may be abated of any violations.
- (5) To waive the imposition of administrative costs against any property owner found to be in violation of this article.

(Ord. No. 07-18, § 1, 3-13-07)

Sec. 58-426. Abatement of the mosquito breeding area.

After an investigation and upon a finding by the department that certain property is in violation of this article, the department shall reinspect such property in order to verify whether compliance with this article has been achieved. The department shall reinspect such property no earlier than five days after the date of notice of violation. If, upon reinspection, the district determines that compliance has not been achieved, the district shall cause the mosquito breeding area on the property to be abated by the county or its agents.

(Ord. No. 07-18, § 1, 3-13-07)

Sec. 58-427. Establishment of lien.

The county administrator or his designee is hereby authorized to assess against property cleared of violations by the county or its agent pursuant to this article the actual cost to the county of abating such violation. The county administrator or his designee is further authorized to assess against property found to be in violation of this article administrative costs, pursuant to the authority granted by section 58-425. Such actual cost of abatement plus such administrative cost shall constitute a lien against such property. A notice of lien in such form as the board of county commissioners shall determine may be filed in the office of the clerk of the circuit court of the county and recorded as other liens are recorded. The same, upon recording, shall be constructive notice of such lien, which may be foreclosed pursuant to general law in the circuit court of the county.

(Ord. No. 07-18, § 1, 3-13-07)

Sec. 58-428. Interest on liens.

Except as otherwise provided in section 58-429, the principal amount of all assessment liens levied and assessed pursuant to this article shall bear interest at the rate of six percent per annum or fraction thereof and such interest as herein provided shall also constitute a lien against the property assessed of equal dignity.

(Ord. No. 07-18, § 1, 3-13-07)

Sec. 58-429. Grace period prior to the imposition of interest on liens.

Each lien recorded pursuant to section 58-427 shall provide that no interest shall accrue until the 30th day after the filing of the lien in the official records of the clerk of the circuit court. Notice that a lien has been filed shall be sent via regular U.S. mail to the owner of record, at the address of record with the Pinellas County Tax Collector within three business days.

(Ord. No. 07-18, § 1, 3-13-07)

Sec. 58-430. Satisfaction of lien; authority for county administrator or designee to execute.

Upon payment to the county of the total amount of the lien established pursuant to this article, plus interest accrued thereon, plus the recording fee necessary to record a satisfaction of such lien, the county administrator or his designee is hereby authorized to execute a satisfaction of such lien which shall be filed by the district in the public records of the county. Such satisfaction of lien shall be filed in accordance with the requirements of general law pertaining to cancellation of liens against property.

(Ord. No. 07-18, § 1, 3-13-07)

Sec. 58-431. Fees.

Fees to be assessed by the board of county commissioners against property found to be in violation of this article shall be as follows:

- (1) *Abatement cost.* The clearance cost shall be the actual cost to the county to abate violations of this article on the property, either by the county or its agent.
- (2) *Administrative cost.* An administrative fee shall be established by resolution of the board of county commissioners to defray the cost of the county of all field investigations, inspections, reports, administrative expenses, reinspections, notices, invoicing, and recording costs, subject to the provisions of section 58-425.

(Ord. No. 07-18, § 1, 3-13-07)

Secs. 58-432--58-440. Reserved.

ARTICLE XII.

NOISE*

* **Editors Note:** Ord. No. 03-3, § 1, adopted Jan. 7, 2003, amended Art. XII, Noise, in its entirety to read as set out in §§ 58-441--58-454. Formerly, such article, §§ 58-441--58-452, pertained to the same subject matter, and was derived from Ord. No. 74-11, adopted Oct. 15, 1974; and Ord. No. 96-51, adopted July 2, 1996.

Cross References: Offenses and miscellaneous provisions, ch. 86.

State Law References: Motor vehicle noise, F.S. §§ 316.272 et seq., 403.415 et seq.

Sec. 58-441. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A-weighted level (dBA) means the total broadband sound level of the noise spectrum as measured using the "A-weighted network" of a sound level meter. The unit of measurement is the dBA. Sound level meter settings shall be for slow response, except for motor vehicle measurements which shall be fast response.

Ambient noise means the all-encompassing noise associated with a given environment, being usually a composite of sound from many sources near and far.

Commercial zone means any geographic area designated for commercial or professional activities by the zoning authority having jurisdiction over such area, and also includes any area that is designated as institutional on the countywide future land use map.

Continuous noise means a noise which remains essentially constant in level during the period of observation.

County means Pinellas County.

Decibel (dB) means a division of a logarithmic scale used to express the ratio of two like quantities proportional to power or energy. The ratio is expressed in decibels by multiplying its common logarithm by ten.

Emergency means a situation wherein immediate work is necessary to restore property to a safe condition following a public calamity or immediate work is required to protect persons or property from an imminent exposure to danger.

Gross combination weight rating (GCWR) means the value specified by the manufacturer as the loaded weight of a combination vehicle.

Gross vehicle weight rating (GVWR) means the value specified by the manufacturer as the loaded weight of a single vehicle.

Impulsive noise means a noise which is characterized by brief excursions of sound pressure which significantly exceed the ambient noise level.

Industrial zone means any geographic area designated for industrial or manufacturing activities by the zoning authority having jurisdiction over such area.

Intermittent noise means a noise whose sound pressure level exceeds the ambient noise level at either regular or irregular intervals.

Motor-driven cycle means every motorcycle and every motor scooter with a motor which produces not to exceed five-brake horsepower, including every bicycle with a motor attached.

Motor vehicle means any vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Motorcycle means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

Noise means one or a group of loud, harsh, nonharmonious sounds or vibrations that are unpleasant and irritating to the ear.

Noise level means the sound pressure level as measured in dBA unless otherwise specified. A measurement of noise must be at least five dB above the ambient noise level.

Octave band means all of the components in a sound spectrum whose frequencies are between two sine-wave components separated by an octave.

Residential zone means any geographic area designated for single-family or multifamily dwellings by the zoning authority having jurisdiction over such area.

Sound level meter means an instrument to measure the sound pressure level of relatively continuous and broadband noises. The sound level meter used to determine compliance with this article shall meet or exceed the requirements for type 2 sound level meter in accordance with ANSI Standard S1-4.

Sound pressure level means the square ratio, expressed in decibels, of the sound pressure under consideration to the standard reference pressure of 0.0002 dyne/cm². The ratio is squared because pressure squared, and not pressure, is proportional to energy.

Vehicle means any device, in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(Ord. No. 03-3, § 1, 1-7-03)

Cross References: Definitions generally, § 1-2.

Sec. 58-442. Declaration of necessity.

It is found and declared that:

- (1) The making and creation of excessive, unnecessary or unusually loud noises within the county limits is a condition which has existed for some time and the amount and intensity of such noises is increasing.
- (2) The making, creation or maintenance of such excessive, unnecessary, unnatural or unusually loud noises which are prolonged, unusual and unnatural in their time, place and effect of use affect are a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents of the county.
- (3) The necessity in the public interest for the provisions and prohibitions contained and enacted in this article is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions contained and enacted in this article are in pursuance of and for the purpose of securing and promoting the public health, comfort, safety, welfare and repose of the county and its inhabitants.

(Ord. No. 03-3, § 1, 1-7-03)

Sec. 58-443. Penalty for violation of article.

Violations of this article are punishable as provided in section 1-8.
(Ord. No. 03-3, § 1, 1-7-03)

Sec. 58-444. General prohibitions.

(a) No person shall make, continue, permit, or cause to be made or continued:

- (1) Any unreasonably loud and raucous noise; or
- (2) Any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity; or
- (3) Any noise which exceeds the maximum allowable limits set forth in this article.

(b) Factors which shall be considered in determining whether a violation of subsection (a) above exists shall include, but not be limited to, the following:

- (1) The volume of the noise;
- (2) The intensity of the noise;
- (3) The volume and intensity of the background noise, if any;
- (4) The nature and zoning of the area from which the sound emanates and the area where it is received or perceived;
- (5) The duration of the noise;
- (6) The time of the day or night the noise occurs; and
- (7) Whether the noise is recurrent, intermittent, or constant.

(8) Whether a noise complaint, as set forth in section 58-446, has been received by the county.
(Ord. No. 03-3, § 1, 1-7-03)

Sec. 58-445. Specific acts considered to be unreasonably loud and raucous noise.

Any of the following acts and causes thereof are presumed to be in violation of this chapter and to constitute unreasonably loud and raucous noise. This enumeration does not constitute an exclusive list:

- (1) *Radios, televisions, boomboxes, stereos, musical instruments, drums or similar devices.* Operating, playing or permitting the operation or playing of any radio, television, boombox, stereo, musical instrument, drum or similar device which produces or reproduces sound in such a manner as to be unreasonably loud and raucous, or in such a manner as to unreasonably disturb,

injure, or endanger the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity.

- (2) *Radios, televisions, boomboxes, stereos, musical instruments, drums or similar devices in/on any vehicle or by pedestrian.* Operating, playing or permitting the operation or playing of any radio, television, boombox, stereo, musical instrument, drum or similar device, which is located in or on any vehicle or by any pedestrian on publicly owned land or a public parking lot, which produces or reproduces sound in such a manner as to be unreasonably loud and raucous, or in such a manner as to unreasonably disturb, injure, or endanger the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity.
- (3) *Loading and unloading.* Loading and unloading, opening, closing or other handling of boxes, crates, containers, equipment, building materials, garbage cans or similar objects between the hours of 11:00 p.m. and 7:00 a.m. on any day within a residential zone, provided that the noise is unreasonably loud and raucous, and can be heard across the property line of the property from which it emanates.
- (4) *Fireworks.* Using, exploding, or permitting the use or explosion of fireworks, in such a manner as to be unreasonably loud and raucous, or in such a manner as to unreasonably disturb, injure, or endanger the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity. For purposes of this section, the term "firework" shall have the same meaning as specified in F.S. § 791.01, as may be amended from time to time. However, the use or explosion of fireworks shall not be presumed unreasonably loud and raucous when said use or explosion is sponsored by a local government as part of a holiday, municipal or other commemorative event, or otherwise complies with Pinellas County Code, section 62-85, as that section may be amended, or if the use or explosion of fireworks occurs on July 4 or December 31, or within 24 hours of either such date.

(Ord. No. 03-3, § 1, 1-7-03)

Sec. 58-446. Noise complaints.

(a) Noise complaints may be submitted in writing to the county by any citizen and shall include the name, address, and telephone number of the complainant, as well as the address, to the extent known, of the person responsible for the loud and raucous noise, and a description of the noise. The written complaint shall be in the form of an affidavit, made under oath before an individual authorized by law to take acknowledgements.

(b) Upon receiving two or more complaints as described in subsection (a) involving loud and raucous noise, from complainants residing at separate addresses, the county will issue a notice of violation to the person responsible for the loud and raucous noise, advising that person of the alleged noise and that immediate steps must be taken to abate the noise. The notice of violation will describe the noise complaint, and will provide a seven-day period within which to correct the problem. If a second complaint is received in the same form as that described in subsection (a), after the seven-day notice period, then a citation may be issued.

(Ord. No. 03-3, § 1, 1-7-03)

Sec. 58-447. Exceptions.

Notwithstanding the noise prohibitions set out in this article, the following shall be permitted:

- (1) The operation of warning or emergency signal devices such as sirens, horns, and bells when utilized for their intended purpose.
- (2) Noises resulting from equipment or operations incidental to the emergency repair of facilities or restoration of services such as public utilities or other emergency activities in the public interest.
- (3) Ordinary noise created by the operation of railways, shipping lanes and aircraft.
- (4) Noises consistent with cultural, historical or traditional observances, holidays and ceremonies, provided that a permit for such event has been obtained from the county administrator, city manager or town manager in accordance with section 58-451.

(Ord. No. 03-3, § 1, 1-7-03)

Sec. 58-448. Waivers.

(a) Applications for waivers for relief from the maximum allowable noise level limits designated in this article shall be made in writing. Such applications for waivers shall be made to the county administrator or his duly authorized representative when the activity creating such noise is located within the unincorporated area of the county or with the city manager or town manager when the activity is located within the boundaries of their respective municipality. Any waiver granted by the county administrator, a city manager or town manager under this section must be in writing and shall contain all conditions upon which such permit shall be effective. The county administrator, city manager or town manager or their duly authorized representatives may grant the waiver as applied for under the following conditions:

- (1) The county administrator, city manager or town manager may prescribe any reasonable conditions or requirements they deem necessary to minimize adverse effects upon the community or the surrounding neighborhood, including but not limited to the use of mufflers, screens or other sound attenuating devices.
- (2) Waivers from maximum allowable noise level limits may only be granted for noises created within an industrial or commercial zone by operations which were in existence on the effective date of Ordinance [No. 03-3] from which this article derives.
- (3) Waivers may be issued for no longer than 180 days, renewable by further application to the county administrator, city manager or town manager.

(b) Any party feeling aggrieved by the denial of its application for waiver under this section by the county administrator may appeal such denial to the board of county commissioners, such appeal to be filed within 30 days from the date of denial.

(c) Any party feeling aggrieved by the denial of its application for waiver by a city manager or a town manager may appeal such denial to the governing body of that municipality, such appeal to be filed within 30 days from the date of denial.

(Ord. No. 03-3, § 1, 1-7-03)

Sec. 58-449. Construction noise.

(a) No person shall operate or permit to be operated any power-driven construction equipment without a muffler or other noise reduction device at least as effective as that recommended by the manufacturer or provided as original equipment.

(b) No construction activities shall be permitted between the hours of 11:00 p.m. and 7:00 a.m., Monday through Saturday, and all day Sunday, that produce noise exceeding 55 dBA, measured at the nearest property line of an adjacent residential area. Construction equipment that must be operated near a residentially zoned area on a 24-hour per day basis (i.e., pumps, well tips, generators, etc.) shall be shielded by an acoustical enclosure during the hours of 11:00 p.m. to 7:00 a.m. unless the unshielded noise level is less than 55 dBA, measured at the closest adjacent residentially zoned property line.
(Ord. No. 03-3, § 1, 1-7-03)

Sec. 58-450. Maximum allowable industrial or commercial noises.

(a) In addition to the prohibitions set forth in section 58-444, no noise shall be created or permitted to be created in an industrial or commercial zone which exceeds those levels given in table 2, below, as measured on the adjacent property line.

Table 2. Maximum Noise Levels Permitted in Industrial and Commercial Zones

Zone from which noise emanates	Adjoining commercial zone (no time limit)	Adjoining residential zone 7:00 a.m.--11:00 p.m., Monday through Saturday
Industrial	72 dBA	66 dBA
Commercial	66 dBA	60 dBA

The maximum permitted noise level emanating from a commercially or industrially zoned district, measured at the nearest adjacent residentially zoned property line for the hours between 11:00 p.m. and 7:00 a.m., Monday through Saturday and during all hours of Sunday, shall be 55 dBA.

(b) In cases of impulsive noises, the noise levels listed in subsection (a) of this section shall be increased by ten dBA (as measured on a sound level meter) during the hours of 7:00 a.m. to 11:00 p.m., Monday through Saturday, but shall not exceed the levels of table 2 during the period from 11:00 p.m. to 7:00 a.m., Monday through Saturday and all day Sunday.

(c) Exceptions to maximum noise levels.

(1) An exception to the noise levels listed in table 2 may be permitted by the granting of a waiver, under circumstances in which the activity creating the noise is of such importance to the public welfare, health or safety that the activity cannot be shut down, even though its noise levels exceed those given in table 2. Responsibility for the granting of such waivers shall lie with the county administrator or his duly authorized representative when the activity creating such noise is located within the unincorporated area of the county or with the city manager or town manager when the activity is located within the boundaries of their respective municipality.

- (2) A further exception to the noise levels listed in table 2 shall be permitted in instances where an industry or commercial business had in prior years established its place of business in an area away from a residential zone, and subsequently, through the encroachment of residential development or rezoning, now finds itself adjoining a residential zone. In instances of this latter nature, the noise ordinance pertaining to industrial-commercial boundaries shall govern, and the business shall not be required to meet those noise levels pertaining to residential boundaries.

(Ord. No. 03-3, § 1, 1-7-03)

Sec. 58-451. Maximum allowable noises created within residential zones.

(a) Except for those noises otherwise specifically provided for within this article, and in addition to the prohibitions set forth in section 58-444 it shall be unlawful to create or to permit to be created any noise within a residential zone that exceeds 72 dBA during the hours between 7:00 a.m. to 11:00 p.m., or 55 dBA during the hours between 11:00 p.m. and 7:00 a.m., daily, measured at the nearest adjacent property line.

(b) It shall be unlawful to operate or permit to be operated any air conditioning, heating or ventilating unit at any time that produces a noise exceeding 60 dBA, measured at the nearest adjacent property line.

(c) In the case of multifamily dwelling units, it shall be unlawful to create or permit to be created any noise that exceeds 55 dBA during the hours between 7:00 a.m. to 11:00 p.m., or 40 dBA during the hours between 11:00 p.m. and 7:00 a.m., daily, measured from a neighbor's dwelling.

(Ord. No. 03-3, § 1, 1-7-03)

Sec. 58-452. Noises emanating from boats or barges on water areas adjoining residential zones.

(a) No person shall operate, or give permission for the operation of, any boat or barge on the waters of the county, including the Florida Intracoastal Waterway, in such a manner as to exceed a maximum sound level of 90 dBA at a distance of 50 feet from the boat or barge.

(b) Any person who refuses to submit to a sound level test when requested to do so by a law enforcement officer is guilty of a misdemeanor of the second degree, punishable as provided in [F.S.] § 775.082 or § 775.083.

(Ord. No. 03-3, § 1, 1-7-03)

Sec. 58-453. Noises within outdoor public recreation areas and parks.

It shall be unlawful to operate or permit to be operated any mechanical or electrical device within an outdoor public recreation area or park that produces a noise exceeding 72 dBA during the hours between 7:00 a.m. to 11:00 p.m., or 55 dBA during the hours between 11:00 p.m. to 7:00 a.m., daily, measured at the nearest adjacent residentially zoned property line, except for planned community events, including but not limited to concerts, speeches, sporting events, fireworks displays, etc. When a planned community event will create noise in excess of the limits specified in this section, a permit must be obtained prior to the event.

(Ord. No. 03-3, § 1, 1-7-03)

Sec. 58-454. Octave band sound level limits.

In addition to the standards listed in this article, for any source or sound which can be detected on any parcel of property adjacent to the source or sound, the maximum allowable sound level limit for the individual octave bands whose centers are 31.5, 63, 125, 250, and 500 Hertz shall not exceed 65 dB.
(Ord. No. 03-3, § 1, 1-7-03)

Secs. 58-455--58-470. Reserved.

ARTICLE XIII.

RESERVED*

* **Editors Note:** Ord. No. 00-93, §§ 1--13, adopted Nov. 14, 2000, repealed Art. XIII, §§ 58-471--58-483, which pertained to marine habitat management and derived from Ord. No. 94-21, §§ 2--14, adopted Mar. 15, 1994 and Ord. No. 96-80, §§ 2--6, adopted Oct. 22, 1996.

Secs. 58-471--58-483. Reserved.