

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA,
REGULATING THE TRANSPORTATION, STORAGE DUMPING AND DISPOSAL
OF SCALLOP SHELLS WITHIN THE BOUNDARIES OF ST. JOHNS COUNTY,
FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY,
FLORIDA:

SECTION 1. Scallop shells shall not be transported, stored, dumped, or
disposed of within St. Johns County, Florida unless the following procedures,
criteria, methods and standards are followed, met and complied with:

1. Scallop shells shall be transported in accordance and
in compliance with all Florida Statutes. They shall be transported only
in leak-proof, covered trucks or other leak proof covered vehicles when
being transported from the processing plant to the place of disposal or
storage or from the "scallop" boat to the processing plant.

2. Scallop shells shall be stored or disposed of only:

a) at the County sanitary landfill with prior County
approval

b) on other property owned or controlled by the
County after receipt of a County permit for such
storage or disposal and,

c) on private property after receipt of a written
permit from the County and written permission from
the record title owner thereof; said property must
also be zoned in such a manner that allows storage
of scallop shells; said property shall be used and
operated for the storage or disposal of scallop shells
in accordance with Florida law and in accordance
with the provisions of this ordinance.

Property meeting the requirements of 2(a), 2(b), or 2(c) shall hereinafter
sometimes be referred to as "appropriate property".

3. Only essentially clean scallop shells shall be dumped,
disposed of or stored on appropriate property. Trash fish, viscera and
the like shall be dumped or disposed of only at the county landfill. Time

of disposal at the county sanitary landfill must be during day light working hours when the County landfill is open and supervised.

4. Essentially clean scallop shells shall mean scallop shells from which the main scallop and all viscera have been removed, along with all types of trash fish, conchs, starfish and the like. Essentially clean scallop shells shall have first been cleaned by steam processing but may contain small amounts of scallop muscle and may have barnacles attached to them.

5. The following information shall be submitted to the County prior to receipt of County approval of appropriate property or a County permit to store, dump or dispose scallop shells:

A. The names, addresses and telephone numbers of the party seeking approval or a permit, and of the scallop processor, the hauler, and the storage site operator.

B. The maximum quantity of scallop shells to be dumped, stored or disposed on the proposed land disposal site, expressed in tons and in cubic yards.

C. Map and aerial photographs of the proposed site, showing land use and zoning within $\frac{1}{4}$ mile of boundaries of proposed site, plus a survey and legal description of the proposed site.

D. Plan showing dimensions, bodies of surface water, original elevation of site, any proposed fill elevation, method of screening site from adjacent property, method of storm water drainage or berms, and dimensions of buffer areas in which no shells or material will be stored or disposed.

E. Anticipated duration of use of the site, the times during the day during which shells will be delivered, removed or moved to, from or on the site, and the names, addresses and qualifications of persons responsible for operation and maintenance of the site.

F. The method of shell dumping, storage or disposal, including equipment to be utilized on-site, availability of back-up or reserve equipment, detailed manner in which shells will be buried and covered, source and characteristics of cover materials, and maximum length of time during which shells may remain uncovered.

G. Written approval by the record title owner of the property if different than the County with a current title opinion or other acceptable title evidence showing current record title in such person.

H. Such additional information as the County may request.

6. If methods other than burial are used to store scallop shells for sale or re-use, an above ground storage and treatment method must first be approved. This will include area and heights of stored shells as well as preventative measures for fly, rodent and odor control. Only essentially clean shells may be stored above ground and prior to approval for above ground storage there must be demonstrated to the County that there will be no obnoxious odors, obnoxious or harmful gases or other harmful environmental effects¹ created by such storage and that no odor, noise, nuisance or health problems will result therefrom. Adequate visual buffers or barriers shall be provided.

7. Minimum requirements for operation of a scallop shell dumping, disposal or storage site are the following:

A. Only essentially clean shells may be stored, dumped or disposed on such site.

B. The shells must be covered with at least six (6) inches of soil or other such substances to control rodents, insects and noxious or offensive gases or odor as soon as possible after the shells are deposited, but in no event more than one-half ($\frac{1}{2}$) hour after the shells are deposited. However, on above ground storage, specific solid waste control techniques must be demonstrated and approved by the County or the shells will be required to receive the minimum 6" cover.

C. No scallop shells shall be dumped, disposed of, or stored:

a) In an area subject to frequent and periodic flooding unless drainage provisions approved by the County are installed.

b) In any natural or artificial body of water including ground water.

c) Within 200 feet of any natural or artificial body of

water, except canals used to lower site water tables or bodies of water contained completely within the site, which canals and bodies of water do not discharge water from the site.

d) In any area open to public view from any major thoroughfare without County approved screening.

e) In any area that is within $\frac{1}{4}$ mile of an existing residence or existing area of commercial development.

D. Scallop shells may be transported from the land disposal sites and storage sites for commercial purposes, such as for road bed aggregate or septic tank drainfield aggregate when such uses are otherwise allowed by law, only when the shells are dry and free from noxious or offensive gases or odors.

E. Access to all scallop shell land dumping, disposal or storage sites and all facilities where scallop shells are separated, processed or transported, shall be granted by recorded easement to the County.

F. Each person or entity that stores, dumps, or disposes of scallop shells within the County shall coordinate with County staff to insure proper and timely disposal and shall pay County all costs incurred by County by reason of scallop shell storage or disposal in the County landfill or on other County owned property.

G. Compliance with paragraph 6 above, if applicable.

H. Monitoring wells shall be installed and maintained by the owner of the site at locations and in the manner approved by the County. Such wells shall be tested by testing entities approved by the County quarterly for the first year and semi-annually thereafter for pH, conductivity, COD, BOD, nitrates, and ammonia. Such wells shall also be tested at such other times as the County may reasonably request. The installation, maintenance and testing of the wells shall be at the site owners expense.

8. A. The method and/or activities of dumping, disposal and/or storage shall not create odors or a public nuisance or affect the public health, safety and welfare, nor violate state or local laws, ordinances, rules, regulations or orders, including, without limitation,

the Florida Air and Water Pollution Control Act, the Florida Safe Drinking Water Act and Standards adopted thereunder.

B. If the County determines that the dumping or disposal method, the storage activity, or the site is in violation of Section 8A, above, and upon written notice of such violations, the owner/operator shall:

- a) cease receiving scallop shells at the disposal or storage site, and
- b) remove the shells from the site and transport them to the county landfill if requested by the County, and
- c) correct the violations cited at the disposal or storage site, and
- d) at County's request submit to the County a written procedure, stating methods that will be utilized to prevent the violation from recurring; and
- e) obtain approval from the County prior to reuse of the site.

9. No person or entity shall store, dump or dispose more scallop shells at a site than the amount set forth in the information furnished to the County in the application for permit or site approval.

10. No scallop shell transportation, dumping, disposal, or storage approval or permit shall be transferrable.

11. The County may require new or additional State of the Art solid waste management when available.

12. The County may by resolution of its Board of County Commissioners, approve other methods for scallop shell disposal such as, for example and without limitation, placement on roads for road construction or maintenance, placement in designated bodies of water for oyster seeding purposes, or placement in septic tank drainfields for filtration purposes.

SECTION 2. Posting of Bond. The site owner shall post a \$20,000 performance bond with the County prior to being issued a permit or approval to store, dump, or dispose scallop shells on any privately owned parcel or site. Said bond shall be utilized to reimburse the County for legal expenses and administrative expenses and costs incurred by the County in

enforcing compliance with this St. Johns County Ordinance 85-4, as amended, pertaining to the site for which the bond was issued. There shall be a separate bond for each privately owned scallop shell storage or disposal site. Each bond shall continuously remain in full force and effect from the date the County grants the permit or approval until 1 year after the last scallop shell is placed upon the site. The County permit or approval for scallop shell storage or disposal shall automatically terminate the instant the bond expires or is terminated.

SECTION 3. Any person violating this Ordinance shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction shall be punished by a fine not to exceed \$500.00 or by imprisonment in the County Jail not to exceed 60 days or by both such fine and imprisonment. Every day that a violation occurs or continues shall constitute a separate violation.

SECTION 4. The performance of any unlawful act or the violation of any of the restrictions and limitations promulgated under the provisions of this ordinance may be restricted by injunction, including a mandatory injunction, and otherwise abated in any manner provided by law, and such suit or action may be instituted and maintained by the St. Johns County Board of County Commissioners, or by any person, firm, corporation, association or other group or body affected by the violation of this ordinance or of any such regulations, restrictions or limitations contained herein.

SECTION 5. This Ordinance shall take effect immediately upon receipt of official acknowledgment by the Office of the Secretary of the State to the Clerk of the Board of County Commissioners of St. Johns County, Florida, that same has been filed.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
THIS 22ND day of JANUARY, ~~1984~~ 1985.

ATTEST: CARL "BUD" MARKEL
ITS CLERK

By: Marie Hudson
Deputy Clerk

Adopted 01/22/85

Effective: 01-25-85

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Kenny Walker

85-5

The St. Augustine Record
PUBLISHED EVERY AFTERNOON EXCEPT SUNDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA, }
COUNTY OF ST. JOHNS }

Before the undersigned authority personally appeared _____
Virginia L Goodrich who on oath says that he is
Advertising Manager of the St. Augustine Record, a
daily newspaper published at St. Augustine in St. Johns County, Florida;
that the attached copy of advertisement, being a _____
Notice of Public Hearing
_____ in the matter of _____
Transportation, storage, dumping and disposal of scallop
shells. _____ in the _____ Court,
was published in said newspaper in the issues of _____
December 28, 1984

Affiant further says that the St. Augustine Record is a newspaper
published at St. Augustine, in said St. Johns County, Florida, and that the
said newspaper has heretofore been continuously published in said St.
Johns County, Florida, each day, except Sundays, and has been entered
as second class mail matter at the post office in the City of St. Augustine,
in said St. Johns County, Florida, for a period of one year next preceding
the first publication of the attached copy of advertisement; and affiant
further says that he has neither paid nor promised any person, firm or
corporation any discount, rebate, commission or refund for the purpose
of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me Virginia L. Goodrich
this 2nd day of January
A.D. 19 85
Ruth M. Walker
(SEAL) Notary Public

COPY OF ADVERTISEMENT

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON JANUARY 22, 1985, AT 10:45 O'CLOCK A.M. IN THE COUNTY COMMISSIONERS ROOM, ST. JOHNS COUNTY COURTHOUSE, ST. AUGUSTINE, FLORIDA, WILL HOLD A PUBLIC HEARING TO CONSIDER THE PASSAGE OF THE FOLLOWING ORDINANCE:
AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REGULATING THE TRANSPORTATION, STORAGE DUMPING AND DISPOSAL OF SCALLOP SHELLS WITHIN THE BOUNDARIES OF ST. JOHNS COUNTY, FLORIDA; and PROVIDING AN EFFECTIVE DATE.
The proposed Ordinance is on file in the office of the Clerk of the Circuit Court, St. Johns County, Florida, St. Johns County Courthouse, and may be examined by parties interested prior to said public hearing.
All parties having any interest in said Ordinance will be afforded an opportunity to be heard at the public hearing.
If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
Board of County Commissioners
Of St. Johns County, Florida
Carl "Bud" Martal, its Clerk
By: Marie Hudson
Deputy Clerk
1915A Dec. 28, 1984