

ORDINANCE NO. 91-22

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, PROVIDING FOR PURPOSE, PROVIDING FOR DEFINITION, PROVIDING FOR ADOPTION BY REFERENCE, PROVIDING FOR ENFORCEMENT, PROVIDING FOR PENALTIES, PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS, PROVIDING FOR INCORPORATION IN CODE, PROVIDING FOR APPLICABILITY, PROVIDING FOR SEVERABILITY, PROVIDING FOR EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. PURPOSE

The Board of County Commissioners of Indian River County, Florida, wishes to protect the health and environment of its citizens, and to that end seeks to facilitate the enforcement of laws and rules designed to protect the public health and environment within Indian River County.

SECTION 2. DEFINITIONS

All definitions contained in Chapter 85-427, Special Acts, Laws of Florida, are hereby adopted by reference.

SECTION 3. ADOPTION BY REFERENCE

All laws of the State of Florida pertaining to environmental regulation and protection of the public health and all rules of all state agencies, including, but not limited to the Department of Environmental Regulation, the Department of Health and Rehabilitative Services, the Department of Natural Resources, the St. John's River Water Management District, the Division of Forestry, and the Departments of Business and Professional Regulation, pertaining to environmental regulation or protection of public health, as they may from time to time be adopted or amended, are hereby adopted by reference as if set out in full in this Ordinance.

Section 4. ENFORCEMENT

This Ordinance may be enforced by the Indian River County Public Health Unit and the Indian River County Environmental Control Officer in the manner set out in Chapter 85-427, Special Acts, Laws of Florida, or may be enforced as any county ordinance, including but not limited to enforcement by the Board of County Commissioners seeking injunctive relief.

SECTION 5. PENALTIES

Any person who shall violate or fail to comply with the provisions of this Ordinance shall be subject to punishment as provided by law for a county ordinance. Violation of this Ordinance shall also be subject to the provisions of Chapter 85-427, Special Acts, Laws of Florida.

SECTION 6. REPEAL OF CONFLICTING PROVISIONS

All previous ordinances, resolutions, or action of the Board of County Commissioners of Indian River County, Florida which conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict. All special acts applying only to the unincorporated portion of Indian River County which conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 7. INCORPORATION IN CODE

The provisions of this code shall be incorporated into the county code and the word ordinance may be changed to section, article or other appropriate word. The sections of this Ordinance may be renumbered or relettered to accomplish such intentions.

SECTION 8. APPLICABILITY

The provisions of this Ordinance shall apply in the unincorporated areas of Indian River County and in those incorporated areas where the governing municipality has not adopted a conflicting ordinance.

SECTION 9. SEVERABILITY

If any section, part of a sentence, paragraph, phrase or word of this Ordinance is for any reason held to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions hereof, and it shall be construed to be the legislative intent to pass this Ordinance without such unconstitutional, invalid, or inoperative part.

SECTION 10. EFFECTIVE DATE

The provisions of this Ordinance shall become effective upon receipt from the Florida Secretary of State of official acknowledgment that this Ordinance has been filed with the Department of State.

Approved and adopted by the Board of County Commissioners of Indian River County, Florida on this 14 day of May, 1991.

This Ordinance was advertised in the Vero Beach Press Journal on the 20 day of April, 1991, for a public hearing to be held on the 14 day of May, 1991, at which time it was moved for adoption by Commissioner Eggert, seconded by Commissioner Bowman, and adopted by the following vote:

Chairman Richard N. Bird	<u> </u> Aye
Vice Chairman Gary C. Wheeler	<u> </u> Aye
Commissioner Margaret C. Bowman	<u> </u> Aye
Commissioner Don C. Scurlock, Jr.	<u> </u> Aye
Commissioner Carolyn K. Eggert	<u> </u> Aye

BOARD OF COUNTY COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY,

BY W. G. Collins
WILLIAM G. COLLINS II
ASST. COUNTY ATTORNEY

By: Richard N. Bird
Richard N. Bird, Chairman

Attest By: Jeffrey A. Barton
Jeffrey A. Barton, Clerk

Acknowledgment by the Department of State of the State of Florida this 22nd day of May, 1991.

Effective this date: Acknowledgment from the Department of State received on this 28th day of May, 1991, at 11:00 A.M./P.M. and filed in the Office of the Clerk of the Board of County Commissioners of Indian River County, Florida.