

ORDINANCE NO. 2008- 17

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING THE CODE OF LAWS OF LEON COUNTY, FLORIDA; AMENDING CHAPTER 10, THE LAND DEVELOPMENT CODE; AMENDING SECTION 10-1, DEFINITIONS; AMENDING SECTION 10-6.612, RURAL ZONING DISTRICT, TO PROVIDE FOR FENCING; AMENDING SECTION 10-6.613, URBAN FRINGE ZONING DISTRICT, TO PROVIDE FOR FENCING; AMENDING SECTION 10-6.633, INDUSTRIAL DISTRICT, TO PROVIDE FOR FENCING; AMENDING SECTION 10-6.652, M-1 LIGHT INDUSTRIAL DISTRICT, TO PROVIDE FOR FENCES; AMENDING CHAPTER 14 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, PUBLIC NUISANCES; AMENDING ARTICLE I, SECTION 14-1, DEFINITIONS; CREATING SUBSECTION 14-2.2 ENTITLED "REGULATION OF OPEN-PIT MINING AND CONSTRUCTION AND DEMOLITION DEBRIS DISPOSAL OPERATIONS"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Leon County allows open-pit mining in many areas of the County;

WHEREAS, open-pit mining results in borrow pits, quarries, strip mines, or places which are typically poor-draining and may result in significant bodies of standing water;

WHEREAS, Leon County, finds that such borrow pit may pose a danger to individuals, particularly children, on a property containing borrow pits; and

WHEREAS, Leon County finds it to be in the interest of the safety and well being of the citizens of Leon County that the dangers of accidental drowning or falls be minimized for all of Leon County citizens;

BE IT ORDAINED by the Board of County Commissioners of the County of Leon, Florida, as follows, that:

**Section 1.** Chapter 10, Article I, Section 10-1 of the Code of Laws of Leon County, Florida, "Definitions," is hereby amended to read as follows:

**Sec. 10-1. 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:

\* \* \*

Construction and Demolition Debris Disposal shall mean the practice of using a site for the permanent disposal of materials from construction and/or demolition activities. The materials may be from on-site or off-site activities.

\* \* \*

Open-pit Mining shall mean the method of removing rock, sand, or other minerals by removal from an open pit, borrow pit, actual pit, or other man-made depression from which material is being extracted in the course of an open-pit mining operation.

Reclaimed Open-pit Mine shall mean any open-pit mine which has been retired from use for mining operations and which has been graded to ensure that no slopes exceed a grade of greater than 4:1 horizontal run to vertical rise.

\* \* \*

**Section 2.** Chapter 10, Article VI, Division 6, Subdivision 3, Section 10-6.612 of the Code of Laws of Leon County, Florida, entitled “Rural Zoning District,” is hereby amended by adding a new subsection (f)(3)b.4. to read as follows:

**Sec. 10-6.612. Rural zoning district.**

\* \* \*

(3) Mining activities.

\* \* \*

4. *Fencing Requirement:* All areas proposed for use in Open-pit Mining operations and/or Construction and Demolition Debris Disposal must be secured by a fence, unless the area is determined by the County Administrator or designee to be a Reclaimed Open-pit Mine. The fence must be a least four feet in height with openings that will reject the passage of a seven-inch diameter sphere. The fence must be equipped with a gate which shall remain locked when workers or employees of the land owner or mining company are not present at the site. At every gate or access point, at least one sign must be posted which states, in at least four-inch tall letters, “Danger,” “Keep Out,” “No Trespassing,” or similar language indicate that there may be hazardous conditions on the premises.

\* \* \*

**Section 3.** Chapter 10, Article VI, Division 6, Subdivision 3, Section 10-6.613 of the Code of Laws of Leon County, Florida, entitled “Urban Fringe Zoning District,” is hereby amended by adding a new subsection (g)(10)b.4. to read as follows:

**Sec. 10-6.613. Urban Fringe zoning district.**

\* \* \*

(10) Mining activities.

\* \* \*

4. *Fencing Requirement:* All areas proposed for use, currently used, or previously used, in Open-pit Mining operations and/or Construction and Demolition Debris Disposal must be secured by a fence, unless the area is determine to be a Reclaimed Open-pit Mine by the County Administrator or designee. The fence must be a least four feet in height with openings

that will reject the passage of a seven-inch diameter sphere. The fence must be equipped with a gate which shall remain locked when workers or employees of the land owner or mining company are not present at the site. At every gate or access point, at least one sign must be posted which states, in at least four-inch tall letters, "Danger," "Keep Out," "No Trespassing," or similar language to indicate that there may be hazardous conditions on the premises.

**Section 4.** Chapter 10, Article VI, Division 6, Subdivision 3, Section 10-6.633 of the Code of Laws of Leon County, Florida, entitled "Industrial District," is hereby amended by adding a new subsection (c)(9) to read as follows:

**Sec. 10-6.633. Industrial district.**

\* \* \*

(c) *Development Standards.*

\* \* \*

(9) *Fencing Requirement:* All areas proposed for use, currently used, or previously used, in Open-pit Mining operations and/or Construction and Demolition Debris Disposal must be secured by a fence, unless the area is determine to be a Reclaimed Open-pit Mine by the County Administrator or designee. The fence must be a least four feet in height with openings that will reject the passage of a seven-inch diameter sphere. The fence must be equipped with a gate which shall remain locked when workers or employees of the land owner or mining company are not present at the site. At every gate or access point, at least one sign must be posted which states, in at least four-inch tall letters, "Danger," "Keep Out," "No Trespassing," or similar language to indicate that there may be hazardous conditions on the premises.

\* \* \*

**Section 5.** Chapter 10, Article VI, Division 6, Subdivision 3, Section 10-6.652 of the Code of Laws of Leon County, Florida, entitled “M-1 Light Industrial District,” is hereby amended by adding a new subsection 9 to read as follows:

**Sec. 10-6.652. M-1 Light industrial district.**

\* \* \*

9. **Fences Required:** All areas proposed for use, currently used, or previously used, for Open-pit Mining operations and/or Construction and Demolition Debris Disposal must be secured by a fence, unless the area is determine to be a Reclaimed Open-pit Mine by the County Administrator or designee. The fence must be a least four feet in height with openings that will reject the passage of a seven-inch diameter sphere. The fence must be equipped with a gate which shall remain locked when workers or employees of the land owner or mining company are not present at the site. At every gate or access point, at least one sign must be posted which states, in at least four-inch tall letters, “Danger,” “Keep Out,” “No Trespassing,” or similar language to indicate that there may be hazardous conditions on the premises.

\* \* \*

**Section 6.** Chapter 14, Article I, Section 14-1 of the Code of Laws of Leon County, Florida, “Definitions,” is hereby amended to read as follows:

**Sec. 14-1. 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:

\* \* \*

Construction and Demolition Debris Disposal shall mean the practice of using a site for the permanent disposal of materials from construction and/or demolition activities. The materials may be from on-site or off-site activities.

\* \* \*

Open-pit Mining shall mean the method of removing rock, sand, or other minerals by removal from an open pit, borrow pit, actual pit, or other man-made depression from which material has been extracted in the course of an open-pit mining operation.

\* \* \*

**Section 7.** Chapter 14, Article I of the Code of Laws of Leon County, Florida, is hereby amended by adding a new subsection 14-2.2, "Regulation of Open-Pit Mining," which shall read as follows:

**Sec. 14-2.2 Regulation of Open-Pit Mining and Construction and Demolition Debris Disposal Operations.**

Within 180 days of the effective date of this ordinance, all areas being used for Open-pit Mining operations and/or Construction and Demolition Debris Disposal must be secured by a fence. The fence must be a least four feet in height with openings that will reject the passage of a seven-inch diameter sphere. The fence must be equipped with a gate which shall remain locked when workers or employees of the land owner or mining company are not present at the site. At every gate or access point, at least one sign must be posted which states, in at least four-inch tall letters, "Danger," "Keep Out," "No Trespassing," or similar language to indicate that there may be hazardous conditions on the premises. The requirements of this section shall not apply to those areas determined by the County Administrator or designee to have been reclaimed wherein no slope exceed a grade of greater than 4:1 horizontal run to vertical rise.

**Section 8. Conflicts.** All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail over any parts of this Ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan, and, further, that this Ordinance shall not repeal, amended, or replace the provisions found in Section 4-36 of the Leon County Code of Laws.

**Section 9. Severability.** If any provisions or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

**Section 10. Savings Clause.** An enforcement action which is pending on the effective date of this Ordinance and which arose from a violation of an ordinance repealed by this Ordinance, or an enforcement action which is started within one (1) year after the effective date of this Ordinance arising from a violation of an ordinance repealed by this Ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

**Section 11. Effective Date.** This Ordinance shall have effect upon becoming law.

DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County, Florida, this 22<sup>nd</sup> day of July, 2008.

LEON COUNTY, FLORIDA



By: Jane G. Sauls  
Jane G. Sauls, Chairman  
Board of County Commissioners

ATTESTED BY:  
BOB INZER, CLERK OF THE COURT  
LEON COUNTY, FLORIDA

By: John Stott, Deputy Clerk  
Bob Inzer, Clerk of Court  
Leon County, Florida

APPROVED AS TO FORM:  
COUNTY ATTORNEY'S OFFICE  
LEON COUNTY, FLORIDA

By: Herbert W. A. Thiele  
Herbert W. A. Thiele, Esq.  
County Attorney