

FRANKLIN COUNTY ORDINANCE 99- 4

AN ORDINANCE REGULATING THE DISPOSAL OF SCALLOP SHELLS, BY-CATCH, MIXED SHELL AND GRIT, AND VISCERA, PROVIDING DEFINITIONS, PENALTIES AND AN EFFECTIVE DATE.

DEFINITIONS:

1. WHOLE SHELL is scallop shell with little or no by-catch, viscera, or mixed shell and grit.
2. CURED SHELL/OR CURED MIXED SHELL AND GRIT is whole shell or mixed shell and grit which has been stored or spread until there is no appreciable odor and no decaying material remaining in it.
3. BY-CATCH is fish, rays, invertebrates, sponges, conchs, and other material which is caught with scallops.
4. VISCERA is the internal organs and parts of scallop remaining after edible parts are removed.
5. MIXED SHELL AND GRIT is scallop shell mixed with bottom sand, and grit from processing with little or no by-catch.
6. OFFENDING MATERIAL is whole shell, by-catch, viscera and/or mixed shell and grit which is disposed of in Franklin County in violation of this ordinance.

EXCLUSIONS

This ordinance shall not apply within Carrabelle or Apalachicola, or on the processing premise of any producer subject to regular Department of Environmental Protection supervision.

WHOLE SHELL

Whole shell not mixed with by-catch, viscera, sand & grit (mixed shell) or municipal waste may be stored for later use. The pile will be monitored for odors and flies and sprayed with a deodorant or insecticide as needed, as approved, by Florida Department of Environmental Protection (FL DEP) and/or the Franklin County Health Department Inspectors. Once the shells are cured, the shells can then be used or sold.

Whole shell may also be disposed of at the County Landfill or at sea (outside of state inshore or nearshore waters) in a method that complies with both state and federal regulations. Whole shell sent to the County Landfill for disposal will be charged the household rate tipping fee.

Whole shell in the possession of the State of Florida shall be treated and disposed of by the state agency.

Whole shell may be mixed with any other scallop processing residue only if it is going to be sent to the County Landfill for disposal or sent out to sea for disposal. If the mixture is sent to the County Landfill, the household rate will be charged for disposal.

Notice of all scallop shell storage sites shall be made to the Franklin County Health Department's Environmental Health Section (850) 653-2113, prior to or within 24 hours of placing shell at any site in Franklin County.

BY-CATCH

By-catch shall be separated from the scallops and be disposed of at either sea at the time of harvest or a shipped back to sea after processing following state and federal regulations.

In addition, clean by-catch may be sent to the County Landfill or other permitted site for disposal or use in the county's compost operation. Clean by-catch sent to the landfill for composting will be charged the seafood rate.

If clean by-catch is being sent the County Landfill for use in the compost operation prior approval must be obtained from the landfill management before the material is sent to the landfill.

By-catch may be mixed in with scallop viscera and disposed of at sea, following state and federal regulations, or sent to the County Landfill (or other permitted site) for disposal or use in the County's compost operation. Clean by-catch mixed with viscera may be sent to the landfill with prior approval, and will be charged the seafood rate if used for compost, and if not will be charged the household rate.

VISCERA

With prior approval of the County Landfill Management Viscera or Viscera mixed with by-catch may be sent to the County Landfill for use in the county's compost operation or for disposal. If the viscera cannot be used in the compost operation, the household rate will be charged. If clean viscera are accepted at the County Landfill, for composting, the seafood rate will be charged.

Viscera or viscera mixed with other processing residues may be shipped back to sea and disposed of in accordance of state

and federal regulations.

If at anytime, the FL DEP compost permit maximum limit is reached for the County's compost operation, then the household rate will be charged for any viscera sent to the landfill.

MIXED SHELL & GRIT

Mixed shell & grit may be disposed of at sea at either the time of scallop harvest or shipped out to sea after the scallops have been processed following state and federal regulations.

In addition, mixed shell & grit may be sent to the County Landfill for disposal or be spread out on dry land to a thickness no greater than 12 inches, deodorized and dried for later use.

If the mixed shell & grit is spread on land, it should be monitored for odors and flies and treated with a deodorizer or insecticide approved by FL DEP and/or the Franklin County Health Department.

Notice of all mixed shell & grit storage sites shall be made to the Franklin County Health Department's Environmental Health Section (850) 653-2113, prior to or within 24 hours of placing same in Franklin County.

PROTECTION OF WATERS AND WETLANDS OF FRANKLIN COUNTY

Uncured scallop shells, by-catch, viscera and sand and grit may not be placed in the waters or wetlands of Franklin County.

Pesticides must be approved by the Franklin County Health Department Environmental Health Department prior to use, shall be of minimal impact to marine life, and shall have low half life rating. Pesticide may not be used continuously on any site within 1,000 feet of Apalachicola Bay for more than 60 days.

PENALTIES:

This ordinance may be enforced by petition for a Writ of Injunction, in which case the Court may assess all costs of Franklin County, including attorney's fees and court costs, to the person, firm or corporation violating this ordinance. Costs assessed may be for removal, remediation, or treatment of offending material.

Any violation of this ordinance which is also a violation of Franklin County Ordinance 97-19 may be enforced as provided in said

ordinance.

Violation of this ordinance shall be punished as a misdemeanor, by a fine of not less than fifty not more than five hundred dollars. Each day in violation shall be a separate offense.

The Franklin County Board of County Commissioners will consider adopting this ordinance at its regular meeting April 20, 1999 at 10:00 A.M.

THE FRANKLIN COUNTY BOARD
OF COUNTY COMMISSIONERS

BY: Clarence Williams
CLARENCE WILLIAMS

ATTEST:



Kendall Wade
KENDALL D. WADE
CLERK OF COURT