

PROPOSED

RESOLUTION NO. 2018-

1 A RESOLUTION OF THE BOARD OF COUNTY
2 COMMISSIONERS OF BROWARD COUNTY, FLORIDA,
3 RELATING TO LICENSING OF SIGNIFICANT
4 ENVIRONMENTAL IMPACT FACILITIES; AMENDING
5 SECTION 27.170 OF THE BROWARD COUNTY
6 ADMINISTRATIVE CODE ("ADMINISTRATIVE CODE"),
7 PROVIDING NOTICE REQUIREMENTS FOR THE
8 LICENSING OF SIGNIFICANT ENVIRONMENTAL IMPACT
9 FACILITIES; AND PROVIDING FOR SEVERABILITY,
10 INCLUSION IN THE ADMINISTRATIVE CODE, AND AN
11 EFFECTIVE DATE.

(Sponsored by Vice-Mayor Mark D. Bogen)

9 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
10 BROWARD COUNTY, FLORIDA:

12 Section 1. Section 27.170 of the Broward County Administrative Code is hereby
13 amended to read as follows:

14 **27.170. Public Notices of Licensing Significant Environmental Impact Facilities.**

15 Applicants for a license required under Chapter 27 of the Broward County Code
16 of Ordinances to construct, operate, or make a ~~major~~ modification to a dump,
17 incinerator, resource recovery facility, sanitary landfill, or Significant Environmental
18 Impact Facility, as defined in this section, shall provide the public notices required herein
19 in addition to any other federal, state, or local notice requirements.

- 20 a. "Dump" means a site where trash, waste, refuse, rubbish, or garbage is
21 placed for disposal.
- 22 b. "Incinerator" means an apparatus for the burning of trash, waste, refuse,
23 rubbish, or garbage at high temperatures until it is reduced to ash.

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underscored type are additions.

1 c. "Resource recovery facility" means a facility where energy is extracted
2 from solid waste. For purposes of this section, a "resource recovery
3 facility" shall not include facilities subject to the Florida Electrical Power
4 Plant Siting Act, Sections 403.501, et seq., Florida Statutes.

5 d. "Sanitary landfill" means an area of land or an excavation where waste
6 material is placed or has been placed for disposal.

7 e. "Significant Environmental Impact Facility" means:

8 . . .

9 5. A dump, sanitary landfill, incinerator, or resource recovery facility,
10 as defined herein ("solid waste management facility"), that requires
11 a license under Section 27-216 of the Code of Ordinances;

12 . . .

13 8. A hazardous material facility that requires a license under Section
14 ~~27-382~~ 27-381 of the Code of Ordinances, if the facility is located in
15 Zone 1, as defined in Section 27-376 of the Code of Ordinances; or

16 . . .

17 ~~b- f.~~ For Significant Environmental Impact Facilities other than solid waste
18 management facilities, the applicant shall provide the notices by regular
19 first class mail to the following persons:

20 . . .

21 Property owners, names, and addresses for notice purpose shall be
22 determined in accordance with the current tax roll of Broward County,
23 Florida, unless the applicant has actual knowledge of a different property
24 owner. In the event the notification area includes land declared to be a

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1 condominium or homeowners' association under Chapter 718 or 720,
2 Florida Statutes, notice shall be sufficient if provided to the condominium
3 or homeowners' association of record for the property.

4 g. For solid waste management facilities, the applicant shall provide the
5 notices:

6 1. By regular first class mail to the mayor, each city commissioner or
7 council member, and the city administrator or city manager of any
8 municipality within Broward County and within a radius of four (4)
9 miles of the perimeter of the facility property boundary; and

10 2. By email to the County Commissioners of districts for which any
11 portion of the district is within a radius of four (4) miles of the
12 perimeter of the facility property; and

13 3. By email to any unincorporated area neighborhood or civic
14 organization within a four (4) mile radius of the perimeter of the
15 facility property. The neighborhood or civic associations receiving
16 such notice shall be those listed on the "Neighborhood
17 Association/Civic Representatives List for the Unincorporated Area"
18 and as delineated on the "Unincorporated Neighborhood Map."
19 The neighborhood list and map shall be available for public
20 inspection, and changes may be made by the Director of the
21 Planning and Development Management Division.

22 In addition to the above-referenced notices provided by the applicant, the
23 Environmental Engineering and Permitting Division, or successor agency,
24 shall provide email notification to:

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- 1 1. Board members of condominium and homeowners' associations
2 within Broward County and within a four (4) mile radius of the
3 perimeter of the facility property who sign up with Broward County
4 to receive email notifications; and
- 5 2. Any other person who lives or owns property within Broward County
6 and within a four (4) mile radius of the perimeter of the facility
7 property who signs up with Broward County to receive email
8 notifications.

9 The foregoing notices provided by the Environmental Engineering and
10 Permitting Division are courtesy notifications and shall not affect the
11 validity of any action taken relative to an application under this part, and
12 failure to receive such notification shall not give rise to a cause of action
13 challenging action taken relative to the license under Section 27-216 of
14 the Code of Ordinances.

15 ~~e.~~ h. Notices shall include:

- 16 1. The location, description, and name of the subject facility;
- 17 2. The full and correct legal name of the applicant;
- 18 3. The type of license applied for;
- 19 4. The license number (if any); and
- 20 5. The address of the facility where the application, license, or intent
21 to issue a license is on file for examination or copying, and a phone
22 number for EPGMD where more information may be obtained.

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d. i. The applicant and the Environmental Engineering and Permitting Division shall mail or email (consistent with the requirements stated above) the notices:

- 1. Within nine (9) days after the filing of an application for licensing of a Significant Environmental Impact Facility; and
- 2. Within nine (9) days after receipt of a license or intent to issue a license.

However, no applicant shall mail notice on or within five (5) days prior to a federal, state, or Broward County legal holiday. If a federal, state, or Broward County legal holiday exists within the mailing period, notice shall be mailed either at least six (6) days before the holiday or on the next business day following the holiday.

e. j. Within seven (7) days after mailing or emailing each notice, the applicant shall submit to EPGMD proof of notice by providing electronic copies of all notices sent, together with an affidavit that the notices were mailed on the date indicated on the notice.

~~f.~~ The following ~~license applications, licenses, and intent to issue licenses~~ shall not be subject to the notice requirements of this section:

- ~~1. license renewals that do not include a major modification to the licensed facility or activity; and~~
- ~~2. licenses issued pursuant to declaration of emergency by the Governor of Florida.~~

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1 Section 2. SEVERABILITY.

2 If any portion of this Resolution is determined by any court to be invalid, the invalid
3 portion shall be stricken, and such striking shall not affect the validity of the remainder of
4 this Resolution. If any court determines that this Resolution, or any portion hereof, cannot
5 be legally applied to any individual(s), group(s), entity(ies), property(ies), or
6 circumstance(s), such determination shall not affect the applicability hereof to any other
7 individual, group, entity, property, or circumstance.

8 Section 3. INCLUSION IN THE ADMINISTRATIVE CODE.

9 It is the intention of the Board of County Commissioners that the provisions of this
10 Resolution shall become and be made a part of the Broward County Administrative Code;
11 and that the sections of this Resolution be renumbered or relettered and the word
12 "resolution" may be changed to "section," "article," or such other appropriate word or
13 phrase in order to accomplish such intentions.

14 Section 4. EFFECTIVE DATE.

15 This Resolution shall become effective upon adoption.

PROPOSED

17 ADOPTED this day of , 2018.

18
19 Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

20
21 By /s/ Maite Azcoitia 08/22/18
Maite Azcoitia (date)
22 Deputy County Attorney

23 MA/gmb
08/22/18
24 Chapter 27 Notices Resolution - edits
#41039-302940

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