

By Senator Harris

24-1495-98

1 A bill to be entitled
2 An act relating to Charlotte County; amending
3 ss. 1-6, ch. 65-1367, Laws of Florida, as
4 amended; providing additional protection for
5 specified portions of Shell Creek and Prairie
6 Creek; prohibiting the discharge of specified
7 pollutants into such creeks; prohibiting
8 construction, reconstruction, extension, or
9 alteration of certain facilities within a
10 specified distance of such creeks; providing
11 penalties; providing for injunctive relief;
12 providing an effective date.

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14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Sections 1, 2, 3, 4, 5, and 6 of chapter
17 65-1367, Laws of Florida, as amended by chapter 67-1957, Laws
18 of Florida, are amended to read:

19 Section 1. It is declared that Shell Creek and Prairie
20 Creek, from their headwaters to the dam of the waterworks
21 system of the City of Punta Gorda, with their tributaries are
22 is a public water supply and reservoir supplying, by and
23 through such ~~said~~ waterworks system, water to the inhabitants
24 of the City of Punta Gorda and large areas of Charlotte
25 County, and that the protection and preservation thereof from
26 substances, matter, and acts polluting or contributing to the
27 pollution of or posing a significant threat of pollution of
28 the waters of such ~~said~~ parts of ~~said~~ creeks and their
29 tributaries are ~~is~~ necessary and essential to the public
30 health, safety, and welfare.

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1 Section 2. It is declared that each of the following
2 acts, to-wit:

3 (a) The dumping, depositing, and discharging of sewage
4 and industrial wastes, petroleum products, or toxic wastes
5 into the waters of Shell Creek and Prairie Creek, from their
6 headwaters to the dam of the waterworks system of the City of
7 Punta Gorda, or their tributaries,

8 (b) The construction, reconstruction, extension, or
9 alteration of any privy, cesspool, septic tank, drain field,
10 or other sewerage disposal device; any petroleum pipeline or
11 storage tank; or any pipeline or storage tank for toxic wastes
12 within ~~two hundred~~ (200) feet, measured from the nearest mean
13 high water mark thereof, of Shell Creek or ~~and~~ Prairie Creek,
14 from their headwaters to the dam of the waterworks system of
15 the City of Punta Gorda, or their tributaries, and

16 (c) The construction, reconstruction, extension, or
17 ~~the~~ increasing of the capacity or volume of any sewerage
18 disposal or treatment plant from which the effluent therefrom
19 is directly or indirectly discharged into Shell Creek or
20 Prairie Creek, from their headwaters to the dam of the
21 waterworks system of the City of Punta Gorda, or their
22 tributaries,

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24 is detrimental and dangerous to the public health and safety
25 and constitutes a nuisance.

26 Section 3. It is unlawful for any person, firm,
27 corporation, or public body to do or commit within ~~the county~~
28 ~~of~~ Charlotte County any of the following acts, to-wit:

29 (a) The dumping, depositing, or discharging of
30 sewerage or industrial wastes, petroleum products, or toxic
31 wastes into the waters of Shell Creek or Prairie Creek, from

1 their headwaters to the dam of the waterworks system of the
2 City of Punta Gorda, or their tributaries.

3 (b) The construction, reconstruction, extension, or
4 alteration of any privy, cesspool, septic tank, drain field,
5 or other sewerage disposal device; any petroleum products
6 pipeline or storage tank; or any pipeline or storage tank for
7 toxic wastes within ~~two hundred~~ (200) feet, measured from the
8 nearest mean high water mark of Shell Creek or ~~and~~ Prairie
9 Creek, from their headwaters to the dam of the waterworks
10 system of the City of Punta Gorda, or their tributaries. ~~and~~

11 (c) The construction, reconstruction, extension, or
12 ~~the~~ increasing of the capacity or volume of any sewerage
13 disposal or treatment plant from which the effluent therefrom
14 is directly or indirectly discharged into the waters of Shell
15 Creek or Prairie Creek, from their headwaters to the dam of
16 the waterworks system of the City of Punta Gorda, or their
17 tributaries.

18 (d) Provided: with the consent of the City of Punta
19 Gorda, and in such areas within ~~two hundred~~ (200) feet, but no
20 nearer than ~~one hundred~~ (100) feet, measured from the nearest
21 mean high water mark, from Shell Creek and Prairie Creek, from
22 their headwaters to the dam of the waterworks system of the
23 City of Punta Gorda, and where in such areas, in the opinion
24 of the State Board of Health, or its duly authorized
25 representative, the topography, the soil type, the ground
26 water level, and other pertinent factors are favorable, the
27 construction and operation of only individual household septic
28 tanks and drain fields for interim use pending availability of
29 central sewage and sewage treatment under chapter 153, Florida
30 Statutes, or other appropriate authority, may be allowed under
31 requirements of Florida Sanitary Code.

1 Section 4. The City of Punta Gorda is authorized and
2 empowered to restrain, enjoin, or otherwise prevent any
3 person, firm, or corporation from any act prohibited in
4 section 3 hereby, occurring within the city limits of the City
5 of Punta Gorda.

6 Section 5. It is an offense against the City of Punta
7 Gorda for any person, firm, or corporation to violate any of
8 the provisions of section 3 ~~of this act~~, and upon conviction
9 thereof such person, or in the case of a firm, corporation, or
10 public body, the officers thereof, shall be punished by a fine
11 not exceeding ~~five hundred dollars, (\$500.00)~~, or imprisonment
12 for a term not exceeding ~~six (6)~~ months or by both such fine
13 and imprisonment. Each day any such violation shall continue
14 constitutes ~~shall constitute~~ a separate offense.

15 Section 6. Upon its ~~it~~ being made to appear to the
16 State Attorney of the Twelfth Judicial Circuit of Florida that
17 any person, firm, or corporation has violated or is about to
18 violate any of the provisions of section 3 ~~hereof~~, it shall be
19 the duty of the State Attorney of the Twelfth Judicial Circuit
20 of Florida to bring an action to restrain, enjoin, or
21 otherwise prevent any person, firm, or corporation from
22 violating any of the provisions of section 3 ~~of this act~~ by
23 acts committed outside the city limits of the City of Punta
24 Gorda.

25 Section 2. This act shall take effect upon becoming a
26 law.

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