

By Representative Harrington

1 A bill to be entitled
2 An act relating to portions of Charlotte
3 County, relating to the protection of Shell
4 Creek and Prairie Creek against pollution and
5 to the jurisdiction, power, and authority of
6 the City of Punta Gorda; amending chapter
7 65-1367, Laws of Florida, as amended, to
8 include petroleum products and toxic wastes
9 within the substances prohibited from being
10 dumped, deposited, or discharged into the
11 waters of Shell Creek and Prairie Creek, and to
12 include as prohibited activities within 200
13 feet of the waters of Shell Creek or Prairie
14 Creek the construction, reconstruction,
15 extension, or alteration of any petroleum
16 products pipeline or storage tank or any
17 pipeline or storage tank for toxic wastes;
18 repealing all laws in conflict herewith;
19 providing an effective date.

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

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23 Section 1. Sections 1 through 6 of chapter 65-1367,
24 Laws of Florida, as amended by chapter 67-1957, Laws of
25 Florida, are amended to read:

26 Section 1. It is declared that Shell Creek and Prairie
27 Creek, from their headwaters to the dam of the waterworks
28 system of the City of Punta Gorda, with their tributaries is a
29 public water supply and reservoir supplying, by and through
30 said waterworks system, water to the inhabitants of the City
31 of Punta Gorda and large areas of Charlotte County, and that

1 the protection and preservation thereof from substances,
2 matter, and acts polluting or contributing to the pollution of
3 or posing a significant threat of pollution of the waters of
4 said parts of said creeks and their tributaries is necessary
5 and essential to the public health, safety, and welfare.

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

8 (a) The dumping, depositing, and discharging of sewage
9 and industrial wastes, petroleum products, or toxic wastes
10 into the waters of Shell Creek and Prairie Creek, from their
11 headwaters to the dam of the waterworks system of the City of
12 Punta Gorda, or their tributaries;~~7~~

13 (b) The construction, reconstruction, extension, or
14 alteration of any privy, cesspool, septic tank, drainfield, or
15 other sewerage disposal device, any petroleum pipeline or
16 storage tank, or any pipeline or storage tank for toxic
17 wastes, within two hundred (200) feet, measured from the
18 nearest mean highwater mark thereof, of Shell Creek or Prairie
19 Creek, from their headwaters to the dam of the waterworks
20 system of the City of Punta Gorda, or their tributaries;~~7~~and

21 (c) The construction, reconstruction, extension, or
22 the increasing of the capacity or volume of any sewerage
23 disposal or treatment plant from which the effluent therefrom
24 is directly or indirectly discharged into Shell Creek or
25 Prairie Creek, from their headwaters to the dam of the
26 waterworks system of the City of Punta Gorda, or their
27 tributaries,

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29 is detrimental and dangerous to the public health and safety
30 and constitutes a nuisance.

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

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

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

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

24 (d) Provided: With the consent of the City of Punta
25 Gorda, and in such areas within two hundred (200) feet, but no
26 nearer than one hundred (100) feet, measured from the nearest
27 mean high water mark, from Shell Creek and Prairie Creek, from
28 their headwaters to the dam of the waterworks system of the
29 City of Punta Gorda, and where in such areas, in the opinion
30 of the State Board of Health, or its duly authorized
31 representative, the topography, the soil type, the ground

1 water level and other pertinent factors are favorable, the
2 construction and operation of only individual household septic
3 tanks and drainfields for interim use pending availability of
4 central sewage and sewage treatment under chapter 153, Florida
5 Statutes, or other appropriate authority, may be allowed under
6 requirements of Florida Sanitary Code.

7 Section 4. The City of Punta Gorda is authorized and
8 empowered to restrain, enjoin, or otherwise prevent any
9 person, firm, or corporation from any act prohibited hereby,
10 occurring within the city limits of the City of Punta Gorda.

11 Section 5. The violation of any provision of section 3
12 is declared to be a criminal offense and misdemeanor within
13 the meaning of s. 775.08, Florida Statutes, and shall be
14 punishable as provided by general law. ~~It is an offense~~
15 ~~against the city of Punta Gorda for any person, firm, or~~
16 ~~corporation to violate any of the provisions of section 3 of~~
17 ~~this act, and upon conviction thereof such person, or in the~~
18 ~~case of a firm, corporation, or public body, the officers~~
19 ~~thereof, shall be punished by a fine not exceeding five~~
20 ~~hundred dollars, (\$500.00), or imprisonment for a term not~~
21 ~~exceeding six (6) months or by both such fine and~~
22 ~~imprisonment. Each day any such violation shall continue~~
23 ~~shall constitute a separate offense.~~

24 Section 6. Upon it being made to appear to the state
25 attorney of the twelfth judicial circuit of Florida that any
26 person, firm, or corporation has violated or is about to
27 violate any of the provisions of section 3 hereof, it shall be
28 the duty of the state attorney of the twelfth judicial circuit
29 of Florida to bring an action to restrain, enjoin, or
30 otherwise prevent any person, firm, or corporation from
31 violating any of the provisions of section 3 of this act by

1 acts committed outside the city limits of the City of Punta
2 Gorda.

3 Section 2. All laws or parts of laws in conflict
4 herewith are repealed.

5 Section 3. This act shall take effect upon becoming a
6 law.

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