



2015-2016

CHARTER REVIEW COMMISSION AGENDA REPORT

AGENDA	
Section	
Item No.	Proposal #17

SUBJECT:	The right of Brevard Citizens to clean air and water, and lands free of pollutants.
DEPT/OFFICE:	
Requested Action:	
Clearly state within our county's charter the need to maintain a sustainable environment with clean air and water.	
Summary Explanation & Background:	
<p>The right of Brevard Citizens to clean air and water, as well as lands free of pollutants is not addressed in the current Charter. With more pressure for development and more people tapping into our aquifer for clean water it would seem important to clearly state within our county's charter the need to maintain a sustainable environment with clean air and water.</p> <p>Background: Orange County Charter – Excerpt</p> <p><i>Amended November 1992; November 1996</i> NOTE: Created 1992, effective January 1995. See, <i>Charter Review Commission v. Scott, et al.</i>, 647 So. 2d 835 (Fla. 1994).</p> <p>Section 704. .... (2) protecting the environment by prohibiting or regulating air or water pollution, and only to the extent that such minimum standards are stricter than the applicable municipal standards. The intent of this section is that no person within a municipality shall be governed simultaneously by two (2) sets of ordinances covering the same subject matter, activity or conduct, except in matters of minimum adult entertainment or pollution regulatory standards. In the absence of an ordinance within a municipality on a subject, the county ordinance on that subject shall govern.</p> <p>Volusia County Charter – Excerpt</p> <p><b>Section 202.2. ....</b> (3) <i>Abuse of the environment.</i> The county shall prevent the development or use of land or the commission of other acts by persons, partnerships or corporations which will tend to destroy or have a substantially adverse effect on the environment of the county. Such destruction or adverse effects may include any or all of the following. (a) Pollution of the air, land or water by foreign substances, including noxious liquids, gases or solid wastes. (b) Pollution of the air, land or water by the creation of potentially harmful conditions therein, including the creation of unnecessarily injurious heat, noise or odor. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. II, § 202; Res. No. 86-136, Amend. No. 1, 9-18-86)</p> <p>Submitted by: Maureen Rupe 321/525-5473</p>	
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