

Business Impact Estimate for ORDINANCE NUMBER 2023-11

AN ORDINANCE OF LEVY COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF LEVY COUNTY, FLORIDA RELATING TO MANURE COMPOSTING AND DISPOSAL; BY CREATING A NEW ARTICLE WITHIN CHAPTER 22 - BUSINESSES; BY AMENDING CHAPTER 74 – SOLID WASTE; BY AMENDING SEC. 2-140 TO PROVIDE CIVIL PENALTIES FOR VIOLATIONS; ADOPTING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING DIRECTIONS TO THE CLERK AND AN EFFECTIVE DATE.

1. Summary of the proposed ordinance, including a statement of the public purpose (such as serving the public health, safety, morals, and welfare): The intent and purpose of this ordinance is to prohibit manure composting facilities in order to avoid the unwanted nuisance conditions of visual blight, dust, odor, flies and other vectors that may accompany the processing of piles of manure for months and to avoid reduction in property values. In addition, based on the State regulation of “manure” as a solid waste that, if not composted and put to beneficial use, must be disposed of in a Class I (lined) landfill, and given that the County’s landfill is a Class III facility and such waste is not suitable for acceptance, nor, given its volume, is it a waste that the County would accept for transfer to the New River Landfill or another Class I landfill. This ordinance does not prohibit the composting of manure by a bona-fide agricultural operation or an intensive agricultural operation for beneficial use by that agricultural operation as part of its normal farming operations, provided no public nuisance or any condition adversely affecting the environment or public health is created and the activity does not violate other federal, state or local laws.

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the County, including:

- (a) Estimate of the direct compliance costs that businesses may reasonably incur: none
- (b) Any new charge or fee imposed on businesses: none
- (c) Estimate of the County’s regulatory costs, including estimated revenues from any new charges or fees to cover such costs: none

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: The County is aware of four facilities that compost manure in the County. None of the facilities applied for or obtained zoning approval (i.e., a Conditional Use Permit) from the County. Of the four facilities, two have FDEP permits but the facilities have not been developed/used. The third facility is registered with the FDEP and is operational. The fourth facility appears to fall within the State exemption (that is copied in this ordinance) for “normal farming operations.”

4. Additional information: The County Commission and County staff studied, held multiple public meetings and discussed this topic extensively from February 2021 through July 2023 (all as outlined in the “Whereas” clauses of the Ordinance) and after this careful study and much public input, the County Commission directed staff to prepare this ordinance to make clear that the business of composting manure is not allowed in the County and that manure is not to be disposed of at the County Landfill.