



ESCAMBIA
COUNTY

INTER-OFFICE MEMORANDUM

TO: Job McLaughlin, Assistant County Administrator
Charlie Walker, Chief, Environmental Enforcement

FROM: Janet Lander, County Attorney *JL*

DATE: April 19, 2007

RE: Hillock Road Pit/Roads, Inc.

This memorandum is being provided to you regarding the ongoing excavation activity at the Hillock property owned and maintained by Roads, Inc. I know that you have met with Ryan Ross, Assistant County Attorney regarding the application of the new Dangerous Holes Ordinance as well as the "Lake" Ordinance to the Hillock Road operation. Please know that, as to the Dangerous Holes Ordinance, when I asked the Florida Legislature to repeal the older special act; I assured them that the new ordinance would cover the safety issue. The evidence submitted by Hillock Road residents clearly shows children playing around *and in* the area of excavation. In the interest of public safety, it seems perfectly reasonable to require that such potentially dangerous property uses, at the minimum, be fenced or graded to guard against potential tragedy.

I urge you to re-examine the matter. If you are concerned that a violation would be negated by issuance of the stormwater management permit, I would argue that a County-issued permit does not afford a landowner *carte blanche* to violate the County's nuisance ordinances. Otherwise, the County would have no recourse against any person or business that creates dust, noise, or garbage in violation of the law whenever that person or business had a permit. As you know from your own experience, the nuisance ordinances have never been applied in such a restrictive manner. If you are concerned about retroactive application of the Lake Ordinance, I am prepared to discuss this further with you.

In closing, I believe that the continued concerns echoed by neighbors of the Hillock Road operation warrant further review and action. Please feel free to contact Ryan or me. This office is committed to assisting the Board, the County Administrator, and Code Enforcement in resolving this matter and in securing the safety of those most affected by the Hillock operation while respecting the property rights of Roads, Inc.

JL:bjs

cc: Commissioner Kevin W. White, Chairman, District 5
George Touart, County Administrator
Ryan Ross, Assistant County Attorney