

ARTICLE VI
SEVERABILITY

If any section, subsection, paragraph, sentence, clause, phrase, or portion of this Ordinance is for any reason found void, invalid, unlawful, or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, independent, and severable provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

ARTICLE VII
EFFECTIVE DATE

This Ordinance shall take effect upon receipt of notice of its filing from the Secretary of State.

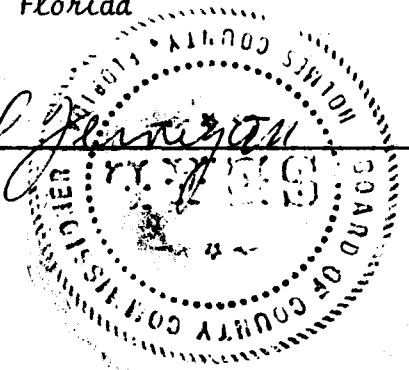
ENACTED in Regular Session the 19th day of March, 1984.

Board of County Commissioners of
Holmes County, Florida

ATTEST:

Cody Park (SEAL)
Clerk

By: Saul J. Harrison
Chairman



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November 28, 1995

Board of County Commissioners
Holmes County, Florida
P.O. Box 397
Bonifay, Florida 32425

RE: City Environmental vs. Holmes County-Federal Court Case

Dear Commissioners:

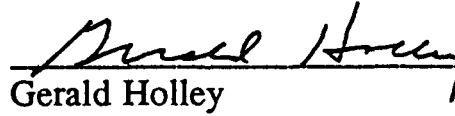
The Federal Court for the Northern District of Florida has entered a Summary Judgment declaring that Holmes County Ordinances Nos. 83-06, 87-01 and 89-01 are unconstitutional in that they violate the Commerce Clause of the Federal Constitution.

This ruling was not unexpected because the Federal Circuit Court of Appeals in Atlanta had previously entered a ruling right on point, saying that it was unlawful to prohibit the flow of solid waste across state and county lines.

Our only argument was that the Plaintiff lacked judicial standing to attack the ordinances because Plaintiff did not have a landfill in Holmes County, and that Holmes County had made no threat to enforce the ordinances against Plaintiff. This argument was seriously weakened when two County Commissioners testified in their depositions that they would seek to enforce the ordinances against the Plaintiff.

This ruling has no bearing on the outcome of the other two pending cases,
and no bearing on whether or not City Environmental gets the right to operate a
landfill in Holmes County.

Yours very truly,



Gerald Holley

GH/rh

cc: Cody Taylor
All Commissioners