

BOARD RECORDS
FILED FOR RECORD

ORDINANCE NO. 2000- 079

2000 DEC 11 PM 3:07

CLERK OF DISTRICT COURT
SARASOTA COUNTY, FL

AN ORDINANCE OF SARASOTA COUNTY, FLORIDA,
TO CONNECTION TO THE SARASOTA
COUNTY UTILITIES SYSTEM, CODIFIED AS SECTION
126-58 OF THE CODE OF ORDINANCES OF SARASOTA
COUNTY PROVIDING FOR FINDINGS OF FACT;
PROVIDING FOR APPLICABILITY; PROVIDING FOR
DEFINITIONS; PROVIDING FOR CONNECTION;
PROVIDING FOR FINANCING PROGRAMS; PROVIDING
FOR ENFORCEMENT; PROVIDING FOR
SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE
DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF SARASOTA COUNTY, FLORIDA.

Section 1. This Ordinance shall create a new section 126-58 of the Code of Ordinances of
Sarasota County, Florida (the "Code"), entitled "Connection to the Sarasota
County Utilities System."

Section 2. Section 126-58(a) of the Code is hereby created to as follows:

(a) *Findings of fact.*

- (1) Pursuant to Article VIII, Section 1(g) of the Florida Constitution, Section 125.01(1)(t), Florida Statutes, and Section 1.3 of the Sarasota County Charter, the Sarasota County Board of County Commissioners (the "Board") has all the powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors, and may enact county ordinances not inconsistent with general law necessary for the exercise of its powers.
- (2) Section 125.01(1)(k), Florida Statutes, provides specific legislative authorization for counties to provide and regulate sewage collection and disposal, water supply and conservation programs.
- (3) Section 381.00655, Florida Statutes, as amended, enforced by the State Health Department, requires the owners of on-site sewage treatment and disposal systems to connect to an available publicly owned or investor-owned sewerage system within a specified period of time after receiving written notification.

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- (4) The Sarasota Bay National Bay Estuary Program has published its Comprehensive Conservation and Management Plan for Sarasota Bay, entitled, "Sarasota Bay: Navigating a Course to Paradise Reclaimed," which recommends that specific actions be implemented by the community in order to restore Sarasota Bay, including the Board's adoption of an ordinance requiring residents to hook up to central wastewater treatment when it becomes available, pursuant to state regulation.
- (5) The Sarasota County Wastewater Advisory Task Force recommended in their 1995 final report that sewer connection requirements be formalized by the Board prior to final design and construction of the County's central sewer system.
- (6) Policy 1.2.1 of the Public Facilities Plan of *Apoosee, the Revised and Updated Sarasota County Comprehensive Plan*, as adopted by Ordinance 89-18, as amended from time to time, directs Sarasota County to consider adoption of an ordinance requiring all buildings served by on-site sewage disposal systems to connect to central wastewater systems in accordance with applicable laws and codes.
- (7) In light of the financial and enforcement policy decisions inherent in adopting a wastewater treatment connection program, it is appropriate to limit applicability of this Ordinance to the Sarasota County Utilities System.
- (8) In order to promote, protect and improve the health, safety and welfare of the public, Sarasota County Ordinance No. 93-006, as amended from time to time, established the County's authority to enforce codes effective within the unincorporated areas of the County pursuant to code enforcement procedures set forth in that ordinance.
- (9) The Board, sitting as the Land Development Regulation Commission, has reviewed proposed Ordinance No. 2000-_____ and has found it consistent with *Apoosee, the Revised and Updated Sarasota County Comprehensive Plan*.

Section 3. Section 126-58(b) of the Code is hereby created to read as follows:

- (b) *Applicability.* The provisions of this Section are applicable to connections to the Sarasota County Utilities System (the "Utility") only.

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Section 4. Section 126-58(c) of the Code is hereby created to read as follows:

(c) *Definitions.* For the purposes of this section, the following definitions shall apply:

- (1) *Abandon* shall mean the abandonment of an existing Onsite Sewage Treatment and Disposal System ("OSTDS") according to Chapter 64E-6, section 64E-6.011, Florida Administrative Code.
- (2) *Available* shall refer to that portion of the Sarasota County Utilities System (the "Utility") that is capable of being connected to the plumbing of a residential subdivision lot, a single or multi-family residence, or an Establishment, provided that:
 - a. The Utility is not under a Florida Department of Environmental Protection moratorium;
 - b. The Utility has adequate permitted capacity to accept the sewage to be generated by the residence or Establishment;
 - c. For a residential subdivision lot, single or multi-family residence, or an Establishment that has an estimated sewage flow of 1,000 gallons per day or less, a wastewater line exists in a public easement or right-of-way within 100 feet of the property line of the subdivision lot, residence, or Establishment and wastewater flow can reasonably be achieved by gravity, vacuum or low-pressure pump/pipe from the residence or Establishment to the sewer line on the vacuum collection system; and can reasonably be achieved by gravity, vacuum or low-pressure pump/pipe from the residence or Establishment to the Utility.
 - d. For estimated sewage flows exceeding 1,000 gallons per day, with the exception of a residential subdivision lot, or single or multi-family residence, a wastewater line, force main, or lift station exists in a public easement or right-of-way that abuts the property of the Establishment or is within 150 feet of the property line of the Establishment as accessed via existing rights-of-way or easements.
- (3) *Board of County Commissioners* or *Board* shall mean the Board of County Commissioners of Sarasota County, Florida.
- (4) *Capacity Fee* shall be defined by section 70-255 of the Sarasota County Code of Ordinances, as amended from time to time.
- (5) *Connection Charges* shall mean all Utility-imposed hook-up charges, exclusive of Capacity Fees and On-Lot Costs.

- (6) *Establishment* shall mean a building or buildings other than a single or multi-family residence.
- (7) *On-Lot-Costs* shall mean the cost of properly abandoning an existing OSTDS on the property and constructing the necessary piping and appurtenances to connect the home or Establishment to the Available Central Wastewater Utility at the property line or easement line.
- (8) *On-Site Sewage Treatment and Disposal System ("OSTDS")* shall mean a system subject to Department of Health rule Chapter 64E-6, Florida Administrative Code, that contains a standard subsurface, filled, or mound drainfield system; a septic tank, an aerobic treatment unit; a laundry-wastewater system; a grease interceptor; a dosing tank; a solids or effluent pump; a waterless, incinerating, or organic waste-composting toilet; or a sanitary pit privy.
- (9) *Utility* shall mean any real property, attachments, fixtures, treatment plants, pumping stations, intercepting sewers, mains, laterals, vacuum lines, pressure lines, appurtenances, easements, rights or other real or personal property of the Sarasota County Utilities System, used and useful or having present capacity for future use in connection with the collection, treatment, purification, or disposal of sewage and sewage effluent and residue.

Section 5. Section 126.58(d) of the Code is hereby created to read as follows:

(d) *Connection to the utility.*

- (1) *Notification.* When the Utility is either Available or within one year of being Available, the Utility shall provide written notification by certified mail to the affected property owners of the connection requirements. This notice shall also include any information regarding financing that may be offered, and provide that:
- a. At his/her own expense, the property owner will be required to properly Abandon any existing OSTDS in accordance with applicable county and state laws and codes within ninety (90) calendar days of connection to the Utility; and
 - b. Subject to any financial programs which may be applicable, the property owner will be required to pay the specified Connection Charges and Capacity Fees in effect at the time of connection.
- (2) *Available Utility.* For those portions of the Service Area in which the Utility is Available at the time of adoption of this Section, the Utility must notify all affected owners of an OSTDS that:

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- a. If the OSTDS is properly functioning, the OSTDS owner must connect to the Utility within 365 days after receiving written notification that the Utility is Available for connection.
 - b. If the OSTDS needs repair or modification to function in a sanitary manner or to comply with the requirements of sections 381.0065-381.0067, Florida Statutes or rules adopted under those sections, the OSTDS owner must connect to the Utility within 90 days after receiving written notification that the Utility is Available.
- (3) *Newly-Available Utility.* For those portions of the Service Area in which the Utility was not Available at the time of adoption of this Section, no less than one (1) year prior to the anticipated date on which the Utility will become Available, the Utility must notify all affected OSTDS owners of the anticipated availability of the Utility and that:
- a. If the OSTDS is properly functioning, the OSTDS owner must connect to the Utility within 365 days after receiving written notification that the Utility is Available for connection.
 - b. If the OSTDS needs repair or modification to function in a sanitary manner or to comply with the requirements of sections 381.0065-381.0067, Florida Statutes or rules adopted under those sections, the OSTDS owner must connect to the Utility within 90 days after receiving written notification that the Utility is Available.

When the Utility is Available, the Utility must again notify the affected OSTDS owners that they will be required to connect within the timeframes indicated above.

Section 6. Section 126-58(e) of the Code is hereby created to read as follows:

- (e) *Financing Program.* By resolution, the Board may establish financing programs to lessen the financial impact on OSTDS owners; and/or to allow for installment payments for prepaid connection fees.

Section 7. Section 126-58(f) of the Code is hereby created to read as follows:

- (f) *Enforcement.* The provisions of this Section shall be enforced through the procedures for code enforcement established by Sarasota County ordinance or by the initiation of any other action available by law in a court of competent jurisdiction.

Section 8. Section 126-58(g) of the Code is hereby created to read as follows:

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- (g) *Severability.* It is the intent of the Board that the provisions of this Section shall be severable and, accordingly, the invalidity of any part of this Section shall not affect the validity of any other part. Invalidity of any rule, regulation, agreement, or resolution adopted under authority of this Section shall not invalidate this Section or any other rule, regulation, agreement, or resolution similarly adopted.

Section 9. *Effective Date.* This Ordinance shall take effect upon filing with the Office of the Secretary of State of Florida.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 6 day of December, 2000.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

BY: David P. Miller
Chairman

ATTEST:

KAREN E. RUSHING, Clerk of the
Circuit Court and Ex-Officio
Clerk to the Board of
County Commissioners of
Sarasota County, Florida

B. Patricia Skyles
Deputy Clerk