

ORDINANCE NO. 2010 - _____

AN ORDINANCE OF WAKULLA COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2009-09, THE WAKULLA COUNTY COMPREHENSIVE SEWER ORDINANCE; CLARIFYING APPLICATION OF THE ORDINANCE; AMENDING CERTAIN DEFINITIONS; AMENDING SECTION 1-3 REGARDING SEWER AGREEMENTS; AMENDING SECTION 3-1 REGARDING PRIVATE SEWAGE DISPOSAL; AMENDING SECTION 4-7(2) REGARDING COLLECTION OF DELINQUENT CHARGES; PROVIDING APPLICABILITY, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Wakulla County, Florida, adopted Ordinance No. 2009-09 to address and improve the County's wastewater collection and sewer system; and

WHEREAS, the Board of County Commission of Wakulla County, Florida, has determined that it is in the best interest of the health, welfare and safety of the citizens of Wakulla County to adopt an ordinance clarifying some of the provisions of Ordinance No. 2009-09.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. AMENDMENT OF SECTION 1-2, JURISDICTION. Section 1-2 (Jurisdiction; in general) of Wakulla County Ordinance No. 2009-09 is hereby amended in its entirety to read as follows:

Sec. 1-2. Jurisdiction; in general.

With the exception of Sections 3-1 and 3-2(a), this ordinance shall apply to all lands within the unincorporated and incorporated areas of Wakulla County served by the county sewer system as described in Florida Statutes, Section 180.02(3) as well as Florida Statutes, Section 125.01(k)1 and those areas of Wakulla County where County sewer service is available. With the exception of Sections 3-1 and 3-2(a), divisions 1 through 4 of this Ordinance shall not apply to other public or private utility providers which are permitted by the Florida Department of Environmental Protection, and Divisions 5 and 6 of this Ordinance shall not apply to a public or private utility provider that has a wastewater discharge policy that meets the requirements of Chapter 62-625 of the Florida Administrative Code.

Sections 3-1 and 3-2(a) of this ordinance specifically apply to

all lands within unincorporated and incorporated areas of Wakulla County.

SECTION 2. AMENDMENT OF SECTION 1-1, DEFINITIONS. Section 1-1 (Definitions) of Wakulla County Ordinance No. 2009-09 is hereby amended as follows:

County sewer, county system, public system, or public sewer means a sanitary sewer line or appurtenance other than Building Sewer, which is owned and operated by the County, located within a public right-of-way or easement.

Customer means the person or entity responsible for payment for all utility services provided by the County and used at a specific location of one household or business, and further defined as that person or entity who signed the application either as owner or with the owner's knowledge and consent and having demonstrated authority to bind the owner requesting that County utility services be made available at the specific location and thereby agreeing as owner or on behalf of the owner to pay for all usage of such services occurring at the location, also know as "applicant," also including the fee simple owner of the land to which County services are supplied who would be ultimately responsible for the payment for all County services supplied to the property. ~~The definition of customer also includes~~ excludes bulk and wholesale customers.

~~*Public sewer* means a sanitary sewer, other than a building sewer, that is owned by the county.~~

[underline indicates additions; ~~strikethrough~~ indicates deletions]

SECTION 3. AMENDMENT OF SECTION 1-3, SEWER AGREEMENTS. Section 1-3 (Sewer Agreements) of Wakulla County Ordinance No. 2009-09 is hereby amended as follows:

Sec. 1-3. Sewer agreements.

Any agreement for water or sewer services between the county and ~~another individual, governmental organization, or corporation, or any other business entity,~~ a customer shall be subject to the provisions of this chapter and other applicable county ordinances or regulations.

[underline indicates additions; ~~strikethrough~~ indicates deletions]

SECTION 4. AMENDMENT OF SECTION 3-1(a), PRIVATE SEWAGE DISPOSAL. Section 3-1(a) (Private Sewage Disposal) of Wakulla County Ordinance No. 2009-09 is hereby amended as follows:

(a) Sanitary requirements. Every residence, building, or trailer in which human beings reside, are employed, or congregate shall be required to have on the same premises and under the same ownership and under the same tenancy, a sanitary method of disposing of human excrement, namely either a sanitary water closet that is connected with ~~the county~~ a central sewer system or an approved type of septic tank. No septic tank or drain field system shall be constructed on lots of parcels to which sewer is available, as either set forth in this chapter or in Florida law, and no septic ~~thank tank~~ or drain field shall be constructed within one hundred (100) feet of any body of water in the county.

[underline indicates additions; ~~strikethrough~~ indicates deletions]

SECTION 5. AMENDMENT OF SECTION 3-2(a), BUILDING SEWERS AND CONNECTIONS. Section 3-2(a) (Building Sewers and Connections) of Wakulla County Ordinance No. 2009-09 is hereby amended as follows:

(a) *Connection to central sewer systems when available.* It shall be unlawful for any person, persons, firm or corporation owning, leasing or using any premises in the county to permit the disposal of any human excrement on any property, leased, owned or used by that person, firm or corporation or the agent of that person, firm or corporation, except in a sanitary closet where sewage facilities are available as defined in Section 3-1(a) above.

SECTION 56. AMENDMENT OF SECTION 4-7(2), DELINQUENT CHARGES. Section 4-7(2) (Delinquent Charges) of Wakulla County Ordinance No. 2009-09 is hereby amended as follows:

2. When an account has been delinquent for 30 days, the sewer service shall be discontinued by the water system provider in accordance with if required by an agreement with the county or otherwise in accordance with law ~~by the water system provider by turning off the water meter and notifying the account holder.~~

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SECTION ~~67~~. **SEVERABILITY.** If any clause, section or provision of this Ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

SECTION ~~78~~. **APPLICABILITY.** Except as modified, supplemented and amended herein, the provisions of the Ordinance shall remain in full force and effect.

SECTION ~~89~~. **EFFECTIVE DATE.** A certified copy of this Ordinance shall be filed in the Department of State within ten (10) days after enactment by the Board and the Ordinance shall take effect as provided by law.

PASSED AND DULY ADOPTED this _____ day of _____, 2010.

BOARD OF COUNTY COMMISSIONERS
OF WAKULLA COUNTY, FLORIDA

By: _____
HOWARD KESSLER, Chair

ATTEST:

BRENT X. THURMOND, Ex Officio
Clerk to the Board

APPROVED AS TO FORM AND CONTENT:

Heather Encinosa, Esq.
County Attorney