

ORDINANCE # _____

**AN ORDINANCE RELATING TO WASTEWATER SERVICE;
PROVIDING A VARIANCE FOR CONNECTION TO THE
WAKULLA COUNTY SEWER SYSTEM; AMENDING ALL
ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING
AN EFFECTIVE DATE.**

WHEREAS, Wakulla County Ordinance No. _____ requires all new residential developments to install a performance-based septic system if a central sewer system is unavailable; and,

WHEREAS, F.S 381.00655 2(c) allows the County to grant a variance to an owner of a performance-based onsite sewage treatment and disposal system as long as the onsite performance-based system is functioning properly and satisfying the conditions of the operating permit.

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

Section 1. Variance to Connect to Central Sewer System.

It is the declared intent of the Wakulla County Commission that, should central sewer services become available to any Wakulla County resident with a performance-based septic system and so long as the performance system is functioning properly and satisfying the conditions of the operating permit, the County will issue a variance for connection to the central sewer system. Each request for a variance shall be reviewed on a case by case basis.

Should the performance system be declared a public health hazard, inoperative, or under a consent order, and so long as central sewer is available, upon notification from the County the variance shall not be granted, or if already granted, shall be revoked and the owner of the performance-based septic system shall have 90 days to abandon that system and connect to the central sewer system. All applicable connection and capacity fees shall be deemed due and payable to the County at the time of application for connection to the sewer system.

Section 2. Providing for Severability

It is the declared intent of the Wakulla County Commission that, if any section, sentence, clause, phrase, or provision of this ordinance is for any reason held or declared to be unconstitutional, void, or inoperative by a court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions of this ordinance, and the remainder of this ordinance after the exclusion of such part or parts shall be deemed to be valid.

Section 3. Repealing All Ordinances In Conflict

All ordinances or parts of ordinances in conflict herewith are, to the extent of the conflict, are hereby repealed.

Section 4. Providing An Effective Date

This ordinance shall be effective immediately upon adoption as provided for by law.

PASSED AND ADOPTED by the Board of County Commissioners of Wakulla County, Florida, this ____ day of _____, 2009.

WAKULLA COUNTY
BOARD OF COUNTY COMMISSIONERS

HOWARD KESSLER, Chairman

ATTEST:

APPROVE AS TO FORM:

BRENT X. THURMOND, Clerk of Court

RONALD A MOWREY, Esquire