

ORDINANCE 99-24

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA. RELATING TO ON-SITE SEWAGE DISPOSAL SYSTEMS; AMENDING SECTION 1.29.176 CODE OF ORDINANCES TO REFLECT NEW SHORT TITLE; AMENDING SECTION 1.29.178 CODE OF ORDINANCES TO INCLUDE CORRECTION TO FLORIDA ADMINISTRATIVE CODE CHAPTERS AND STATE AGENCY; AMENDING SECTION 1.29.179 CODE OF ORDINANCES ADDING DEFINITIONS; AMENDING SECTION 1.29.180 CODE OF ORDINANCES TO INCLUDE CORRECT STATE AGENCY AND PROVIDING FOR ANNUAL OPERATING PERMIT OF AEROBIC TREATMENT UNITS; AMENDING SECTION 1.29.181 TO INCLUDE CORRECT STATE AGENCY; AMENDING AND RENUMBERING SECTION 1.29.184 RELATING TO PENALTIES; ADDING., NEW SECTION 1.29-184 CODE OF ORDINANCES REQUIRING SEWER CONNECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners for Escambia County, Florida, a political subdivision of the State of Florida, has determined that it is in the best public health and safety interests of the citizens of Escambia County to establish policies for sewer connection once a public sewer system is available to a given property; and,

WHEREAS, the Board of County Commissioners finds that certain geographic areas of Escambia County are of high priority to eliminate septic tanks where potential groundwater, river, bay, or estuary waters pollution has the highest likelihood of occurring; and,

WHEREAS, the Board of County Commissioners has determined that more frequent inspection of septic tanks will allow earlier detection of polluting septic tanks; and,

WHEREAS, the Board of County Commissioners has determined that a surcharge on septic tank installation or repairs is an appropriate method to recover a portion of the cost of the inspection program contemplated herein;

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

Section 1. Chapter 1-29, Article V, Division 3, Section 1-29.176 of the Code of Ordinances of Escambia County, Florida (Ordinance No. 86-29), is hereby amended to read as follows:

Section 1-29.176: Short Title

This division shall be known and may be cited as “Escambia County On-Site Sewage Treatment and Disposal System Ordinance.”

Section 2. Chapter 1-29, Article V, Division 3, Section 1-29.178 of the Code of Ordinances of Escambia County, Florida (Ordinance No. 86-29), is hereby amended to read as follows:

Section 1-29.178: Applicability

This division shall apply to and be enforced in all unincorporated areas of Escambia County. Escambia County recognizes the Florida Statute provision for the Florida Department of Health to adopt rules and regulations relating to public health; and of the ability of Escambia County to enact health regulations and ordinances which are not consistent with the provisions adopted by the Florida Department of Health. This division incorporates by reference the State of Florida "Standards for On-Site Sewage Treatment and Disposal Systems" as set out in Chapter 64E-6, Florida Administrative Code, and Escambia County Ordinance 81-10 relating to permits for on-site sewage treatment and disposal systems, unless otherwise provided herein. In the event there is a conflict between any standards provided in this division and Chapter 64E-6, Florida Administrative Code, the more restrictive requirements shall apply.

Section 3. Chapter 1-29, Article V, Division 3, Section 1-29.179 of the Code of Ordinances of Escambia County, Florida (Ordinance No. 86-29), is hereby amended to read as follows:

Section 1-29.179: Definitions

The following words, phrases, or terms used in this division, unless the context indicates otherwise, shall have the following meanings:

Aerobic Treatment Unit (ATU) – A sewage treatment unit which introduces air into sewage to provide aerobic biochemical stabilization within a treatment receptacle.

Available - As applied to an Escambia County Utilities Authority (ECUA) wastewater collection main, means that the wastewater collection main exists in a public easement or right-of-way abutting the property line of the establishment or residence to be served; is not under a Department of Environmental Protection moratorium; has adequate permitted capacity to accept the sewage to be generated by the establishment or residence; and the plumbing system of the establishment or residence can be connected to the collection main.

ECUA Retrofit Prioritized Areas - Those areas scheduled for gravity or low pressure wastewater system installation in the ECUA service area whose priority is identified and updated periodically by the ECUA Board and incorporated by reference into this Ordinance.

Enforcement Agency - The Escambia County Health Department of the Florida Health Department shall enforce all provisions of this division.

Lot – That portion of a parcel of land that is within the boundaries of said parcel whether said parcel is described by recorded plat, metes and bounds or any other legal method.

Mean High Water Line - Means the intersection of the tidal or nontidal plane of mean high water with the shore.

On-Site Sewage Treatment and Disposal System (OSTDS) – Any domestic sewage treatment and disposal facility, including standard subsurface systems, graywater systems, laundry wastewater systems, alternate systems or experimental systems, installed on land of the owner or on other land to which the owner or owners have the legal right to install a system.

Person – Includes the words owner, agent or an owner, firm, association, partnership, trust, company, corporation, as well as individual.

Plat – A map or drawing depicting the division of lands and blocks, parcels, tracts or sites being a complete exact representation of the subdivision; and other information in compliance with all applicable sections of the Florida Plat Act and this division.

Section 4. Chapter 1-29, Article V, Division 3, Section 1-29.180 of the Code of Ordinances of Escambia County, Florida (Ordinance No. 86-29), is hereby amended to read as follows:

Section 1-29.180: Standards for On-Site Sewage Treatment and Disposal Systems

No septic tank or other on-site sewage treatment and disposal system may be installed until a permit is obtained as provided in Escambia County Ordinance 81-10, from the county health department. Issuance of the permit is subject to the rules of the Florida Department of Health and the following provisions:

1. All on-site sewage treatment disposal systems in the unincorporated areas of Escambia County shall be located laterally no less than one hundred (100) feet from the mean high water line (MHW) of lakes, streams, canals or any other tidal or nontidal surface waters.
2. The maximum allowable density where an on-site sewage treatment disposal system is utilized shall be calculated on a basis of lot size alone.
3. The county health department will not approve the usage of an on-site sewage treatment disposal system in an area that appears to be a wetland as defined by Section 403.817, Florida Statutes, or where the estimated wet season high water table is determined by soil conditions (such as mottling) to be at the ground surface. The applicant will be directed to contact the Florida Department of Environmental Protection and the United States Army Corps of Engineers for wetland jurisdiction determination.
4. Persons using aerobic treatment units, regardless of date installed, shall obtain an annual operating permit from the county health department. The fee collected for this permit shall be used to perform periodic monitoring and effluent sampling of the unit. Persons operating an aerobic treatment unit shall permit department personnel right of entry to the property during normal working hours for monitoring and sampling.
5. Existing septic tanks in the ECUA Retrofit Priority Areas and those areas described in this section wherein septic tank installation is now prohibited shall be inspected upon transfer or sale in compliance with an environmental analysis program, to be administered by the Escambia County Health Department. Fees for this program shall include a surcharge on permits for on-site sewage treatment disposal system installation and an inspection fee for inspections made upon transfer or sale of property with an on-site sewage treatment disposal system, set annually by resolution of the Board of County Commissioners. Fees collected under this program and other allocated program resources shall be used exclusively for an environmental analysis program and a citizen's financial assistance program as defined annually by the Board of County Commissioners in the County's Annual Budget. The results of the environmental analysis program will be used to define new ECUA retrofit prioritized area and refine the prioritized areas annually.

Section 5: Chapter 1-29, Article V, Division 3, Section 1-29.181 of the Code of Ordinances of Escambia County, Florida (Ordinance No. 86-29), is hereby amended to read as follows:

Section 1-29.181: Variances

Requests for variances may be made and shall be submitted to the Director of Environmental Health of the County Health Department. The request will be reviewed as provided in the Florida Administrative Code for variance to the provisions of this division.

Section 6: Chapter 1-29, Article V, Division 3, Section 1-29.184 of the Code of Ordinances of Escambia County, Florida (Ordinance No. 86-29), is hereby created to read as follows:

Section 1-29.184: Connection of existing on-site sewage treatment and disposal systems to central sewer system

The owner of a properly functioning on-site sewage treatment disposal system must connect the system or the building's plumbing to an available, publicly owned or investor-owned sewerage system within 365 days after written notification by the Escambia County Health Department that the system is available for connections.

Section 7: Penalties; Penalties is hereby amended to read as follows:

Section 1-29.185: Penalties and enforcement

Violations of this ordinance shall be prosecuted in the same manner as misdemeanors are prosecuted. Such violations shall be prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof and upon conviction, shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00), or by imprisonment in the county jail not to exceed sixty (60) days or by both such fine and imprisonment. Each day any violation of any provision hereof shall continue, shall constitute a separate offense, unless otherwise provided.

The Florida Department of Health is authorized to enforce this ordinance with or in addition to enforcement of existing statutes and Florida administrative rules, including but not limited to, permitting requirements, administrative procedures, civil injunctions and referral to the state attorney.

Section 8: Severability

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 9: Inclusion in the Code

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Escambia County Code; and that the sections of this Ordinance may be renumbered and relettered and the word "ordinance" may be changed to

“section,” “article,” or such other appropriate word or phrase in order to accomplish such intentions.

Section 10: Effective date

The effective date of this Ordinance shall be August 1, 1999.

DONE AND ENACTED this 15th day of July, 1999.

ENACTED: July 15, 1999

FILED WITH DEPARTMENT OF STATE: July 19, 1999

EFFECTIVE: August 1, 1999