

Meeting Date: June 08, 2021



## CITY COUNCIL - REGULAR MEETING AGENDA ITEM

### Contact Information

**Contact Name:** Migdalia Hernandez

**Dept. Director:** Migdalia Hernandez

**Contact Number:** 5446

**City Manager:** Dale Arrington

### Type of Item:

Ordinance Second Reading

### SUBJECT:

Ordinance No. 649 - an Ordinance of the City Council of the City of Orange City, Florida, amending the Code of Ordinances Chapter 17.3 Utilities, article III wastewater system to provide new septic system definitions and terms of availability; repealing all ordinances or parts of ordinances in conflict herewith; and providing for an effective date.

### BACKGROUND:

On May 11, 2021, the City's Public Works Director requested Council approval to amend Chapter 17.3 Utilities, Orange City, Florida, Code of Ordinances (Code), which was adopted in 1991. At this meeting, City Council approved the proposed deletions and new language additions. Also, Staff was instructed to proceed with the Code of Ordinances amendment, as presented.

The City's existing Code, Chapter 17.3 Utilities, has become obsolete and does not contain the proper language to address septic tank abandonment and connection to the sewer collection system. City staff requests to include new definitions under Section 17.3 – 112 pertaining septic systems, as well as sewer system connection requirements under Section 17.3 – 131. Also, obsolete language will be deleted to match federal and state mandates.

Section 17.3 – 131 addresses connection to the City's wastewater system, which in turn will aid in protecting the health, safety and welfare of the public by reducing nitrogen loading from Onsite Sewage Treatment Disposal Systems (OSTD). This is one of the pollutant sources causing significant groundwater

degradation and is negatively impacting the Volusia Blue Spring Basin. These changes will better align with *State Rules and Regulations* for existing *Septic Systems*, as well as to provide proper guidance for future growth. The recommended changes are included on the attached Ordinance No. 649, first reading.

**COUNCIL DISTRICT:**

City Wide

**RECOMMENDATION(S):**

Staff recommends Council Approval of Ordinance No. 649, second reading.

**ATTACHMENTS:**

[Ordinance No. 649](#)

**FINANCIAL IMPACT:**

None

**STRATEGIC PLAN:**

This action promotes the City's Priorities and Goals, Strengthen Quality of Life, Enhance Infrastructure.

**ORDINANCE NO. 649**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 17.3 UTILITIES, ARTICLE III WASTEWATER SYSTEM TO PROVIDE NEW SEPTIC SYSTEM DEFINITIONS AND TERMS OF AVAILABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.**

---

**WHEREAS**, Chapter 17.3 Utilities, Orange City, Florida, Code of Ordinances (“Code”) was adopted in 1991; and

**WHEREAS**, the City Council adopted Ordinance No. 356 on June 24, 2008 amending Chapter 17.3 *Utilities*, of the Code to reflect current practices; and

**WHEREAS**, the City Council adopted Ordinance No. 448 on February 22, 2011 amending Chapter 17.3 *Utilities*, of the Code to require utility deposits; and

**WHEREAS**, the City Council adopted Ordinance No. 480 on May 8, 2012 amending Chapter 17.3 *Utilities*, of the Code to provide a means to adjust water and/or sewer bills; and

**WHEREAS**, Chapter 180, Florida Statutes, authorizes municipalities to prescribe reasonable regulations to require connection to municipal sewage systems when available; and

**WHEREAS**, it is the desire of the City Council to update Section 17.3-112 *Definitions*, to add definitions pertaining to septic systems and Section 17.3-131, *Connection to system required; exceptions*, to amend requirements for connection to the City’s wastewater system, when available, after septic tank failures and for new development; and

**WHEREAS**, requiring connection to the City’s wastewater system will help protect the health, safety and welfare of the public by reducing nitrogen loading from Onsite Sewage Treatment and Disposal Systems (OSTD), one of the pollutant sources causing significant degradation of groundwater and impacting the Volusia Blue Springs Basin.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA:**

**SECTION 1.** Chapter 17.3 *Utilities*, Article III *Wastewater System*, Section 17.3-112, *Definitions*, of the Orange City, Florida, Code of Ordinances is hereby amended by inserting the following definitions in their entirety and in alphabetical order:

...

Available: As applied to a publicly owned or investor-owned sewerage system, means that the publicly owned or investor-owned sewerage system is capable of being connected to the plumbing of an establishment or residence, is not under a Department of Environmental Protection moratorium, and has adequate permitted capacity to accept the sewage to be generated by the establishment or residence; and as per ss. 381.0065-381.0067, Florida Statutes.

Collection/transmission System: Means sewers, pipelines, conduits, pumping stations, force mains, and all other facilities used for collection and transmission of wastewater from individual service connections to facilities intended for the purpose of providing treatment prior to release to the environment.

Failure: A “failed” septic system means a condition existing within an onsite sewage treatment and disposal system which results in the discharge or untreated or partially treated wastewater onto the ground surface, into surface water, into ground water, or that results in the failure of building plumbing to discharge properly and presents a sanitary nuisance.

“Impaired Water and Total Maximum Daily Load Program (TMDL):” A program to reduce pollutant load levels for improved water quality standards to restore and maintain the chemical, physical, and biological integrity of the nation’s waters. Pollutant limits are regulated under the Clean Water Act (CWA) and adopted by the City through a TMDL Program Manual prepared by the Utilities Manager and approved by the City Manager. The TMDL are to be set by the Florida Department of Environmental Protection (FDEP) under the Volusia Blue Spring Basin Management Action Plan (BMAP).

Onsite Sewage Treatment and Disposal System (OSTD): See Septic System.

Sanitary nuisance: A sanitary nuisance is the commission of any act, by an individual, municipality, organization, or corporation, or the keeping, maintaining, propagation, existence, or permission of anything, by an individual, municipality, organization, or corporation, by which the health or life of an individual, or the health or lives of individuals, may be threatened or impaired, or by which or through which, directly or indirectly, disease may be caused.

Septic System: A septic system, also referred to as an “onsite sewage treatment and disposal system” as defined by F.S. 381.0065, means a system that contains a standard subsurface, filled, or mound drainfield system; an aerobic treatment unit; a graywater system tank; a laundry wastewater system tank; a septic tank; a grease interceptor; a pump tank; a solids or effluent pump; a waterless, incinerating, or organic waste-composting toilet; or a sanitary pit privy that is installed or proposed to be installed beyond the building sewer on land of the owner or on other land to which the owner has the legal right to install a system. The term includes any item placed within, or intended to be used as a part of or in conjunction with, the system.

Treatment Plant: Means any plant or other works used for the purpose of treating, stabilizing, or holding wastes.

**SECTION 2.** Chapter 17.3 *Utilities*, Article III, *Wastewater System*, Section 17.3-131 *Connection to system required; exceptions*, is hereby amended as follows and as indicated in underline for additions and strikethrough for deletions:

**Sec. 17.3-131. - Connection to system required; exceptions.**

- (a) ~~It shall be unlawful for any person to construct, install or repair or modify a septic tanks or other wastewater disposal systems in or upon any property which abuts or is within 1,000 feet of a~~ when a sanitary sewer main collection/transmission system is available, as defined herein and by state law, to such property for use.
- (b) ~~Construction or installation of a septic tanks system in or upon any property which does not abut or is not within 1,000 feet of~~ have a sanitary sewer or force main collection/transmission system available to such property for use shall be allowed provided the design and construction meet all applicable federal, state and local regulations. Other wastewater disposal Septic system installations must follow the State of Florida Department of Health Chapter 64E-6, Florida Administrative Code Standards for Onsite Sewage Treatment and Disposal Systems and the Impaired Water and Total Maximum Daily Load (TMDL) Program for the City. Design, construction or installation shall be reviewed and approved by the utilities manager on a case-by-case basis.
- (c) **Mandatory connection required:**
- (1) All owners, tenants, or occupants of lot(s) or parcel(s) of land which abut upon a street, lot or other public way or place containing a wastewater main or force main or lateral of the city's wastewater system must connect to the system.
- (2) *Notification required:*
- a. The city must be notified prior to the construction or repair of a septic system, treatment plant, or ~~lift station~~ a collection/transmission system component.
- b. City authorization/approval of the proposed septic system, treatment plant, ~~lift station~~ collection/transmission system component or repair must be obtained prior to submittal of an application for said work to the Department of Environmental Regulation, Saint Johns River Water Management District, Volusia County Health Department or other governing agency.
- (3) Upon failure of a septic system serving an existing residential development, the property shall connect to the city's wastewater system if a collection/transmission system is available, pursuant to Chapter 381, F.S. as may be amended from time to time.

New residential development shall connect to the city's wastewater system as follows: For any owner, tenant or occupant that is served by a septic tank prior to date of this ordinance and the city's wastewater service is available, conversion to the city's wastewater system is required by September 30, 2013 or if septic tank ceases to function within this timeframe, the city shall forthwith be notified and the city shall effect connection to the city's wastewater system, pursuant to the terms of any applicable rules, regulations, or ordinances, and activate use thereof.

- a. For a single family residential lot, or a 1-4 residential lot subdivision if a collection/transmission system component is available to serve the lot(s) within 200 feet of the nearest property line;
- b. For a 5-15 residential lot subdivision if a collection/transmission system component is available to serve the lots within 1,000 feet of the nearest property line; or

c. For residential subdivisions creating 16 or more lots, connection is required to the closest existing collection/transmission system component.

- (4) ~~Existing commercial and multifamily development shall connect to the city's wastewater system as required by the Florida Statutes and Florida Administrative Code, as may be amended. When wastewater service becomes available in the area (reference subsection 17.3-23(a)(1) and as per statute) where septic tanks are in use, the owner, tenant or occupant will have 365 days to connect after written notification by the city that the system is available for connection. No less than one year prior to the date the public sanitary sewer will become available, the city will notify the affected owner of the private sewage treatment and disposal system of the anticipated availability of the public sanitary sewer and shall also notify the owner that the owner will be required to connect to the public sanitary sewer within one year of the actual availability. The owner shall have the option of prepaying the amortized value of required connection charges in equal monthly installments over a period not to exceed two years from the date of the initial notification of anticipated availability. The private sewage treatment and disposal system or septic tank shall be cleaned and abandoned as directed by controlling regulator agencies or the city.~~

New commercial or nonresidential development or multifamily of 3-15 units shall connect if a collection/transmission system component is located within 1,000 feet of the nearest property line.

New multifamily development with 16 or more units shall connect to the closest existing collection/transmission system.

- (5) Existing industrial developments shall connect if repairs or modifications to an existing septic system is required and a collection/transmission system component is located within 500 feet of the nearest property line.

**SECTION 3.** That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 4.** That this ordinance shall take effect immediately upon its adoption by the City Council of the City of Orange City, Florida.

**REMAINDER OF PAGE LEFT BLANK**

**ROLL CALL VOTE AS FOLLOWS (Ordinance No. 649):**

First Reading this 25<sup>th</sup> day of May, 2021.

<u>YES</u>	Alex Tiamson	Kelli Marks, Vice Mayor	<u>YES</u>
<u>YES</u>	O. William Crippen	Martin E. Harper	<u>YES</u>
<u>YES</u>	Jeff Allebach	Bill O'Connor	<u>YES</u>
<u>YES</u>	Gary A. Blair, Mayor		

**ROLL CALL VOTE AS FOLLOWS (Ordinance No. 649):**

Second Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

_____	Alex Tiamson	Kelli Marks, Vice Mayor	_____
_____	O. William Crippen	Martin E. Harper	_____
_____	Jeff Allebach	Bill O'Connor	_____
_____	Gary A. Blair, Mayor		

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**ATTEST:**

**AUTHENTICATED:**

\_\_\_\_\_  
Melani Beringer, City Clerk

\_\_\_\_\_  
Gary A. Blair, Mayor

Approved as to form and legal sufficiency:

\_\_\_\_\_  
William E. Reischmann, Jr., City Attorney