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Prepared by and return to:
City Attorney
City of Vero Beach
P.O. Box 1389
Vero Beach, FL 32961-1389

ORDINANCE NO. 2021-_____

AN ORDINANCE OF THE CITY OF VERO BEACH, FLORIDA, AMENDING ARTICLE III, "SANITARY SEWER SYSTEM," OF CHAPTER 78, "UTILITIES," OF THE CODE OF THE CITY OF VERO BEACH; AMENDING THE FREQUENCY OF MANDATORY PUMP OUTS AND INSPECTIONS OF PRIVATE WASTEWATER DISPOSAL SYSTEMS; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council previously adopted requirements for private wastewater disposal systems, in addition to establishing a septic tank effluent pump (STEP) system program, in the City of Vero Beach; and

WHEREAS, the City Council previously established a requirement that each owner of a private wastewater disposal system undergo a pump out and inspection of such system at a frequency of at least every five (5) years; and

WHEREAS, the City Council, in its discretion and in consultation with City staff, has determined that the frequency for pump outs and inspections of each private wastewater disposal systems should be increased to occur at least every three (3) years; and

WHEREAS, the City Council finds that increasing the frequency of mandatory pump outs and inspections of private wastewater disposal systems is beneficial to human health and safety, as well as the health and safety of local waterways; and

WHEREAS, the City Council finds that the amendments provided for in this ordinance are in the public interest in that they will help to promote, protect, and improve the health, safety, and general welfare of the citizens of the City of Vero Beach,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA, THAT:

Section 1 – Amendment of ARTICLE III. SANITARY SEWER SYSTEM.

Article III, Sanitary Sewer System, of Chapter 78, Utilities, of the Code of the City of Vero Beach is hereby amended as follows:

CODING: Words in underline are additions; words in ~~strikethrough~~ are deletions.

ARTICLE III. SANITARY SEWER SYSTEM
DIVISION 2. SEWER USE RESTRICTIONS.

Sec. 78-83. Private wastewater disposal systems; septic tank effluent pump (STEP) system program.

(a) Private wastewater disposal systems.

- (1) Where a public sewer is not available for connection to a building sewer, the owner of the building sewer shall connect the building sewer to a private wastewater disposal system in accordance with this section, section 22-181, and any applicable requirements of the county public health department and the state department of health. The owner shall operate and maintain the private wastewater disposal system in a sanitary manner at all times, at no expense to the city.
- (2) Within 75 days after a public sewer becomes available for connection to a property served by a private wastewater disposal system, the property owner shall directly connect the building sewer to the public sewer in compliance with this Code, including this chapter, and any applicable resolutions. The property owner shall abandon and seal off any septic tanks, cesspools, and similar private wastewater disposal facilities located within or on the property.
- (3) Property owners constructing, operating, and abandoning private wastewater disposal facilities shall comply with all applicable state and local laws and regulations in addition to complying with those requirements expressly stated in this article.
- (4) Commencing January 1, 2016, each owner of a private wastewater disposal system shall cause the pump out of the system on a regular frequency not to exceed every ~~five~~ three years. In addition to the pump out, the owner shall have a licensed septic tank contractor perform an inspection of the private wastewater disposal system. For each such inspection the septic tank contractor shall complete a septic tank pumping inspection report in the form specified by the director and file such report with the city within ten business days.

Section 2 – Adoption of “WHEREAS” clauses.

The foregoing “WHEREAS” clauses are hereby adopted and incorporated herein as forming the legislative findings, purpose, and intent of this Ordinance.

Section 3 – Conflict and Severability.

In the event any portion of this Ordinance conflicts with any provision of the Code or any other ordinance or resolution of the City of Vero Beach on the subject matter of this Ordinance, the provisions of this Ordinance shall apply and supersede. If any provision of this Ordinance is held to be invalid, unconstitutional, or unenforceable for any reason by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Ordinance, which shall be deemed separate, distinct, and independent provisions enforceable to the fullest extent possible.

Section 4 – Scrivener’s Errors.

The City Attorney may correct scrivener’s errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.

Section 5 – Effective Date.

This Ordinance shall become effective upon final adoption.

This Ordinance was read for the first time on the ____ day of _____, 2021, and was advertised on the ____ day of _____, 2021, as being scheduled for a public hearing to be held on the ____ day of _____, 2021, at the conclusion of which hearing it was moved for adoption by Councilmember _____, seconded by Councilmember _____, and adopted by the following vote:

Mayor Robert Brackett _____
Vice-Mayor Rey Neville _____
Councilmember Honey Minuse _____
Councilmember Bob McCabe _____
Councilmember Richard Winger _____

ATTEST:

CITY OF VERO BEACH, FLORIDA

Tammy K. Bursick
City Clerk
Seal:

By: _____
Robert Brackett
Mayor

Date: _____

STATE OF FLORIDA
COUNTY OF INDIAN RIVER

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this ____ day of _____ 2021, by **Robert Brackett**, as **Mayor**, and attested by **Tammy K. Bursick**, as **City Clerk**, of the City of Vero Beach, Florida. Both are personally known to me.

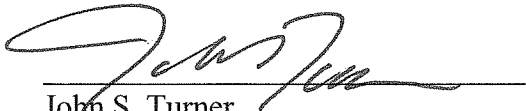
Seal:

Notary Public, State of Florida at Large
Print Name: _____
Notary Commission No.: _____
My Commission Expires: _____

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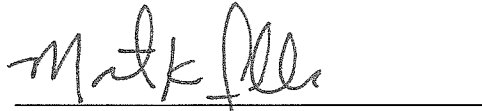
ADMINISTRATIVE REVIEW
(For Internal Use Only—Sec. 2-77 COVB Code)

Approved as to form and legal sufficiency:



John S. Turner
City Attorney

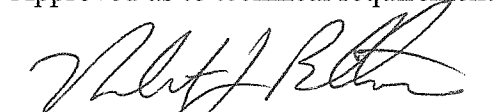
Approved as conforming to municipal policy:



Monte K. Falls, P.E.
City Manager



Approved as to technical requirements:



Robert J. Bolton, P.E.
Director, Water and Sewer