

ORDINANCE NO. 2022-____

AN ORDINANCE OF HERNANDO COUNTY, FLORIDA, AMENDING DIVISION 2 OF ARTICLE VI OF CHAPTER 28 OF THE HERNANDO COUNTY CODE OF ORDINANCES RELATING TO WATER AND SEWER SYSTEMS; AMENDING SUBSECTION 28-238(a) OF THE CODE OF ORDINANCES PROVIDING FOR REQUIRED CONNECTIONS WITH WATER AND SEWER SYSTEMS TO PROVIDE NOTICE REQUIREMENTS FOR AVAILABILITY OF CENTRAL WATER AND/OR SEWER SYSTEMS; AMENDING SUBSECTION 28-238(d) OF THE CODE OF ORDINANCES PROVIDING SANITARY SEWER REQUIREMENTS FOR CONNECTIONS WITH WATER AND SEWER SYSTEMS TO DELETE DISTANCE REQUIREMENTS BETWEEN PROPERTY AND HERNANDO COUNTY WATER AND SEWER DISTRICT TRANSMISSION LINE (GRAVITY AND/OR FORCE MAIN); AMENDING SUBSECTION 28-238(e) OF THE CODE OF ORDINANCES PROVIDING FOR EXEMPTIONS FROM CONNECTION TO DISTRICT SYSTEMS FOR CONNECTIONS WITH WATER AND SEWER SYSTEMS TO REVISE EXEMPTIONS FROM CONNECTIONS WITH HERNANDO COUNTY WATER AND SEWER DISTRICT SYSTEMS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Paragraph 125.01(5)(a), Florida Statutes, authorizes the governing body of a county to establish special districts or provide municipal services and facilities with funds derived from service charges, special assessments, or taxes within such district; and

WHEREAS, Paragraph 125.01(5)(b), Florida Statutes, provides that the governing body of such special district shall be composed of county commissioners; and

WHEREAS, pursuant to Subsection 125.01(5), Florida Statutes, the Board of County Commissioners of Hernando County, Florida, approved Ordinance No. 2005-19, which created and established the Hernando County Water and Sewer District as a public body corporate and politic; and

WHEREAS, on October 18, 2005, the Board of County Commissioners passed and adopted Ordinance No. 2005-19, which requires connections with water and sewer systems and provides for exemptions from connection to district systems; and

WHEREAS, on February 14, 2006, the Board of County Commissioners passed Ordinance No. 2006-02, which amended Ordinance No. 2005-19 relating to connections with water and sewer systems; and

WHEREAS, on April 28, 2009, the Board of County Commissioners passed Ordinance

No. 2009-02, which amended Division 2 of Article VI of Chapter 28 of the Hernando County Code of Ordinances relating to connections with water and sewer systems and exemptions from connection to district systems for sanitary sewer; and

WHEREAS, Ordinance No. 2005-19, Ordinance No. 2006-02 and Ordinance No. 2009-02 are codified as Division 2 of Article VI of Chapter 28 of the Hernando County Code of Ordinances; and

WHEREAS, the Florida Springs and Aquifer Protection Act (Chapter 373, Part VIII, Florida Statutes) provides for the protection and restoration of Outstanding Florida Springs (OFS), including Weeki Wachee Springs as a first magnitude spring; and

WHEREAS, the Florida Department of Environmental Protection (FDEP) has assessed water quality in each OFS and has determined that Weeki Wachee Springs is impaired for the nitrate form of nitrogen; and

WHEREAS, FDEP adopted the Weeki Wachee Basin Management Action Plan (BMAP) dated June 2018 as part of its statewide watershed management approach to restore and protect Florida's water quality; and

WHEREAS, the list of projects to improve water quality in Weeki Wachee Springs includes conversions and connections of existing septic systems to centralized sewer; and

WHEREAS, FDEP receives annual funds from the Florida Legislature to reduce nitrogen impaired OFS and enhance springs restoration; and

WHEREAS, FDEP has awarded grant funds to Hernando County for the purpose of constructing capital improvement projects required to convert and connect existing septic systems to centralized sewer in compliance with the BMAP; and

WHEREAS, Hernando County Utilities Department staff has recommended amendments to subsection 28-238(a) of the Hernando County Code of Ordinances to provide notice requirements for availability of central water and/or sewer systems; and

WHEREAS, Utilities Department staff has also recommended amendments to subsection 28-238(d) of the Hernando County Code of Ordinances to delete distance requirements between property and a Hernando County Water and Sewer District sanitary sewer transmission line (gravity and/or force main); and

WHEREAS, Utilities Department staff has further recommended amendments to subsection 28-238(e) of the Hernando County Code of Ordinances to revise exemptions from connections with the Hernando County Water and Sewer District systems; and

WHEREAS, the Board of County Commissioners has determined that the amendments to subsections 28-238(a), 28-238(d) and 28-238(e) of the Hernando County Code of Ordinances are necessary for the proper operation of the public utilities system; and

WHEREAS, Section 125.66(2)(a), Florida Statutes, provides that the Board of County

Commissioners at any regular or special meeting may enact any ordinance, if notice of intent to consider such ordinance is given at least ten (10) days prior to said meeting by publication in a newspaper of general circulation in the county; and

WHEREAS, notice of public hearing to consider this ordinance was duly published in a newspaper of general circulation in Hernando County; and

WHEREAS, on August 23, 2022, the Board of County Commissioners held a public hearing to consider this ordinance; and

WHEREAS, the Board of County Commissioners finds that it is in the best interest of the county and the customers of the public utilities system to amend subsections 28-238(a), 28-238(d) and 28-238(e) of the Hernando County Code of Ordinances relating to water and sewer systems to provide notice requirements for availability of central water and/or sewer systems, to delete distance requirements between property and a Hernando County Water and Sewer District sanitary sewer transmission line (gravity and/or force main), and to revise exemptions from connections with the Hernando County Water and Sewer District systems.

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

Section 1. Subsection 28-238(a) of the Hernando County Code of Ordinances is hereby amended to read as follows:

Sec. 28-238. Connections with water and sewer systems.

(a) *Connection required.* Where service is available, the owner of every lot or parcel of land within the district shall connect or cause the plumbing of any building or buildings thereon to be connected with the district's water and/or sanitary sewer system within one (1) year of notice of availability by the district and shall use the facilities of such system. All such connections shall be made in accordance with the rules and regulations, which shall be adopted from time to time by the board, which said rules and regulations shall provide for a charge for making connections in such reasonable amount as the board may establish. Nothing herein shall affect liability for service charges as provided elsewhere in this division or in other provisions of this Code of Ordinances. The district shall notify the owner of any affected improved lot or parcel of the availability of the central water and/or sewer service. No less than one (1) year prior to the date that a new or extended central water and/or sewer system will become available for affected lots or parcels, the district shall notify the affected owners of the anticipated availability of the central water and/or sewer system and shall also notify the owners that connection to the available system(s) is required within one (1) year of the actual availability. Owners of existing buildings shall have the option of paying the amortized value of required connection charges in equal monthly installments over a period not to exceed seven (7) years from the date of the initial notification of present or anticipated availability. For purposes of this subsection, "available" shall have the same meaning as provided by the definition in F.S. § 381.0065(2)(a), or any amended or successor statute, subject only to a determination by the district that supply, treatment and/or conveyance capacity exists or connection is otherwise practicable with respect to any connection.

Section 2. Subsection 28-238(d) of the Hernando County Code of Ordinances is

hereby amended to read as follows:

Sec. 28-238. Connections with water and sewer systems.

(d) *Sanitary sewer requirements.*

- (1) Every residence and building within the district in which human beings reside, are employed, or congregate shall be required to have a sanitary method of disposing of human excrement, namely a sanitary water closet that is connected either with the district's sanitary sewer system or an approved type of septic tank.
- (2) A septic tank may be used only if ~~the property is more than two hundred (200) feet from~~ a district sanitary sewer transmission line (gravity and/or force main) is not available, as defined in F.S. § 381.0065(2)(a), or any amended or successor statute, or the capacity of the district's sanitary sewer transmission line ~~within two hundred (200) feet of the property~~ is deemed inadequate by the department to service the property.
- (3) It shall be unlawful for any person, persons, firm or corporation owning or leasing any premises in the district to permit the disposal of any human excrement on any property leased or rented by any such person, firm or corporation or the agent of any such person, firm or corporation except in a sanitary water closet connected either with the district's sanitary sewer system or a septic tank, as provided above.
- (4) It shall be unlawful for any person, persons, firm or corporation to build or remodel or cause to be built or remodeled any structure used for human habitation or occupancy within the district ~~where which is within two hundred (200) feet of a~~ district sanitary sewer transmission line (gravity and/or force main) is available with adequate capacity to service the structure as determined by the department, without connection to the district's sanitary sewer system.
- (5) No septic tank other than those authorized by the Florida Department of Environmental Protection, Florida Department of Health, or other state or local agency with regulatory jurisdiction shall be constructed within the district. No septic tank shall be constructed ~~where within two hundred (200) feet of a~~ district sanitary sewer transmission line (gravity and/or force main); is available and if the capacity of the district's sanitary sewer transmission line has been determined by the department to be adequate to service the structure.

Section 3. Subsection 28-238(e) of the Hernando County Code of Ordinances is hereby amended to read as follows:

Sec. 28-238. Connections with water and sewer systems.

(e) *Exemptions from connection to district systems.*

- (1) *Water.* Those owners of lots or parcels of land which are served by an individual water supply system at the time service is made available by expansion of the

district's water system may continue to utilize such individual water supply until such time as the property owner may choose to connect, or the board of county commissioners or the Hernando County Health Department or any state or local agency with regulatory jurisdiction requires connection to the district's water system. Upon connection of a lot or parcel of land to the district's water system, the exemption granted by this paragraph shall terminate, use of the individual water supply for any purpose other than irrigation shall be discontinued and prohibited, and the individual water supply shall be disconnected from all buildings located on such lot or parcel of land. It shall be unlawful for any person, persons, firm or corporation to reconnect an individual water supply to any building on any lot or parcel of land after such lot or parcel of land is connected to the district's water system.

- (2) *Sanitary sewer.* Those owners of lots or parcels of land where a district sanitary sewer transmission line (gravity and/or force main) is not available, as such term is defined in F.S. § 381.0065(2)(a), or any amended or successor statute subsection (a) consistent with applicable state law, at the time a premises is constructed may use an individual septic tank or other onsite wastewater disposal system if and as authorized by the Florida Department of Environmental Protection and permitted and inspected by the Hernando County Health Department or any state or local agency with regulatory jurisdiction. This paragraph does not affect the authority of subsection (a) requiring connection to the district's sanitary sewer system where sewer service is available. Upon connection of a lot or parcel of land to the district's sanitary sewer system, the exemption granted by this paragraph shall terminate, use of the individual septic tank or other onsite wastewater disposal system for any purpose shall be discontinued and prohibited, and the individual septic tank or other onsite wastewater disposal system shall be disconnected from all buildings located on such lot or parcel of land. The owner of such lot or parcel of land shall abandon the individual septic tank or other onsite wastewater disposal system in compliance with F.S. § 381.0065(4) and Rule 62-6.011, F.A.C., or any amended or successor statute and administrative regulation. It shall be unlawful for any person, persons, firm or corporation to reconnect an individual septic tank or other onsite wastewater disposal system to any building on any lot or parcel of land after such lot or parcel of land is connected to the district's sanitary sewer system.
- (3) *Mandatory connection.* Connection to district water or sewer lines shall be mandatory for any parcel of land ~~within a district or unit created and~~ authorized by action of the board of county commissioners through ~~in~~ which parcel owners are assessed for the cost of constructing such lines by non-ad valorem assessments.

Section 4. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 5. If any provision of this ordinance or the application thereof to any person or circumstance is held unconstitutional or invalid for any reason, the unconstitutionality or invalidity thereof shall not affect other provisions or applications of the ordinance which can be given effect without the unconstitutional or invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 6. This ordinance shall become effective as provided by Section 125.66(2)(b), Florida Statutes.

ADOPTED AND ENACTED by the Board of County Commissioners of Hernando County, Florida, in Regular Session, with a quorum present and voting, this ____ day of _____, 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

Douglas A. Chorvat, Jr.
Clerk of the Circuit Court & Comptroller

By:_____
Steve Champion, Chairman

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: Mauraen S. Sikora
County Attorney's Office