

ORDINANCE NO. 2003-23

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, PROVIDING FINDINGS OF FACT; PROVIDING SCOPE; PROVIDING DEFINITIONS; PROVIDING FOR A REQUIREMENT THAT OWNERS WITHIN THE PONTE VEDRA WASTEWATER ASSESSMENT AREA THAT WAS CREATED BY ST. JOHNS COUNTY RESOLUTION 2002-245 CONNECT THEIR BUILDINGS TO THE CENTRAL SEWER LINE THAT WILL SERVE THAT AREA; PROVIDING FOR PROCEDURES RELATED TO SUCH CONNECTION; PROVIDING FOR WAIVERS FROM SUCH CONNECTION; PROVIDING FOR PAYMENT OF ASSESSMENT REQUIRED WHETHER OR NOT WAIVER FROM CONNECTION IS GRANTED; PROVIDING FOR SEVERABILITY; PROVIDING THAT THIS ORDINANCE SHALL PREVAIL IN THE EVENT OF CONFLICT WITH OTHER COUNTY ORDINANCES; PROVIDING FOR PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

**RECITALS**

WHEREAS, on or about November 7, 2002 the Board of County Commissioners of St. Johns County, Florida (the "Board") adopted St. Johns County Resolution 2002-245 that, among other things, created the Ponte Vedra Wastewater Assessment Area in a portion of Northeast St. Johns County; and

WHEREAS, the purpose of Resolution 2002-245 was to provide a mechanism to assess real property within the assessment area that will be benefited by the design, construction and operation of a central sewer line within the area; and

WHEREAS, the State of Florida Department of Environmental Protection ("FDEP") and St. Johns County, Florida ("County") are in the process of entering into a Clean Water State Revolving Fund Loan Agreement whereby FDEP will provide a low interest loan to the County for the design and construction of the sewer line; and

WHEREAS, the assessments will be used to repay the FDEP loan; and

WHEREAS, the FDEP requires as a condition for the loan that the County adopt and enforce requirements that are consistent with applicable law that require buildings that may reasonably be served by the sewer line to connect to the sewer line; and

WHEREAS, the County and the Jacksonville Electric Authority ("JEA") are in the process of amending an Interlocal Agreement, in order to set forth the terms, and provisions whereby JEA will operate and maintain the sewer line; and

WHEREAS, Section 381.00655, Florida Statutes, is the state statute that is applicable to the FDEP connection requirement; and



WHEREAS, as a result of the fact that JEA will operate and maintain the sewer line and the fact that JEA is not regulated by the Public Services Commission, neither St. Johns County ordinance 89-63, as amended (the County's Water and Sewer Utilities Regulatory Ordinance), St. Johns County Ordinance 2001-25, as amended, (the ordinance that regulates the County's water and sewer utility system), nor the Public Service Commission require buildings or structures to connect to the sewer line; and

WHEREAS, it is in the public interest that real property within the Ponte Vedra Wastewater Assessment Area be required by county ordinance to connect to the sewer line in the manner and to the extent required by Section 381.00655, Florida Statutes.

NOW THEREFORE BE IT ORDAINED by the Board of County Commissioners of St. Johns County, Florida as follows:

Section 1. Findings of Fact. The recitals stated above are incorporated herein as Findings of Fact.

Section 2. Scope and Jurisdictional Area of This Ordinance. This Ordinance shall apply within the Ponte Vedra Wastewater Assessment Area that was created by St. Johns County Resolution 2002-245, as such area may be reduced or enlarged from time to time by amendments to Resolution 2002-245.

Section 3. Definitions. For purposes of this Ordinance, and where not otherwise inconsistent with the context of a particular Section, the defined terms, phrases, words, abbreviations, and their derivations, shall have the meaning given in this Section. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

*Blackwater* means that part of domestic sewage that is carried off by toilets, urinals, and kitchen drains.

*Board* means Board of County Commissioners of St. Johns County, Florida.

*County* means St. Johns County, Florida.

*Department* means the State of Florida Department of Health, or its successor, or designee.

*Domestic sewage* means human body waste and wastewater, including bath and toilet waste, residential laundry waste, residential kitchen waste, and other similar waste from appurtenances at a residence or establishment.

*Graywater* means that part of domestic sewage that is not blackwater, including waste from the bath, lavatory, laundry, and sink, except kitchen sink waste.

*Ponte Vedra Wastewater Assessment Area* means the Ponte Vedra Wastewater Assessment Area that was created by St. Johns County Resolution 2002-245, as such area may be reduced or enlarged from time to time by amendments to resolution 2002-245.



*Publicly-owned sewerage system* means a sewerage system that is owned, maintained, operated and/or controlled by a local governmental unit, or autonomous, or semi-autonomous agency of a local governmental unit, specifically including the County, and the Jacksonville Electric Authority, respectively.

*State* means the State of Florida.

Section 4. Connection of existing onsite sewage treatment and disposal systems to central sewerage system; requirements; qualifications for waiver.

The owner of a properly functioning on-site sewage treatment and disposal system, excluding an approved on-site graywater 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 owner of the publicly-owned, or investor-owned, sewerage system, or the owner's agent, that the system is available for connection. The publicly-owned, or investor-owned, sewerage system must notify the owner of the on-site sewage treatment and disposal system of the availability of the central sewerage system. No less than one (1) year prior to the date that the sewerage system will become available, the publicly-owned, or investor-owned, sewerage system shall notify the affected owner of the on-site sewage treatment and disposal system of the anticipated availability of the sewerage system, and shall further notify the owner, that the owner will be required to connect to the sewerage system within one (1) year of the actual availability. The owner shall have the option of pre-paying the amortized value of required connection charges in equal monthly installments over a period not to exceed two (2) years from the date of initial notification of anticipated availability. Nothing shall operate to impair contracts or other binding obligations relating to payment schedules in existence prior to the effective date of this Ordinance.

The owner of an on-site sewage treatment and disposal system that needs repair or modification to function in a sanitary manner, or to comply with Sections 381.0065 through 381.0067, Florida Statutes, or rules adopted under those sections must connect to an available publicly-owned, or investor-owned sewerage system within 90 days after written notification from the Department. As noted in, and consistent with State law, in hardship cases, upon request of the owner, the Department may approve an extension of not more than ninety (90) days for sewerage connection. As noted in, and consistent with State law, the Department may approve only one (1) extension. Nothing contained in this subsection authorizes the owner of the on-site sewage treatment and disposal system to create or maintain a sanitary nuisance.

The provisions of this Section, or any other provision of law to the contrary notwithstanding, the owner of a publicly owned or investor-owned sewerage system, or the owner's agent, may, with the approval of the Department, waive the requirement of mandatory onsite sewage disposal connection if it determines that such connection is not required in the public interest due to public health considerations.

Section 5. Payment of Assessment Required Whether or not Waiver from Connection is Granted. It is expressly noted that this Ordinance does not affect, in any way, the requirement that an affected property owner pay an assessment under County Resolution 2002-245. Consequently, payment of an assessment imposed under County Resolution 2002-245 is required whether or not



an owner of a properly functioning on-site sewage treatment and disposal system receives or is granted a waiver from such mandatory connection by the Department.

Section 6. Severability. It is the intent of the Board, and it is hereby provided, that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held to be invalid, or unconstitutional by a court of competent jurisdiction, such invalidity, or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions, sections, subsections, clauses, phrases, or provisions of this Ordinance.

Section 7. Conflict with this Ordinance. In the event this ordinance conflicts with a provision of any other ordinance in its application within the Ponte Vedra Wastewater Assessment Area, the provisions of this ordinance shall prevail.

Section 8. Penalties. In the event that owner of a properly functioning on-site sewage treatment and disposal system fails to connect to the system as required by this Ordinance, or in the alternative, fails to receive a hardship waiver from the Department, or fails to receive a waiver from the owner of the central sewer system with the approval of the Department with respect to such mandatory connection, then such owner will be in violation of this Ordinance, and such owner will be subject to any, and all, penalties that are allowed under any applicable County Ordinance, or under any applicable State law, rule, or regulation.

Section 9. Effective Date. This Ordinance shall be effective upon a certified copy being filed with the Department of State of Florida.

PASSED and ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 25<sup>th</sup> day of March, 2003.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: James E. Bryant  
James E. Bryant, Chairman

RENDITION DATE March 31, 2003

ATTEST: Cheryl Strickland, Clerk of Court

By: Yvonne King  
Deputy Clerk

Effective Date: April 2, 2003

THE ST. AUGUSTINE RECORD

PUBLISHED EVERY MORNING MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING  
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,  
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **LINDA Y MURRAY**

who on oath says that she is an Accounting Clerk of the St. Augustine Record,

a daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement, being a

**NOTICE OF PUBLIC HEARING**

In the matter of **SJC RESOLUTION 2002-245**

**PONTE VEDRA WASTE WATER ASSESSMENT**

in the Court, was published in said newspaper in the issues of

**MARCH 14, 2003**

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this **14<sup>TH</sup>** day of **MARCH** 2003

by *Linda Y Murray* who is personally known to me or who has produced **PERSONALLY KNOWN** as identification.

*Zoe Ann Moss*  
(Signature of Notary Public)



(Seal)

Zoe Ann Moss

**NOTICE OF A PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS**

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing on Tuesday, March 25, 2003 at 1:30 p.m. in the County Auditorium at the County Administration Complex, 4020 Lewis Speedway (County Road 16-A) and U.S. 1 North, St. Augustine, Florida, to consider adoption of the following ordinance:

**AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, PROVIDING FINDINGS OF FACT; PROVIDING SCOPE; PROVIDING DEFINITIONS; PROVIDING FOR A REQUIREMENT THAT OWNERS WITHIN THE PONTE VEDRA WASTE-WATER ASSESSMENT AREA THAT WAS CREATED BY ST. JOHNS COUNTY RESOLUTION 2002-245 CONNECT THEIR BUILDINGS TO THE CENTRAL SEWER LINE THAT WILL SERVE THAT AREA; PROVIDING FOR PROCEDURES RELATED TO SUCH CONNECTION; PROVIDING FOR WAIVERS FROM SUCH CONNECTION; PROVIDING FOR PAYMENT OF ASSESSMENT REQUIRED WHETHER OR NOT WAIVER FROM CONNECTION IS GRANTED; PROVIDING FOR SEVERABILITY; PROVIDING THAT THIS ORDINANCE SHALL PREVAIL IN THE EVENT OF CONFLICT WITH OTHER COUNTY ORDINANCES; PROVIDING FOR PENALTIES; AND PROVIDING AN EFFECTIVE DATE.**

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16A and U.S. 1), St. Augustine, Florida and may be examined by parties interested prior to the public hearing. Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearing, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS:** In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, at (904) 825-2505 at the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32084. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Telecommunication Service: 1-800-955-5770, no later than 5 days prior to the date of the hearing.

**BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA**  
CHERYL STRICKLAND, ITS CLERK  
By: Patricia DeGrande, Deputy Clerk  
L612-3 Mar 14, 2003



DIVISIONS OF FLORIDA DEPARTMENT OF STATE  
Office of the Secretary  
Division of Administrative Services  
Division of Corporations  
Division of Cultural Affairs  
Division of Elections  
Division of Historical Resources  
Division of Library and Information Services  
Division of Licensing  
MEMBER OF THE FLORIDA CABINET



FLORIDA DEPARTMENT OF STATE  
**Glenda E. Hood**  
Secretary of State  
DIVISION OF ELECTIONS

HISTORIC PRESERVATION BOARDS  
Historic Florida Keys Preservation Board  
Historic Palm Beach County Preservation Board  
Historic Pensacola Preservation Board  
Historic St. Augustine Preservation Board  
Historic Tallahassee Preservation Board  
Historic Tampa/Hillsborough County  
Preservation Board  
RINGLING MUSEUM OF ART

April 3, 2003

Honorable Cheryl Strickland  
Clerk to Board of Commissioners  
St. Johns County  
Post Office Drawer 300  
St. Augustine, Florida 32085-0300

Attention: Yvonne King  
Minutes and Records Division

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated April 1, 2003 and certified copies of St. Johns County Ordinance Nos. 2003-23 through 2003-31, which were filed in this office on April 2, 2003.

Sincerely,

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mp

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BUREAU OF ADMINISTRATIVE CODE

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FILED  
03 APR - 7 PM 3:19  
CHERYL STRICKLAND  
CLERK COUNTY COMMISSION  
ST. JOHNS COUNTY FL