

ORDINANCE NO. 2010- 14

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA AMENDING ORDINANCE NO. 2010-2 OF COLUMBIA COUNTY AMENDING ARTICLE II, SECTION 2.03 TO PROVIDE THAT THE OWNERS OF LOTS OR PARCELS OF LAND SOLELY WITHIN EXCLUSIVE SERVICE AREAS OF THE COUNTY IDENTIFIED PURSUANT TO ORDINANCE 2010-1 SHALL BE REQUIRED TO CONNECT TO COUNTY WATER AND SEWER SYSTEMS ONLY UPON THE OCCURRENCE OF CERTAIN CIRCUMSTANCES DESIGNATED IN THIS ORDINANCE; PROVIDING FOR DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE AND APPLICABILITY.

WHEREAS, the County currently is in the process of constructing water and sewer systems, including water transmission and service lines and wastewater collection lines, in the unincorporated area of the County known as the Ellisville area; and

WHEREAS, it is the intent of the County to provide water and wastewater services promptly and efficiently to customers located in areas of the unincorporated County designated now or hereafter as a County "Exclusive Service Area" pursuant to Ordinance No. 2010-1, which Exclusive Service Area currently includes only the Ellisville area; and

WHEREAS, the County adopted Ordinance No. 2010-2 at a duly noticed public meeting on March 25, 2010 which, in part, provides in Article II, Section 2.03 that it shall be mandatory for every owner of a lot or parcel in the Ellisville area, constituting the only County Exclusive Service Area at the time of this amendment, within certain proximities of the County Water System and County Sewer System to connect the plumbing of any building or buildings thereon to such Systems; and

WHEREAS, the Board of County Commissioners desires to amend Article II, Section 2.03 of Ordinance No. 2010-2 to exclude parcels or lots in the County's Exclusive Service Area, currently only the Ellisville area, upon which a residential building or structure exists as of the effective date of this Ordinance from the mandatory connection requirement of Ordinance 2010-2 and to require such mandatory connection only upon the occurrence of certain events expressly identified in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA, AS FOLLOWS:

ARTICLE I

AMENDMENT TO ORDINANCE 2010-2

SECTION 1.1. AMENDMENT TO ARTICLE II, SECTION 2.03 OF ORDINANCE 2010-2. Article II, Section 2.03 of Ordinance 2010-2 is hereby amended and restated to read in its entirety as follows:

SECTION 2.03. CONNECTIONS WITH WATER AND SEWER SYSTEMS. If the County Water System or County Sewer System is available to a lot or parcel of land in the County's Exclusive Service Area and a residential building or structure located on that property on the effective date of this amending Ordinance is connected to an individual well, then that residential building or structure will be required to be connected to the County Water System only if (a) the well fails, (b) the well becomes contaminated or experiences a dry well condition, (c) a permit is requested from the County, State or other appropriate authority for a replacement well, (d) a change of ownership of the lot or parcel occurs other than by inheritance, or (e) the County otherwise makes a finding that a public health concern exists relating specifically to an identified lot or parcel. If the County Sewer System is available to a lot or parcel of land in the County's Exclusive Service Area, and a residential building or structure located on that property on the effective date of this Amendment is connected to a septic tank system, then that residential building or structure will be required to be connected to the County Sewer System only if (a) the septic tank fails, (b) a permit is requested from the County, State or other appropriate authority for a septic tank or drainfield replacement, (c) a change of ownership of the lot or parcel occurs other than by inheritance, or (d) the County makes a finding that a public health concern exists relating specifically to an identified lot or parcel. If a non-residential building or structure exists on a lot or parcel or if no building or structure is located on a lot or parcel at the time that the County Water System or County Sewer System is available but a building or structure, including a residential building or structure, is built subsequent to the effective date of this Ordinance, such building or structure will be required to be connected to the County Water System and/or County Sewer System and application therefore shall be made to the County by the owner of the lot or parcel before a building permit or other appropriate permit shall be issued by the County. All such connections shall be made in accordance

with the County Water and Wastewater Technical Manual and rules and regulations which shall be adopted from time to time by the Board, which 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 in this Ordinance or in other County ordinances. The County shall notify the owner of any affected improved lot or parcel of the availability of the central water and/or sewer service. For purposes of this subsection, "available" water and/or wastewater service shall mean, subject only to a determination by the County that supply, treatment and/or conveyance capacity exists or Connection is otherwise practicable with respect to any Connection, the following:

(A) For proposed residential or commercial subdivisions and for areas zoned or used for an industrial manufacturing purpose or its equivalent, or a single family residence or establishment any of which has an estimated sewage flow of 1,000 gallons per day or more, if the County Water System or County Sewer System is located within 1,320 feet of the development; or

(B) A single-family residence or establishment any of which has an estimated sewage flow of 1,000 gallons per day or less, if the County Water System or County Sewer System is located within 100 feet of a Potential Customer's lot-line.

(C) "Establishment" means any buildings or properties used for human occupancy, employment, recreation or other purposes, subject to the exclusions relating to residential buildings or structures existing on the effective date of this amending Ordinance, as provided in this Section.

ARTICLE II

MISCELLANEOUS PROVISIONS

SECTION 2.1. DEFINITIONS. Terms used in this Ordinance shall have the meaning provided in Section 5.04 of Ordinance 2010-2 unless modified or otherwise stated herein.

SECTION 2.2. SEVERABILITY. If any article, section, subsection, paragraph, phrase, or word of this Ordinance for any reason is held to be unconstitutional or invalid, such holdings shall not affect the remaining portions hereof and this Ordinance shall be construed to have the legislative intent to pass this Ordinance without such unconstitutional or invalid part.

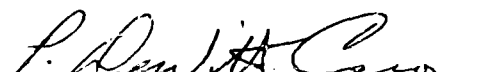
SECTION 2.3. EFFECTIVE DATE AND APPLICABILITY. This Ordinance shall take effect upon filing with the Secretary of State. Except as specifically provided otherwise herein, this Ordinance shall supersede all other ordinances of Columbia County to the extent such other ordinances are in conflict herewith.

DULY ADOPTED this 20th day of July, 2010.

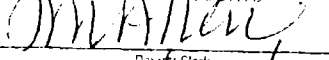
**BOARD OF COUNTY COMMISSIONERS OF
COLUMBIA COUNTY, FLORIDA**

By: 
Chairman

ATTEST:


Clerk of Court

STATE OF FLORIDA, COUNTY OF COLUMBIA
I HEREBY CERTIFY that the above and foregoing
is a true copy of the original filed in this office.
P. DEWITT MASON, CLERK OF COURTS

By: 
Deputy Clerk
Date: 7/26/10

