

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE WAKULLA COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING SECTION 2-3 OF WAKULLA COUNTY ORDINANCE 2009-09 AND SECTION 4-4 OF ORDINANCE 2009-09 AS PREVIOUSLY AMENDED IN SECTION 2 OF ORDINANCE 2009-13; PROVIDING CERTAIN FINDINGS; AUTHORIZING WAIVER OF THE MANDATORY CONNECTION REQUIREMENT IN SECTION 2-3 OF ORDINANCE 2009-09; EXTENDING THE TIME PERIOD ESTABLISHED IN SECTION 2 OF ORDINANCE 2009-13 FOR PHASED REDUCTIONS OF CONNECTION FEES FOR PROPERTIES THAT APPLY TO CONNECT TO THE COUNTY'S CENTRAL SEWER SYSTEM TO NO LATER THAN JULY 1, 2011; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on or about April 21, 2009 the Board of County Commissioners (the "County Commission") enacted Ordinance No. 2009-09, the Wakulla County Comprehensive Sewer Ordinance (the "Ordinance"), which established a consistent set of guidelines for the provision and extension of sewer service within the County. This ordinance was amended on or about October 20, 2009, in Ordinance No. 2009-13, and again on or about April 5, 2010, in Ordinance No. 2010-02;

**WHEREAS**, Section 381.00655, Florida Statutes, and Section 2-3 of the Ordinance require property owners to connect to an available publicly owned sewerage system within 365 days after written notification that the sewerage system is available for connection;

**WHEREAS**, the County has determined that certain properties located within the County have central sewer service available to them as provided in Section 381.00655, Florida Statutes, and Section 2-3 of the Ordinance and are required to connect to the County's central sewer system within 365 days of notification unless a waiver is approved by the Florida Department of Health and the County;

**WHEREAS**, in Ordinance No. 2009-13 the County Commission amended Ordinance No. 2009-09 to provide for a Sewer Connection Incentive Program to encourage connection to the central sewer system on a more expeditious basis through the provision of incentives in the form of reduced connection fees;

**WHEREAS**, it benefits the County, the citizens and the environment to have property owners expedite their connection to central sewer service;

**WHEREAS**, on or about January 1, 2010, the County provided the required written notification in accordance with Section 2-3(a)(1) of the Ordinance to all property owners with available central sewer service, informing them that central sewer service was available and that they must connect thereto within 365 days;

**WHEREAS**, the downturn in the national, state and local economy has resulted in increased foreclosures, business closings and an increase in unemployment within the County;

**WHEREAS**, despite the benefits of expeditious connection to the central sewer system, the County recognizes that section 381.00655, Florida Statutes, authorizes the County, under certain circumstances, to approve a waiver of the mandatory connection requirements if approved by the Department of Health, and so long as such connection is not required in the public interest after consideration of public health concerns; and

**WHEREAS**, the County Commission has determined that it is in the best interests of the health, safety, and welfare of the citizens of Wakulla County that the County (1) have the authority to grant waivers to the mandatory connection requirement and (2) assist local property owners who are required to connect to the County's central sewer system by extending the Sewer Connection Incentive Program to encourage property owners to connect on a more expeditious basis.

**NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA, that:**

**Section 1:** The foregoing recitals are true and correct and are hereby incorporated herein by reference.

**Section 2:** Section 2-3(a)(1) of the Ordinance is hereby amended to add a new subparagraph (1)b.:

b. *Waiver of Mandatory Connection Requirement.* The County may, with the approval of the Department of Health, waive the mandatory connection requirement provided in this section, if it determines that such connection is not required in the public interest after consideration of public health concerns. If the on-site sewage treatment and disposal system of a property to whom a waiver is granted fails, such property must connect if central sewer is available.

**Section 3:** Section 4-4(b)(2) of the Ordinance, as added in Ordinance No. 2009-13, is hereby amended as follows (words ~~stricken~~ are deleted, words underlined are added):

(2) Notwithstanding the provisions of subsection 4-4(b)(1) above, the owner of each lot or parcel of land within the County who receives written notification in accordance with Section 2-3(a)(1) of Ordinance No. 2009-09, informing them of their obligation to mandatorily connect to the County's central sewer system within 365 days, shall pay the following reduced Connection Fees:

a. 25% of the applicable Connection Fees set forth in subsection 4-4(b)(1) above if they apply to connect to the County's central sewer system no later than ~~July 1, 2010~~ January 1, 2010; or

b. 50% of the applicable Connection Fees set forth in subsection 4-4(b)(1) above if they apply to connect to the County's central sewer system no later than ~~October 1, 2010~~ April 1, 2010; or

c. 75% of the applicable Connection Fees set forth in subsection 4-4(b)(1) above if they apply to connect to the County's central sewer system no later than ~~January 1, 2011~~ July 1, 2011.

**Section 4:** **Applicability.** Except as modified, supplemented and amended herein, the provisions of the Ordinance shall remain in full force and effect.

**Section 5.**    **Severability.** If any clause, section or provision of this Ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

**Section 6.**    **Effective Date.** A certified copy of this Ordinance shall be filed in the Department of State within ten (10) days after enactment by the Board and the Ordinance shall take effect as provided by law.

**PASSED AND DULY ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

BOARD OF COUNTY COMMISSIONERS  
OF WAKULLA COUNTY, FLORIDA

By: \_\_\_\_\_  
HOWARD KESSLER, Chair

ATTEST:

\_\_\_\_\_  
BRENT X. THURMOND, Ex Officio  
Clerk to the Board

APPROVED AS TO FORM:

\_\_\_\_\_  
Heather Encinosa, Esq.  
County Attorney