ORDINANCE NO. 09-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 18, ARTICLE III OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, RELATING TO ONSITE SEWAGE DISPOSAL SYSTEMS; TO REPEAL PRIOR PROVISIONS RELATED TO SUBDIVISIONS LOCATED IN KILLEARN LAKES UNITS I AND II; ENACTING NEW REGULATIONS PROVIDING FOR A PRIMARY SPRINGS PROTECTION ZONE DEVELOPMENT STANDARD WITHIN SUCH ZONE INCLUDING MANDATORY USE OF PERFORMANCE BASED ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS the staff of Leon County and the Leon County Health Department, with the assistance and input of the Septic Advisory Group reviewed the regulation relative to septic systems as contained in Chapter 18, Article III, of the Leon County Code of Laws; and,

WHEREAS, based upon this report, the Leon County Board of County Commissioners hereby find that the additional regulations required for units in Killearn Lakes Unit I and II are no longer needed and should be repealed, as sewer service is now available by way of the newly constructed low pressure system; and,

WHEREAS, the Board of County Commissioners has also determined that there is a significant health, safety, and welfare need to reduce nitrogen in septic tank effluent so as to protect certain sensitive areas south of the "Cody Scarp" in Leon County, Florida; and,

WHEREAS, based upon the recommendations of staff and other experts, the Board of County Commissioners does hereby find and determine that mandating, under certain conditions

and circumstances the use of performance based treatment systems (PBTS) would serve to help reduce nitrogen in the affected areas.

Section 1. Chapter 18, Article III of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

ARTICLE III. ON-SITE SEWAGE DISPOSAL SYSTEMS

DIVISION 1. GENERALLY

Sec. 18-61. Short title.

This article shall be known as the Leon County On-Site Sewage Disposal System Ordinance.

Sec. 18-62. Definitions.

For the purpose of this article, the following terms shall be defined as set forth in this section unless the context clearly requires otherwise or a different definition is prescribed for a particular provision.

Acceptable system shall mean the collection, treatment and disposal of sewage wastes in a manner consistent with modern technical standards and generally regarded as a system which does not contribute to the contamination of groundwater or surface water or the spread of communicable disease.

Department shall mean the county health department or its synonyms; Leon County Public Health Unit or the health department.

Existing system shall mean an onsite sewage treatment and disposal system that is installed and operating in the county as of February 1, 1988.

Extension, when applied to onsite sewage treatment and disposal systems, shall mean addition of drainfield to an existing system, where the existing system is not adequate in size or efficiency to distribute the existing or proposed sewage flow.

Heavy loading appliances shall include all appliances used in mechanical process of clothes washing, dish washing, and the grinding and/or disposing of food wastes.

Laundry waste shall mean the liquid wastes from washing machines, laundry sinks or other clothes-washing devices.

100-year flood elevation shall mean that flood elevation which has a one in 100 probability of being equaled or exceeded in any calendar year. The 100-year flood elevation shall be determined by a registered professional engineer.

Person or other entity shall mean any individual, corporation, partnership, association, firm, trust or other organization, whether public or private. The word "person" includes individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

Relocation shall mean the movement of all or a part of an existing system from one location to another on the same site.

Relocation shall mean the movement of all or a part of an existing system from one location to another on the same site.

Sewage wastes shall include human, domestic and commercial wastes, liquids or other matter from plumbing fixtures and other similar wastes from household or establishment appurtenances.

Subdivision shall mean a division of any parcel of land for the purpose, whether immediate or future, of any transfer of ownership, right to possession or building development; also, the establishment of a street and the replatting of existing plats.

Unacceptable system shall mean the collection, treatment and/or disposal of sewage wastes in a manner which is not consistent with modern technical standards or contributes to the contamination of groundwater and/or surface water or the spread of communicable disease due to design flaws. Unacceptable systems include cesspools, dry wells, metal drums, open or closed pits, lagoons, bottomless tanks or any structure that discharges directly to the ground surface, ditches, canals, sinkholes or bodies of water.

Unobstructed land shall mean land (contiguous to the system) which is free of pools, concrete slabs, buildings, driveways, parking or landscape features which would prohibit, hinder or otherwise adversely affect the installation, operation or maintenance of the on-site sewage disposal system.

Sec. 18-63. Alternative means for enforcement.

In addition to the remedies set forth in section 18-97, the department, the Board of County Commissioners, or any aggrieved person may have recourse to such remedies in law and equity as may be necessary to ensure compliance with the provisions of this article, including injunctive relief to enjoin and restrain any person or other entity violating its provisions and such damages as may be sustained by virtue of a violation of this article, together with all costs and expenses involved in the case.

Sec. 18-64. Purpose.

The purpose of this article is to promote and protect the health, safety and general welfare of the citizens of the county by establishing local regulations above and beyond those found in

F.S. ch. 381 and F.A.C. ch. 64E-6 regarding the design, construction, installation, maintenance and repair of onsite sewage treatment and disposal systems.

Sec. 18-65. Appeal from permit denial.

Any person aggrieved by a determination of the department as to the issuance or denial of a septic tank permit shall have the right to appeal the decision as follows:

(1) If the appeal relates to F.A.C. ch. 64E-6 standards, the aggrieved person may appeal to the state variance review board or as otherwise indicated in this article. Application forms may be obtained from the department.

(2) If the appeal relates to a standard included in this article, over and above F.A.C. ch. 64E-6 standards, the aggrieved person shall be entitled to a hearing conducted by a hearing officer designated by the Board of County Commissioners. A request for a hearing pursuant to this paragraph shall be made in writing to the department. A hearing shall be held within 30 days from the date of receipt of the request for hearing by the department.

Sec. 18-66. Evaluation for subdivisions and parcels.

~~(a)~~ (1) Any subdivision developed, designed, platted, recorded or unrecorded after February 1, 1988 which proposes the use of onsite sewage treatment and disposal systems shall be evaluated by the department for suitability prior to recommendations being made to the technical coordinating committee. The evaluation process shall consist of the investigation and determination of the suitability of the subdivision to accommodate onsite sewage treatment and disposal systems based on the following parameters in addition to those required under F.A.C. ch. 64E-6:

~~(1)~~ (a) Overall density of onsite sewage treatment and disposal systems.

~~(2)~~ (b) Estimated wet-season water table.

~~(3)~~ (c) Soil texture.

~~(4)~~ (d) Slope of the land and drainage features.

~~(5)~~ (e) Flood elevations.

~~(b)~~ (2) Proposed subdivisions shall receive an overall rating of satisfactory, marginal, conditional or unsatisfactory based on these criteria. Recommendations from the department shall be made in writing to the Staff Technical Review Committee assigned to review the project by the Leon County Growth and Environmental Management Department.

~~(c)~~ (3) A standardized rating and evaluation procedure shall be developed by the department and made available to all interested parties for guidance in the planning of proposed subdivisions.

~~(d)~~ (4) Any subdivision that receives an overall rating of conditional or unsatisfactory shall include, on the final plat, the type of systems required to overcome the noted limitations.

~~(e)~~ (5) In addition to the criteria set forth in subsections ~~(a)~~ (1) through ~~(d)~~ (4) above, lots in subdivisions and parcels will be considered on the basis of an evaluation of soil characteristics, water table elevations, history of flooding, records of service of existing installations in the same general area and adequate stormwater drainage.

Sec. 18-67. Standards.

~~(a)~~ (1) The base standard and definitions for this article shall be those standards and definitions found in F.A.C. ch. 64E-6 ("Standards for Onsite Sewage Treatment and Disposal Systems," Part I), and are hereby incorporated into this article as if fully set out herein, and shall be met by any and all persons, or other entities desiring to construct, install, operate or repair a system in the county.

~~(b)~~ (2) All systems, as defined in this article, constructed, installed or repaired in the county after February 1, 1988, shall conform to the requirements of this article.

~~(c)~~ (3) Any system installed before February 1, 1988 which was inspected and approved by the department may continue to be lawfully used as approved; provided, however, if a failure of the system necessitates reconstruction or repair, such reconstruction or repair shall conform to the requirements of F.A.C. ch. 64E-6.

~~(d)~~ (4) Any system which must be mounded, as a condition of the permit, shall receive prior approval from the Leon County Growth and Environmental Management Department for the placement of fill on the property. A copy of the approval must be provided to the county health department prior to the construction permit being issued. This requirement shall also apply to any application where a portion or all of the lot or site is proposed to be elevated.

~~(e)~~ (5) The plot plan, site plan or sketch plan used for the purpose of obtaining a system permit shall also be used for the purpose of obtaining all other county permits, including building, stormwater, landscape or any other necessary permits.

~~(f)~~ (6) The area adjacent to the proposed drainfield location shall be unobstructed and clearly shown on the plot plan.

~~(g)~~ (7) All information relative to the construction of the system shall be identified on the site plan submitted to the department for permit approval. Where the proposed installation site is within the 100-year floodplain, this information shall include, a benchmark, established on site by a professional land surveyor or registered engineer, from which the 100-year flood may be referenced.

~~(h)~~ (8) Drainfield sizing shall be in accordance with the standards established in this article and F.A.C. ch. 64E-6 except for sandy clay loam textured soils. For new systems in a

trench configuration only, when a soil loading rate of 0.65 gallons per square foot per day is determined using the provisions of F.A.C. ch 64E-6 and the USDA soil texture is sandy clay loam, the drainfield shall be sized using a loading rate of 0.50 gallons per square foot per day. Loading rates for bed configurations shall be in compliance with F.A.C. ch. 64E-6. There shall be an exception made for systems in a trench configuration installed in sandy clay loam textured soils where the estimated sewage flows are equal to 500 gallons per day. The drainfield size for estimated sewage flows equal to 500 gallons per day shall be no less than 990 square feet.

Sec. 18-68, 18-69. Reserved.

Sec. 18-70. Heavy loading appliances.

~~(a)~~ (1) Additional treatment of wastes from heavy loading appliances is required when soil limitations, at the proposed system installation site, are rated as moderate or severe for septic tank use. The "USDA Soil Survey of Leon County, Florida," along with a site evaluation by the department, shall be used for this determination.

~~(b)~~ (2) The septic tank and drainfield sizing requirements, as described in F.A.C. ch. 64E-6, shall be used with the following additions:

~~(1)~~ (a) Where more than one heavy loading appliance is proposed for use, a secondary tank or interceptor installed in series with the main septic tank, shall be required. The tank shall be a minimum of 250 gallons in size and shall meet all applicable (structural) requirements of F.A.C, ch. 64E-6.

~~(2)~~ (b) Laundry wastes may be separated from the main septic tank system when the following conditions are met:

~~a.~~ 1. There is no reduction in the size of the main septic tank.

~~b.~~ 2. Laundry waste tanks meet the sizing requirements of F.A.C.-ch 64E-6 and contain at least 125 square feet of drainfield or an amount prescribed by F.A.C. ch. 64E-6.

~~c.~~ 3. Where soils rated as moderate or severe, for onsite sewage treatment and disposal system use due to slow percolation rates, unusual conditions exist, or the number of bedrooms is more than four, the department may require additional drainfield in excess of the Florida Administrative Code requirement.

~~(3)~~ (c) The secondary tank or interceptor may be utilized as a pump chamber in the event that the onsite sewage treatment and disposal system needs repair which requires a pump to elevate the effluent to a newly installed drainfield, provided the tank has been certified as structurally sound by a registered septic contractor and meets the sizing requirements for pump tank capacities in F.A.C., ch. 64E-6.

~~(4)~~ (d) A secondary tank or interceptor shall not be required where two separate tanks, installed in series, are used to make up the total required tank volume, provided that the total volume of the tanks in series exceeds the required minimum tank volume by 250 gallons or more.

~~(4)~~ (e) Whenever a separate tank is required, all plumbing for the tank shall be stubbed out within ten feet of the main septic tank system. This requirement can be waived for laundry waste systems at the discretion of the department.

Sec. 18-71. Floodprone areas.

~~(a)~~ (1) Systems shall be installed so that the bottom surface of the drainfield is no more than 12 inches below the 100-year floodplain.

~~(b)~~ (2) System installations proposed within the 100-year floodplain shall be accompanied with a signed and sealed flood letter from a registered professional engineer indicating the elevation of the 100-year flood at the proposed system installation site and so noted on the plot plan.

~~(c)~~ (3) Maintaining the bottom surface of the drainfield 12 inches below the 100-year flood elevation does not override the 24-inch separation from the bottom of the drainfield to the estimated wet-season water table described in F.A.C. ch. 64E-6. Both requirements must be met.

~~(d)~~ (4) Systems shall not be installed in areas that are subject to failure because of inadequate, artificial or natural stormwater facilities.

~~(e)~~ (5) Estimation of the wet-season water table in sandy clay loam, sandy clay or clay type soils shall be done during the wet-season and at a time when the groundwater table is at or near its seasonal high elevation, when the following situations exist:

~~(1)~~ (a) Documented and recurring perched water tables.

~~(2)~~ (b) Failure or lack of a stormwater system to adequately collect, transport and dispose of excess water from the subdivision.

~~(3)~~ (c) Reported and/or documented cases of septic tank failures in the vicinity.

~~(4)~~ (d) Insufficient evidence in the soil to accurately predict the estimated wet-season water table.

Sec. 18-72. Lake Jackson Special Development Zone.

~~(A)~~ (1) Zone A. Wetland and floodplain ecotone, from elevation 89 feet NGVD or the water's edge, whichever provides the greater protection, to 100 feet NGVD.

~~(1)~~ (a) Onsite sewage treatment and disposal system standards:

~~a.~~ 1. Minimum lot size of one acre, net useable land, exclusive of all paved areas, public rights-of-way, and prepared road beds within easements, and exclusive of streams, lakes, drainage ditches, marshes, or other bodies of water, and wetlands as determined by the state department of environmental protection or the director of Growth and Environmental Management.

~~b.~~ 2. Onsite sewage treatment and disposal systems shall be sized according to the predominant naturally occurring soil type beneath the proposed system or a maximum sewage loading rate of one gallon per square foot per day, whichever yields a greater size drainfield.

~~c.~~ 3. No portion of any onsite sewage treatment and disposal system, with the exception of self-contained composting systems, shall be located within 75 feet up land of elevation 89 feet NGVD, within 75 feet of any water body or watercourse or jurisdictional limit of a wetland as determined by the state department of environmental protection or the director of Growth and Environmental Management, or within any 100-year floodplain area.

~~d.~~ 4. An existing, previously platted lot or lot or record existing on January 15, 1990, when used for single-family residential use, shall be exempt from the standards of this subsection but shall comply with all other applicable laws, ordinances and regulations relating to onsite sewage treatment and disposal systems. Existing onsite sewage treatment and disposal systems may be replaced by the same size or larger systems as

required by other applicable laws, ordinances and regulations relating to onsite sewage treatment and disposal system, except where sanitary sewer is available.

Sec. 18-73. ~~Killearn Lakes Units I and II Special Development Zone.~~

~~(A) Within the platted subdivisions known as Killearn Lakes Unit I, recorded in the Public Records of Leon County at Plat Book 6, Page 26 A-L, and Killearn Lakes Unit II, recorded at Plat Book 6, Page 39, the following onsite sewage treatment and disposal system standards shall apply:~~

~~(1) No mound systems, as defined in this article, shall be permitted;~~

~~(2) All systems shall be required to either:~~

~~(a) utilize aerobic treatment units (ATUs) as defined in Section 64E-6.002, Florida Administrative Code, meeting the standards for construction, maintenance and operation set forth in Section 64E-6.012, Florida Administrative Code; or~~

~~(b) utilize an alternative treatment system or performance based systems, as defined in Chapter 64E-6, Florida Administrative Code, demonstrated to produce an effluent quality consistent with the standards in required in Chapter 64E-6 for ATUs;~~

~~(3) All systems must be designed and sealed by a Florida registered professional engineer;~~

~~(4) The design engineer must demonstrate that the system will have no adverse impact on the function of existing onsite sewage treatment and disposal systems in the subdivision, nor an adverse impact on~~

~~the stormwater drainage system for the subdivision and the subsurface ground water quantity or quality;~~

~~(5) The design engineer must sign and seal a no adverse impact letter in substantially the following form:~~

~~"I hereby certify that development of Lot ____ Block ____ Killearn Lakes Unit ____ as designed, will have no adverse impact to existing development with respect to stormwater drainage, subsurface ground water and/or the satisfactory function of existing onsite sewage treatment and disposal systems for a period of five (5) years."~~

~~and;~~

~~(6) The design engineer must guarantee the system against failure for a period of five years from the date of installation and secure a bond to assure same, in a reasonable amount to be determined by the county.~~

Primary Springs Protection Zone Special Development Zone

(1) The Primary Springs Protection Zone (PSPZ) shall be that area of Leon County within the PSPZ boundary as approved and adopted by the Board of County Commissioners.

(2) Within the PSPZ the following additional special development standards shall apply to the use of onsite sewage treatment and disposal systems (OSTDS):

(a) Newly created and existing undeveloped lots or parcels, where a central sewer system is not available, as defined in ch. 64E-6, F.A.C., may utilize an OSTDS under the following conditions:

1. A performance-based OSTDS shall be use that is tested and certified by the National Sanitation Foundation (NSF) or an equivalent American National Standards Institute (ANSI) accredited independent third party testing and certification organization in accordance with NSF/ANSI Standard 245. The average effluent quality of the OSTDS shall be no more than 10 milligrams per liter (mg/L) Total Nitrogen at the outlet of the final treatment chamber or reduces the effluent Total Nitrogen concentration by a minimum of seventy percent (70%). Performance-based systems shall comply with the applicable standards of ch. 64E-6, F.A.C.

2. A drip irrigation drainfield system shall be used in conjunction with the performance based OSTDS. Until such time as drip irrigation drainfields are approved for commercial waste, a low pressure dosing drainfield shall be used for commercial applications. Alternative drainfield configurations may be approved by the Health Department provided that the applicant can demonstrate the same level of treatment and Nitrogen reduction as a drip irrigation drainfield. Applicable provisions of ch. 64E-6, F.A.C., shall apply to the use of drip irrigation, low pressure dosing and alternative drainfields.

(b) Existing residential, multi-family, commercial establishments and industrial manufacturing zoned properties or its equivalent served by an

OSTDS which requires modification as specified in ch. 64E-6.001(4), F.A.C., shall comply with the provisions of section 18-73 (2)(a)(1) and (2) of this chapter.

(c) All residential, multi-family, commercial establishments and industrial manufacturing zoned properties or its equivalent served by an OSTDS, where the OSTDS fails to function in a sanitary manner or which results in the discharge of untreated or partially treated wastewater onto the ground surface, into surface water, into ground water, or which results in the failure of the building plumbing to discharge properly, shall comply with the provisions of section 18-73(2)(a)(1) and (2) of this chapter.

1. Property owners of a single family residence where an OSTDS requiring repair is located may request an exemption from the above repair standards provided:

a. The single family residence is the property owner's primary residence and the owner resides on the premises.

b. The property owner can demonstrate that the household income is at or below 80% of the most current Florida Housing Finance Corporation Income Limits Schedule. The Health Department shall establish criteria for determining income eligibility.

c. The market value of the home as determined by the Leon County Property Appraiser, is at or below the current value

threshold as specified in the current Local Housing Assistance Plan.

d. The repair shall be brought into full compliance with ch. 64E-6, F.A.C., new OSTDS construction standards with respect to drainfield sizing and water table separation.

(3) OSTDS Maintenance Requirements:

(a) All residences, multi-family, commercial establishment and industrial manufacturing zoned properties or its equivalent served by a performance-based OSTDS installed within the PSPZ shall obtain and maintain an operating permit in compliance with ch. 64E-6.27(6), F.A.C.

(b) Systems repaired under the exemption in sec. 18-73(2)(c)(1) shall have the following additional requirements:

1. Obtain an operating permit from the Health Department.

2. Operating permits shall be valid for a period of five (5) years.

3. Operating permit fees shall be established at $100.00.

4. Systems shall be visually inspected by Health Department staff to ensure proper function at least once during the life of the operating permit.

5. Property owners shall have the septic tank(s) pumped of its contents and the tank visually inspected for structural integrity by an individual or entity licensed and/or registered in the State of Florida to perform such services once during the life of the operating permit. The property owner or their representative shall

provide documentation of the pump-out and inspection to the Health Department at the time of permit renewal.

Secs. 18-74--18-90. Reserved.

DIVISION 2. RESERVED

Secs. 18-91--18-115. Reserved.

Section 2. Conflicts. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail over any part of this ordinance which is inconsistent, either in whole or in part, with the said Comprehensive Plan.

Section 3. Severability. If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Effective Date. This ordinance shall have effect upon becoming law.

DULY PASSED AND ADOPTED by the Board of County Commissioners of Leon County, Florida, this _____ day of _____, 2009.

LEON COUNTY, FLORIDA

By: _____
Brian Desloge, Chairman
Board of County Commissioners

Attest:
Bob Inzer, Clerk of Circuit Court

By: _____
Clerk

Approved as to form:
County Attorney's Office
Leon County, Florida

By: _____
Herbert W. A. Thiele, Esq.
County Attorney