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BCC #14

ORDINANCE  
NUMBER 2015 - 050

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING CHAPTER 3-8, ARTICLES II AND IV, OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA, "WATERS AND SEWERS;" AMENDING SECTION 3-8-41 BY REVISING PROVISIONS RELATING TO MANDATORY CONNECTION TO AVAILABLE WASTEWATER SYSTEMS, AND DELETING THE REQUIREMENT FOR MANDATORY CONNECTION TO A POTABLE WATER DISTRIBUTION SYSTEM; ADDING A NEW SECTION 3-8-42 RELATING TO MANDATORY CONNECTION TO AVAILABLE PRIVATE POTABLE WATER DISTRIBUTION SYSTEMS; DELETING SECTIONS 3-8-43, 3-8-44, AND 3-8-103; REVISING SECTION 3-8-233 RELATING TO MANDATORY CONNECTION TO PUBLIC POTABLE WATER DISTRIBUTION SYSTEMS; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT  
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RECITALS:


WHEREAS, Chapter 153, Part II, Florida Statutes provides for the establishment, financing and operation of County-owned water and sewer systems; and

WHEREAS, Section 381.00655, Florida Statutes mandates abandonment of septic systems and connection of developed real property to available central wastewater systems; and

WHEREAS, covenants included in bonds issued by Charlotte County to finance Charlotte County's central potable water system state that in order to better secure the prompt payment of principal and interest on the bonds, as well as for the purpose of protecting the health and welfare of the inhabitants of Charlotte County, the County will require owners of property that is contiguous to any street or public way containing a water line that is part of the County's utility system to connect to that system within a reasonable time; and

WHEREAS, the Board of County Commissioners has determined to amend its existing code to clarify the regulations relating to mandatory connection to public and private water and wastewater utilities.

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

 " MIN

1  
2 Section 1. Section 3-8-41, *Water and wastewater connections*, in Article II,  
3 Division 4, Chapter 3-8 of the Code of Laws and Ordinances of Charlotte County,  
4 Florida, is hereby amended as follows (underlined sections are additions, strikethrough  
5 sections are deletions throughout this Ordinance):  
6

7 ~~Sec. 3-8-41. Water and wastewater connections.~~  
8

9 ~~All existing and new residential development shall tie into a centralized sanitary~~  
10 ~~wastewater and potable water system where such connections are located contiguous~~  
11 ~~to the right-of-way which contains these utilities and within one hundred (100) feet of the~~  
12 ~~projection of any property corner normal to the utility lines, and the facility has sufficient~~  
13 ~~capacity to accommodate the development. In addition, all commercial, industrial, and~~  
14 ~~high density multi-family development property located within one hundred (100) feet of~~  
15 ~~a main line extension for the above-described utility lines shall be required to connect to~~  
16 ~~these available utilities provided the facility has sufficient capacity to accommodate the~~  
17 ~~development. Parcels of five (5) acres or more with a single-family residential unit shall~~  
18 ~~be exempt from the requirement of this policy. All such connections shall be made in~~  
19 ~~accordance with the rules and regulations which shall be adopted from time to time by~~  
20 ~~the board, which rules and regulations shall provide for a charge for making such~~  
21 ~~connections in such reasonable amount as the board may fix and determine by~~  
22 ~~resolution, or in the case of a private utility, the rules and regulations adopted by the~~  
23 ~~utility and approved by the board.~~  
24

25 **Sec. 3-8-41. Connection to Available Wastewater System Required.**  
26

27 (a) All developed property must connect the plumbing system for any structure on the  
28 property to an available public or private wastewater system within three hundred sixty-  
29 five (365) days after written notification by the public or private wastewater system that  
30 the system is available for connection.  
31

32 (b) "Available," for purposes of this section, means that the public or private wastewater  
33 system is capable of being connected to the plumbing of a structure and has adequate  
34 permitted capacity to accept the wastewater to be generated by the structure, and:  
35

36 (1) For developed residential property, or any non-residential structure that has  
37 an estimated wastewater flow of 1,000 gallons per day or less, a public or private  
38 utility's wastewater collection line exists in an easement or right-of-way that abuts the  
39 property line of the lot; or  
40

41 (2) For a non-residential structure with an estimated wastewater flow of more  
42 than 1,000 gallons per day, a public or private wastewater line, force main, or lift station  
43 exists in an easement or right-of-way that abuts the property line of the lot containing  
44 the non-residential structure, or is within 50 feet of the property line of the lot, as  
45 measured and accessed via existing rights-or-way or easements; or  
46

1           (3) For proposed residential subdivisions with more than 50 lots, for proposed  
2 commercial subdivisions with more than 5 lots, or for areas zoned or used for an  
3 industrial or manufacturing purpose, a public or private wastewater system exists within  
4 one-fourth mile of the development as measured and accessed via existing easements  
5 or rights-of-way.

6  
7           (4) For repairs or modifications within areas zoned or used for an industrial or  
8 manufacturing purpose or its equivalent, a wastewater system exists within 500 feet of  
9 an establishment's or residence's wastewater stub-out as measured and accessed via  
10 existing rights-of-way or easements.

11  
12 (c) For property located in an area that is served by Charlotte County Utilities,  
13 wastewater charges, as contained in the adopted rate resolution, shall be in effect upon  
14 connection, or beginning one hundred eighty (180) days from notification of the  
15 availability of wastewater service, whichever is less. Failure to pay such charges will  
16 result in initiation of Charlotte County Utilities' delinquency process.

17  
18 (d) All charges, including late charges and interest, for wastewater services rendered to  
19 any real property located in an area served by Charlotte County Utilities and which  
20 remain unpaid when due, shall become a lien against and upon the real property and  
21 such lien shall be superior and paramount to the interest on such parcel or property of  
22 any owner, lessee, tenant, mortgagee or other person except the lien of county taxes  
23 and shall be on parity with the lien of any such county taxes. Nothing provided herein  
24 with respect to the County's lien authority shall affect or preclude any other remedy  
25 authorized by law or ordinance that the County may have to collect delinquent charges  
26 or fees.

27  
28 (e) Any person failing to connect their property to an available public or private  
29 wastewater system within three hundred sixty-five (365) days of written notification of  
30 availability shall be guilty of an ordinance violation for each day in excess of three  
31 hundred sixty-five (365) days that the property is not connected to the wastewater  
32 system.

33  
34  
35           Section 2.    Section 3-8-42, *Connection time sequence*, in Article II, Division 4,  
36 Chapter 3-8 of the Code of Laws and Ordinances of Charlotte County, Florida, is hereby  
37 amended and retitled as follows:

38  
39 ~~Sec. 3-8-42. Connection time sequence.~~

40  
41 ~~It shall be required that connections to centralized water and wastewater systems will~~  
42 ~~be accomplished within one (1) year of availability and that any existing on-site facility~~  
43 ~~be discontinued. On-site treatment facilities include potable water wells, septic tanks~~  
44 ~~and package plants. On-site treatment facilities existing after the effective date of this~~  
45 ~~section may remain in use for a period not to exceed five (5) years from the date of the~~  
46 ~~issuance of the certificate of occupancy. Section 3-8-44 herein provides for monetary~~

1 issuance of the certificate of occupancy. Section 3-8-44 herein provides for monetary  
2 penalties for noncompliance and for extensions where severe hardship can be  
3 demonstrated in an owner-occupied dwelling.  
4

5 **Sec. 3-8-42. Connection to Available Private Potable Water Distribution System.**  
6

7 (a) All new residential and non-residential structures with a certificate of occupancy that  
8 is issued on or after November 10, 2015 must connect the plumbing system for that  
9 structure to an available private potable water distribution system prior to issuance of a  
10 certificate of occupancy for the structure.  
11

12 (b) "Available," for purposes of this section, means that the potable water distribution  
13 system is capable of being connected to the plumbing of a structure and has adequate  
14 permitted capacity to supply potable water to the structure, and:  
15

16 (1) For a residential lot or any structure that has an estimated water usage of  
17 1,000 gallons per day or less, a water line exists in an easement or right-of-way that  
18 abuts the property line of the lot or structure; or  
19

20 (2) For a non-residential structure with an estimated water usage of more than  
21 1,000 gallons per day, a water line exists in an easement or right-of-way that abuts the  
22 property or is within 200 feet of the property line of the structure as accessed via  
23 existing rights-of-way or easements; or  
24

25 (3) For proposed residential subdivisions with more than 50 lots, for proposed  
26 commercial subdivisions with more than 5 lots or for areas zoned or used for an  
27 industrial or manufacturing purpose, a potable water distribution line exists within one-  
28 fourth mile of the development as measured and accessed via existing easements or  
29 rights-of-way.  
30

31 (c) For purposes of Chapter 3-8 of this Code, the term "private potable water  
32 distribution system" means an entity that owns and operates a potable water system  
33 that is properly permitted by all applicable federal, state, and local agencies; is in  
34 regulatory compliance; and provides potable water to the public, for human  
35 consumption, through pipes or other constructed conveyances and has at least 15  
36 service connections or regularly serves at least 25 individuals daily at least 60 days out  
37 of the year, and is either (1) an investor-owned potable water utility company or (2) a  
38 non-profit corporation, association or cooperative that provides potable water service to  
39 its members.  
40

41 (d) An owner of property located on a bridgeless barrier island that contains a  
42 residential or non-residential structure that, on November 10, 2015, has an available  
43 private potable water distribution system, but the property is currently being supplied  
44 with water from an existing on-site well or cistern, shall not be required to connect such  
45 property to an available private potable water distribution system, provided the owner  
46 submits an application and is approved for an exception from the connection

1 requirement in Section 3-8-42(a) above. Such application must be submitted to the  
2 County on or before February 1, 2016, and shall include the following:

3  
4 **(1) Existing wells with a valid Southwest Florida Water Management permit**  
5 **must submit the following:**

6  
7 (i) A copy of the original permit; and

8  
9 (ii) Test results from a water sample taken by the Charlotte County Health  
10 Department, within the past thirty (30) days, indicating that the water  
11 meets the minimum water quality standards established below.

12  
13 **(2) Existing wells without a valid Southwest Florida Water Management**  
14 **District permit or cisterns must submit the following:**

15  
16 (i) If the property is served by a well, or if the property has a well that  
17 feeds into a cistern to provide water during dry periods, a report, prepared  
18 and certified by a Florida registered professional engineer, that the  
19 existing well meets all regulatory requirements, including, but not limited  
20 to, distance requirements from septic systems; and

21  
22 (ii) Test results from a water sample taken by the Charlotte County Health  
23 Department, within the past thirty (30) days, indicating that the water  
24 meets the minimum water quality standards established below.

25  
26 (e) Owners approved for an exception to the mandatory connection requirement for an  
27 existing well or cistern shall, at their own expense, have the water from the well and/or  
28 cistern tested annually for coliform bacteria and nitrates through the Charlotte County  
29 Health Department. Testing protocol shall be as contained in Chapter 64E-8 of the  
30 Florida Administrative Code. The test results must be provided to the County by the  
31 Charlotte County Health Department annually. If the results of the test indicate that the  
32 water contains coliform bacteria or that the levels of nitrates exceed ten (10) milligrams  
33 per liter, the owner shall disinfect the well or cistern and have the water retested by the  
34 Charlotte County Health Department within thirty (30) days of the date of the failed test.  
35 If the presence of coliform bacteria or high nitrate levels still is not remedied by the  
36 second test, the owner shall be required to connect the structure to an available private  
37 potable water distribution system within sixty (60) days.

38  
39 (f) The exception authorized herein shall expire on January 1, 2021. All property  
40 approved for an exception pursuant to the procedure above shall be required to file a  
41 notice, on a form provided by Charlotte County, in the Official Records, advising  
42 prospective purchasers of the property that the exception will expire on January 1, 2021  
43 and the property will be required to comply with the mandatory connection requirement  
44 in Section 3-8-42(a) on that date.

1 (g) Except as provided in Section 3-8-42(b) above, any person failing to connect their  
2 property to an available private potable water system within the applicable time period  
3 for mandatory connection shall be guilty of an ordinance violation for each day in excess  
4 of the applicable time period that the property is not connected to the potable water  
5 system.  
6  
7

8 Section 3. Section 3-8-43, *Wastewater connections required for county-*  
9 *approved certificated utilities*, in Article II, Division 4, Chapter 3-8 of the Code of Laws  
10 and Ordinances of Charlotte County, Florida, is hereby deleted as follows:  
11

12 ~~Sec. 3-8-43. Wastewater connections required for county approved certificated~~  
13 ~~utilities.~~  
14

15 ~~All connections to the water supplies of approved certificated utilities shall be~~  
16 ~~simultaneously connected to a central wastewater system or approved certificated~~  
17 ~~utility, unless the wastewater service is not available, as determined by the board. No~~  
18 ~~water service shall be provided without wastewater, exceptions determined by the board~~  
19 ~~when deemed not economically feasible.~~  
20

21 Section 4. Section 3-8-44, *Exceptions*, in Article II, Division 4, Chapter 3-8 of  
22 the Code of Laws and Ordinances of Charlotte County, Florida, is hereby deleted as  
23 follows:  
24

25 ~~Sec. 3-8-44. Exceptions.~~  
26

27 ~~(a) If after one (1) year after notice of availability by a certified utility, any owner of any~~  
28 ~~lot or parcel of land within the county shall fail or refuse to connect with and use the~~  
29 ~~facilities of the potable water or wastewater system of the certificated utility, a list of~~  
30 ~~these owners shall be forwarded to the county budget department. The budget~~  
31 ~~department will then send out certified letters to each individual who has not paid the~~  
32 ~~required connection fees. Within the letter, a request to connect will again be made~~  
33 ~~along with an enclosed form for hardship review. That form is more fully described in~~  
34 ~~subsection (c), below. The owner then has twenty (20) days to reply. If the application is~~  
35 ~~not received, the base facility charge will begin on the twenty first day.~~  
36

37 ~~If the application is received, the budget department staff shall check for completeness~~  
38 ~~and forward it to the county human services department for review to determine if the~~  
39 ~~applicant qualifies for hardship consideration, pursuant to the criteria in subsection (c)~~  
40 ~~below. If the human services department review indicates the owner does not qualify,~~  
41 ~~subsection 3-8-44(b) shall take effect. If, however, the human services department~~  
42 ~~review indicates the owner does qualify for hardship consideration, a lien shall be~~  
43 ~~placed against the property to cover the connection fees, the hardship review fee, and~~  
44 ~~any accrued base facility charges.~~  
45

46 ~~The lien shall be of equal dignity with the lien of state and county and municipal taxes.~~

1  
2 ~~The lien may be foreclosed by the county in the same manner provided by the laws of~~  
3 ~~Florida for the foreclosures of mortgages upon real estate. This lien shall be paid back~~  
4 ~~to the county in equal yearly payments over a maximum of a ten-year period or until the~~  
5 ~~property is either sold, leased or has a change of use. The yearly payment shall be due~~  
6 ~~by September 1 of each year.~~

7  
8 ~~The county shall set up a revolving fund to pay the connection fees to the utility~~  
9 ~~company and shall also pay the county human services department for its review fee.~~  
10 ~~The fund will be repaid by the yearly payment or when the property is either sold,~~  
11 ~~leased, or has a change of use.~~

12  
13 ~~(b) The county or certificated utility shall be authorized to make connections, entering~~  
14 ~~on or upon any such lot or parcel of land for the purpose of making such connections.~~  
15 ~~The base facility charge of the approved certificated utility shall apply beginning twenty~~  
16 ~~(20) days after notification to connect. The county or certificated utility shall thereupon~~  
17 ~~be entitled to recover by suit in any court of competent jurisdiction the cost of making~~  
18 ~~such connection, together with accrued base facility charges, interest, attorney's fees,~~  
19 ~~and social services department review fee. The interest, shall accrue after the twentieth~~  
20 ~~day at three (3) percentage points above the prime lending rate as published in The~~  
21 ~~Wall Street Journal, for each day, including Saturdays, Sundays, and holidays.~~

22  
23 ~~(c) The application form attached to Ordinance No. 89-26 as exhibit A, and~~  
24 ~~incorporated herein by reference, shall be used by the county budget and human~~  
25 ~~services departments for hardship determination. The criteria attached as Exhibit B, as~~  
26 ~~modified from time to time by the department of health and human services and~~  
27 ~~incorporated herein by reference, shall be used by the human services department to~~  
28 ~~determine hardship cases.~~

29  
30 Section 5. ~~Section 3-8-103, *Mandatory connection*, in Article V, Division 1,~~  
31 ~~Chapter 3-8 of the Code of Laws and Ordinances of Charlotte County, Florida, is hereby~~  
32 ~~deleted as follows:~~

33  
34 ~~Sec. 3-8-103. *Mandatory connection.*~~

35  
36 ~~The owner of each lot or parcel of land within the county upon which lot or parcel of land~~  
37 ~~any building or trailer is now situated or shall hereafter be situated and owner of a~~  
38 ~~package plant shall connect or cause such building or buildings, trailer or trailers or~~  
39 ~~package plant to be connected with the public sewer facilities of the county sewer~~  
40 ~~system within three hundred sixty five (365) days following notification to do so by the~~  
41 ~~county. All such connections and determination of availability shall be made in~~  
42 ~~accordance with the more stringent of: the potable water and sanitary sewer sub-~~  
43 ~~element of Charlotte County's Comprehensive Plan, Florida State Law, or Florida State~~  
44 ~~Regulations, including F.A.C. 64E-6, rules and regulations as adopted by the board, all~~  
45 ~~as amended from time to time. In those instances where water is available pursuant to~~  
46 ~~the Florida state laws, rules or regulations or the county's water use ordinance or other~~

1 ~~county rules and regulations, sewer will not be extended without simultaneous~~  
2 ~~extension of the water system. The charge for making any such connections shall be~~  
3 ~~made in accordance with the uniform extension policy and other rules and regulations~~  
4 ~~adopted from time to time by the board in such reasonable amount as the board may fix~~  
5 ~~and determine by resolution.~~

6  
7 ~~If after three hundred sixty five (365) days any owner of any lot or parcel of land within~~  
8 ~~the county shall fail or refuse to connect with and use the facilities of the sewer system~~  
9 ~~of the county or has failed to pay the required connection charge, a list of these owners~~  
10 ~~shall be prepared by the county utilities department. The utilities department will send~~  
11 ~~out certified letters to each individual who has not connected and/or has not paid the~~  
12 ~~required connection fees and charges. Within the letter, a request to connect will again~~  
13 ~~be made. The owner then has twenty (20) days to connect and/or pay the required~~  
14 ~~connection charges. If the owner fails to connect or pay within twenty (20) days, the~~  
15 ~~base facility charge and any other required connection charges of the county shall be~~  
16 ~~imposed beginning on the twenty first day after the request to connect and the utilities~~  
17 ~~director or his designee shall be authorized to make connections, entering on or upon~~  
18 ~~any such lot or parcel of land for the purpose of making such connections.~~

19  
20 ~~The county shall be entitled to recover by suit in any court of competent jurisdiction, the~~  
21 ~~cost of making a connection, connection fees and accrued base facility charges, usage~~  
22 ~~charges, interest, and attorney's fees and costs. The interest shall accrue after the~~  
23 ~~twentieth day at an annualized percentage rate three (3) percentage points above the~~  
24 ~~prime lending rate as published in the Wall Street Journal, for each day, including~~  
25 ~~Saturdays, Sundays, and holidays.~~

26  
27 Section 6. ~~Section 3-8-233, *Mandatory connection*, in Article VII, Chapter 3-8~~  
28 ~~of the Code of Laws and Ordinances of Charlotte County, Florida, is hereby amended~~  
29 ~~as follows:~~

30  
31 **Sec. 3-8-233. Mandatory connection to public potable water system required.**

32  
33 ~~The owner of each lot or parcel of land within the county's urban service area, as~~  
34 ~~amended, upon which lot or parcel of land any building or trailer is now situated or shall~~  
35 ~~hereafter be situated shall connect or cause such building or buildings, trailer or trailers~~  
36 ~~to be connected with the water facilities of the county's central water system within one~~  
37 ~~hundred eighty (180) days following notification to do so by the county. All such~~  
38 ~~connections shall be made in accordance with the more stringent of: the potable water~~  
39 ~~and sanitary sewer sub-element of Charlotte County's Comprehensive Plan, Florida~~  
40 ~~State Law, Florida State Regulations, or rules and regulations as adopted by the board,~~  
41 ~~all as amended from time to time. In those instances where sewer is available pursuant~~  
42 ~~to the Florida State Regulations, including F.A.C. 10D-6 or other state laws, rules or~~  
43 ~~regulations, or the county's sewer use ordinance or other county rules and regulations,~~  
44 ~~water will not be extended without simultaneous connection to the sewer system.~~  
45 ~~Property owner(s) required to connect to the county's central water system will be~~  
46 ~~required to convert any existing potable water wells on the site to irrigation wells or plug~~



1 ~~and abandon the existing water wells, in accordance with applicable state and county~~  
2 ~~laws, rules and regulations, simultaneous with connection to the county's central water~~  
3 ~~system.~~  
4

5 (a) All developed property must connect the plumbing system for any structure on the  
6 property to an available public potable water line. Said connection must be made within  
7 one hundred eighty (180) days after written notification by the public utility that the  
8 system is available for connection.  
9

10 (b) "Available," for purposes of this section, means that the potable water system is  
11 capable of being connected to the plumbing of a structure and has adequate permitted  
12 capacity to supply potable water to the structure, and:  
13

14 (1) For a residential lot or any structure that has an estimated water usage of  
15 1,000 gallons per day or less, a water line exists in an easement or right-of-way that  
16 abuts the property line of the lot or structure; or  
17

18 (2) For a non-residential structure with an estimated water usage of more than  
19 1,000 gallons per day, a water line exists in an easement or right-of-way that abuts the  
20 property or is within 200 feet of the property line of the structure as accessed via  
21 existing rights-of-way or easements; or  
22

23 (3) For proposed residential subdivisions with more than 50 lots, for proposed  
24 commercial subdivisions with more than 5 lots or for areas zoned or used for an  
25 industrial or manufacturing purpose, a county-owned water distribution line exists within  
26 one-fourth mile of the development as measured and accessed via existing easements  
27 or rights-of-way.  
28

29 ~~(c) The charge for making any~~ For property located in Charlotte County Utility's service  
30 area, such connections shall be made in accordance with the County's Uniform  
31 Extension Policy, and any rules and regulations as adopted from time to time by the  
32 board in such reasonable amount as the board may fix and determine by resolution. If,  
33 after one hundred eighty (180) days, any owner of any lot or parcel of land within the  
34 county's urban service area, as amended, shall fail or refuse to connect with and use  
35 the facilities of the potable water system of the county or has failed to pay the required  
36 connection charge, a list of these owners shall be prepared by the county utilities  
37 department. The utilities department will send out certified letters to each individual who  
38 has not connected and/or who has not paid the required connection charges. Within that  
39 letter, a request will again be made. The owner then has twenty (20) days to connect  
40 and/or pay the required connection charges. If the owner fails to connect or pay the  
41 required connection charges within the twenty (20) days period, the base facility charge  
42 of the county shall will be imposed beginning on the twenty-first day.  
43

44 ~~Furthermore, the utilities department or its designee shall be authorized to make such~~  
45 ~~connections, entering on or upon any such lot or parcel of land for the purpose of~~  
46 ~~making such connections and the county shall not be liable for trespass. The county~~

1 shall thereupon be entitled to recover by suit in any court of competent jurisdiction, the  
2 cost of making such connection, together with accrued base facility charges, usage  
3 charges, interest, attorney's fees and costs. The interest shall accrue after the twentieth  
4 day at an annualized percentage rate three (3) percentage points above the prime  
5 lending rate as published in the Wall Street Journal, for each day, including Saturdays,  
6 Sundays, and holidays.

7  
8 (d) For property located in Charlotte County Utility's service area, potable water  
9 charges shall be in effect upon connection or beginning one hundred eighty (180) days  
10 from notification of the availability of water service, whichever is less. Failure to pay  
11 such charges will result in initiation of Charlotte County Utilities' delinquency process.

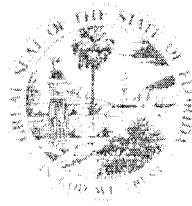
12  
13 (e) For property located in Charlotte County Utility's service area, all charges, including  
14 late charges and interest, for potable water services rendered to any real property by  
15 the county and which remain unpaid when due, shall become a lien against and upon  
16 the real property and such lien shall be superior and paramount to the interest on such  
17 parcel or property of any owner, lessee, tenant, mortgagee or other person except the  
18 lien of county taxes and shall be on parity with the lien of any such county taxes.  
19 Nothing provided herein with respect to the County's lien authority shall affect or  
20 preclude any other remedy authorized by law or ordinance that the County may have to  
21 collect delinquent charges or fees.

22  
23 (f) Non-use of well for drinking purposes. Property owners who are required to connect  
24 to a public potable water system are required to convert any existing potable water wells  
25 on the property to irrigation wells or plug and abandon such wells in accordance with all  
26 applicable laws and regulations and the well shall no longer be used for human  
27 consumption.

28  
29 (g) Any person failing to connect their property to an available public potable water line  
30 within one hundred eighty (180) days of written notification of availability, or failing to  
31 convert, plug or abandon an existing well, shall be guilty of an ordinance violation for  
32 each day in excess of one hundred eighty (180) days that the property is not connected  
33 to the potable water system or that the well has not been converted, plugged or  
34 abandoned.

35  
36  
37 Section 7. Severability. In the event any portion of the foregoing conflicts with  
38 any other Charlotte County Code or other applicable law, the more restrictive shall  
39 apply. If any section, subsection, sentence, clause, phrase, or portion of this article is  
40 for any reason held invalid or unconstitutional by any court of competent jurisdiction,  
41 such portion shall be deemed a separate, distinct, and independent provision, and such  
42 holding shall not affect the validity of the remaining portions hereof.





## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

November 16, 2015

Clerk of the Circuit Court  
Charlotte County  
18500 Murdock Circle, Room 416  
Port Charlotte, Florida 33948

Attention: Ms. Michelle DiBerardino

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Charlotte County Ordinance No. 2015-050, which was filed in this office on November 16, 2015.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb



The Board of County Commissioners of Charlotte County proposes to adopt the following ordinance:

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING CHAPTER 3-8, ARTICLES II AND IV, OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA, "WATERS AND SEWERS;" AMENDING SECTION 3-8-41 BY REVISING PROVISIONS RELATING TO MANDATORY CONNECTION TO AVAILABLE WASTEWATER SYSTEMS, AND DELETING THE REQUIREMENT FOR MANDATORY CONNECTION TO A POTABLE WATER SYSTEM; ADDING A NEW SECTION 3-8-42 RELATING TO MANDATORY CONNECTION TO AVAILABLE PRIVATE POTABLE WATER SYSTEMS; DELETING SECTIONS 3-8-43, 3-8-44 AND 3-8-103; REVISING SECTION 3-8-233 RELATING TO MANDATORY CONNECTION TO PUBLIC POTABLE WATER SYSTEMS; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

**PUBLISHER'S AFFIDAVIT OF PUBLICATION  
STATE OF FLORIDA  
COUNTY OF CHARLOTTE:**

Before the undersigned authority personally appeared Holly Vinacco, who on oath says that she is legal clerk of the Charlotte Sun and the Englewood Sun, each a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice of Public Hearing, was published in said newspaper in the issues of:

October 2, 2015

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each publication day and has been entered as periodicals matter at the post office in Punta Gorda in said Charlotte County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

A public hearing on this ordinance will be held at 10AM, or as soon thereafter as it may be heard, on the 13th day of October, 2015, in Room 119 of the Charlotte County Administration Center, 18500 Murdock Circle, Port Charlotte, Florida.

Copies of the proposed ordinance and the economic impact estimate, if applicable, are available for inspection by the general public in the Charlotte County Attorney's Office, 18500 Murdock Circle, Port Charlotte, Florida.

Interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

Should any agency or person decide to appeal any decision made by the Board with respect to any matter considered at such meeting, he will need a record of the proceeding, and for such purpose, he 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.

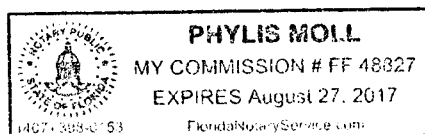
BOARD OF  
COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY,  
FLORIDA

Charlotte County Board of County Commissioners does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the County's functions, including access to and participation in meetings, programs and activities. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Security Desk, Building A of the Murdock Administration Complex. Anyone needing other reasonable accommodation or auxiliary aids and services please contact our office at 941.743.1381, TDD/TTY 941.743.1234, or by email to Terri.Hendriks@CharlotteCountyFL.gov.

(Signature of Affiant)

Sworn and subscribed before me this 2<sup>nd</sup> day of October, 2015

(Signature of Notary Public)



Personally Known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

contact our office at 941.743.1381, TDD/TTY 941.743.1234, or by email to Terri.Hendriks@CharlotteCountyFL.gov.  
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