



Interoffice Memorandum

10-01-14A10:17 RCVD

September 30, 2014

10-01-14A09:10 RCVD

TO: Katie Smith, Deputy Clerk to the Board of County Commissioners

THRU: Cheryl Gillespie, Agenda Development

FROM: Raymond E. Hanson, P. E., Director, Utilities Department

Contact: Andres Salcedo, P.E., Manager
Utilities Engineering Division
407-254-9719

RE: Request for Public Hearing Amending Certain Sections of Chapter 37, Orange County Code ("Water and Wastewater") – October 21, 2014;

TITLE OF ORDINANCE: AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY BY AMENDING CHAPTER 37 OF THE ORANGE COUNTY CODE RELATING TO WATER AND WASTEWATER; AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS TO CONTRIBUTE AN AMOUNT NOT TO EXCEED 25% OF THE TOTAL COSTS OF A SEPTIC TANK AND/OR POTABLE WELL RETROFIT PROJECT, WHERE THE TOTAL COSTS OF THE PROJECT COULD INCLUDE CAPITAL CHARGES, AND WHERE A FEDERAL OR STATE PROGRAM OR GRANT PAYS AT LEAST 75% OF THOSE TOTAL PROJECT COSTS, AND WHERE THE PROJECT MAKES WATER AND/OR WASTEWATER IMPROVEMENTS THAT SERVE OR BENEFIT SINGLE FAMILY RESIDENCES; AND AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS TO WAIVE CAPITAL CHARGES FOR SINGLE FAMILY RESIDENCES AS PART OF THE 25% CONTRIBUTION TO THE TOTAL PROJECT COSTS; AND PROVIDING AN EFFECTIVE DATE.

Applicant: Orange County Utilities

Location: All Districts

Estimated time required for public hearing: 2 minutes

10-21-14
2pm

Hearing controversial: No

Advertising requirements: Publish once in the legal notices section of a local newspaper of general circulation

Advertising timeframes: At least 10 days prior to public hearing

Hearing required by Fla. Statute # or code: Yes; Section 125.66 Florida Statutes

Spanish Contact Person: Para más información, por favor llame al Departamento de Servicios Públicos del Condado de Orange y pida hablar con un representante en español. El número de teléfono es 407-254-9900.

Materials being submitted as backup for public hearing request:

1. Copy of memo to Mayor and BCC regarding Adoption of Ordinance Amending Chapter 37 of the Orange County Code
2. Copy of proposed Chapter 37 Ordinance Amendment

SPECIAL INSTRUCTIONS TO THE CLERK (IF ANY):

1. Return one (1) stamped memo and ordinance to Luci Rowe, Utilities Department.
2. Follow the regular enactment procedure described in Section 125.66(2) Florida Statutes

c: Ajit Lalchandani, P. E., County Administrator
Christopher R. Testerman, AICP, Assistant County Administrator
Teresa Remudo-Fries, P. E., Deputy Director, Orange County Utilities
Joel D. Prinsell, Deputy County Attorney, County Attorney's Office
Glenn Kramer, Manager, Utilities Fiscal & Operational Support Division
Christine Doan, P. E., Chief Engineer, Utilities Engineering Division
Karen Allen, P. E., Senior Engineer, Utilities Engineering Division

ORANGE COUNTY NOTICE OF PUBLIC HEARING

**IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, CONTACT THE
ORANGE COUNTY UTILITIES ENGINEERING DIVISION, 407-254-9900,
Email: Utilities.DevEngineering@ocfl.net**

**PARA MÁS INFORMACIÓN, POR FAVOR LLAME AL DEPARTAMENTO DE
SERVICIOS PÚBLICOS DEL CONDADO DE ORANGE Y PIDA HABLAR CON UN
REPRESENTANTE EN ESPAÑOL. EL NÚMERO DE TELÉFONO ES 407-836-6601.**

The Orange County Board of County Commissioners will conduct a public hearing on **Tuesday, October 21, 2014 at 2:00 p.m.**, or as soon thereafter as the matter may be heard, in the County Commission Chambers, First Floor, County Administration Center, 201 South Rosalind Avenue, Orlando, Florida, regarding the following proposed ordinance:

AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY BY AMENDING CHAPTER 37 OF THE ORANGE COUNTY CODE RELATING TO WATER AND WASTEWATER; AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS TO CONTRIBUTE AN AMOUNT NOT TO EXCEED 25% OF THE TOTAL COSTS OF A SEPTIC TANK AND/OR POTABLE WELL RETROFIT PROJECT, WHERE THE TOTAL COSTS OF THE PROJECT COULD INCLUDE CAPITAL CHARGES, AND WHERE A FEDERAL OR STATE PROGRAM OR GRANT PAYS AT LEAST 75% OF THOSE TOTAL PROJECT COSTS, AND WHERE THE PROJECT MAKES WATER AND/OR WASTEWATER IMPROVEMENTS THAT SERVE OR BENEFIT SINGLE FAMILY RESIDENCES; AND AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS TO WAIVE CAPITAL CHARGES FOR SINGLE FAMILY RESIDENCES AS PART OF THE 25% CONTRIBUTION TO THE TOTAL PROJECT COSTS; AND PROVIDING AN EFFECTIVE DATE.

You are invited to attend and be heard regarding the proposed ordinance. You may examine the notice and the proposed ordinance at the office of the Comptroller Clerk of the Board of County Commissioners, 201 South Rosalind Avenue, Fourth Floor; Orlando, Florida, between 8:00 a.m. and 5:00 p.m., Monday through Friday, except Legal Holidays.

If you wish to appeal or challenge any decision made by the Board of County Commissioners at this meeting, you should ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal or challenge is to be based.

If you require special accommodations under the Americans with Disabilities Act of 1990, please call 407-836-5631 no later than two business days prior to the date of the hearing for assistance. Si usted requiere ayuda especial bajo la ley de Americanos con Incapacidades de 1990, por favor llame al 407-836-3111.

Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners
Orange County, Florida

Publish: On or before **October 11, 2014**, in *The Orlando Sentinel* Legal Classifieds

c: All Board Members' Offices [email]
County Attorney's Office, BCC [email]
Chris Testerman, Assistant County Administrator, BCC [email]
Andres Salcedo, Utilities Engineering Division, Utilities, BCC [email]
Mike Seif, Orange TV, BCC [email]
Public Drawer

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ORDINANCE NO. 2014 - ____

AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY BY AMENDING CHAPTER 37 OF THE ORANGE COUNTY CODE RELATING TO WATER AND WASTEWATER; AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS TO CONTRIBUTE AN AMOUNT NOT TO EXCEED 25% OF THE TOTAL COSTS OF A SEPTIC TANK AND/OR POTABLE WELL RETROFIT PROJECT, WHERE THE TOTAL COSTS OF THE PROJECT COULD INCLUDE CAPITAL CHARGES, AND WHERE A FEDERAL OR STATE PROGRAM OR GRANT PAYS AT LEAST 75% OF THOSE TOTAL PROJECT COSTS, AND WHERE THE PROJECT MAKES WATER AND/OR WASTEWATER IMPROVEMENTS THAT SERVE OR BENEFIT SINGLE FAMILY RESIDENCES; AND AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS TO WAIVE CAPITAL CHARGES FOR SINGLE FAMILY RESIDENCES AS PART OF THE 25% CONTRIBUTION TO THE TOTAL PROJECT COSTS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. Amendments to Section 37-4 and Section 37-5. Section 37-4 (“Connection required; extensions and oversizing”) and Section 37-5 (“Application for water, wastewater and reclaimed water services”) of the Orange County Code are amended to read as follows, with underlines showing additions and strike-throughs indicating deletions:

Sec. 37-4. Connection required; extensions and oversizing.

* * *

(a) *Connection required.*

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(2) *Connection to the wastewater system.*

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b. The owners of all properties served by individual on-site sewage disposal systems (OSDS) are required to connect to the wastewater system within three hundred sixty-five (365) days of notification that the wastewater system is available, as defined in article XVII of this chapter. Connection to the wastewater system and proper abandonment of the OSDS shall be completed at the property owner's expense (except as provided in the last clause of the following sentence) and in accordance with all requirements of this chapter and state law. All appropriate fees and charges shall be paid prior to connection in accordance with this chapter, except to the extent that the board in its sole discretion decides to make a contribution and/or waive charges under Section 37-5(a)(1),

* * *

Sec. 37-5. Application for water, wastewater and reclaimed water services.

* * *

(b) *Capital charges.*

(1) *General.* The board has established water and wastewater capital charges as further described in this section. Capital charges shall be paid by those applicants who make new connections to the water or wastewater systems; or who increase flows to the water or wastewater systems by altering the interior or the use of an existing structure. All capital charges for new construction shall be paid immediately prior to the issuance of a building permit for vertical construction. Capital charges related to modifications to an existing structure shall be paid prior to issuance of a building permit or plumbing permit for the subject structure. An Application for a building permit, including construction plans deemed minimally acceptable by OCU, is a prerequisite to the payment of capital charges. The board may specify a different time of payment for capital charges by

88 agreement, resolution, or condition of development approval.
89 Also, whenever a federal or state program pays at least 75% of the
90 total costs of a septic tank and/or potable well retrofit project
91 making wastewater and/or water improvements that serve or
92 benefit single-family residences, the board in its sole discretion
93 may contribute an amount not to exceed 25% of those total costs,
94 and may waive capital charges for single-family residences as part
of such contribution.

96 Capital charges and the rights to service related thereto shall be
97 valid only for the property specified in the application for service,
98 and the rights related to such capital charges may not be
99 transferred or sold for use on any other property. Rights to service
100 related to any ERCs/ERUs not yet connected to the utility system
101 for which capital charges have been paid may be transferred to
102 subsequent purchasers of the property referenced in the
103 application, provided that OCU receives written notification of the
104 transfer request and approves the transfer on forms prescribed by
105 OCU.

106 Applicants who paid capital charges for development not permitted
107 or connected prior to June 24, 2013 of this ordinance retain the
108 right to connect the water or wastewater flow in GPD as calculated
109 at the time of capital charge payment, subject to all applicable
110 requirements of this article.

111 Applicants who paid capital charges prior to April 3, 2012 shall be
112 subject to section 37-7 of this article regarding the refund of capital
113 charges paid and the sale or transfer of the rights to service related
114 to capital charges paid, and shall be subject to all other applicable
115 requirements of this article.

116 Capital charges are calculated as described in this article. If OCU
117 determines that, based on the ERC/ERU Factor Tables in effect
118 when the capital charges were paid, the calculated capital charges
119 for an establishment exceed the capital charges paid, due for
120 instance, to a misrepresentation by the applicant, OCU may collect
121 the additional capital charges applicable for that establishment at
122 that time.

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124 In all other respects, Section 37-4 and Section 37-5 shall remain unchanged.

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132 *Section 2. Effective date.* This ordinance shall become effective on November 1,
2014.

134 ADOPTED THIS 21st DAY OF OCTOBER, 2014.

136 ORANGE COUNTY, FLORIDA
138 By: Board of County Commissioners

140 By: _____
142 Teresa Jacobs, Mayor

142 ATTEST: Martha O. Haynie, County Comptroller
144 As Clerk to the Board of County Commissioners

146 By: _____
148 Deputy Clerk

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