

Resolution 2021-_____

A RESOLUTION OF INTENT OF THE BOARD OF DIRECTORS OF THE AMERICAN BEACH WATER AND SEWER DISTRICT OF NASSAU COUNTY, FLORIDA, TO ESTABLISH A MANDATORY WATER AND WASTEWATER CONNECTION PROGRAM; PROVIDING FOR WATER AND WASTEWATER MANDATORY CONNECTIONS FOR EXISTING DEVELOPMENT; PROVIDING FOR WATER AND WASTEWATER MANDATORY CONNECTIONS FOR NEW DEVELOPMENT; PROVIDING FOR HARDSHIP ASSISTANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 381.00655, Florida Statutes, requires 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; and

WHEREAS, the County owns and operates, through agreement, Nassau Amelia Utilities, which provides central water and wastewater services within its service area and is governed by the rules and regulations set forth in Article II, Chapter 30 $\frac{3}{4}$ of the Nassau County Code of Ordinances (the "Code"); and

WHEREAS, in Section 30 $\frac{3}{4}$ -1 of the Code, the County created the American Beach Water and Sewer District (the "District") as a dependent district to construct, and maintain water and sewer lines in the district boundaries, which consist of a coastal area that is only minimally served by central utilities; and

WHEREAS, the County is seeking state loans and grants to finance the extension of Nassau Amelia Utilities and the construction of needed central water and wastewater utilities in the District; and

WHEREAS, it benefits the County, the citizens and the environment, including the water quality of the County's water resources, to have property owners utilize central sewer service instead of onsite sewage treatment systems when available;

WHEREAS, the County has determined that certain properties located within the County have or will have central sewer service available to them as provided in Section 381.00655, Florida Statutes, and that it is in the best interest of the health, safety, and welfare of the County to establish and enforce a uniform mandatory connection policy for those properties with available services; and

WHEREAS, the County has determined that the mandatory connection policy of the County will not apply to existing development with available water services, but that said policy will apply to new development with available water services; and

WHEREAS, the County has determined that it is in the best interest of the County to assist Low Income Persons who are owners of homesteaded residential property with the financial burden that may be created by the requirement of mandatory connections.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE AMERICAN BEACH WATER AND SEWER DISTRICT AS FOLLOWS, that:

SECTION 1: FINDINGS. The above recitals are true and correct and are hereby incorporated herein by reference.

SECTION 2: INTENT. It is the intent of the Board of Directors of the American Beach Water and Sewer District to promote the utilization of the following language, as amended from time to time, to serve as the foundation in creating a mandatory connection ordinance when/if in the future a mandatory connection ordinance is required to be created by the Nassau County Board of County Commissioners.

Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

* * *

Available for purposes of wastewater services, as set forth in Section 381.0065(2)(a), Florida Statutes, means that the County or District wastewater system is capable of being connected with the plumbing of an establishment or residence, is not under a Florida Department of Environmental Protection moratorium, and has adequate permitted capacity to accept the sewage to be generated by the establishment or residence, and:

1. For a residential subdivision lot, a single-family residence, or an establishment, any of which has an estimated sewage flow of 1,000gallons per day or less, a gravity sewer line to maintain gravity flow from the property's drain to the sewer line, or a low pressure or vacuum sewage collection line in those areas approved for low pressure or vacuum sewage collection, exists in a public easement or right-of-way that abuts the property line of the lot, residence, or establishment.

2. For an establishment with an estimated sewage flow exceeding 1,000 gallons per day, a sewer line, force main, or lift station

exists in a public easement or right-of-way that abuts the property of the establishment or is within 50 feet of the property line of the establishment as accessed via existing rights-of-way or easements.

3. For proposed residential subdivisions with more than 50 lots, for proposed commercial subdivisions with more than 5 lots, and for areas zoned or used for an industrial or manufacturing purpose or its equivalent, a sewerage system exists within one-fourth mile of the development as measured and accessed via existing easements or rights-of-way.

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

Available for purposes of potable water services means that the County or District water system is capable of being connected with the plumbing of an establishment or residence, is not under a moratorium, and has adequate permitted capacity to accept supply potable water to the establishment or residence, and:

1. For a residential subdivision lot, a single-family residence, or an establishment, any of which has an estimated potable water demand of 350 gallons per day or less, a potable water line exists in a public easement or right-of-way that abuts the property line of the lot, residence, or establishment.

2. For an establishment with an estimated potable water demand exceeding 350 gallons per day, a potable water line exists in a public easement or right-of-way that abuts the property of the establishment or is within 50 feet of the property line of the establishment as accessed via existing rights-of-way or easements.

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

* * *

Continuous Compliance means the Onsite Sewage Treatment and Disposal system has not been out of compliance, at any time during the preceding twelve (12) months before the notification prescribed by Section

30 ¾ -39(c), with any rule, order, statute and/or regulation relating to the operation and maintenance of the facility of any regulatory agencies or governmental authorities having jurisdiction over that facility. If an equipment malfunction that causes a transitory or temporary violation is immediately repaired by the owners of any affected system, such malfunction shall not be deemed or construed to cause the system to be out of continuous compliance for purposes of subsection (b).

* * *

Low-Income Persons means one or more natural persons, the total adjusted gross household income of which does not exceed 80% of the median adjusted gross income for households within the metropolitan statistical area covering the County as reported by the U.S. Department of Housing and Urban Development or its governmental successor in function.

* * *

Onsite Sewage Treatment and Disposal System means any sewage treatment or disposal facility not equipped to treat to effluent reuse standards, whether serving individual buildings or units or several buildings or units, which treats or disposes of human body or household type wastes. Such systems include, but are not limited to, any system subject to Rule 6E-6, F.A.C., standard septic tank systems, performance-based septic systems, aerobic treatment units, laundry wastewater systems, grease interceptors, waterless, incinerating or organic waste composting toilets, and individual "package" sewage treatment plants which are installed or proposed to be installed on land of the owner or on other land to which the owner or owners have the legal right to install a system and which primarily serves or proposes to serve the owner's property or development.

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[underline indicates additions; ~~strikethrough~~ indicates deletions]

SECTION 3. MANDATORY CONNECTION TO WATER AND WASTEWATER FOR NEW DEVELOPMENT.:

Sec. 30¾-38. – Mandatory Connection to County Water and Wastewater for New Development.

(a) Upon development, redevelopment, or expansion of any property with Available water and/or wastewater services, the property shall be connected to the County or District's available water and/or wastewater system prior to the issuance of a Certificate of Occupancy for the property.

(b) It is unlawful for any person to construct, install or repair an onsite sewage treatment system or other similar wastewater treatment systems in or upon any property where a County or District sewage system is Available.

(c) It is unlawful for any person to construct, install or repair an onsite potable water well, except for an irrigation well where reclaimed water is not available, in or upon any property where a County or District water system is Available.

(d) All connections shall be made in accordance with the rules and regulations adopted from time-to-time for the County or District's utility system. Financial assistance may be available for owners of homesteaded residential property as provided in Section 30 ³/₄ -41.

SECTION 4. MANDATORY CONNECTION TO WASTEWATER FOR EXISTING DEVELOPMENT.

Sec. 30³/₄-39. – Mandatory Connection to County Wastewater for Existing Development.

(a) Unless exempted in accordance with Section 30 ³/₄ -39(f), the owner of an improved parcel of land with a properly functioning Onsite Sewage Treatment and Disposal System, excluding an approved onsite graywater system, shall connect the plumbing system of any improvement located thereon to an Available County or District wastewater system within 365 days after written notification that the County or District wastewater system is Available for connection. The owner of an existing Onsite Sewage Treatment and Disposal System shall also be responsible for properly decommissioning any such Onsite Sewage Treatment and Disposal System immediately after connection to the Available County or District wastewater system.

(b) The owner of an improved parcel of land with an Onsite Sewage Treatment and Disposal System that needs repairs or modification to function in a sanitary manner or to comply with the requirements of Florida law, must connect the plumbing system of any improvement located thereon to an Available County or District wastewater system within 90 days after written notification that the County or District wastewater system is Available for connection. The owner of an existing Onsite Sewage Treatment and Disposal System shall also be responsible for properly decommissioning any such Onsite Sewage Treatment and Disposal System immediately after connection to the Available County or District wastewater system.

(c) The County or District must notify the owner of the property of the availability of the central wastewater system in accordance with Section 381.00655, Florida Statutes.

(d) All connections shall be made in accordance with the rules and regulations adopted from time-to-time for the County or District's utility system. Financial assistance may be available for owners of homesteaded residential property as provided in Section 30 ¾ -40.

(e) In the event an owner fails or refuses to timely connect to the County or District wastewater system within the time prescribed herein, a monthly Base Facility Charge, as set forth in Ordinance No. 2016-08, as it may be amended, shall commence the day following the expiration of the notice period and will be billed to the owner(s) of record of the property. The County or District may also seek and employ any legally available remedy to cause or effectuate the connection to the County or District's wastewater system. In the event the County or District is required to seek a writ or order, or otherwise litigate any action compelling connection, all costs of such action experienced by the County or District, including attorney fees and court costs, may be assessed to the owner.

(f) The following exemptions are authorized from the connection requirement in Section 30 ¾ -39(a):

(1) Upon application and approval, any property owner with a properly functioning and permitted performance-based Onsite Sewage Treatment and Disposal System shall be exempt from the requirement to connect prescribed in Section 30 ¾ -39(a) for so long as the performance-based Onsite Sewage Treatment and Disposal System continues to meet all operating permit requirements as verified by annual inspection reports submitted to the County or District. Should the performance-based Onsite Sewage Treatment and Disposal System be declared a public health hazard, inoperative, require a repair or modification permit, or be included in a consent order, then upon notification from the County or District, the exemption shall be revoked and the owner shall connect in accordance with 30 ¾ -39(b).

(2) Upon application and approval, the County or District may, with the approval of the appropriate State of Florida regulatory agency, waive the connection requirement prescribed in Section 30 ¾ -39(a) for the owner of a properly functioning and permitted Onsite Sewage Treatment and Disposal System, as determined by an inspection completed by a licensed plumber or contractor specialized in such inspections within the previous 12 months, if it determines that such connection is not required in the public

interest after consideration of public health concerns. Should the Onsite Sewage Treatment and Disposal System ever be declared a public health hazard, inoperative, require a repair or modification permit, or be included in a consent order, then upon notification from the County or District, the exemption shall be revoked and the owner shall connect in accordance with 30 ¾ -39(b).

(3) Upon application and approval, any property owner with an Onsite Sewage Treatment and Disposal System other than a standard septic system shall be exempt from the connection requirement prescribed in Section 30 ¾ -39(a) if the Onsite Sewage Treatment and Disposal System has maintained Continuous Compliance. Should the Onsite Sewage Treatment and Disposal System ever be declared a public health hazard, inoperative, require a repair or modification permit, or be included in a consent order, then upon notification from the County or District, the exemption shall be revoked and the owner shall connect in accordance with 30 ¾ -39(b).

Sec. 30¾-40. – Mandatory Connection to County Water for Existing Development.

the County has determined that the mandatory connection policy of the County will not apply to existing development with available water services, but that said policy will apply to new development with available water services.

SECTION 5. HARDSHIP ASSISTANCE.

Sec. 30¾-41. – Hardship Assistance.

(a) In accordance with Section 381.00655(2)(a), Florida Statutes, there is hereby created an economic hardship assistance program to assist the owners of homesteaded residential property who meet the definition of Low Income Persons with the financial obligations associated with the mandatory connection requirements prescribed in Section 30 ¾-39 of the Nassau County Code of Ordinances.

(b) Upon application and approval, an owner of homesteaded residential property who meets the income level and asset guidelines established by the County for Low Income Persons shall be eligible to pay any connection fees charged by the County or the District without interest in monthly installment over a period not to exceed five years. Alternatively, at the County's discretion the connection fees may be collected as a non-ad valorem assessment in accordance with Section 197.3632, Florida Statutes, over a period not to exceed ten years.

(c) Applicants for this hardship assistance shall provide written documentation satisfactory to the County in order to qualify for such assistance, including:

- (1) The name and address of all owners and occupants of the homesteaded residential property;
- (2) The address and legal description of the homesteaded residential property;
- (3) Proof of total household income from all sources for all owners and occupants and any other documentation required to demonstrate qualification as a Low Income Person; and
- (4) Such other information relating to the application as may be reasonably requested.

(d) Applications for hardship assistance shall be qualified in accordance with the same procedures used by the County to qualify applicants for the State Housing Initiative Partnership (SHIP) program.

(e) The County Manager, or designee, shall review any applications and such other supporting data that may be filed therewith and make such further investigation as may be reasonably required to approve or deny any applications in accordance with the provisions of this Section.

PASSED AND DULY ADOPTED by the Board of Directors of the American Beach Water and Sewer District of Nassau County, Florida, this ____ day of _____, 2021.

**BOARD OF DIRECTORS OF THE AMERICAN
BEACH WATER AND SEWER DISTRICT OF
NASSAU COUNTY, FLORIDA**

Its: Chairman

Attest as to Chairman's signature:

JOHN A. CRAWFORD
Its: Ex-Officio Clerk

APPROVED AS TO FORM BY THE
NASSAU COUNTY ATTORNEY:

MICHAEL S. MULLIN

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