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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, **SITTING AS THE ENVIRONMENTAL CONTROL BOARD**, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-068, AS AMENDED, AS FOLLOWS: **ARTICLE 15 - HEALTH REGULATIONS:** CHAPTER B, (PBC ENVIRONMENTAL CONTROL RULE II) DRINKING WATER SUPPLY SYSTEMS; CHAPTER C, GENERAL THRESHOLD REVIEW; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

**WHEREAS**, the Palm Beach County Environmental Control Act, Chapter 77-616, Laws of Florida, as amended, authorized the Palm Beach County Board of County Commissioners to sit as the Palm Beach County Environmental Control Board to adopt, amend, or repeal various Environmental Control Rules; and

**WHEREAS**, pursuant to its authority, the Environmental Control Board adopted Environmental Control Rule II, concerning Drinking Water Supply Systems; and

**WHEREAS**, pursuant to Section 163.3202, Florida Statutes, the Board of County Commissioners sitting as the Environmental Control Board codified these rules into the Unified Land Development Code, Ordinance 03-068, as amended from time to time; and

**WHEREAS**, the County has received public participation and input regarding these Environmental Control Rules through the Land Development Regulation Advisory Board; and

**WHEREAS**, the Board of County Commissioners hereby elects to conduct its public hearings on this Ordinance at 9:30 a.m.; and

**WHEREAS**, public hearings have been held in conformance with the requirements set forth in Section 125.66, Florida Statutes, and the Palm Beach County Environmental Control Act.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, SITTING AS THE ENVIRONMENTAL CONTROL BOARD, AS FOLLOWS:**

**Section 1. Adoption**

The amendments set forth in Exhibit A, Article 15, Health Regulations, attached hereto and made a part hereof, are hereby adopted.

**Section 2. Interpretation of Captions**

All headings of articles, sections, paragraphs, and sub-paragraphs used in this Ordinance are intended for the convenience of usage only and have no effect on interpretation.

**Section 3. Repeal of Laws in Conflict**

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

**Section 4. Severability**

1 If any section, paragraph, sentence, clause, phrase, word, map diagram, or any other  
2 item contained in this Ordinance is for any reason held by the Court to be unconstitutional,  
3 inoperative, void, or otherwise invalid, such holding shall not affect the remainder of this  
4 Ordinance.

5 **Section 5. Savings Clause**

6 All development orders, permits, enforcement orders, ongoing enforcement actions, and  
7 all other actions of the Board of County Commissioners, the Environmental Control Hearing  
8 Board, the Environmental Appeals Board, all other County decision-making, enforcement, and  
9 advisory boards, Special Masters, Hearing Officers, and all other County officials, issued  
10 pursuant to the regulations and procedures established by prior Palm Beach County land  
11 development regulations, shall remain in full force and effect.

12 **Section 6. Inclusion in the Unified Land Development Code**

13 The provisions of this Ordinance shall be codified in the Unified Land Development Code  
14 and may be reorganized, renumbered or re-lettered to effectuate the codification of this  
15 Ordinance.

16 **Section 7. Providing for an Effective Date**

17 The provisions of this Ordinance shall become effective upon filing with the Department  
18 of State.

19  
20 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach  
21 County, Florida, sitting as the Environmental Control Board, on this 23rd day of  
22 February, 2017.

23

SHARON R. BOCK, CLERK &  
COMPTROLLER

By:   
Deputy Clerk

PALM BEACH COUNTY, FLORIDA, BY  
ITS BOARD OF COUNTY  
COMMISSIONERS

By:   
Paulette Burdick, Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By:   
County Attorney

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**EFFECTIVE DATE:** Filed with the Department of State on this 2nd day of  
March, 2017



EXHIBIT A

ARTICLE 15, HEALTH REGULATIONS  
SUMMARY OF AMENDMENTS

Part 1. ULDC Art. 15.B.8.A, Design Criteria [Related to Construction and Design Requirements] (page 12 - 13 of 24), is hereby amended as follows:

CHAPTER B (PBC ENVIRONMENTAL CONTROL RULE II) DRINKING WATER SUPPLY SYSTEMS

Section 8 Construction and Design Requirements

A. Design Criteria

17. All existing community systems serving 350 or more persons and all newly proposed community systems shall be equipped with a source of auxiliary power to allow operation of the raw water supply, water treatment units and pumping capacity. In addition, such systems shall be provided with automatic start up devices except where elevated storage or 24 hour per day, seven day per week operation is provided. Such emergency power shall be of a sufficient capacity to operate the water supply facility at average daily design capacity. A minimum fuel supply for 14 days of continuous operation for each item of auxiliary power shall be maintained at the wWater or Wastewater ~~†~~Treatment ~~p~~Plant or under the control of the utility and reserved for the wWater or Wastewater ~~†~~Treatment ~~p~~Plant. Any fuel pumps required to transfer the fuel to the auxiliary power units shall be equipped with their own auxiliary power or manual pumping system. [Ord. 2005 – 003]

19. Disinfection

c. A minimum of two chlorination facilities at the wWater or Wastewater ~~†~~Treatment ~~p~~Plant shall be provided for each community water system. Each chlorinator shall be of adequate capacity to supply the total demand of the raw water at the rated capacity of the treatment plant. Where more than two chlorinators are available, adequate capacity to supply the total chlorine demand of the raw water shall be provided with the largest unit out of service. Disinfection other than chlorination will be considered on an individual basis by the Department.

20. Water or Wastewater Treatment Plant and Storage

The approved design capacity shall be adequate to provide for the maximum day demand plus fire flow requirements and maintain the water quality standards specified in this Article.

21. Distribution

f. When the distribution demand, as determined in Art. 15.B.8.A.21.a, above, reaches 80 percent of approved design capacity the supplier of water shall initiate the procedures for wWater or Wastewater ~~†~~Treatment ~~p~~Plant expansion. In the event expansion procedures are not initiated, the system shall be considered inadequate for additional distribution expansion, and approval for additional distribution expansion shall not be granted unless otherwise justified by an engineering report covering the circumstances and approved by the Department

g. When the distribution demand, as determined in Art. 15.B.8.A.21.a, above, reaches 90 percent of the approved design capacity, the supplier of water shall have the wWater or Wastewater ~~†~~Treatment ~~p~~Plant expansion under construction. In the event construction is not underway, the system shall be considered inadequate for additional distribution expansion and approval for additional distribution expansion shall not be granted unless otherwise justified by an engineering report covering the circumstances and approved by the Department.

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Notes:

Underlined indicates new text.

~~Stricken~~ indicates text to be ~~deleted~~. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets [Relocated to: ].

*Italicized* indicates text to be relocated. Source is noted in bolded brackets [Relocated from: ].

.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT A

ARTICLE 15, HEALTH REGULATIONS  
SUMMARY OF AMENDMENTS

1 Part 2. ULDC Art 15.C.1.A, Purpose, (page 19 of 24), is hereby amended as follows:

2 CHAPTER C GENERAL THRESHOLD REVIEW

3 Section 1 Purpose

4 The purpose of threshold review is to provide information to the applicant and PBC on the carrying  
5 capacity of the land prior to site design.

6 A. Development on Property or Uses Requiring Threshold Review

7 Proposed development consisting of any of the following site uses shall be reviewed by the  
8 Department. In response, the Department shall advise the applicant of special rules and  
9 procedures governing development of the use:

- 10 1. ~~Sanitary Landfills or Incinerator~~;
- 11 2. Recycling Plants/ and Recycling Centers;
- 12 3. Composting ~~f~~Facility;
- 13 ~~4. Chipping and Mulching Plants~~;
- 14 ~~54. Chipping and Mulching Plants~~;
- 15 ~~65. Waste and Water or Wastewater ~~t~~reatment ~~p~~Plants~~;
- 16 ~~76. Public Bathing Places~~;
- 17 ~~87. Salvage or and Junk Yards~~;
- 18 ~~98. Air Curtain Incinerators~~;
- 19 ~~109. Bio Hazardous Waste Processing Plants~~;
- 20 ~~1110. Electric Power ~~Generation~~ Plants~~;
- 21 **[Renumber Accordingly]**

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**Notes:**

Underlined indicates *new* text.

~~Stricken~~ indicates text to be *deleted*. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to: ]**.

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## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

March 3, 2017

Honorable Sharon R. Bock  
Clerk and Comptroller  
Palm Beach County  
301 North Olive Avenue  
West Palm Beach, Florida 33401

Attention: Timothy Montiglio, Administrative Specialist II

Dear Ms. Bock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Palm Beach County Ordinance No. 2017-008, which was filed in this office on March 2, 2017.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb