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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 03-068, AS AMENDED, AS FOLLOWS: **ARTICLE 15 – HEALTH REGULATIONS**; CHAPTER A, (ENVIRONMENTAL CONTROL RULE I) ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS (OSTDS); CHAPTER B, (PBC ENVIRONMENTAL CONTROL RULE II) DRINKING WATER SUPPLY SYSTEMS; 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 I, concerning Onsite Sewage Treatment and Disposal Systems, and 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, as follows:

Section 1. Adoption

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

Section 2. Providing for 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All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.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 3. Severability

If any section, paragraph, sentence, clause, phrase, word, map, diagram, or any

1 other item contained in this Ordinance is for any reason held by the Court to be
2 unconstitutional, inoperative, void, or otherwise invalid, such holding shall not affect the
3 remainder of this Ordinance.

4

5 **Section 4. Providing for a 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

13 **Section 5. Interpretation of Captions**

14 All headings of articles, sections, paragraphs, and sub-paragraphs used in this
15 Ordinance are intended for the convenience of usage only and have no effect on the
16 interpretations of the provisions of this Ordinance and may be renumbered or re-lettered to
17 effectuate the codification of this Ordinance.

18

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

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

23


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

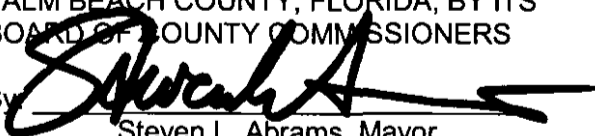
25 The provisions of this Ordinance shall become effective upon filing with the Department
26 of State.

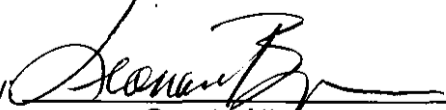
26

27 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach

28 County, Florida, on this the 24th day of January, 20 13.

29 SHARON R. BOCK, CLERK &
COMPTROLLER
By 
Deputy Clerk

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS
By 
Steven L. Abrams, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY
By 
County Attorney

30

31

32 EFFECTIVE DATE: Filed with the Department of State on the 31st day of
33 January, 20 13.

EXHIBIT A

ARTICLE 15 – HEALTH REGULATIONS
SUMMARY OF AMENDMENTS

1
2 Part 1. ULDC Art. 15.A.8.A.1.d, [Related to Conditions for Non-Approval of an OSTDS] (page 7
3 of 24), is hereby amended as follows:

4 CHAPTER A (PBC ENVIRONMENTAL CONTROL RULE I) - ONSITE SEWAGE TREATMENT AND
5 DISPOSAL SYSTEMS (OSTDS)

6 Section 8 Conditions for Non-Approval of an OSTDS

7 An OSTDS shall not be approved:

8 A. Where an existing sanitary sewer is available. A municipal or investor-owned sewage system
9 shall be deemed available for connection if the following conditions exist:

10 1. The system is not under a FDEP moratorium, the sewage system has adequate hydraulic
11 capacity to accept the quantity of sewage to be generated by the proposed establishment,
12 and the existing sewer line is within the following distance from the property:

13

14 d. For estimated sewage flows greater than 2,500 gallons per day to ~~5,000~~ 10,000 gallons
15 per day, if a sewer line (gravity or force main) exists in a public easement or R-O-W
16 which is within 1,000 feet of the property.

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19 Part 2. ULDC Art. 15.A.13 Appeals (page 7 and 9 of 24), is hereby amended as follows:

20 CHAPTER A (PBC ENVIRONMENTAL CONTROL RULE I) - ONSITE SEWAGE TREATMENT AND
21 DISPOSAL SYSTEMS (OSTDS)

22 Section 13 Appeals

23 A. Persons aggrieved by a requirement, interpretation or determination of this Article made by the
24 Department or the ECO may appeal to the EAB by filing a written notice of appeal, with the ECO
25 within 30 days from the determination to be appealed. ~~However, no appeal shall be filed which~~
26 ~~requests relief from the construction standards required under Rule 64E-6, F.A.C.~~ The notice
27 shall be accompanied by a certified check or money order, made payable to the Department to
28 defray the cost of processing and administering the appeal. The fee for filing the appeal shall be
29 ~~non-refundable and in the following amounts: in accordance with the fee schedule [PBC Code~~
30 ~~Chapter 11, Art. II Sect. 11-24]~~

31 1. ~~\$100.00 for a single family residence~~

32 2. ~~\$125.00 for all others, including, but not limited to, multiple family, commercial or~~
33 ~~subdivisions.~~

34 3. ~~However, no appeal shall be filed which requests relief from the construction standards~~
35 ~~required under Rule 64E-6, F.A.C.~~

36

37 L. Except where the relief granted is to exempt an applicant from the requirement to connect to a
38 sanitary sewer under Article 15.A.8.A, any relief granted shall automatically terminate upon the
39 availability of sewer service to the lot or parcel. Unless otherwise provided in an order issued
40 pursuant to Article 15.A.13.J, relief granted under this Article shall automatically lapse if action for
41 which the appeal was granted has not been initiated within ~~one year~~ 24 months from the date of
42 granting such appeal by the EAB or, if judicial proceedings to review the EABs decision shall be
43 instituted, from the date of entry of the final order in such proceedings, including all appeals.

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47 Part 3. ULDC Art. 15.B.13.I.2. [Related to Operation and Maintenance], (page 16 of 24), is
48 hereby amended as follows:

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

50 Section 13 Operation and Maintenance

51 I. Fire hydrant maintenance and fire flow testing shall be the responsibility of the owner of the fire
52 hydrant. Maintenance and fire flow testing shall be performed in accordance with the "Standards
53 of the American Water Works Association Manual M-17" and as indicated below: [Ord. 2006-004]

54

55 2. Fire flow testing of hydrants shall be performed on a three year cycle, such that all hydrants
56 in a system are fire flow tested at least once every three years unless recommended by the
57 manufacturer or the Department to be more frequent. Owners of fire hydrants which do not
58 utilize local fire departments or water utility departments to perform or oversee the fire flow
59 testing shall report all available results of testing to the ~~Department~~ local fire department and
60 water utility department by January 1st of each year with all hydrants accounted for within the
61 required cycle. [Ord. 2006-004]

Notes:

Underlined indicates new text. If being relocated destination is noted in bolded brackets [Relocated to:].

~~Stricken~~ indicates text to be ~~deleted~~.

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.