

ORDINANCE NO. 2010-2

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA, ENACTING AND ESTABLISHING REGULATIONS FOR CONNECTION TO THE COUNTY PUBLIC WATER, WASTEWATER, AND RECLAIMED WATER UTILITY SYSTEMS; PROVIDING A GENERAL PURPOSE AND SHORT TITLE; PROVIDING FOR MANDATORY CONNECTION TO PUBLIC UTILITIES; PROVIDING REQUIREMENTS FOR SERVICE APPLICATION; PROVIDING FOR CONSTRUCTION OF PERMANENT, TRANSITIONAL AND COMMUNITY FACILITIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE AND APPLICABILITY.

WHEREAS, the standards and requirements set forth herein for connection to public water, wastewater, and reclaimed water utility systems are necessary for the preservation and protection of the public health, safety, and general welfare; and

WHEREAS, the County intends to ensure that the development of any land within Columbia County subject to this Ordinance shall include the installation of such water, wastewater, and reclaimed water facilities as will reasonably protect the citizens and taxpayers from having to bear the cost resulting from the haphazard construction of such facilities; and

WHEREAS, the construction of public water, wastewater, and reclaimed water infrastructure is an element of community development which impacts other public facilities, roadways and adjacent lands, and the prosecution of such construction in a proper and orderly fashion is in the best interest of the public health, safety, and welfare; and

WHEREAS, the standards and requirements set forth herein are necessary for the health, safety and welfare of the citizens of Columbia County and the protection of its environment and natural resources; and

WHEREAS, the standards and requirements set forth herein are intended to benefit the public by ensuring that property owners enjoy a reasonable, beneficial, and economic use of property; and

WHEREAS, the Board of County Commissioners recognizes that the provision of water, wastewater, and reclaimed water utility services is an essential public service and is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, be it ordained by the Board of County Commissioners of Columbia County, Florida, this 25th day of March, 2010, that the following regulations be established.

ARTICLE I

GENERAL PURPOSE AND SHORT TITLE

SECTION 1.01. PURPOSE AND SHORT TITLE. This Ordinance establishes requirements for utility connections to the County's potable water, wastewater and reclaimed water utility systems, when and where available. This Ordinance shall be known and may be cited or referred to as the "Water and Wastewater Connections Ordinance."

SECTION 1.02. OVERVIEW. This Ordinance is organized into six Articles. Article I provides general applicability, including purpose, overview, policy, administration, jurisdiction and enforcement for utility connections. Article II provides for those utility connections that are mandatory. Article III provides for applications for utility connections (availability determinations), reservations of capacity, line extensions, and conditions of service. Article IV provides alternatives for construction of permanent, transitional and community facilities. Article V provides abbreviations and definitions used in this Ordinance and sets out rules for language construction. Article VI provides for severability and an effective date and applicability.

SECTION 1.03. POLICY FOR LAND DEVELOPMENT. No subdivision of real property or any act of development within the unincorporated area of the County that falls within the jurisdiction of this Ordinance (pursuant to Section 1.08 of this Ordinance) shall occur without first requesting utility service for potable water, wastewater, and reclaimed water from the County. The County shall determine the utility provider for the service area where such development is proposed. All such developments must be connected to public utility facilities, in accordance with the County's Comprehensive plan, and the owners of such properties shall pay all fees and charges prescribed for the services provided.

SECTION 1.04. AGREEMENT FOR TEMPORARY SERVICE. Connections within the County's Service Area to any public utility facility other than County Public Utility facilities must be pursuant to an agreement to provide temporary service between the public utility and the County.

SECTION 1.05. POLICY FOR PERMANENT COUNTY FACILITIES. The County shall make every reasonable effort to provide permanent potable water, wastewater and reclaimed water treatment and conveyance facilities within the County Service Area, in accordance with the County's Comprehensive Plan, Water and Wastewater Service Area Ordinance and Utility Master Plan.

SECTION 1.06. DEBT OR PLEDGE. Nothing in this Ordinance shall be construed to create a debt or general obligation of the County or a pledge of the full faith and credit or taxing power of the County.

SECTION 1.07. ADMINISTRATION. The County Manager shall administer this Ordinance. The County Manager is responsible for the development and promulgation of the necessary rules, policies, regulations, procedures and manuals that will be needed to assist County staff and Applicants with connections to County Public Utility facilities. All such rules, policies, regulations, procedures, construction and technical standards and other manuals shall be made a part of the administration of this Ordinance.

SECTION 1.08. JURISDICTION OF UNINCORPORATED COUNTY SERVICE AREAS. The County connection requirements of this Ordinance shall apply to the unincorporated areas of Columbia County identified in the County's Water and Wastewater Service Area Ordinance, Ordinance No. 2010-1, other than municipal service areas or areas served by private utilities pursuant to certificates of authority issued by the County as provided for in Ordinance No. 2007-15.

SECTION 1.09. JURISDICTION OF OTHER SERVICE AREAS. Public Utility connection requirements of the City of Lake City, Fort White or appropriate private franchisees shall apply to those areas served by those entities. Construction and technical standards established in any service area granted by the County to a private utility shall meet or exceed County standards. Within a municipal service area, construction and technical standards shall meet or exceed the standards established by that municipality.

SECTION 1.10. ENFORCEMENT.

(A) Violations. It shall be a violation of this Ordinance to fail to fully comply with any provision of this Ordinance, or to conduct, commence, or maintain any activity and/or facility prohibited by this Ordinance. Each violation shall constitute a separate offense.

(B) Code Enforcement Board. The County Manager may refer violations of this Ordinance to the County's Code Enforcement Board for enforcement action. Upon such referral, the Code Enforcement Board shall levy such fines and/or other remedies within its powers to remedy the violations of the provisions of this Ordinance.

(C) Other Legal Penalties and Remedies. Nothing herein shall preclude the County from seeking all other remedies available under general law, including without limitation:

(1) Civil actions pursuant to Chapter 403, Florida Statutes.

(2) Criminal prosecution pursuant to section 125.69, Florida Statutes, such that a Violator shall be subject to prosecution in the name of the State of Florida in the same manner as misdemeanors are prosecuted and, upon conviction, such Violator shall be punished by a fine not to exceed \$500.00 or by imprisonment in the County Jail not to exceed sixty (60) days or by both such fine and imprisonment for each such

conviction. Each day that the violation remains outstanding shall be considered a separate violation.

(3) Any other injunctive relief available to the County through appropriate legal or equitable relief actions in a court of competent jurisdiction to enforce the provisions of this Ordinance.

SECTION 1.11. LIABILITY FOR COSTS. A Violator shall be liable for all costs, including attorney's fees, attributable to any violation of this Ordinance or related policies, rules or regulations and for the costs of correcting damages due to such violations. However, payment of these costs shall not relieve the offending person from other civil or criminal penalties that may be applicable.

SECTION 1.12. PROHIBITION OF UNAUTHORIZED WORK ON COUNTY UTILITY FACILITIES.

(A) County Utility Facilities. Unless expressly authorized in writing by the County Manager, or during a County recognized emergency, no individual or organization shall tamper with, work on, or in any way alter or damage any County Utility facility; or cut into or make any connection with or alter the operation of any County Utility facility.

(B) Private Facilities. Whenever the private (Customer's) side of a utility service connection requires repair, the Customer shall request that the County Utility make adjustments to the County's side of the utility service connection if required to accommodate the repair. Such adjustments by the County shall be paid for by the Customer.

SECTION 1.13. INSPECTIONS.

(A) County Manager Reserves Rights. In order to ascertain and ensure compliance, the County Manager reserves the right to inspect, secure, and/or disconnect any and all devices, wherever located, which connect to or control any County Public Utility facility.

(B) With Reasonable Cause of Violation. Inspections by the County Manager where there is reasonable cause to believe that this Ordinance or any related ordinance, policy, rule or regulation is being violated shall be at such times and with such frequency as the County Manager deems necessary.

(C) Without Reasonable Cause of Violation. Inspections by the County Manager without reasonable cause to believe that this Ordinance or any related ordinance, policy, rule or regulation is being violated shall be conducted only during normal working hours.

(D) Consent and Entry. Upon signing an application for service, the Customer is deemed to have consented to entry by the County Manager upon the property described in the application for the purpose of conducting any inspection permitted pursuant to this Ordinance and the Customer waives the right to receive any further notice from the County Manager for inspections conducted pursuant to this Ordinance.

(E) Denial of Access. If a Customer denies access by the County Manager to any property receiving County utility service for the purpose of conducting any inspection permitted under this Ordinance such denial will constitute a violation of this Ordinance and may be grounds for immediate discontinuance of any and all County supplied utility service to the subject premises.

SECTION 1.14. EMERGENCY ACTS.

(A) Interruption. The County Manager may interrupt the delivery of County Utility service to any property for or upon which a violation of this Ordinance or any related ordinance, rule, policy, or regulation has occurred. Any such interruption will continue until restoration of County Utility service is deemed appropriate by the County Manager.

(B) Emergency Action. The County Manager may take whatever emergency action is deemed necessary and appropriate to protect persons or property from any injury, loss, or damage which may reasonably be expected to result from each specific violation of this Ordinance or of any related ordinance, rule, policy, or regulation. The Customer or other Violator shall be responsible for all costs incurred by the County for any emergency measures performed by or at the request of the County Manager as a result of such a violation attributed to the Customer or other Violator.

SECTION 1.15. NOTICES. All notices from the County, required under this Ordinance shall be in writing, and delivered by first class U.S. Mail or delivered and presented by the County Manager. All notices to the County required under this Ordinance shall be in writing and delivered by first class U.S. Mail or delivered and presented to the County Manager.

SECTION 1.16. COMPREHENSIVE PLAN. The provisions of this Ordinance are intended to be in full compliance with the Comprehensive Plan. In the event an alleged conflict arises between the provisions of this Ordinance and the Comprehensive Plan, the Board of County Commissioners shall resolve the conflict.

ARTICLE II

MANDATORY CONNECTION TO PUBLIC UTILITIES

SECTION 2.01. PURPOSE. The requirement for mandatory connection to a Public Utility facility is to protect the public health, welfare, safety, and environment, to promote water resource conservation; to eliminate inferior treatment processes, and to create economies of scale for treatment processes and conveyance operations.

SECTION 2.02. PROPOSED DEVELOPMENT. Pursuant to Section 1.03, it shall be mandatory for all proposed developments to request Public Utility services, and for all proposed developments within the County Service Area to connect to County Public Utility facilities in accordance with the County's Comprehensive Plan and this Ordinance.

SECTION 2.03. CONNECTIONS WITH WATER AND SEWER SYSTEMS. Where service is available, the owner of every lot or parcel of land within the County adopted Service Area shall connect or cause the plumbing of any building or buildings thereon to be connected with the County Water System and/or County Sewer System within six (6) months of notice of availability by the County and shall use the facilities of such systems. All such connections shall be made in accordance with the County Water and Wastewater Technical Manual and rules and regulations which shall be adopted from time to time by the Board, which rules and regulations shall provide for a charge for making connections in such reasonable amount as the Board may establish. Nothing herein shall affect liability for service charges as provided in this Ordinance or in other County ordinances. The County shall notify the owner of any affected improved lot or parcel of the availability of the central water and/or sewer service. Owners of existing buildings shall have the option of paying the amortized value of required Capacity Fees in equal monthly installments over a period not to exceed ten (10) years from the date of the initial notification of present or anticipated availability. For purposes of this subsection, "available" water and/or wastewater service shall mean, subject only to a determination by the County that supply, treatment and/or conveyance capacity exists or Connection is otherwise practicable with respect to any Connection, the following:

(A) For residential or commercial subdivisions and for areas zoned or used for an industrial manufacturing purpose or its equivalent, or a single family residence or establishment any of which has an estimated sewage flow of 1,000 gallons per day or more, if the County Water System or County Sewer System is located within 1,320 feet of the development; or

(B) A single-family residence or establishment any of which has an estimated sewage flow of 1,000 gallons per day or less, if the County Water System or County Sewer System is located within 100 feet of a Potential Customer's lot-line.

(C) "Establishment" means any buildings or properties used for human occupancy, employment, recreation or other purposes.

SECTION 2.04. TIMING OF CONNECTION. Developments served by private wastewater treatment plants operating pursuant to authority from the County that are operating out of compliance with FDEP operating permits must be connected to available County wastewater facilities within 180 days after the notice to connect is received by the development owner.

ARTICLE III

APPLICATION FOR SERVICE

SECTION 3.01. SERVICE REVIEW. Each Applicant seeking to develop property located within the unincorporated County but outside the service areas of municipalities shall apply for potable water, wastewater, and reclaimed water service from the County. The County Manager shall review such applications and determine whether service is available for the development. Each review shall review such applications and characterize the development by one or more of the following criteria:

(A) Permanent Service Is Available. The proposed development is in the County Service Area, and the County is currently able to provide permanent service or will be able to provide service in time to meet the Applicant's building schedule.

(B) Permanent Service Is Not Available But Is Planned. The proposed development is in the County Service Area, the County is not able to provide permanent service in time to meet the Applicant's building schedule, but future service is planned in the County's Utility Master Plan.

(C) Permanent Service Is Not Available But Transitional Facilities May be Appropriate. The proposed development is in the County Service Area, the County is not able to provide permanent service due to its location or infrastructure limitations, but Transitional Facilities may be an appropriate alternative under Article IV.

(D) Permanent Service Is Available but Development Is Outside County Service Area. The proposed development is not in the County Service Area, but the County is currently able to provide permanent service if permitted to do so under the provisions of the County's Comprehensive Plan.

(E) Permanent Service Is Not Available. The proposed development is not in the County Service Area and the County is not able to provide permanent service to the development.

(F) Permanent Service Will Be Subject to Special Conditions. The provision of permanent service to the proposed development will be subject to specific utility conditions established by rezoning, Utility Master Plan approval, Developer's Agreement, and/or the Development of Regional Impact process.

SECTION 3.02. SERVICE AVAILABILITY. Service shall be deemed available if the proposed connection to County Utility facilities conforms to the provisions of the Comprehensive Plan and successfully passes the tests described in this Section for system sufficiency and operational feasibility. Development within the County Service Area shall be deemed to have passed such tests and shall proceed with connection to County Utility facilities unless the County Manager approves a variance providing otherwise in compliance with established County procedures.

SECTION 3.03. TEST ONE - SYSTEM CAPACITY DETERMINATION. The County Manager shall verify that sufficient capacity in the County's Public Utility facilities exists to accommodate each proposed connection thereto before the connection is authorized. The sufficiency of capacity for connection of any development shall be determined through an engineering analysis of the capacity in an appropriate treatment plant and in the transmission system between that plant and a reasonable point-of-connection for the development.

(A) Sufficient Capacity for Proposed Development. Capacity for any Utility Service shall be deemed sufficient for any such connection if excess treatment and transmission capacity is available to provide the quality and quantity of service necessary to meet the service demands of the development pursuant to the County's conditional approval of the connection to its Public Utility facilities.

(B) Allocation of Unpermitted Treatment Capacity. The County may allocate treatment capacity for a development in excess of the permitted capacity of the Wastewater Treatment Plant that will serve it, provided that additional treatment capacity in the plant becomes available before actual annual average daily flow exceeds the plant's permitted capacity and the County is otherwise compliant with the plant's regulatory permit. Any such allocation shall require the County Manager to monitor actual plant flows; project the time at which the capacity of the facility will be exceeded; and plan, design, construct and place in operation any required capacity expansion pursuant to Rule 62-600.405, Florida Administrative Code.

(C) Building Permits and Connections Depend upon Treatment Capacity. Upon written notification from the FDEP or its designee to the County Manager that the monthly average of the actual daily flow for three consecutive months through a County Wastewater Treatment Plant has reached or exceeded 100% of its permitted average daily flow capacity, the County Manager shall suspend the issuance of Building Permits for either the construction of any structure which would be served by the plant or the connection of any development to the plant. Upon receipt of FDEP's written acknowledgement to the County Manager that the actual flow through the County Wastewater Treatment Plant no longer exceeds its permitted capacity, the County Manager may recommence issuing Building Permits and/or allowing utility connections.

SECTION 3.04. TEST TWO - OPERATIONAL FEASIBILITY. The County Manager shall determine that each proposed new connection to the County's Public Utility facilities is operationally feasible before the connection is authorized. A proposed connection shall be deemed operationally feasible if the Utility Master Plan transmission lines needed to serve the development are in service or will be in service in time to meet the Applicant's building schedule. In the event that a new connection is not operationally feasible on the basis stated above, the connection nevertheless shall be deemed operationally feasible if:

(A) The development is within a feasible distance of the point-of-connection pursuant to the applicable distance criteria specified in the Columbia County Water and Wastewater Technical Manual for similar connections.

(B) The Applicant signs a developer agreement pursuant to which Applicant agrees to fund the connection, including necessary off-site facilities, as determined by the County Manager.

(C) No existing or potential hydraulic condition or severe operations, maintenance, construction or other condition related to the proposed connection have been identified by the County Manager which would render the connection impractical or undesirable.

(D) The County Manager has not granted a lawful variance that allows the development to proceed without connection to County Public Utility facilities.

SECTION 3.05. EXTENSION OF TRANSMISSION FACILITIES. The County or Developers, pursuant to developer agreements with the County, shall construct all transmission facilities identified in the County's Utility Master Plan. Utility Master Plan transmission lines are the core facilities needed to provide service throughout the County Service Area.

SECTION 3.06. REVIEW OF UTILITY MASTER PLAN AND 5-YEAR CAPITAL IMPROVEMENTS PLAN ("CIP"). Upon request of an Applicant, the County shall review the approved Utility Master Plan and its current 5-year CIP to consider incorporation of the Applicant's requested line extension project. If the County determines it is appropriate to amend the Utility Master Plan and its 5-year CIP to include the Applicant's line extension project, the County may construct the line extension project. If the Applicant desires to accelerate the line extension project to meet the construction schedule for a planned development, the Applicant may construct the line extension project by entering into a line extension agreement with the County, as further described in Section 3.08.

SECTION 3.07. DEVELOPER RESPONSIBLE FOR CONNECTOR TRANSMISSION LINES. Depending on the location of any development, additional connector transmission lines may be needed to connect the development to the Utility Master Plan transmission lines. The Developer is responsible for the full cost for the design and construction of all connector lines from a development to a point-of-connection with the Utility Master Plan transmission facilities. The Developer shall not be entitled to reimbursement from the County for the construction of any connector transmission line unless it was oversized at the request of the County Manager or as otherwise may be provided by County ordinance, policy or rule.

SECTION 3.08. LINE EXTENSION AGREEMENTS. A Line Extension Agreement shall be required whenever an Applicant meets the conditions described in Section 3.06 and elects to construct any Utility Master Plan transmission facilities. Such

an Agreement shall provide that the Applicant is responsible for the full cost of design, construction and inspection of any Utility Master Plan transmission lines ("actual cost of construction"), as certified by the Applicant's engineer and approved by the County Manager. However, if the County Manager requires an oversizing of these Utility Master Plan transmission lines, the Applicant may be reimbursed for the oversizing costs in the manner provided by applicable County ordinance, policy or rule.

SECTION 3.09. RESERVATION OF CAPACITY. To reserve capacity in the County's Public Utility System, the Applicant must first submit an application for utility service and receive preliminary plat or preliminary plan approval for the development. The Applicant must then prepare and submit construction plans for the development or for the initial phase of the development and otherwise comply with applicable County ordinances. When construction plans are approved, the Applicant must then pay the non-refundable Accrued Guaranteed Revenue Fees ("AGRF") for the capacity that the Applicant seeks to reserve for the two (2) year capacity reservation period. The minimum amount of capacity that can be reserved is the capacity defined in the general distribution and/or collection system permits, as applicable, for the Applicant's initial phase of development. Developer shall pay AGRF for each successive phase of development.

SECTION 3.10. PRELIMINARY REVIEW. When the preliminary plat or the preliminary plan is approved, the County Manager will issue a preliminary review letter, including a Concurrency Certificate of Capacity. The Certificate of Capacity shall be valid for a period of six months or until the construction plans are approved, whichever occurs first. During that six-month period, the Applicant must complete and submit construction plans for the development or for that phase of development for which a capacity reservation is requested. If construction plans have been submitted but not approved, the County Manager may grant a three-month extension of the Certificate of Capacity.

SECTION 3.11. COMMITMENT LETTER. As required by Section 3.09, the Applicant must pay the AGRF when notified that the County Manager has approved construction plans. When the County receives the AGRF from the Applicant, the County Manager will issue a Commitment Letter and a Certificate of Capacity to reserve capacity for a two year period. Master Plan review of the entire development may be required by the County; however, the capacity reservation will be limited to the permitted capacity in the distribution and/or collection system for which construction plans were submitted.

SECTION 3.12. PAYMENT ELECTION. After the Applicant receives all required regulatory and permit approvals and prior to beginning construction of the development, the Applicant shall either: (a) elect not to go forward with the project, or (b) elect to go forward with the project.

(A) If the Applicant elects not to go forward with the project, all commitments for a reservation of capacity will be voided.

(B) If the Applicant elects to go forward with the project, the Applicant must enter into a Developer's Agreement with the County, specifying the terms for construction, and including warranty of the improvements required for the development.

SECTION 3.13. TRANSITIONAL FACILITIES. If the County is unable to provide permanent service to meet the Applicant's building schedule, the Applicant may elect to enter into an agreement with the County to construct transitional facilities pursuant to the provisions of Article IV.

SECTION 3.14. CONTRACT. Acceptance by the Applicant of the conditions of service enumerated in the Developer Agreement shall bind the Applicant to pay for the services rendered at the rates and charges prescribed by the County's Rate Resolution, and to comply with all applicable rules and regulations. Such rates and charges shall accrue and be a lien against the property to which service is provided and available, regardless of whether the property served is disconnected from service later. Once connected to the County Utility System, the Applicant agrees for itself and its successors and assigns that the County shall have the sole and exclusive right and privilege to provide potable water, wastewater and reclaimed water service to the property and to the occupants of each residence, building or unit constructed on the property to the exclusion of all other service providers, including service from on-site utility systems.

SECTION 3.15. USE OF SERVICE. Use of the County's potable water, wastewater, and/or reclaimed water service shall constitute acknowledgement and acceptance of all State and local laws, ordinances, rules, regulations and conditions applicable to the provision of such services by the County.

ARTICLE IV

CONSTRUCTION OF PERMANENT, TRANSITIONAL AND COMMUNITY FACILITIES

SECTION 4.01. GENERAL.

(A) Conditions. After the determination that service for a proposed development is available at one or more Points of Connection ("POCs"), the Applicant's responsibilities for construction of permanent utility facilities must be determined. The facilities are in two major categories, "on-site" and "off-site" and each may include "oversizing." When utility service is not currently available in the County Service Area but is found to be available within the timeframe of the Utility Master Plan, an Applicant may request to use transitional facilities. When Utility service is not currently available and is not available within the timeframe of the Utility Master Plan, the Applicant may request the use of community facilities. This Article IV sets out the responsibilities for funding, design and construction of these types of facilities.

(B) Technical Basis. Design and construction of permanent, transitional and community utility facilities shall be in accordance with sound engineering practices, the appropriate County policies, the Columbia County Water and Wastewater Technical Manual, County standards and specifications, and all other applicable standards. The capacities of utility facilities are to be sized based upon the Columbia County Water and Wastewater Technical Manual and other applicable County engineering standards.

SECTION 4.02. OWNERSHIP.

(A) Conveyance. All permanent utility facilities constructed by an Applicant shall be conveyed to the County in accordance with the procedures for acceptance of the utility facility described in the current Columbia County Water and Wastewater Technical Manual and the Applicant's specific Developer's Agreement. All transitional and community utility facilities constructed by an Applicant shall be conveyed to the County in accordance with the procedures for acceptance of permanent utility facilities and in accordance with any special conditions described in this Article IV.

(B) Acceptance. The County shall not accept permanent utility facilities constructed by the Applicant until the County Manager determines that: the facilities are either in a public right-of-way, in a County-accepted utility easement, or on property deeded to the County for a public purpose; the facilities have been inspected and approved by the County Manager; the Applicant's Engineer-of-Record has certified that the facilities were designed and constructed in accordance with sound engineering practices, the appropriate County policies, the Columbia County Water and Wastewater Technical Manual and all other applicable standards and specifications; all approvals and clearances have been obtained by Developer from FDEP and other applicable agencies; and the Applicant has complied with the requirements of the Applicant's specific Developer's Agreement.

SECTION 4.03. APPLICANT-INSTALLED PERMANENT PUBLIC FACILITIES.

(A) Responsibility. The Applicant shall be solely responsible for the construction of all on-site and off-site permanent utility facilities to the point-of-connection required for connection of the Applicant's development to the County's Utility facilities, and for all costs associated with such construction.

(B) Facility Oversizing by Applicant. The County Manager shall determine through engineering analysis if oversizing beyond the minimum technical standards is required for a facility, and the Applicant shall be so advised and shall perform such oversizing as a condition of proceeding with the proposed development.

(C) Facility Oversizing Financing by Applicant. All costs associated with oversizing the utility facilities shall be totally the responsibility of the Applicant and may only be recovered by the Applicant by such means as may be provided by Ordinance, policy or rule of the County.

(D) Additional Project Costs. The Applicant shall be totally responsible, at the Applicant's cost, for any improvements to the County's Utility facilities required as a condition of rezoning, Utility Master Plan or Development of Regional Impact approval, and/or as stated in any Developer Agreement or other agreement with the County.

(E) County Shall Connect. When the County Manager determines that permanent service is available at the designated point-of-connection for a development with transitional or community facilities, the County shall provide for disconnecting the development and connecting it to the County Utility facilities, except that the County shall not be responsible for removal or restoration required to connect individual on-site septic systems to County Utility facilities.

(F) Time for Completion. All off-site facilities needed for this transfer shall be installed and connected to the point-of-connection within 365 days (unless otherwise specified by an Agreement) after written notification that permanent County utility service is available for the development.

SECTION 4.04. APPLICANT-INSTALLED TRANSITIONAL PUBLIC UTILITY FACILITIES.

(A) General. In the event that the County Manager determines that transitional facilities are an appropriate alternative for a development in accordance with the County's Comprehensive Plan, the Applicant may, with the approval of the County, install transitional on-site potable water, wastewater, and reclaimed water facilities. The Applicant shall install all on-site and off-site facilities required by this Ordinance for permanent service in addition to any transitional facilities required as a result of the

Applicant's election to provide transitional service to the development until permanent service is available, unless waived by the County Manager.

(B) Transitional Facilities. The Applicant shall be totally responsible for all costs to design, permit and construct all transitional facilities. The transitional Public Utility facilities may consist of the following:

(1) Potable Water Facilities. These shall consist of transitional potable water supply well(s), storage, treatment and pumping facilities required so the Applicant's permanent distribution facilities can be used during the transition period.

(2) Reclaimed Water Facilities. For those areas identified by the County Manager as feasible for reclaimed water service but for which reclaimed water service is not yet available, the Applicant may be required to install permanent reclaimed water distribution facilities provided that County and regulatory agency approvals are obtained.

(3) Wastewater Treatment Facilities. These facilities shall be constructed in accordance with Sections 4.05 and 4.06, as applicable.

(4) Individual On-Site Wastewater Disposal Facilities. This type of transitional wastewater service shall be provided by treatment in septic tanks with the disposal of the effluent by absorption fields. All permanent on-site and off-site conveyance facilities required to connect the development to permanent County Public Utility facilities shall be constructed and permitted as dry-line facilities. The installation of the electrical and pumping equipment in a pump station may be deferred until permanent County wastewater service is available provided, however, that concurrent with conveyance of the off-site facilities, the Applicant escrows the funds necessary for the purchase and installation of the deferred equipment.

SECTION 4.05. TRANSITIONAL WASTEWATER TREATMENT PLANTS (TWWTP).

(A) General. It is the County's policy to discourage the construction of transitional wastewater treatment plants and the County Manager shall evaluate each case individually for a recommendation to the Board of County Commissioners.

(B) Purpose of TWWTP Requirements. The use of a TWWTP may be approved by the Board of County Commissioners when the Applicant requests wastewater treatment and disposal services within the County Service Area, and when permanent wastewater service is not currently available to the project but will be available to a project by completion of a capital improvement project in the County's Utility Master Plan.

(C) Transitional Plant Agreements. The use of a TWWTP to provide service to one or more developments shall be approved only by written agreement between the Applicant(s) and the County, in accordance with the provisions of Article IV.

(D) Applicant's Performance Bonds. The Applicant may acquire the TWWTP by purchase or lease, but in either case, shall protect the County by providing proper bond, or other acceptable security, to assure performance under the TWWTP Agreement. The Applicant shall bear the cost of such performance bond.

(E) Applicant Provides Effluent Disposal. Reclaimed water use shall be the preferred method of effluent disposal utilized to meet the needs of the TWWTP's permitted capacity however, the Applicant may provide for other efficient disposal methods which comply with applicable State laws and this ordinance in such cases where reclaimed water use is not feasible, as shall be determined by the County Manager. If actual performance of the effluent disposal system is insufficient to properly dispose of the plant's effluent, the Applicant shall provide additional disposal capacity. The County may suspend issuance of building permits and certificates of occupancy until sufficient capacity is provided.

(F) Treatment Process Requirements. An advanced wastewater treatment ("AWT") process using extended aeration shall be the preferred treatment process, however, the Applicant may provide for other treatment processes which comply with applicable State law and this Ordinance in such cases where AWT is not feasible, as shall be determined by the County Manager.

(G) Plant Plans and Construction Reviewed. The Applicant shall submit the TWWTP design and construction plans to the County Manager for review and approval before applying for building permits. The TWWTP shall meet the specifications for TWWTPs in the Columbia County Water and Wastewater Technical Manual and shall comply with all related FDEP regulations. The County Manager shall have the right to review and monitor construction of the TWWTP. The Applicant shall remedy all construction deficiencies reported by the County Manager to the Applicant.

(H) Phased Build-Out and Permitting. The Applicant shall provide a development phasing or build-out schedule to the County Manager. If the County is unable to provide off-site treatment by the time the TWWTP is at capacity, the Applicant may elect to expand the TWWTP capacity according to the provisions of this Ordinance in effect at the time of the request. The Applicant shall coordinate any such construction or expansion to avoid disruption of any operation of the TWWTP by the County. Any construction or expansion of a TWWTP beyond the capacity stated in a TWWTP agreement shall require a modification to the TWWTP agreement.

(I) Off-Site Improvements to Permanent Point-of-Connection. The construction of off-site facilities shall be completed and found acceptable in the opinion of the County for connection at the designated point-of-connection within 365 days after written notification to the Applicant that permanent County wastewater treatment and conveyance service is available for the project. The Applicant is responsible for the design, permitting, construction and all associated costs of all off-site improvements to the point-of-connection. The County may suspend issuance of building permits until connection of the off-site facilities is made.

(J) Start Construction in 24 Months. Construction of the TWWTP shall begin within 24 months from the date of the TWWTP agreement; otherwise, the agreement shall expire. A TWWTP agreement that meets the provisions of this Article IV and receives approval from the Board of County Commissioners may be extended upon the written consent of the parties thereto. The County Manager is authorized to consent for the County.

(K) Authorized Connections to TWWTP. The County Manager will authorize all connections to the TWWTP in accordance with standard County acceptance and approval practices for connection to County Utility facilities provided, however, that:

(1) The Applicant's Engineer of Record has certified that the TWWTP has been constructed in accordance with County standards and specifications.

(2) The County Manager has determined that the TWWTP is substantially complete and acceptable for use.

(3) The Applicant has provided the County with proper bond and all other documentation and payments required by the TWWTP agreement for approval of such connections.

(4) The TWWTP is operating within regulatory requirements.

(L) Connections Not Authorized to TWWTP. Unless otherwise provided pursuant to an agreement between the Applicant and FDEP or between the County and FDEP, no authorization shall be granted for any connection to a TWWTP where such connection would result in the TWWTP exceeding its permitted capacity.

(M) Removal of TWWTP. The County shall at its own expense, remove the TWWTP and restore the site within 120 days after the development served by the TWWTP has been connected to a permanent County Utility facility.

(N) Operation and Maintenance. The Applicant shall be responsible for the TWWTP operation and maintenance, for regulatory agency compliance, and for all costs associated therewith until the TWWTP operating permit is transferred to the County and the TWWTP is accepted by the County. After acceptance, the County will

be responsible for all such costs until the TWWTP is taken out of service and all projects served by the TWWTP are connected to permanent County Utility facilities.

SECTION 4.06. COMMUNITY WASTEWATER TREATMENT PLANTS (CWWTP).

(A) General. It is the County's policy to discourage the construction of community wastewater treatment plants and the County Manager shall evaluate each case individually for recommendation to the Board of County Commissioners.

(B) Purpose of the CWWTP Requirements. A CWWTP may only be used to provide service if that use is permitted in the Comprehensive Plan. Then, the use of a CWWTP may be approved by the Board of County Commissioners if the applicant requests wastewater treatment and disposal services in the County Service Area, permanent wastewater service is not currently available, and permanent service will not be available even after the build-out of all Public Utility facilities identified in the County's current Utility Master Plan. The use of a CWWTP requires that the Board of County Commissioners determine that special circumstances warrant using a CWWTP. This determination may be made when utilization of a CWWTP is the only reasonable alternative available to the Applicant for the development; and the Board of County Commissioners determines that it is in the County interest for the development to proceed prior to the availability of permanent County wastewater service. The Board of County Commissioners will use the following criteria in its evaluation of a project's benefit and value when making its determination of "public interest":

(1) The proposed action is found to have a substantial benefit to the public of the County.

(2) Reasonable alternatives to the proposed action have been presented to and fully considered by the BOCC.

(3) Alternatives to the proposed action are found unacceptable, including for reasons related to the substantially greater costs to the public of such alternatives.

(4) Environmental impacts of the proposed action have been presented to and considered by the Board of County Commissioners.

(5) Potentially adverse environmental impacts of the proposed action have been minimized to the greatest extent feasible.

(6) The proposed action complies with all applicable federal, state and local environmental laws.

(7) The proposed action is found not to adversely affect the property of others or the public health, safety, and welfare.

(C) Application for Service and Determination Not In County's Utility Master Plan. Before proceeding with a request to use a CWWTP, the Applicant must receive

written notification from the County that permanent wastewater treatment is not available in time to meet the Applicant's building schedule and will not be available in the future when the County builds-out its then current Utility Master Plan.

(D) Request to County for Use of CWWTP. At the written request of the Applicant, the County Manager shall submit the Applicant's request for the use of a CWWTP to the Board of County Commissioners. This request shall include the following information at a minimum:

(1) The size and type of the wastewater treatment and effluent disposal facilities proposed by the Applicant.

(2) The length of time before permanent service is to become available.

(3) An assessment of current transmission and treatment plant capacity and all Utility Master Plan projects that will make capacity available from the County Utility facilities to provide permanent service to the Applicant's project.

(4) An assessment of the feasibility of the use of a community wastewater facility compared to the extension of permanent wastewater transmission facilities by the Applicant.

(5) A staff recommendation for approval or denial of the CWWTP.

(E) Approved CWWTP Requirements. Upon approval of the use of a CWWTP, the Applicant may submit a request for a CWWTP Agreement to the County Manager. CWWTP agreements shall be subject to the same requirements as provided in Section 4.05 for the use of TWWTPs.

(F) Permanent Service Available Within 5-Year CIP. At the time permanent service to the development is programmed in the current 5-Year CIP, the County Manager shall reevaluate the development's status in regard to the provisions of this Ordinance. The County Manager will determine improvements that can be made to connect the development to County Utility facilities.

SECTION 4.08. FINANCING OF FACILITIES.

(A) Agreements. Financial conditions relating to a development's requirements shall be specified in a written agreement between the Applicant and the County.

(B) Applicant-Installed Public Utility Facilities. The Applicant shall be required to pay all of the costs to design, permit, and construct the on-site and off-site Public Utility facilities necessary to serve the development as well as any improvements

necessary to the County's Utility facilities due to the impact of the development on existing or proposed County Utility facilities.

(C) Funds for Development Needs. The Applicant is required to fund the cost of all on-site and off-site Public Utility facilities required for the development, including utility easements and rights-of-way.

(D) Funds for Oversizing. The Applicant is required to fund the costs of oversizing all Public Utility facilities, as determined by the engineering analysis performed by the County Manager pursuant to Section 4.03.

(E) Oversizing Reimbursement Agreement. The County Manager shall consider and recommend to the Board of County Commissioners whether the Applicant may be reimbursed for oversizing costs pursuant to an agreement between the Applicant and the County.

(F) County-Installed Off-Site Facilities. The County Manager may elect to construct oversized facilities to serve a project to prompt the cost-effective, efficient and/or timely provision of services. If the County Manager determines that the public interest will best be served through County construction of such oversized facilities, the County Manager shall provide notice of such determination for the development.

(G) Applicant Pays Fees. The Applicant shall pay all Capacity Fees, AGRF, meter installation fees and other applicable fees and charges set forth in the Rate Resolution.

(H) Special Assessments. When the County Manager determines that constructing a line extension is feasible and that the use of a special assessment is an appropriate mechanism for funding the design and construction of the line extension, a special assessment district comprised of all the benefited properties may be established by the County in accordance with applicable County ordinances, as may be amended from time to time, and all other applicable State and local laws, ordinances and regulations.

(I) Capacity Fees. Capacity Fees shall be paid prior to connecting to the County's Utility facilities. Development using special assessments to pay for line extensions will be required to pay Capacity Fees. If approved by the Board of County Commissioners, Capacity Fees may be included in a special assessment.

SECTION 5.01. GENERAL. This Article V includes words, terms and phrases with defined and specific uses unique to this Ordinance.

SECTION 5.02. RULES OF LANGUAGE CONSTRUCTION. All provisions, terms, phrases and expressions contained in this Ordinance shall be liberally construed in order that the true intent and meaning of the Board of County Commissioners may be fully carried out. Terms used in this Ordinance, unless otherwise specifically defined in this Ordinance, shall have the meanings prescribed by the statutes of this State.

SECTION 5.03. ABBREVIATIONS.

AGRF:	Accrued Guaranteed Revenue Fee(s)
AWT:	Advanced Wastewater Treatment
BOCC:	Board of County Commissioners
CO:	Certificate of Occupancy
CIP:	Capital Improvement Program
CWWTP:	Community Wastewater Treatment Plant
FDEP:	Florida Department of Environmental Protection
DRI:	Development of Regional Impact
ERC:	Equivalent Residential Connection
FAC:	Florida Administration Code
TWWTP:	Transitional Wastewater Treatment Plant
POC:	Point-of-Connection

SECTION 5.04. DEFINITIONS.

"Accrued Guaranteed Revenue Fee (AGRF)" means the fee established by the Board of County Commissioners in a Utility Rate Resolution to reimburse the costs of reserving, operating and maintaining unused water and wastewater capacity in the County Utility System for a prudent investment period of up to two (2) years.

"Act" or "The Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

"Applicant" means a property owner or a duly authorized representative of the property owner, or occupants of said property, who applies for utility service to and for certain property, either voluntarily or through the mandatory connection procedures, and who can be bound to all legal obligations related to utility services.

"Builder Payment" means the minimum amount due from a builder prior to issuance of a certificate of occupancy, as established by the Board of County Commissioners in the Utility Rate Resolution, to pay the Accrued Guaranteed Revenue Fees and all or a portion of the Capacity Fees.

"Capacity Fee" means the fee established by the Board of County Commissioners in the Utility Rate Resolution to fund the capital cost of water and wastewater facilities attributable to a service connection.

"Certificate of Capacity (CA)" means a certification of a Determination of Capacity issued by the County Manager upon approval of subdivision construction plan, site development plan, DRI Development Order, Building Permit, or Development Agreement and payment of the reservation fee.

"Certificate of Occupancy (CO)" means a document issued by an authorized official setting forth that land, a building or structure legally complies with the Columbia County Building Code, the Land Development Code and other pertinent state and local requirements, and that the same may be used for the purpose therein.

"Commitment Letter" means a document issued by the County Manager to advise an applicant that their construction plans have been approved, the AGRF has been paid, and that capacity will be reserved for up to two (2) years, as may be extended in two year increments, provided Applicant remains in compliance with all County requirements and requests extensions of their Certificate of Capacity before it expires.

"Community Wastewater Treatment Plant" means a wastewater treatment plant, its collection system, appurtenant effluent disposal/reclaimed water reuse facilities, and sludge treatment and disposal facilities, that is authorized for use by the County.

"Comprehensive Plan or Comp Plan" means the Columbia County Comprehensive Plan, as may be amended from time to time.

"County" means a political subdivision of the State of Florida known as Columbia County as governed by the Board of County Commissioners (BOCC) and as administered by the County Manager.

"County Manager" means the Columbia County Manager, or the Columbia County Manager's designee, or such other person as may be designated by the Board of County Commissioners.

"Customer" means an Applicant who has contracted to receive utility services from a Utility and is financially responsible for the payment of all charges legally assessed by the Utility with respect to that particular Utility connection. The term "Customer" also shall include the actual user of utility services.

"Developer" means a property owner or an agent of the owner of land proposed for development.

"Developer Agreement" means an agreement between the County and a developer used with new developments to describe the conditions under which improvements can be constructed and warranted before the improvements can be accepted by the County.

"Development of Regional Impact" means any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of the citizens of more than one county, as more fully defined in Section 380.06, Florida Statutes.

"Dry-line Facilities" means utility facilities that are permanent in nature, that have been installed, but are not useable until other permanent facilities are available.

"Effluent" means water, after some degree of wastewater treatment, flowing out of any treatment facility.

"Equivalent Residential Connection" means a unit of potable water, reclaimed water, or wastewater capacity which is equivalent to the annual average number of gallons per day of service that is attributable to a detached single family residence, as such number is established from time to time by the County Manager.

"Establishment" means any buildings or properties used for human occupancy, employment, recreation or other purposes.

"Line Extension" means any utility transmission system improvements needed to provide service to an existing or future development.

"Off-Site Facilities" means utility facilities that are not located within an Applicant's property limits.

"On-site Facilities" means utility facilities that are located within an Applicant's property limits.

"On-Site Wastewater Treatment and Disposal Facilities (or Systems)" means the facilities used for the treatment of wastewater in septic tanks and the disposal of the effluent by absorption fields.

"Oversized Facilities" means utility facilities sized beyond the needs of the development for which the facilities were initially installed or are to be installed to provide service.

"Point-of-Connection" means the point where the Applicant's on-site improvements and any required off-site improvements will connect into the County Utility facilities, generally at an existing pump station or transmission line.

"Potable Water Facilities" means all facilities required for the production, treatment, storage, transmission, distribution and delivery of potable water.

"Potable Water Distribution Facilities" means those pipes, fire hydrants, valves, fittings, service connections and appurtenances, sized in accordance with County engineering standards, used to convey potable water from a transmission system to a customer.

"Rate Resolution" means a resolution, approved at a properly advertised public hearing, and amended from time to time by the Board of County Commissioners, that authorizes the fees and charges that support the general administration, operation and maintenance of the County Utility facilities, and that enables the County to provide potable water, wastewater and reclaimed water services to its customers.

"Reclaimed Water" means domestic wastewater that has received at least the required levels of treatment defined by the FDEP, and is then stored, pumped and distributed to customers for use in a beneficial manner as an alternative to potable water.

"Reclaimed Water Facilities" means all facilities required for the storage, transmission, and distribution of reclaimed water.

"Reclaimed Water Service Connection" means the reclaimed water connection from a reclaimed water distribution facility to the point of delivery to a Customer. For a residential Customer, this point of delivery is the downstream side of the valve box, meter box or meter installation, generally located at the Customer's property line. For a non-residential Customer, the actual point of delivery may be at a location other than the property line, to be determined by the County Manager in coordination with the Customer.

"Reuse" means the deliberate application of reclaimed water for a beneficial purpose that reduces the use of water of a higher quality.

"Reuse Facilities" means those facilities located downstream of the Reclaimed Water Service Connection for the purpose of practicing reuse.

"Service Area" means the parcel(s) of land, collectively, to which a utility is legally entitled to provide utility services.

"Service Availability" means the result of determining through engineering analysis, cost feasibility and operational feasibility studies, if utility service is available to an Applicant for property that has existing development or is proposed for development.

"Transitional Facilities" means temporary County Utility facilities that are designed to be used until permanent facilities are available to a development. Generally, such facilities are expected to be used for less than 20 years.

"Transitional Wastewater Treatment Plant" means a wastewater treatment facility that is authorized for use in the County Service Area under a Transitional Wastewater Treatment Plant Agreement with the County, and is scheduled to be removed from service when permanent County Utility facilities are available to the development.

"Utility Master Plan" means the County's Utility Master Plan, as amended from time to time by the Board of County Commissioners, that describes County Utility facilities which the County plans to build for up to the next 20 years to provide adequate potable water, wastewater and reclaimed water services to planned development within the County Service Area.

"Violator" means a person or persons who violate any provision of this Ordinance.

"Wastewater" means the liquid and water-carried domestic or industrial wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated.

"Wastewater Facilities" means all facilities required for the collection, transmission, treatment and disposal of wastewater.

"Wastewater Collection Facilities" means a system of laterals, pipes and manholes used to collect wastewater and convey it to a pumping station or treatment plant.

"Wastewater Service Connection" means that point of discharge from a customer's wastewater line to a wastewater collection facility. For a residential customer, this point of delivery is the point where the customer's wastewater line discharges into the service lateral, and is generally located at the Customer's property line. For a nonresidential customer, the actual point of delivery may be the discharge side of a wastewater pump station and may be at a location other than the property line, to be determined by the County Manager in coordination with the customer.

"Wastewater Service Lateral" means a small pipe, usually 4" or 6" in diameter that is connected to the Customer's wastewater line at the property line and branches from the Customer's property line to the closest wastewater collection line in the public right-of-way thereby providing a point of discharge from the Customer's property into the County's collection facility.

"Wastewater Treatment Plant" means those facilities used to receive, store, and treat wastewater and to dispose of effluent and sludge, including but not limited to, headworks, aerators, digesters, clarifiers, filters, storage tanks, percolation-evaporation ponds, spray irrigation fields and direct discharge pipes.

"Well" means the physical structure, facility or device, at and below the land surface, from or through which groundwater flows or is pumped from subsurface, water-bearing formations.

"Wellfield" means an area containing one or more wells contributing water to a public potable water system as defined in Rule 17-550.200, Florida Administrative Code.

ARTICLE VI

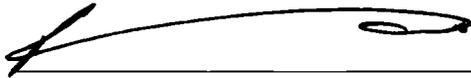
MISCELLANEOUS PROVISIONS

SECTION 6.01. SEVERABILITY. If any article, section, subsection, paragraph, phrase, or word of this Ordinance for any reason is held to be unconstitutional or invalid, such holdings shall not affect the remaining portions hereof and it shall be construed to have the legislative intent to pass this Ordinance without such unconstitutional or invalid part.

SECTION 6.02. EFFECTIVE DATE AND APPLICABILITY. This Ordinance shall take effect on March 25, 2010 or upon filing with the Secretary of State, whichever occurs later. Except as specifically provided otherwise herein, this Ordinance shall supersede all other ordinances of Columbia County to the extent such other ordinances are in conflict herewith.

DULY ADOPTED this 25th day of March, 2010.

**BOARD OF COUNTY COMMISSIONERS OF
COLUMBIA COUNTY, FLORIDA**

By: 
Chairman

ATTEST:


Clerk of Court

STAFF OF COLUMBIA COUNTY OF COLUMBIA
HEREBY CERTIFY that the above and foregoing
is a true copy of the original filed in this office.
P. DEWITT CASON, CLERK OF COURTS
By: 
Date: 3/31/10
Deputy Clerk

