





1 responsible for administering and regulating the use of OSTDS within the County, the  
2 Board now desires to amend the OSTDS Ordinance to delete specific requirements for  
3 operation and maintenance entities and to clarify specific license and permit  
4 requirements.

5 NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners  
6 of Charlotte County, Florida:

7  
8 Section 1. Charlotte County Code Section 3-8-255 "Definitions" is hereby  
9 amended by deleting the flowing definition:

10 ~~Aerobic treatment unit (ATU) means an advanced on-site treatment and disposal~~  
11 ~~system that is listed as approved by the Florida Department of Health as to compliance~~  
12 ~~with the American National Standards Institute/National Sanitation Foundation~~  
13 ~~("ANSI/NSF") International Class I aerobic treatment unit standard #40, revised July~~  
14 ~~1990.~~

15  
16 Section 2. Charlotte County Code Section 3-8-256 "Regulations" is hereby  
17 amended as follows:

18 **Sec. 3-8-256. - Regulations.**

19 (a) *System location and installation:* All OSTDS installed within Charlotte County shall  
20 meet the requirements of Rule 64E-6, F.A.C., and Section 381.0065, F.S., as amended.

21 (b) *Construction of systems:* Design of an OSTDS must be in accordance with Florida  
22 law and FDOH rule, and when required by these laws, rules or county ordinance, must  
23 be professionally engineered by an engineer registered in Florida.

24 (c) *Drainfield sand:* Where excavation and backfill of on-site soil below the drainfield is  
25 required to achieve compliance with the slightly limited soil texture requirement of  
26 Chapter 64E-6, F.A.C., the sand used for the backfill shall have a silt plus clay content  
27 of a maximum of four (4) percent by weight passing a Number 270 sieve, and a  
28 maximum very fine sand content of fifteen (15) percent passing a Number 140 sieve.

29 (d) *Existing system:* Repairs for failed OSTDS. When an existing failed OSTDS must  
30 be repaired by replacement of the existing drainfield, the bottom infiltrative surface of  
31 the new effluent disposal drainfield shall be placed no closer than twelve (12) inches to,  
32 and above the seasonal high water table. Provisions of subsection 3-8-256(c)  
33 concerning backfill sand shall also apply.

34 (e) ~~Permits~~ Construction and operation:

1 (1) ~~The owner of each OSTDS built with electrical or mechanical components~~  
2 ~~shall be required to acquire an annual operating permit from the CCHD.~~The CCHD  
3 shall require the submission of detailed system construction plans for review and  
4 approval, including the site evaluation, as prepared by an engineer who is licensed  
5 in the State of Florida.

6 (2) ~~The OSTDS designing engineers shall provide two (2) copies~~one (1) copy~~of~~  
7 ~~the system operating and maintenance instructions in the form of a manual to the~~  
8 ~~ultimate owner of the system.~~~~The owner shall provide one (1) copy to the licensed~~  
9 ~~operation and maintenance entity that is contracted to service the system. Three~~  
10 ~~(3) copies will be submitted to the CCHD for review and approval and one (1) copy~~  
11 ~~will be retained by the CCHD.~~

12 (3) All septic contractors, plumbers, and class D wastewater treatment plant  
13 operators who wish to inspect, modify, repair, service, or install septic systems in  
14 Charlotte County shall first apply for and receive approval for a Charlotte County  
15 Septic Contractors Permit from the CCHD.

16 (f) *Operation and maintenance entities:*

17 (1) ~~Operation and maintenance entities shall be licensed to conduct business in~~  
18 ~~Charlotte County, and licensed by FDOH as an on-site aerobic treatment unit~~  
19 ~~(ATU) maintenance entity.~~

20 (2) ~~A distributor of a specific manufacturer's brand or model of a FDOH approved~~  
21 ~~ATU shall provide to the CCHD written assurance that spare mechanical and~~  
22 ~~structural parts are available, upon request, for purchase, to all other approved~~  
23 ~~maintenance entities. This written assurance must be received by the CCHD prior~~  
24 ~~to the issuance of a construction permit for the brand or model.~~

25 (g) *Maintenance contracts:*

26 (1) ~~A current, unexpired maintenance contract between the property owner or~~  
27 ~~lessee and an approved maintenance entity shall be one (1) of the required~~  
28 ~~conditions of system approval before an ATU is approved for a certificate of~~  
29 ~~occupancy; where property ownership changes; or where an ATU is utilized.~~

30 (2) ~~A copy of the signed maintenance agreement between the property owner or~~  
31 ~~property lessee and an approved maintenance entity, and the appropriate permit~~  
32 ~~fee, shall be provided to the CCHD by the maintenance entity. The maintenance~~  
33 ~~agreement and permit shall:~~

34 a. ~~Be for a period of at least two (2) years, including subsequent~~  
35 ~~maintenance agreement renewals for the life of the system;~~~~m~~Maintenance  
36 ~~entities shall strive to make the maintenance contract and operating permit~~  
37 ~~renewal dates the same;~~

38 b. ~~Provide that a maintenance entity which desires to discontinue the~~  
39 ~~provision of maintenance services or to discontinue its business, shall, notify in~~

1 ~~writing the property owners and lessees and the CCHD at least ten (10) days~~  
2 ~~prior to discontinuance of service and such property owners shall, within ten~~  
3 ~~(10) days of the service termination date, contract with an approved~~  
4 ~~maintenance entity and provide the CCHD with a copy of the newly signed~~  
5 ~~maintenance agreement; and~~

6 ~~e.(2) Provide that e~~Each ATU ~~is~~must beinspected by an approved maintenance  
7 entity at least every six (6) months ~~(two (2) times each year)~~. ATUs serving  
8 commercial establishments shall be inspected by an approved maintenance  
9 entity every three (3) months ~~(at least four (4) times per year)~~. The  
10 maintenance entity shall furnish to the property owner/lessee and the CCHD a  
11 copy of any inspection performed, within seven (7) days after the inspection,  
12 indicating that all steps and procedures recommended by the manufacturer  
13 were performed. Inspection reports shall indicate the system owner or building  
14 lessee, the street address of the system, the CCHD permit number, the date of  
15 system inspection or service and a statement as to the maintenance or service  
16 performed. ~~The maintenance entity shall also include a list of the~~  
17 ~~owners/lessees who have refused to renew their maintenance agreement.~~

18 ~~(3) No ATU shall be serviced or repaired by a person or entity engaged in a~~  
19 ~~maintenance service until the service entity has obtained an annual written permit~~  
20 ~~issued on form DH 4013 from the CCHD. Application for a maintenance service~~  
21 ~~permit, form DH 4066, shall be made to the CCHD and shall comply with chapter~~  
22 ~~64E-6.~~

23 ~~(hg)~~ *Inspection and pumpout of on-site sewage systems.*

24 (1) All non-ATU on-site sewage systems located on the properties listed in  
25 subsection (4) and on any properties declared subject to a mandatory pumpout  
26 requirement during plan review performed by the CCHD shall be inspected by a  
27 representative of the CCHD at least once every five (5) years.

28 (2) All non-ATU on-site sewage systems located on the properties listed in  
29 subsection (4) and on any properties declared subject to a mandatory pumpout  
30 requirement during plan review performed by the CCHD shall be pumped empty at  
31 least once every five (5) years by a licensed septic tank contractor or plumber  
32 equipped and certified to pump on-site sewage systems. Such contractor/plumber  
33 shall be licensed by the CCHD ~~and shall obtain a five-year permit from the CCHD~~  
34 ~~before performing the inspection and pumpout.~~ Such contractor/plumber shall  
35 furnish a copy of the pumpout certification to the CCHD. The contractor/plumber  
36 shall submit a written report that includes a completed certification form (as  
37 prescribed by the FDOH) as well as a description of the septic tank's integrity,  
38 areas of concern, the tank's location, and any repairs or adjustments made on site.  
39 The report shall include copies of photographs taken of the tank pumped empty.  
40 The contractor/plumber will provide a copy of the report including the items listed  
41 above to both the homeowner and the CCHD within five (5) days of completion  
42 date.

1 (3) ~~Non-ATU~~All OSTDS systems that are found to be in a state of disrepair must  
2 be corrected in accordance with state rule and county ordinance.

3 (4) The following lots/properties that contain or may contain non-ATU on-site  
4 sewage systems must comply with the inspection and pumpout requirements of  
5 this subsection:

6 TABLE INSET:

7 [ LIST OF PROPERTIES ]  
8

9 ~~Pumping shall only be performed through the provided access hatches on the lid of~~  
10 ~~the tank. All sections of chambered OSTDS shall be pumped completely during the~~  
11 ~~service.~~

12 ~~(5) ATUs shall be pumped out when mixed liquor (aerator) solids are six thousand~~  
13 ~~(6,000) mg/L or higher, or when the settled solids are more than one third of the~~  
14 ~~tank capacity.~~

15 ~~(6) Tanks containing damaged or heavily corroded lids or walls must be reported~~  
16 ~~to the CCHD for physical inspection and determination of required repairs. Tanks~~  
17 ~~manufactured prior to August 2000 that do not contain an outlet seal may be~~  
18 ~~properly restructured using hydraulic cement as long as less than two (2) inches of~~  
19 ~~the cast wall is penetrated. The extent of any lid corrosion must be examined in~~  
20 ~~order to determine if it is only localized above the outlet "T."~~

21 ~~(7) All entities using OSTDS must have a current permit for the system.~~

22 ~~(8) The CCHD Environmental Health Administrator shall biannually report findings~~  
23 ~~and concerns to the county administrator and utilities director, to assist the county~~  
24 ~~in determining what areas are most critical for consideration of central sewer~~  
25 ~~service extension.~~

26  
27 Section 3. Charlotte County Code Section 3-8-257 "Testing and laboratories" is  
28 hereby deleted in its entirety:

29 **~~Sec. 3-8-257. - Testing and laboratories.~~**

30 ~~(a) When annual testing by the CCHD reveals a violation of standards, additional~~  
31 ~~testing until compliance is achieved is the responsibility of the system owner.~~

32 ~~(b) Samples for judging compliance of an OSTDS with the treatment standards of this~~  
33 ~~article shall be collected by a person licensed under Chapters 381 or 489, Florida~~  
34 ~~Statutes, or an operation entity licensed by FDOH or by Charlotte County, or a CCHD~~  
35 ~~employee, or other person acceptable to the CCHD.~~

36 ~~(c) Laboratories and methods that are certified by the FDOH for environmental sample~~

1 ~~testing shall be used for all compliance testing purposes.~~

2

3 Section 4. Charlotte County Code Section 3-8-258 "Septage and portable toilet  
4 pumpout companies" is hereby amended as follows:

5 **Sec. 3-8-258 - Septage and portable toilet pumpout companies.**

6 (a) Septage pumpout companies that clean and remove septage or grease from  
7 residential or commercial OSTDS and grease interceptors that are located in Charlotte  
8 County shall file a written report of their activities with the CCHD monthly within ten (10)  
9 days of the end of the activity month. The report shall include: the date collected, street  
10 address location of the OSTDS serviced, whether OSTDS serves a residence or  
11 business, whether grease or septage was collected, the liquid volume of septage or  
12 grease removed, the treatment facility designation of the waste, and the signature and  
13 printed name of the responsible licensed contractor.

14 (b) For tanks that are dual compartment, both compartments shall be emptied. For  
15 tanks with outlet filters, the filters shall be cleaned of septage. For all septic tanks  
16 emptied, the contractor shall note on the customer's receipt: the tank volume, the  
17 presence of a solids deflection or outlet filter device and whether the tank is water tight.

18 (c) Portable toilet septage companies operating in Charlotte County shall file a written  
19 report of their activities with the CCHD monthly within ten (10) days of the end of the  
20 activity month. The report shall include: the date of service, the volume of portable toilet  
21 septage collected daily, the treatment facility destination of the waste, and the signature  
22 and printed name of the responsible licensed owner or manager.

23 (d) Any venue or activity using more than one (1) portable toilet or holding tank shall  
24 obtain a permit from the CCHD. The permit shall include inspection of the facility and  
25 assurance of proper hand sanitation, to include hand washing facilities. Existing CCHD  
26 inspection and re-inspection fees apply to this section. The fee will not apply to portable  
27 facilities used for disaster response; however, the sanitation requirements will be  
28 enforced.

29 Section 5. Charlotte County Code Section 3-8-261 "Fees" is hereby amended as  
30 follows:

31 **Sec. 3-8-261. - Fees.**

32 Upon recommendation of the director of CCHD, the Board of County Commissioners of  
33 Charlotte County ("BCC") shall establish by resolution fees charged for services  
34 provided by the CCHD. Such services may include, but not be limited to the following:

35 (1) Permit for ~~baseline system or aerobic treatment unit with drainfield~~ OSTDS  
36 (includes CCHD review, permit issuance, two (2) construction inspections, and  
37 DOH state research fee, and county permit surcharge);

1 (2) Permit for operation of ~~ATUsaerobic treatment units (annually, due October 1~~  
2 ~~after final construction approval, prorated quarterly, includes one (1) inspection and~~  
3 ~~sampling);~~

4 (3) Variance applications;

5 (4) County permit for repair OSTDS ~~(includes county surcharge);~~

6 (5) "After the fact" permit fee (in addition to regular OSTDS fee);

7 (6) Subdivision plan review where OSTDS are to be used up to fifty (50) lots over  
8 fifty (50) lots;

9 Fees shall be deposited in the CCHD trust fund for use exclusively in this program.  
10 Fees may be amended by the BCC by resolution.

11  
12 Section 6. Severability. In the event any portion of the foregoing conflicts with any  
13 other Charlotte County Code or other applicable law, the more restrictive shall apply. If  
14 any section, subsection, sentence, clause, phrase, or portion of this article is for any  
15 reason held invalid or unconstitutional by any court of competent jurisdiction, such  
16 portion shall be deemed a separate, distinct, and independent provision, and such  
17 holding shall not affect the validity of the remaining portions hereof.

18  
19 Section 7. Inclusion. It is the intention of the Board of County Commissioners and  
20 it is hereby ordained that the provisions of this ordinance shall become and be made a  
21 part of the Code of Laws and Ordinances, Charlotte County, Florida, and the section of  
22 this ordinance may be renumbered to accomplish such intention.

23  
24 Section 8. Effective Date. This ordinance shall take effect upon its filing in the  
25 Office of the Secretary of State, State of Florida.

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PASSED AND DULY ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY

By \_\_\_\_\_  
Kenneth W. Doherty, Chairman

ATTEST:  
Barbara T. Scott, Clerk of Circuit  
Court and Ex-Officio Clerk to the  
Board of County Commissioners

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
Janette S. Knowlton, County Attorney  
LR12-2146 \_\_\_\_\_

## ECONOMIC IMPACT ESTIMATE

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING CHAPTER 3-8 ARTICLE VIII OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA, RELATING TO ON-SITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS; DELETING SPECIFIC REQUIREMENTS FOR OPERATION AND MAINTENANCE ENTITIES, AND CLARIFYING SPECIFIC LICENSE AND PERMIT REQUIREMENTS; PROVIDING FOR SEVERABILITY AND INCLUSION IN THE CHARLOTTE COUNTY CODE; AND PROVIDING AN EFFECTIVE DATE.

PURPOSE: The County's present On-site Sewage Treatment and Disposal System ordinance establishes specific license requirements for operation and maintenance entities, includes very specific requirements for maintenance contracts, and requires annual ATU maintenance service permits. The revised ordinance deletes these additional local County requirements and instead relies on State statutes and administrative rules.

IMPACT: There will be no financial impact on the County, but deleting the specific requirements will save County residents and business owners money.

COST OF IMPLEMENTATION: None.

### BENEFITS OF IMPLEMENTATION:

Adoption of this ordinance will benefit residents and businesses throughout the County by eliminating the additional specific requirements for maintenance entities and ATUs.

### DATA AND METHODS USED IN DEVELOPING THE ECONOMIC ANALYSIS:

Prepared with input from the Florida Department of Health local County Environmental Health office, Charlotte County Utilities, and the County Attorney's Office.