

MEMORANDUM

GO

Agenda Item No 1(E)1

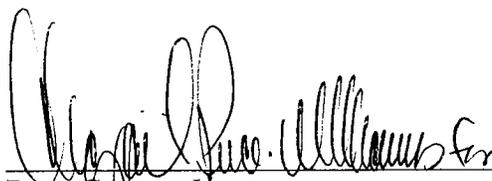
TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: July 13, 2010

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance relating to sewer
connections, to provide for a
two-year moratorium on
connections to sewer mains

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa, and Co-Sponsors Vice-Chairman Jose "Pepe" Diaz, Commissioner Dorrin D. Rolle and Senator Javier D. Souto.


R. A. Cuevas, Jr.
County Attorney

RAC/up

Memorandum

MIAMI-DADE
COUNTY

Date: Honorable Chairman Dennis C. Moss
To: and Members, Board of County Commissioners
From: George M. Burgess
County Manager
Subject: Fiscal Impact of Ordinance Amending Section 24-43.1 (7) of the Code to Provide for a Two-year Moratorium on Connections to Sewer Mains

The ordinance concerning the two-year moratorium on connections to sewer mains only delays the requirement for connecting to the existing system for eligible properties. This ordinance will reduce revenue from sewer connections charges during the moratorium period. Since these fees are utilized for certain sewer plant expansions, some of these projects may be delayed. Therefore the fiscal impact to the County would be minimal.


Howard Piper
Special Assistant

Fis06010



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: May 4, 2010

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 4 (E)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(E)
5-4-10

ORDINANCE NO. _____

ORDINANCE RELATING TO SEWER CONNECTIONS;
AMENDING SECTION 24-43.1(7) OF THE CODE OF MIAMI-
DADE COUNTY, FLORIDA, TO PROVIDE FOR A TWO-
YEAR MORATORIUM ON CONNECTIONS TO SEWER
MAINS; PROVIDING SEVERABILITY, INCLUSION IN THE
CODE, AN EFFECTIVE DATE AND A SUNSET PROVISION

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 24-43.1(7) of the Code of Miami-Dade County, Florida is hereby
amended to read as follows:¹

24-43.1 (7)

>>(A)<< Notwithstanding any provisions of this Code, when an approved public gravity sanitary sewer or approved sanitary sewer force main is available and operative in a public right-of-way or easement abutting the property, the use of any liquid waste storage, disposal or treatment methods shall cease within ninety (90) days of the date that the Director or the Director's designee determines that the approved public sanitary sewer is available and operative. Thereafter, all liquid wastes that are generated, handled, disposed of, discharged or stored on the property shall be discharged to an approved and operative gravity sanitary sewer or approved sanitary sewer force main except those liquid wastes, other than domestic sewage, that are permitted by this chapter to be generated, handled, treated or stored on the property. Notwithstanding the foregoing, graywater may, at the option of the property owner, be discharged to a graywater disposal system approved by the Director or the Director's designee.

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

>>(B) Notwithstanding anything to the contrary in Sections 24-43.1 (7)(A), 32-78, 32-79 and any other provision of this Code, due to the harsh fiscal and economic crises burdening residences and businesses, no residential or commercial property, for a two-year period, shall be required to connect to an approved gravity sanitary sewer or approved sanitary sewer force main that is available and operative in a public right-of-way or easement abutting the residential or commercial property where such property has an uncontaminated and operational septic tank authorized for the current use of such property that is certified in writing as uncontaminated and operational by a licensed septic system inspector. The moratorium shall not apply to properties located within a Wellfield Protection Area. This subsection providing for a moratorium on sewer connections shall sunset two years from its effective date.<<

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

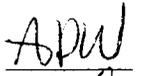
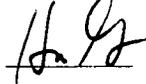
Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any Sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention and the word "ordinance" may be changed to "section", "article" or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 5. This ordinance shall sunset two years from the effective date.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:
Henry N. Gillman

Prime Sponsor: Commissioner Rebeca Sosa
Co-Sponsors: Vice-Chairman Jose "Pepe" Diaz
Commissioner Dorrin D. Rolle
Senator Javier D. Souto