

MEMORANDUM

Agenda Item No. 5(C)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: (Public Hearing: 7-20-21)
May 4, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance creating section 24-43.11 of the Code; requiring utilities to compile certain information on non-vacant properties within their respective service areas that are not served by public sanitary sewers and not served by public water systems; requiring utilities to report information to Miami-Dade County; amending section 24-42.3 to prohibit the authorization of new additional sewage flows if respective utility has not submitted report required by section 24-43.11

Ordinance No. 21-69

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Senator René García and Co-Sponsor Commissioner Raquel A. Regalado.



Geri Bonzon-Keenan
County Attorney

GBK/smm

Memorandum



Date: July 20, 2021

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance Relating to Public Sanitary Sewers - #210959

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County. The Miami-Dade Water and Sewer Department collects this information within their service area. The Department of Regulatory and Economic Resources will use existing staff to compile the information received from utilities.

A handwritten signature in blue ink, appearing to read "Jimmy Morales".

Jimmy Morales
Chief Operations Officer

FIS03621 210959

Date: July 20, 2021

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

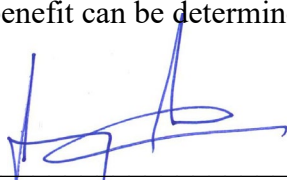
From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement for Ordinance Requiring Utilities to Compile Information on Non-Vacant Properties that are not Served by Public Sanitary Sewers and Public Water Systems - #210959

The proposed ordinance creates section 24-43.11 and amends section 24-42.3 of the Code of Miami-Dade County (Code) establishing the requirement that each public utility maintain records of non-vacant properties they do not serve and provide Miami-Dade County an annual report of all properties within their respective service areas that are not connected to public sanitary sewer and public water and prohibits the authorization of new additional sewage flows if respective utility has not submitted required report. This ordinance shall apply to both the incorporated and unincorporated areas.

The proposed ordinance intends to improve the accuracy, consistency and efficiency of determining the number and location of septic systems and private potable wells by requiring public utilities to directly determine which properties within their respective service area are not served by public sanitary sewer and public water. Because each utility manages their own customer data, billing, and field investigations, they are best suited to determine which vacant parcels they do not serve.

Implementation of the proposed ordinance is expected to improve the accuracy of the number and locations of septic systems which is key to planning and evaluating alternatives for reducing the impact of septic systems on the environment and public health. No other specific social equity or benefit can be determined at this time.



Jimmy Morales
Chief Operations Officer

210959



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: July 20, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(C)

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
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ 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. 5(C)
7-20-21

ORDINANCE NO. 21-69

ORDINANCE CREATING SECTION 24-43.11 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING UTILITIES TO COMPILE CERTAIN INFORMATION ON NON-VACANT PROPERTIES WITHIN THEIR RESPECTIVE SERVICE AREAS THAT ARE NOT SERVED BY PUBLIC SANITARY SEWERS AND NOT SERVED BY PUBLIC WATER SYSTEMS; REQUIRING UTILITIES TO REPORT INFORMATION TO MIAMI-DADE COUNTY; AMENDING SECTION 24-42.3 TO PROHIBIT THE AUTHORIZATION OF NEW ADDITIONAL SEWAGE FLOWS IF RESPECTIVE UTILITY HAS NOT SUBMITTED REPORT REQUIRED BY SECTION 24-43.11; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, in the County Mayor’s December 2020 report, entitled “Plan of Action Report – A Risk-Based Approach to Septic Systems Vulnerable to Sea Level Rise,” the County Mayor made various recommendations to this Board as to practices and investments that could be undertaken to reduce the environmental impact and public health risks of septic tank systems; and

WHEREAS, this December 2020 report also noted that Miami-Dade County’s information about the number and locations of septic tanks is currently “the most accurate estimate possible,” and that County staff arrived at this estimate after analyzing available customer, geospatial, permitting, and other data to identify properties that are not connected to the sanitary sewer system, but did not provide a complete count of septic tanks operating in the County; and

WHEREAS, a “septic tank” is defined in chapter 24 of the Miami-Dade County Code to mean “any settling tank in which the settled sludge is in immediate contact with sewage flowing through the tank thereby allowing the organic solids to be partially decomposed by putrefication, i.e., anaerobic bacterial action”; and

WHEREAS, an “onsite sewage treatment and disposal system” includes a septic tank and is defined in chapter 24 to mean “a sewage system that contains any of the following elements which is not connected to a utility or non-utility collection and transmission system: subsurface drainfield system; an aerobic treatment unit; a graywater system tank; a laundry wastewater system tank; a septic tank; a grease interceptor; a pump tank; a solids or effluent pump; a waterless, incinerating, or organic waste-composting toilet”; and

WHEREAS, a “utility” is defined in chapter 24 as “entity that owns or operates any water transmission, distribution or treatment facilities and/or sanitary sewer collection, transmission or treatment facilities that provides water and/or sewer service to entities other than itself”; and

WHEREAS, a number of utilities operate within Miami-Dade County, including the Miami-Dade Water and Sewer Department (WASD) and municipal-owned and -operated utilities, and such utilities own and operate public sanitary sewer systems and potable water systems to serve customers within their respective service areas; and

WHEREAS, chapter 24 imposes requirements upon such utilities, including annual operating permits and annual reports; and

WHEREAS, because utilities send bills to properties within their respective service areas, they maintain a dependable source of information regarding properties served by public sanitary sewer systems and public water; and

WHEREAS, as such, to facilitate compliance with existing requirements in chapter 24, and also to provide more complete information about the locations of septic tanks, onsite sewage treatment and disposal systems, and private potable wells, this Board wishes to require utilities to compile certain information about non-vacant parcels within their respective service areas so that

the locations of properties served by septic tanks, onsite sewage treatment and disposal systems, and private potable wells can be more accurately determined within their respective service areas; and

WHEREAS, in addition, this Board wishes to require utilities to make periodic reports to Miami-Dade County with said information, with the first reports being due on June 1, 2022,

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

Section 1. Section 24-43.11 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:¹

>>**Sec. 24-43.11. Utilities required to compile and report information related to non-vacant properties that are not served by a public sanitary sewer and not served by public water.**

- (1) Each utility shall compile, from records within its possession, the following information regarding all non-vacant properties located within the service area of the respective utility that are not served by a public sanitary sewer:
 - a. address and folio number; and
 - b. whether a sanitary sewer is abutting the property; and
 - c. whether an existing sanitary sewer is lateral to the property.
- (2) Each utility shall compile, from records within its possession, the following information regarding all non-vacant properties located within the service area of the respective utility that are not served by public water:
 - a. address and folio number; and
 - b. whether a water main is abutting the property; and
 - c. whether there an existing water service line is lateral to the property.

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.

- (3) Each utility shall maintain the information required by this section on file and shall provide an annual report of such information to the Department by June 1 of each year in a form prescribed by the Director.<<

Section 2. Section 24-42.3 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 24-42.3. Certification of sanitary sewer system collection, transmission and treatment capacity.

- (1) Notwithstanding any provision of this Code, no county or municipal officer, agent, employee or board shall approve, grant or issue any building permit, certificate of occupancy, certificate of completion, certificate of use (except for changes in ownership) or municipal occupational license (except for changes in ownership) for any land use served or to be served by a utility or non-utility owned or operated wastewater collection and transmission system until the county or municipal officer, agent, employee or board has obtained the prior written unconditional approval or prior written conditional approval of the Director or the Director's designee. Notwithstanding any provision of this Code, no person shall construct, utilize, operate, occupy or cause, allow, let, permit or suffer to be constructed, utilized, operated or occupied any land use served or to be served by a utility or non-utility owned or operated wastewater collection and transmission system until the person has obtained the prior written unconditional approval or the prior written conditional approval of the Director or the Director's designee.

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- (2) No new additional sewage flows shall be authorized for any sanitary sewer basin, sewage pump station, or system pursuant to >>section<< [[~~Section~~]] 24-42.3 unless and until:

- (a) The official responsible for issuing certificates of occupancy, certificates of use or equivalent municipal occupational licenses provides a monthly report that identifies projects that have been issued a certificate of occupancy, certificate of completion,

- certificate of use or an equivalent municipal occupational license that have also received a conditional or unconditional written approval, and
- (b) All actions or reports required by >>section<< [[~~Section~~]] 24-42.2 and >>section<< [[~~Section~~]] 24-42.6(12) for the basin, pump station, or system have been completed according to the schedules required therein>>; and
 - (c) All reports required by section 24-43.11 for the respective utility have been submitted to the Department<<.

Section 3. 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 4. 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 5. 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.

PASSED AND ADOPTED:

July 20, 2021

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Abbie Schwaderer-Raurell

Prime Sponsor:

Senator René García

Co-Sponsor:

Commissioner Raquel A. Regalado