

# MEMORANDUM

Agenda Item No. 7(I)

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

**DATE:** July 7, 2022

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Ordinance relating to environmental protection; amending section 24-5 of the Code; creating and revising definitions related to an Onsite Sewage Treatment and Disposal System (OSTDS); amending section 24-15; requiring and establishing minimum plan approval standards for OSTDS; amending section 24-28; revising conditions constituting sanitary nuisance; creating section 24-42.7; providing requirements for new and replacement OSTDS; providing effective dates for compliance for new and replacement OSTDS; amending section 24-43.1; revising permit requirements for liquid waste disposal facility to include new OSTDS requirements; amending section 2-114.1; providing for administrative review of takings and vested rights claims for decisions pursuant to chapter 24 and providing for appeals to County Commission; amending section 8CC-10; providing for enforcement by civil penalty; making technical changes; directing the County Mayor to conduct an educational campaign

Ordinance No. 22-83

**This item was amended from the original item as stated in the County Mayor's memorandum.**

The accompanying ordinance was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.



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Geri Bonzon-Keenan  
County Attorney

GBK/smm

# Memorandum



**Date:** July 7, 2022

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

**From:** Daniella Levine Cava  
Mayor 

**Subject:** Ordinance Amending Sections 24-5, 24-15, 24-28, 24-43.1, 2-114.1, 8CC-10, and creating Section 24-42.7 of the Code of Miami-Dade County, Florida, Relating to Onsite Sewage Treatment and Disposal Systems (OSTDS) and to Administrative Review of Takings and Vested Rights Claims

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**This ordinance was amended at the June 7, 2022 PRC meeting to revise the provisions related to the types of onsite sewage treatment and disposal systems (OSTDS) in section 24-42.7(2)(b)-(e) so that: (1) a remote telemetry unit shall not be required for a Type 2 OSTDS; and (2) for single family residences and duplexes with a Type 3 OSTDS or Type 4 OSTDS, a remote telemetry unit shall not be required. In addition, a new subsection (c) has been added to the provisions in section 24-42.7(4) related to the registration requirements for an OSTDS. The new subsection provides that: (1) registration forms can be submitted either on paper or electronically; and (2) the registration form will only require the physical address of the property on which the OSTDS is located as well as contact information for the property owner to allow for future communications.**

## **Executive Summary**

This ordinance will institute more rigorous standards for new and replacement onsite sewage treatment and disposal systems (OSTDSs), commonly referred to as “septic tanks” or “septic systems.” These enhanced standards will reduce pollutants discharged by properties not served by sanitary sewer infrastructure and thereby improve ground and surface water quality throughout Miami-Dade County. Adoption of this ordinance is therefore a critical step towards fostering a healthier and more resilient Biscayne Bay and implements a key recommendation of the Biscayne Bay Task Force to use innovative and effective technology to accomplish pollutant reduction.

Additionally, the item requires the development of an educational campaign for residents, property owners, and any individuals and businesses that use or work with OSTDSs in the County, with the objective of educating and informing them as to the policies and regulations contained within the proposed ordinance. The ordinance also updates the County’s process for administrative review of takings and vested rights claims, which currently addresses claims arising from decisions pursuant to the Comprehensive Development Master Plan and chapter 33, to include claims arising from decisions issued pursuant to Chapter 24.

## **Recommendation**

It is recommended that the Board of County Commissioners (Board) approve the attached ordinance amending sections 24-5, 24-15, 24-28, 24-43.1, 2-114.1, 8CC-10, and creating section 24-42.7 of the Code of Miami-Dade County, Florida (Code), relating to standards for new and replacement Onsite Sewage Treatment and Disposal Systems (OSTDS); and providing for administrative review of takings and vested rights claims for decisions pursuant to chapter 24.

**Scope**

The scope of this ordinance involves environmental regulation throughout Miami-Dade County.

**Delegation of Authority**

Upon approval by the Board, the Director of the Department of Regulatory and Economic Resources’ Division of Environmental Resources Management (RER-DERM) or the Director’s designee will have the authority to review and approve minimum standards for the installation of new and replacement OSTDSs (e.g., septic tanks and septic systems).

**Fiscal Impact/Funding Source**

This proposed ordinance will result in reviews by RER-DERM to ensure compliance with the updated Code provisions. These new reviews will be funded by plan review fees, which are recommended via separate resolution to amend RER-DERM’s fee schedule (Implementing Order 4-42). Revenues generated from the proposed fee will fund two engineering staff positions to undertake the technical review required by the proposed ordinance. Fees for review of OSTDSs for single-family and duplex residential uses and for all other uses (including multi-family and commercial uses) will be \$150 and \$300, respectively, and are anticipated to generate approximately \$300,000 in revenue annually, thus offsetting the anticipated expenses associated with the requisite staffing. The proposed ordinance will also require the registration of all new OSTDSs installed after January 1, 2023 and the registration of all OSTDSs installed prior to January 1, 2023 by January 1, 2024. The registration program will be administered through existing RER-DERM programs and resources.

Furthermore, an educational campaign for residents, property owners, and any individuals and businesses that use or work with OSTDSs in the County will be undertaken. The campaign will have the objective of informing the public as to the purpose and requirements of the ordinance. The educational/outreach campaign will leverage the County’s website, social media, and other available channels and as a result will not require resources beyond existing staff time. Finally, the costs associated with expanding the process for administrative review of takings and vested rights claims will be addressed through the fees applicable to applications for such relief pursuant to I.O. 4-111. Therefore, upon the Board’s adoption of the accompanying resolution with the recommended plan review fees, this ordinance is not anticipated to have a fiscal impact.

**Track Record/Monitor**

The RER-DERM Water and Wastewater Division Chief, Carlos L. Hernandez, P.E, will be responsible for monitoring the implementation of this ordinance.

**Social Equity**

The proposed ordinance will institute more rigorous standards for new and replacement septic tanks, septic systems, and other onsite sewage treatment and disposal systems. The new registration requirement will require property owners to register any newly installed OSTDSs after January 1, 2023 and any existing OSTDSs by January 1, 2024. The regulatory enhancements are anticipated to have a positive environmental impact by reducing pollutants discharged by properties not served by sanitary sewer infrastructure and thereby improving ground and surface water quality throughout Miami-Dade County. The ordinance requires property owners replacing

conventional OSTDSs to install performance-based systems. It also requires installation of performance-based OSTDSs by developers of new homes and other buildings that do not yet have access to sanitary sewer infrastructure and that otherwise meet existing code provisions authorizing use of onsite systems.

The proposed ordinance is anticipated to yield economic benefits to the community in the form of a healthier Biscayne Bay. Reducing nutrient loading, and thereby reducing oxygen-depleting constituents, nutrients, and pathogens entering water bodies, enhances water quality and in turn improve conditions for marine life, recreational activities, and industries in Miami-Dade County such as fishing, boating, and tourism. Additionally, other economic benefits such as private sector job creation for monitoring and servicing OSTDSs are anticipated. It should be noted, however, that property owners that are required to install performance-based OSTDSs will incur greater costs when compared to installing conventional OSTDSs, as the differential costs between such systems are estimated to be \$10,000-\$20,000, depending on various site-specific factors.

The ordinance is not retroactive and does not trigger any retrofit requirement for existing systems, as it applies only when installing a new or replacement OSTDS. The ordinance also does not change the definition of feasible distance and therefore does not affect conditions for whether or not a specific property is required to connect to sanitary sewer. Performance-based systems will be installed only when properties are not within feasible distance for connection or required through approval by the Environmental Quality Control Board (EQCB).

Finally, the expansion of the administrative takings and vested rights process will benefit private property owners by providing them with an opportunity to obtain relief where appropriate if application of these or other chapter 24 regulations effects a taking or abrogates a vested right and they are not able to obtain variances as provided in chapter 24.

### **Background**

Approximately 110,000 properties in Miami-Dade County currently use conventional onsite sewage treatment and disposal systems, commonly referred to as “septic tanks” or “septic systems,” as a means of passive sewage treatment and onsite disposal. This approach to treating sewage first originated in the late 1800s, and while the methods and materials of construction have changed over time, the use of OSTDSs for the provision of limited treatment and pollutant dilution has remained largely unchanged. As Miami-Dade County has continued to grow into the 21st Century, population density, quantity of sewage generated, and the number of OSTDSs have also increased. Significant impacts on the environment, namely degradation of groundwater and surface water quality, have materialized, and the role of OSTDS as a source of pollution has become evident.

The County’s Comprehensive Development Master Plan (CDMP) contains a Conservation, Aquifer Recharge and Drainage Element (the “Conservation Element”), as required by section 163.3177(6)(c) of the Florida Statutes. The proposed ordinance implements certain Conservation Element policies, including: Objective CON-2, which calls for the County to “Protect ground and surface water resources from degradation, provide for effective surveillance for pollution and clean up polluted areas to meet all applicable federal, state and County ground and surface water quality standards”; CON-2C, which calls for “[i]nterim wastewater treatment plants within the Urban

Development Boundary [to] . . . continue to be phased out as sewer service becomes available . . .”; and CON-2F, which calls for the County to “continue to utilize Best Management Practices established for potential sources of water pollution, that discharge wastewater to the ground, to reduce environmental risk and, where possible, to begin effective water reuse and recycling. Established management practices may be reviewed and modified as new science becomes available. New management practices shall be developed for new potential sources of water pollution as they are identified.” The proposed ordinance also implements Policy WS-4H of the Water and Sewer Subelement, which states that Miami-Dade County “shall coordinate with municipalities and the State of Florida to monitor existing septic tanks that are currently at risk of malfunctioning due to high groundwater levels or flooding and shall develop and implement programs to abandon these systems and/or connect users to the public sewer system.” Policy WS-4H also requires the County to “identify which systems will be adversely impacted by projected sea level rise and additional storm surge associated with climate change and target those systems to protect public health, natural resources, and the region’s tourism industry.”

Miami-Dade County’s Biscayne Bay Task Force formulated several policy recommendations to improve the health of Biscayne Bay, including to improve sanitary sewer treatment and disposal management. Central to those recommendations were: the expansion of sanitary sewer infrastructure to areas that are currently unserved; and the enhancement of OSTDS standards. Although centralized sewers are the preferred mechanism to eliminate conventional OSTDSs, the investment required to effectuate this objective is substantial—on the order of \$4 billion—and the design and construction of hundreds of miles of sanitary sewer infrastructure will require many years to accomplish. Additionally, centralized sewers are not the singular solution to reducing pollutants, particularly in areas where population densities are low, such as agricultural areas and other properties outside of the urban development boundary, and therefore other approaches can yield equivalent results in pollution reduction. This dynamic creates a unique opportunity to apply available public resources towards eliminating OSTDSs that are most vulnerable or at-risk for failure and which have the greatest impact on environmental quality, while in parallel strengthening standards governing OSTDSs to yield immediate benefits.

To accomplish this objective, the proposed ordinance would require the installation of more advanced, “performance-based” treatment systems at any time that a property owner seeks to replace their existing conventional OSTDS or when a property without access to sewer infrastructure, as determined pursuant to existing provisions of chapter 24, proposed new development. In keeping with the limitations on local ordinances imposed by section 381.00651(6)(c) of the Florida Statutes, the proposed ordinance only applies to a property with a preexisting OSTDS when the property owner replaces the entire system, which includes replacing both the septic or treatment tank and the drainfield or other disposal system; the ordinance does not impose evaluation requirements or limit repairs short of a wholesale replacement.

In a conventional OSTDS, domestic wastewater from toilets, sinks, showers, and other plumbing facilities flows through pipes into a septic tank where solid and liquid components of wastewater are separated to promote limited bacteria break down of organic matter, store solids, and allow clarified wastewater containing pollutants to flow through an outlet pipe into a drainfield. The bottom of a drainfield is typically located 6 to 24 inches above the Biscayne Aquifer, our primary source of potable water in Miami-Dade County, which has a hydraulic connection to Biscayne

Bay. The treatment provided by these conventional systems is extremely limited, consisting primarily of solids removal and a nominal reduction in biological pollutant loading. Conventional OSTDSs are less effective in reducing bacteria, nutrients, and other pollutants that have the greatest impact on ground and surface water quality. Additionally, if the separation between the drainfield of a conventional OSTDS and the water table is less than 24 inches, or is reduced as a result of flooding exacerbated by sea level rise, treatment and corresponding pollutant removal will be further limited.

The proposed ordinance establishes higher design standards for OSTDS, which will accomplish the following goals:

- (1) Reducing the discharge of oxygen-depleting constituents, nutrients, and other pollutants in septic system effluent.
- (2) Limiting reliance on separation distance between septic drainfields and the water table to provide treatment by instead accomplishing significant pollutant reductions prior to wastewater reaching the drainfield.
- (3) Reducing pollutants reaching Biscayne Bay through surface water and groundwater discharges.

The ordinance would require the utilization of performance-based treatment systems, a known and proven technology, to achieve the goals articulated above. Since an OSTDS’s performance is affected by the size of a property, geography, and land use, the ordinance proposes a tiered system that requires progressively higher performance as a function of sewage flow rate, sewage loading, proximity to surface waters, location within a wellfield protection area, and other factors. A total of four OSTDS tiers are included, ranging from conventional systems (Type 1) to systems producing effluent resulting in a significant reduction in pollutants (Type 4). Most properties would require a Type 2 or Type 3 system, while those nearest to water bodies or within a drinking water wellfield would require a Type 4 system.

The requirements governing the type of OSTDS to be installed become effective January 1, 2023, to allow for a proper transition by property owners, engineers, contractors, and the OSTDS industry. It should be noted that performance-based OSTDS are commercially available, and approved systems are certified by the National Sanitary Foundation (NSF) and the American National Standards Institute (ANSI). The proposed ordinance would codify design standards for these systems within chapter 24 and include penalties for non-compliance in section 8CC-10. To address current and future advancements in technology, the ordinance includes an administrative adjustment process for approval of OSTDSs that achieve an equivalent or greater level of pollutant reduction than that contemplated in the Code for any given Type of system without the need to apply for a variance from the Environmental Quality Control Board (EQCB). Where an administrative adjustment cannot be approved, property owners retain the ability to request variances or extensions of time from the EQCB as part of standard process already provided in chapter 24.

The ordinance also requires all OSTDSs to be registered with DERM. All new and wholesale replacement OSTDSs will begin being registered on January 1, 2023, as part of the new plan review process. All preexisting OSTDSs will be required to register by January 1, 2024.

Additionally, the ordinance revises section 2-114.1, which currently applies to decisions made pursuant to the CDMP and chapter 33, to allow decisions made pursuant to chapter 24 to be reviewed administratively and by this Board where property owners raise claims of takings or abrogation of vested rights.

Finally, as recommended by the Biscayne Bay Watershed Management Advisory Board at its February 18, 2022 meeting, the proposed ordinance imposes higher civil penalties within section 8CC-10 for non-compliance by professional installers or contractors as compared with non-compliance by property owners or other violators, and also requires the administration to undertake an educational campaign to inform residents, property owners, and any individuals and businesses that use or work with OSTDSs about the new regulations. The Advisory Board’s recommendation regarding OSTDS review fees for single-family uses as compared with other types of uses is addressed in the accompanying resolution amending the applicable fee schedule.

The proposed ordinance effectuates key recommendations of the Biscayne Bay Task Force by providing new OSTDS design criteria, which promote the use of innovative and effective technologies that yield enhanced levels of pollutant reduction. This legislation is a foundational step towards a more resilient community, enhanced environmental protection, and a healthy and thriving Biscayne Bay.



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Jimmy Morales  
Chief Operations Officer



**MEMORANDUM**  
(Revised)

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

**DATE:** July 7, 2022

**FROM:**   
Gen Bonzon-Keenan  
County Attorney

**SUBJECT:** Agenda Item No. 7(I)

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. 7(I)  
7-7-22

ORDINANCE NO. \_\_\_\_\_ 22-83

ORDINANCE RELATING TO ENVIRONMENTAL PROTECTION; AMENDING SECTION 24-5 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CREATING AND REVISING DEFINITIONS RELATED TO AN ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM (OSTDS); AMENDING SECTION 24-15; REQUIRING AND ESTABLISHING MINIMUM PLAN APPROVAL STANDARDS FOR OSTDS; AMENDING SECTION 24-28; REVISING CONDITIONS CONSTITUTING SANITARY NUISANCE; CREATING SECTION 24-42.7; PROVIDING REQUIREMENTS FOR NEW AND REPLACEMENT OSTDS; PROVIDING EFFECTIVE DATES FOR COMPLIANCE FOR NEW AND REPLACEMENT OSTDS; AMENDING SECTION 24-43.1; REVISING PERMIT REQUIREMENTS FOR LIQUID WASTE DISPOSAL FACILITY TO INCLUDE NEW OSTDS REQUIREMENTS; AMENDING SECTION 2-114.1; PROVIDING FOR ADMINISTRATIVE REVIEW OF TAKINGS AND VESTED RIGHTS CLAIMS FOR DECISIONS PURSUANT TO CHAPTER 24 AND PROVIDING FOR APPEALS TO COUNTY COMMISSION; AMENDING SECTION 8CC-10; PROVIDING FOR ENFORCEMENT BY CIVIL PENALTY; MAKING TECHNICAL CHANGES; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO CONDUCT AN EDUCATIONAL CAMPAIGN; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

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

**Section 1.** The memorandum referenced in the above recital is incorporated in this ordinance and is approved.

**Section 2.** Section 24-5 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 24-5. - Definitions.**

In construing the provisions of this chapter, where the context will permit and no definition is provided herein, the definitions provided in ~~[[Chapter]]~~>>chapter<< 403, Florida Statutes, as may be amended from time to time, and in rules and regulations promulgated thereunder, as may be amended from time to time, shall apply. The following words and phrases when used in this chapter shall have the meanings ascribed to them in this section:

\* \* \*

(74) *Department* shall mean the ~~[[Miami Dade County Department]]~~ >>Division<< of Environmental Resources Management >>of the Miami-Dade County Department of Regulatory and Economic Resources or successor department responsible for administration of this chapter<<.

\* \* \*

(82) *Director* shall mean the ~~[[Director of the Miami Dade County]]~~ >>primary official that has been delegated responsibility to administer the<< Department ~~[[of Environmental Resources Management]]~~, with duties created pursuant to >>this chapter<< ~~[[Section 24-6 of the Code of Miami Dade County, Florida]]~~. >>Except where expressly provided or where context dictates otherwise, the term “Director” includes the Director’s designee.<<

\* \* \*

(86) *Domestic sewage* shall mean >>human body waste and<< wastewater from toilets, showers, sinks, baths, >>laundry equipment, kitchen equipment,<< and other ~~[[facilities]]~~>>fixtures or equipment<< designed >>and used<< for human sanitation>>, as determined by the Director,<< whether located within residential or nonresidential land uses.

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<sup>1</sup> 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.

>>(92) Drainfield or disposal system shall mean a system designed to distribute domestic sewage effluent for treatment and disposal onsite. This system is deemed to be a component of an OSTDS for purposes of this chapter.<<

\* \* \*

>>(183)<< ~~[(182)]~~ Liquid waste shall mean >>liquid or<< sludge >>waste materials<< resulting from<< ~~[[;]]~~ >>domestic, commercial, industrial, mining, institutional, agricultural, or governmental operations, including such materials to be recycled or otherwise beneficially reused, that would cause a nuisance or would otherwise cause a violation of this chapter if discharged to the ground or waters of Miami-Dade County. Liquid waste includes,<< but >>is<< not limited to, ~~[[a]]~~ >>solvents, sewage, industrial waste, hazardous waste, semisolid waste, and potentially infectious waste, as well as the materials resulting from or contained in any of the following:<< ~~waste treatment works~~>>;<< ~~[[;]]~~ air pollution control facility~~[[, — domestic, — commercial, — mining, institutional, agricultural, or governmental operations; or other waste materials, including materials to be recycled or otherwise beneficially reused; or septic tank,]]~~>>; onsite sewage treatment and disposal system; FOG control device;<< ~~[[grease trap,]]~~ sediment trap~~[[;]]~~>>; portable toilet~~[[;]]~~>>; or oil>>-water<< ~~[[and — grease]]~~ separator>>. Notwithstanding any other provision to the contrary, the following shall not constitute liquid waste for purposes of this definition:<< ~~[[pump-outs, or solvents, sewage, industrial waste, hazardous waste, semisolid waste, or potentially infectious waste; or any similar materials which would cause a nuisance or would otherwise cause a violation of this chapter if discharged to the ground or waters of Miami Dade County. However, sewage and industrial wastes which have been permitted by the Department to be discharged and which are discharged through a lateral connection to the sewerage system or on site treatment facility are not included in this definition. Furthermore,]]~~ subsurface materials >>that are<< extracted as a result of rock mining >>and that<< ~~[[which]]~~ are not discharged to canals>>, wetlands,<< or other water bodies ~~[[are not included in this definition]]~~.

\* \* \*

~~[(219)]~~>>(220) Onsite sewage treatment and disposal system or OSTDS shall mean a system, and components thereof, to treat and dispose of domestic sewage that is decentralized and is located either on the site from which the domestic sewage is generated or on an adjacent or nearby site. The term includes all system components, including, without limitation, the following:<< ~~[[Onsite Sewage Treatment and Disposal System shall 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:]]~~>>standard<< subsurface>>, filled, or mound<< 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; >>solids separator; disposal system for hydraulic conveyance to the point of discharge, further treatment, or both; aerobic treatment unit or system; performance based treatment unit or system; wastewater treatment system not classified as a sewage treatment plant; or<< ~~[[a]]~~ waterless, incinerating, or organic waste-composting toilet. >>An OSTDS does not include an interim sewage treatment plant as defined herein.<< ~~[[The term includes all components and units required for the elements to function properly.]]~~

\* \* \*

>>(262) Reserved area shall mean the area on a property reserved for the installation or replacement of a drainfield or disposal system.<<

\* \* \*

>>(281)<< ~~[[ (279) ]]~~ Septic tank shall 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 putrefaction, i.e., anaerobic bacterial action]]~~ >>a receptacle constructed to promote separation of solid and liquid components of wastewater, to provide limited digestion of organic matter, to store solids, and to allow clarified liquid to discharge for further treatment and disposal. For purposes of this chapter, a septic tank is classified as an onsite sewage treatment and disposal system (OSTDS)<<.

\* \* \*

>>(289)<< [[(287)]] *Site plan* shall mean a drawing having a scale sufficient to provide the following information: >>property lines, relevant rights-of-way, and location<< [[Location]] of all proposed or existing buildings, [[septic tanks]] >>OSTDSs<<, utility easements, fences, walls, parking areas, driveways, access roads, setbacks, and any other site development.

\* \* \*

>>(333)<< [[(331)]] *Underground storage facility* shall mean a tank, pipe, vessel or other container, or any combination of the foregoing, used or designed to be used for the underground storage or underground transmission of hazardous materials[[,-including]]>>. This definition includes,<< but >>is<< not limited to>>:<< line leak detectors>>:<<[[;]] monitoring wells>>:<<[[;]] continuous automatic leak detection systems>>:<< and secondary containment system associated therewith[[,-excluding]]>>. This definition excludes:<< hydraulic lift systems>>:<<[[;]] oil-water separators>>:<<[[,-excluding]] sanitary sewers[[; septic tanks, septic tank drainfields,]]>>: OSTDSs;<< the primary pipeline transmitting jet fuel from Port Everglades to Homestead Air Base>>:<<[[;]] and any other primary pipeline transmitting hazardous materials from one[[(-4)]] county to another county. Underground storage facilities have ten (10) percent or more of their total volume below the surface of the ground.

\* \* \*

**Section 3.** Section 24-15 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Section 24-15. - Plan approval required.**

- (1) *Intent.* It is the intent and purpose of this section to require that all new facilities, equipment and processes constructed or operated after the dates delineated in >>section<< [[Section]] 24-4 >>or as otherwise provided in this chapter<< shall comply with the requirements herein contained, and that any enlargement, expansion>>:<< or

addition to existing facilities also shall comply with the requirements herein contained. Any building permit issued by the County or a municipality in violation of the provisions of this chapter is hereby determined to be void.

\* \* \*

>>(7) Onsite Sewage Treatment and Disposal Systems (OSTDSs).

- (a) On and after January 1, 2023, it shall be unlawful for any person to install a new OSTDS or replace an entire existing OSTDS without first obtaining the prior written approval of the Director pursuant to section 24-42.7.
- (b) On and after January 1, 2023, no building permit or equivalent approval having the effect of approving a new OSTDS or replacement of an entire existing OSTDS shall be issued by the County or any municipality without first obtaining the prior written approval of the Director pursuant to section 24-42.7.
- (c) For the purposes of this section, replacement of both the septic or treatment tank and either the drainfield or other disposal system shall constitute replacement of the entire existing OSTDS.<<

**Section 4.** Section 24-28 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec. 24-28. - Nuisances injurious to health (sanitary nuisances).**

- (1) The following conditions existing, permitted, maintained, kept or caused by any individual, municipal organization or corporation, governmental or private, shall constitute a sanitary nuisance:

\* \* \*

- (b) Improperly built or maintained>>, overflowing, breached, or leaking OSTDS<< ~~[[septic tanks]]~~, water closets>><sub>2</sub><< or privies.
- (c) Discharging, or allowing the discharge of>><sub>2</sub>, OSTDS<< ~~[[septic tank]]~~ pump-out wastes into streams, ~~[[or]]~~ surface waters>><sub>2</sub><< ~~[[or]]~~ underground aquifers>><sub>2</sub><< ~~[[or into]]~~ ditches, drainage structures>><sub>2</sub><< or on the ground surface.

\* \* \*

**Section 5.** Section 24-42.7 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

**>>Sec. 24-42.7. – Onsite Sewage Treatment and Disposal Systems (including, without limitation, septic tank systems).**

- (1) Purpose and intent. The purpose and intent of this section is to safeguard public health, safety, and welfare and protect water quality by setting minimum requirements and standards for onsite sewage treatment and disposal systems as defined in this chapter.
- (2) OSTDS types and standards; definitions. OSTDSs are classified into the following types and contain the following features for purposes of this chapter:
  - (a) Type 1 OSTDS shall mean a standard or conventional onsite sewage treatment and disposal system designed consistent with section 62-6.008, Florida Administrative Code, that is not otherwise defined herein as a Type 2, 3 or 4 OSTDS. A Type 1 OSTDS does not require a remote telemetry unit. No new or replacement of an entire existing OSTDS may be a Type 1 OSTDS.
  - (b) Type 2 OSTDS shall mean an onsite sewage treatment and disposal system<< ~~[[that is equipped with a remote telemetry unit and]]~~<sup>2</sup>>>that produces an effluent that, prior to reaching the drainfield or

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<sup>2</sup> Committee amendments are indicated as follows: Words double stricken through and/or ~~[[double bracketed]]~~ are deleted, words double underlined and/or >>double arrowed<< are added.

disposal system, complies with Secondary Treatment Standards established in chapter 62-6, Florida Administrative Code.<< >>A Type 2 OSTDS does not require a remote telemetry unit.<<

>>(c) Type 3 OSTDS shall mean an onsite sewage treatment and disposal system that<< ~~[[is equipped with a remote telemetry unit and]]~~ >>produces an effluent that, prior to reaching the drainfield or disposal system, complies with Advanced Secondary Treatment Standards established in chapter 62-6, Florida Administrative Code.

(d) Type 4 OSTDS shall mean an onsite sewage treatment and disposal system that<< ~~[[is equipped with a remote telemetry unit and]]~~ >>produces an effluent that, prior to reaching the drainfield or disposal system, complies with the Florida Keys nutrient reduction treatment standards established in chapter 62-6, Florida Administrative Code.

(e)<< >>All Type 3 OSTDS and Type 4 OSTDS shall be equipped with a remote telemetry unit, except that for single family residences and duplexes, a remote telemetry unit shall not be required.<< >>A remote telemetry unit equipped for a Type<< ~~[[2,]]~~ >>3<< ~~[[;]]~~ >>or 4 OSTDS shall provide operational status of the system at a frequency of no less than 15 minutes. Operational status shall include, at a minimum, signal and connectivity, back-up battery, power, mechanical equipment, liquid levels, warnings, and alarms.

(3) General Requirements. The following requirements shall apply to all OSTDSs:

(a) No person shall cause, let, or permit an OSTDS to violate the water pollution standards set forth in section 24-42.

(b) No person shall install a new OSTDS, or replace an existing OSTDS in whole or in part, if 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 in accordance with section 24-43.1(7).

- (c) It shall be unlawful for any person to use, operate, or maintain an OSTDS that:
  - (i) Causes a nuisance or sanitary nuisance as set forth in sections 24-5 or 24-28; or
  - (ii) Was installed on or after January 1, 2023, and fails to comply with the applicable effluent standards pursuant to this section; or
  - (iii) Was installed on or after January 1, 2023, and has not been installed in conformance with plans approved by the Director; or
  - (iv) Was installed on or after January 1, 2023, and is not operated in conformance with plans approved by the Director.
  
- (d) Nothing in this section shall be construed to preclude temporary measures, such as pumping and hauling of sewage, that are necessary to prevent or correct a sanitary nuisance.

(4) Registration required.

- (a) On and after January 1, 2023, as part of the plan approval process required by section 24-15 for a new OSTDS or replacement of an entire existing OSTDS, the new or replacement OSTDS shall be registered with the Department in the name of the property owner on a form acceptable to the Director.
  
- (b) An OSTDS that was installed prior to January 1, 2023, and which has not otherwise been registered pursuant to subsection (a), shall be registered with the Department on a form acceptable to the Director by January 1, 2024.<<
  
- >>(c) The Department shall ensure that registration forms can be submitted both on paper and electronically, and the registration form shall only require the physical address of the property on which the OSTDS is located as well as contact information for the property owner to allow for future communications.<<

>>(5) Standards and procedures governing installation of an OSTDS. On and after January 1, 2023, the installation of a new OSTDS or replacement of an entire existing OSTDS shall comply with the following:

- (a) Approval required.
  - (i) Prior to installation, an approval shall be obtained from the Department. Such approval may be obtained as part of the review of an application for building or other development permit.
  - (ii) Applications for approval shall be submitted to the Department on a form acceptable to the Director and shall include, at a minimum, engineering reports and plans that have been signed and sealed by a professional engineer licensed in the State of Florida.
  - (iii) The Director may issue the approval only upon demonstration that the applied-for OSTDS complies with the requirements of this section, as well as other applicable requirements of this chapter.
  - (iv) The Department shall charge such fees for its review as may be established by implementing order approved by the Board of County Commissioners.
  
- (b) General requirements applicable to the installation of all new OSTDS and replacements of an entire existing OSTDS.
  - (i) Each OSTDS shall comply with sections 24-42.6, 24-43, and 24-43.1.
  - (ii) Treatment units shall be certified by NSF International Standard/American National Standard (NSF/ANSI) as 40-2013, 245-2013, or 350-2013, latest edition, or shall have an equivalent certification by a third party approved by the Director.
  - (iii) Each OSTDS, including the reserved area, shall be located no less than 100 feet from any surface water body. This minimum distance shall not apply to replacement of systems installed prior to January 1, 2023, when site conditions and physical constraints prohibit compliance with the minimum distance, provided that the existing distance from any surface water body shall not be reduced.
  - (iv) Where public water is not available, each OSTDS, including the reserved area, shall be located no less than 50 feet from all property

lines. This minimum distance shall not apply to replacement of systems installed prior to January 1, 2023, when site conditions and physical constraints prohibit compliance with the minimum distance, provided that the existing distance from all property lines shall not be reduced.

(v) Each OSTDS shall serve only one lot.

1. Sharing of OSTDSs by buildings or other users on separate lots is prohibited. For purposes of this section, lots that are joined by a unity of title, in a form acceptable to the Director and recorded in the public records of Miami-Dade County at the property owner's expense, shall be treated as a single lot, but lots joined by a declaration of restrictive covenants in lieu of unity of title shall be treated as separate lots.

2. An OSTDS that was installed prior to January 1, 2023, and that serves two or more lots may remain, but if the entire existing OSTDS is replaced, then each parcel shall be required to be individually served by an OSTDS that complies with this section.

(vii) The bottom of the drainfield or other disposal system shall be designed and installed no less than 36 inches above the wet season high water table as of the date of approval pursuant to this section. For purposes of this paragraph, the wet season high water table shall be the highest water level determined by either site-specific seasonal high water table soil indicators or the latest wet season high water table maps, which shall be maintained on file with the Department.

(c) *OSTDS requirements based on type of development.* The following standards shall govern the use of an OSTDS based on the type of development.

(i) For purposes of calculating the maximum domestic sewage flow set forth in subparagraphs (ii)-(v) below, sewage flow and loading shall be based on the unit flows set forth in section 24-43.1(5). However,

notwithstanding any provision to the contrary, the foregoing calculation shall not be construed to determine any sewage flow rate calculations required by chapter 62-6, Florida Administrative Code, or other applicable laws; for example, the OSTDS shall be designed to meet the applicable unit flows for sewage flow and loading established in chapter 62-6, Florida Administrative Code, regardless of whether the calculation pursuant to chapter 62-6 results in a different unit flow than that calculated pursuant to section 24-43.1(5).

(ii) Single-family and duplex residences that do not generate a liquid waste other than domestic sewage and that meet the following criteria shall install a Type 2, 3, or 4 OSTDS:

1. Domestic sewage flow does not exceed 500 gallons per day; and
2. Minimum distance between any surface water body and the OSTDS, including reserved areas, is at least 1,000 feet; and
3. The residence is served or to be served by public water; and
4. The residence is located outside of all wellfield protection areas; and
5. Domestic sewage loading does not exceed 500 gallons per day per unsubmerged acre.

(iii) Single-family and duplex residences that do not meet the criteria set forth above shall install a Type 3 or 4 OSTDS.

(iv) Multi-family residences and other uses that meet the following criteria shall install a Type 3 or 4 OSTDS:

1. Domestic sewage flow does not exceed 1,000 gallons per day; and
2. Minimum distance between any surface water body and the OSTDS, including reserved areas, is at least 1,000 feet; and
3. The use is served or to be served by public water; and
4. The use is located outside of all wellfield protection areas; and

5. Domestic sewage loading does not exceed 500 gallons per day per unsubmerged acre.
  - (v) All other uses shall install a Type 4 OSTDS.
  - (vi) The infiltrative surface area of the drainfield or disposal system shall be sized as a standard subsurface drainfield system or larger as established in chapter 62-6, Florida Administrative Code, unless the Director approves a reduction in infiltrative surface area upon a finding that the following criteria are met:
    1. The OSTDS with the infiltrative surface area reduction complies with chapter 62-6; and
    2. Plans and calculations signed and sealed by a professional engineer licensed in the State of Florida demonstrate that, even with the reduced infiltrative area, the OSTDS provides overall pollutant reduction that is equal to or greater than an OSTDS with a standard infiltrative surface area.
  - (vii) An OSTDS may utilize an in-ground nitrogen-reducing biofilter (INRB) to comply with the requirements of subparagraph (vi).
- (6) *Administrative adjustments authorized.*
- (a) Notwithstanding any provision to the contrary, the Director is authorized to approve an OSTDS that:
    - (i) Discharges an effluent that, prior to reaching the drainfield or disposal system, is in compliance with the OSTDS Type required in paragraph (5)(c) above; or
    - (ii) Produces concentrations of applicable constituents (e.g., CBOD5, TSS, TN, and TP) after reaching the drainfield or disposal system, but prior to reaching the groundwater, that are equal to or lower than the concentrations that would result from the OSTDS Type required in paragraph (5)(c) above.

(b) Applications for approval of administrative adjustments shall be submitted to the Department on a form acceptable to the Director and shall include, at a minimum, modeling, plans, and calculations in an engineering report signed and sealed by a professional engineer licensed in the State of Florida demonstrating that the proposed OSTDS complies with all applicable requirements.

(7) Conflicts with other regulations. In the event of a conflict with section 32-7 or any other provision of this code, this section shall govern. It is provided, however, that nothing in this section shall be construed to supersede any additional or more restrictive requirements in federal or state law.<<

**Section 6.** Section 24-43.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec. 24-43.1. - Liquid waste disposal and potable water supply systems.**

\* \* \*

(3) Notwithstanding any provision of this ~~[[Code]]~~>>code to the contrary<<, no County or municipal officer, agent, employee>><sub>2</sub><< or >>board<<[[Board]] shall approve, grant or issue any building permit, certificate of use >>or<< [[and]] occupancy (except for changes in ownership >>for facilities that do not require an operating permit pursuant to section 24-18<<), municipal occupational license (except for changes in ownership >>for facilities that do not require an operating permit pursuant to section 24-18<<), platting action (final plat, waiver of plat or equivalent municipal platting action)>><sub>2</sub><< or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning action) for any residential land use served or to be served by >>an OSTDS<< [[a septic tank]] or any source of potable water supply until the County or municipal officer, agent, employee>><sub>2</sub><< or >>board<< [[Board]] affirmatively determines that the residential land use will comply with >>section 24-42.7 and<< one [[(4)]] or more of the requirements as set forth in [[Sections 24-43.1(3)(a), (b), (c), (d), (e), and (f) and Section]] >>paragraphs (a), (b), (c), (d), (e), and (f) below and in section<< 24-43.2(1) [[of this

~~Code~~], and, additionally, that the property is not within a feasible distance for a public water main or public sanitary sewers.

Furthermore, 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 residential land use served or to be served by >>an OSTDS<< ~~[[a septic tank]]~~ or any source of potable water supply until the >>affirmative determination required by the foregoing provision has been made<< ~~[[County or municipal officer, agent, employee or Board affirmatively determines that the residential land use will comply with one (1) or more of the requirements set forth in Sections 24-43.1(3)(a), (b), (c), (d), (e) and (f) and Section 24-43.2(1) of this Code, and, additionally, that the property is not within a feasible distance for a public water main or public sanitary sewers]]~~.

\* \* \*

- (4) Notwithstanding any provision of this ~~[[Code]]~~ >>code to the contrary<<, no County or municipal officer, agent, employee~~>>~~<sub>1</sub>~~<<~~ or >>board<< ~~[[Board]]~~ shall approve, grant or issue any building permit, certificate of use >>or<< ~~[[and]]~~ occupancy (except for changes in ownership >>for facilities that do not require an operating permit pursuant to section 24-18<<), municipal occupational license (except for changes in ownership >>for facilities that do not require an operating permit pursuant to section 24-18<<), platting action (final plat, waiver of plat~~>>~~<sub>1</sub>~~<<~~ or equivalent municipal platting action)~~>>~~<sub>1</sub>~~<<~~ or zoning action (district boundary change, unusual use, use variance~~>>~~<sub>1</sub>~~<<~~ or equivalent municipal zoning action) for any nonresidential land use served or to be served by any source of potable water supply >>or an OSTDS<< ~~[[and a septic tank]]~~ without obtaining the prior written approval of the Director >>pursuant to this paragraph<< ~~[[or the Director's designee]]~~.

Furthermore, 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 nonresidential land use served or to be served by any source of potable water >>or an OSTDS<< ~~[[and a septic tank]]~~ without obtaining the prior written approval of the Director >>pursuant to this paragraph<< ~~[[or the Director's designee]]~~.

~~[[The Director or the Director's designee shall issue the Director's or the Director's designee's written]]~~ >> Written << approval >> shall only be issued << if >> it is demonstrated that << the only liquid waste (excluding liquid wastes associated with the processing of agricultural produce in agricultural packing houses and liquid wastes associated with >> an << agricultural vehicle or, agricultural equipment maintenance facilities, stormwater and water used within a self-contained water recycling car wash facility, provided said facility does not backwash the recycling filters) ~~[[which]]~~ >> that << shall be generated, disposed of, discharged, or stored on the property shall be domestic sewage discharged into >> an OSTDS that complies with section 24-42.7 << ~~[[a septic tank and additionally]]~~, that the property is not within a feasible distance for public water mains and public sanitary sewers, and only:

\* \* \*

**Section 7.** Section 2-114.1 of the Code of Miami-Dade County, Florida, is hereby

amended to read as follows:

**Sec. 2-114.1. - Administrative review of takings and vested rights claims.**

- (a) *Documentation of claim.*
  - (1) Any applicant alleging that the Comprehensive Development Master Plan, as applied to a particular development order or action, constitutes or would constitute a temporary or permanent taking of private property or an abrogation of vested rights (taking or abrogation) >> << and any person or entity claiming a potential taking or abrogation under >> chapter 24 or chapter << ~~[[Chapter]]~~ 33 ~~[[of this Code]]~~ >> << must affirmatively demonstrate the legal requisites of the claim by exhausting the administrative remedy provided in this section.
  - (2) Claims of a taking or abrogation ~~[[of vested rights]]~~ are limited solely to extreme circumstances rising to the level of a potential denial of rights under the Constitutions of the United States and the State of Florida. The procedures provided herein for demonstrating such a taking or abrogation ~~[[of vested rights]]~~ are not intended to be utilized routinely or frivolously, but only in the extreme circumstances described above.

- >>(3)<< The claimant or the attorney for the claimant shall exercise due diligence in the filing and argument of any sworn statement, notice of invoking administrative remedy>><sub>1</sub><< or other claim for a taking or abrogation ~~[[of vested rights]]~~.
- >>(4)<< The signature of the claimant or the attorney for the claimant upon any document in connection with a claim of taking or abrogation ~~[[of vested rights]]~~ shall constitute a certificate that the person signing has read the document and that to the best of his knowledge it is supported by good grounds and that it has not been presented solely for delay.
- >>(5)<< The claimant and the >>claimant's<< attorney ~~[[for the claimant]]~~ shall have a continuing obligation throughout the proceedings to correct any statement or representation found to have been incorrect when made or which becomes incorrect by virtue of changed circumstances.
- >>(6)<< If a claim ~~[[of taking or abrogation of vested rights]]~~ is: (1) based upon facts that the claimant or the >>claimant's<< attorney ~~[[for the claimant]]~~ knew or should have known were not true; or (2) frivolous or filed solely for the purposes of delay, the appropriate County board or agency shall make such a finding and may pursue any remedy or impose any penalty provided by law or ordinance.
- >>(7) All claims filed pursuant to this section shall be subject to payment of an administrative fee established by implementing order approved by the Board of County Commissioners.<<

(b) *Definitions.*

- (1) *Developmental permit defined.* For purposes of this section a "developmental permit" shall mean a developmental order or action which may be issued by an administrative official without the necessity of a hearing on the application for said developmental permit.
- (2) *Developmental resolution defined.* For purposes of this section, a "developmental resolution" shall mean a developmental order or action which requires the approval of a County board or agency after a hearing on the application for said developmental resolution prior to its issuance.
- (3) *Sworn statement defined.* For purpose of this section, "sworn statement" shall mean the sworn statement >>that is filed to initiate the taking or abrogation

~~claim and includes~~<< ~~[[described in Section 2-114.1(a) together with]]~~ all accompanying documents, witness lists, items>><sub>2</sub><< and things supporting the applicant's claim ~~[[and an administrative fee established by administrative order of the County Manager to be approved by the Board of County Commissioners]].~~

(c) *Invocation of administrative remedy.*

\* \* \*

(2) Any applicant alleging that the action of the Board of County Commissioners or a Community Zoning Appeals Board upon an application for a zoning action under >>chapter<< ~~[[Chapter]]~~ 33>>, or the action of the Board of County Commissioners or the Environmental Quality Control Board pursuant to chapter 24,<< would constitute a >>taking or abrogation<< ~~[[temporary or permanent taking of private property or an abrogation of vested rights]]~~ shall file a complete sworn statement with the Developmental Impact Committee Coordinator not later than >>45<< ~~[[forty five (45)]]~~ days before the first hearing on the developmental resolution.

>>(i)<< No oral testimony or written reports or documents in support of any argument that the denial of the developmental resolution would constitute a >>taking or abrogation<< ~~[[temporary or permanent taking of private property or would abrogate vested rights]]~~ shall be considered as evidence at the public hearing unless the complete sworn statement has been timely filed pursuant to this paragraph~~[[; provided, however]]~~>>, except as provided herein.

(ii) Notwithstanding any other provision to the contrary<<, ~~[[that]]~~ where >>the claimant<< ~~[[an applicant]]~~ has failed to timely file a sworn statement pursuant to this paragraph, the Board of County Commissioners, Environmental Quality Control Board, or any other board taking action on a developmental resolution may defer the hearing on an application for a developmental resolution to>>:

- 1.<< avoid a manifest injustice and to provide adequate time for review of the sworn statement by the Developmental Impact Committee>>;<< or[[;]]
- >>2.<< in the event of an application >>for developmental resolution<< initiated by a party other than the affected property owner, to provide adequate time for the >>affected<< property owner to invoke the administrative remedy and to adhere to the time schedules provided herein.

(d) *Review by Developmental Impact Committee and County Boards.*

\* \* \*

- (4) The Executive Council of the Developmental Impact Committee shall prepare a written recommendation to the appropriate County board regarding sworn statements filed in connection with an application for a developmental resolution.
- >>(5)<< With the exception of County boards whose decisions are directly reviewable by an appellate court, the Board of County Commissioners shall have exclusive jurisdiction to consider and take action upon all applications for developmental resolutions for which the applicant has invoked the administrative remedy set forth in this section.
- >>(6)<<[[~~(5)~~ The]] >>Where the primary application is subject to a different review standard than the taking or abrogation claim, the<< appropriate County board may elect to first consider the primary application rather than concurrently conduct a hearing >>on the taking or abrogation claim<< [[~~upon a claim of taking or abrogation of vested rights~~]].
- >>(7)<< If the >>board's<< [[~~Board's~~]] determination is that the primary application should be denied in whole or in part, such determination shall not be a final decision but shall be subject to a further determination of >>the<< [[~~a claim of~~]] taking or abrogation >>claim<< [[~~of vested rights~~]].
- >>(8)<< The >>board<< [[~~Board~~]] may either hear directly the [[~~claim of~~]] taking or abrogation >>claim,<< [[~~of vested rights, may~~]] defer consideration of the claim

to a subsequent hearing, or ~~[[may]]~~ refer the same to the Executive Council of the Development Impact Committee for further review and recommendation prior to taking final action.

>>(9)<< If the >>board<< ~~[[Board]]~~ shall finally determine that denial of the primary application would result in a taking or abrogation of vested rights, the >>board<< ~~[[Board]]~~ shall grant appropriate relief which would avoid such result.

>>(10)<< Upon a determination by the >>board<< ~~[[Board]]~~ that denial of the primary application would not effect a taking or abrogate vested rights, the preliminary determination to deny shall become final>>, unless the decision on the taking or abrogation claim is appealed to the Board of County Commissioners pursuant to this section or as otherwise provided in this code<<.

(e) Notwithstanding any contrary provision of >>this code<< ~~[[the Code of Miami Dade County]]~~, a developmental resolution adopted by any County board other than the Board of County Commissioners shall not be deemed to be a final order for any purpose where: (1) the administrative remedy of this section has been invoked; and (2) >>either<< the Executive Council of the Developmental Impact Committee has appealed said developmental resolution>>, or the claimant has appealed the denial of the taking or abrogation claim,<< to the Board of County Commissioners. Said appeal shall be filed within >>14<< ~~[[fourteen (14)]]~~ days of the date of the adoption of the developmental resolution >>or denial of the taking or abrogation by the applicable board<<.

(f) *Exhaustion of administrative remedies.* A developmental order or action shall not be deemed a final order in any court or quasi-judicial proceeding challenging the denial of the developmental order or action as a >>taking or abrogation<< ~~[[temporary or permanent taking of private property or an abrogation of vested rights]]~~ unless the remedies set forth in this section have been exhausted.

**Section 8.** Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby

amended to read as follows:

**Sec. 8CC-10. Schedule of civil penalties.**

The following table shows the sections of this code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

The “descriptions of violations” below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the listed sections of this code, except to the extent that different types of violations of the same section may carry different civil penalties. For each section listed in the schedule of civil penalties, the entirety of that section may be enforced by the mechanism provided in this chapter, regardless of whether all activities proscribed or required within that particular section are described in the “Description of Violation” column. To determine the exact nature of any activity proscribed or required by this >>code<<, the relevant section must be examined.

Code Section	Description of Violation	Civil Penalty
	* * *	
24-42.1	Breach of effluent standards by new sewage treatment plants and industrial waste treatment facilities	100.00
24-42.2	Noncompliance with provisions regulating sanitary sewer collection and transmission systems	250.00
24-42.4	Discharging prohibited wastes or substances into sewers	300.00
24-42.5	Bypassing a waste treatment facility	200.00
>>24-42.7	<u>Violation of onsite sewage treatment and disposal system regulation</u>	<u>300.00</u>
	<u>Violation by professional installer or contractor</u>	<u>500.00&lt;&lt;</u>
24-43	Noncompliance with provisions and standards protecting public potable water supply wells	300.00
24-43.1	Noncompliance with provisions regulating wastewater disposal and treatment methods other than sanitary sewers	200.00

>>24-43.1(7)	<u>Noncompliance with the requirement to connect to available, operative, and abutting public sanitary sewers</u>	500.00<<
* * *		

**Section 9.** Section 24-5 of the Code shall be renumbered pursuant to the revisions in section 2 above.

**Section 10.** *Educational campaign required.* This Board hereby directs the County Mayor or County Mayor’s designee to conduct an educational campaign for residents, property owners, and any individuals and businesses that use or work with onsite sewage treatment and disposal systems in the County, to educate and inform them as to the policies and regulations contained within this ordinance.

**Section 11.** 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 12.** 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 13.** 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 7, 2022

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Dennis A. Kerbel  
Abbie Schwaderer-Raurell