

ORDINANCE NO. 79-3

AN EMERGENCY ORDINANCE OF MANATEE COUNTY, FLORIDA, MAKING CERTAIN FINDINGS OF FACT REGARDING THE CAPACITY AND CAPABILITIES OF THE SEWER TREATMENT PLANT AND THE HEALTH, SAFETY AND WELFARE OF HUMAN, PLANT AND ANIMAL LIFE AND PROPERTY; DECLARING THAT AN EMERGENCY EXISTS AND THE IMMEDIATE ADOPTION OF THIS ORDINANCE IS NECESSARY; TEMPORARILY PROHIBITING THE ACCEPTING, RECEIVING, FILING, PROCESSING, HANDLING, CONSIDERING OR ADMINISTERING OF ANY APPLICATIONS, PETITIONS OR OTHER REQUESTS IN CONNECTION WITH CERTAIN SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS AND SITE PLANS; PROVIDING THE BASIS FOR CERTAIN CONDITIONAL CONSIDERATION, DETERMINATION, DECISION OR OTHER APPROVAL OF CERTAIN SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS OR SITE PLANS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA.

WHEREAS, the County of Manatee, Florida, owns a sewer treatment plant known as the Southwest Regional Treatment Plant in connection with a central sewage system for portions of Manatee County, Florida, operated by the Manatee County Utilities System, and

WHEREAS, the Board of County Commissioners of Manatee County, Florida, on November 30, 1978, authorized various County Departments to prepare an in-depth study as to the impact of proposed or anticipated subdivisions, planned unit developments and other developments upon the capacity of said sewer treatment plant, and

WHEREAS, the Manatee County Planning and Development Department, the Manatee County Pollution Control Department and the Manatee County Utilities System completed the above-mentioned study as evidenced by that certain letter from the Directors of said Departments to David Collier as County Administrator dated January 23, 1979, and the Preliminary Study Of Anticipated Sewer Flows To The Southwest Regional Treatment Plant by the Manatee County Planning and Development Department, Manatee County Utilities System and the Manatee County Health Department enclosed therewith, all of which is hereinafter referred to as the "Study", and

WHEREAS, the Southwest Regional Treatment Plant also known as the sewer treatment plant is approaching the authorized or permitted treatment capacity thereof and can reasonably be expected to reach or exceed said authorized or permitted treatment capacity when the anticipated additional wastewater flows from previously approved subdivisions, planned unit developments and other site plans are accepted by said sewer treatment plant for such treatment, and

WHEREAS, pursuant to the provisions of Chapter 403 of the Florida Statutes entitled "Environmental Control", Chapters 67-1671 and 71-757 of the Laws of Florida entitled "Manatee County Pollution Control Act", Chapter 10D-6 of the Florida Administrative Code and other applicable provisions of law and applicable provisions of the rules and regulations set forth in the Florida Administrative Code it is reasonably certain that the Manatee County Health Department, the Manatee County Pollution Control Department and the Manatee County Utilities System are required to take administrative action and administratively refrain from granting or giving any further approvals of sewage treatment facilities for subdivisions, planned unit developments and other site plans required to connect to said sewer treatment plant, and

WHEREAS, any increase in the treatment capabilities and capacities of said sewer treatment plant will require the coordination and determination of numerous complex issues and other related matters and things by various County Departments, various consultants to the County, the Florida Department of Environmental Regulation, the United States Environmental Protection Agency and other entities, organizations and individuals, and it will take approximately six (6) months or longer to coordinate, determine and resolve all of these complex issues and other matters and things, and

WHEREAS, the present and future treatment capabilities and capacities of said sewer treatment plant constitute a real and present danger to the health and safety of persons, plants and animals in Manatee County, Florida, and the beneficial enjoyment thereof in said County, and any substantial increase in the wastewater flows from sewage treatment facilities for subdivisions, planned unit developments and other developments to said sewer treatment plant for treatment constitutes a real and present danger to the public health, safety and welfare in said County and constitutes a real and present danger of injury to human, plant and animal life in this County and to property in this County, and

WHEREAS, it is necessary, expedient and to the best interests of the County of Manatee, Florida, and of persons and property located in said County to temporarily prevent, restrain and stay the filing, receiving, processing, considering, approving, permitting and authorizing of any

applications, petitions or other requests in connection with subdivisions, planned unit developments and site plans, and

WHEREAS, said Study was presented and other presentations were made at a meeting of said Board of County Commissioners on January 30, 1979, and this Board of County Commissioners is fully advised and informed in the premises, and based upon the matters and things herein set forth, it is hereby declared that an emergency exists and the immediate adoption of this Ordinance is necessary.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida, as follows:

Section 1. In order to protect human health, safety and welfare and prevent injury to human, plant and animal life and property and the beneficial enjoyment thereof in Manatee County, Florida, no applications, petitions or other requests in connection with subdivisions, planned unit developments and site plans for real property located within the service areas of the Southwest Regional Treatment Plant also known as the sewer treatment plant shall be accepted, received, filed, processed, handled, considered or administered by any department, agency or officer of the County of Manatee, Florida, for a period of six (6) months from the effective date and time hereof, and the final consideration, determination, decision or other approval of any such subdivision, planned unit development or site plan presently pending before this Board of County Commissioners shall be made on a case by case basis in the sole judgment and discretion of this Board of County Commissioners consistent with the findings hereinabove set forth.

Section 2. Nothing herein contained shall be construed as limiting the filing, receiving, processing, handling, considering and determining the possible approval of subdivisions, planned unit developments and site plans for real property in the service area of said sewer treatment plant in situations where same contain duly approved package sewage treatment plants incorporating advanced wastewater treatment or duly approved septic tank systems upon the following specific conditions:

(A) Any such duly approved package sewer treatment plant by specific written agreement of the owner or developer thereof shall be operated by the Manatee County Utilities System as a part of the central

sewer system of this County until such time as the wastewater flows therefrom can be safely and duly transmitted to the Southwest Regional Treatment Plant for treatment, at which time the operation of said package sewage treatment plant shall be discontinued.

(B) Any such duly approved septic tank system shall be discontinued and the owner of the particular real property shall cause the wastewater flows therefrom to be duly connected to the central sewage system of the County for transmission to the Southwest Regional Treatment Plant for treatment when it has been determined that said wastewater flows can be safely and duly transmitted to said Plant.

Section 3. Notice is hereby given that during the next six (6) months from the enactment hereof studies, reports and evaluations will be made by and on behalf of the County of Manatee, Florida, to determine the various alternatives, courses of action and other matters necessary to increase the treatment capacity and capabilities of the central sewage system of this County.

Section 4. This Ordinance shall take effect immediately on the date and time when a certified copy hereof has been accepted by the postal authorities of the government of the United States for special delivery by registered mail to the Florida Department of State, The Capitol Building, Tallahassee, Florida 32304.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Manatee County, Florida, this the 30th day of January, 1979.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

By:   
Chairman

ATTEST: R. B. SHORE  
Clerk of the Circuit Court

SEAL

PS Form 3811, April 1977  
RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3.  
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one):  
 Show to whom and date delivered \_\_\_\_\_  
 Show to whom, date, and address of delivery \_\_\_\_\_  
 RESTRICTED DELIVERY  
 Show to whom and date delivered \_\_\_\_\_  
 RESTRICTED DELIVERY  
 Show to whom, date, and address of delivery \$ \_\_\_\_\_  
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO: Fla. Dept. of State, The Capital Bldg., Tallahassee Fla. 32304

3. ARTICLE DESCRIPTION:  
 REGISTERED NO. 221-852 | CERTIFIED NO. | INSURED NO.  
 (Always obtain signature of addressee or agent)

I have received the article described above.  
 SIGNATURE: [Signature]  Addressee  Authorized agent

4. DATE OF DELIVERY: FEB 1 1979  
 POSTMARK: 1979

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: \_\_\_\_\_ CLERK'S INITIALS \_\_\_\_\_

# Secretary of State

STATE OF FLORIDA  
THE CAPITOL  
TALLAHASSEE 32304

RECEIVED  
FEB 05 1979

Deputy Clerk's Office

BETTY CASTOR  
Director, Division of Elections  
904/488-7690

Shore  
County Courthouse  
505

provisions of Section 125.66, Florida  
knowledge:

our letter/s of January 30, 1979  
copy/ies of Manatee Emergency  
notice/s No./s 79-3

128

☆GPO: 1977-0-249-595

- \*  2. We have filed this/these Ordinance/s in this office  
February 1, 1979
- 3. Receipt of an original/s and certified copy/ies of  
County Ordinance/s No./s
- 4. Receipt of \_\_\_\_\_ County Ordinance/s  
relative to \_\_\_\_\_
- 5. We have numbered this/these Ordinance/s \_\_\_\_\_  
in this office \_\_\_\_\_ and \_\_\_\_\_ was/were filed  
in this office \_\_\_\_\_ 1979.
- 6. The original/duplicate copy/ies showing filing date  
is/are being returned for your records.

Cordially,

[Signature]  
(Mrs.) Nancy Kavanaugh  
Chief, Bureau of Laws

NK/mb

Manatee County

CLERK OF THE CIRCUIT COURT

Richard B. "Chips" Shore

ROOM 234 - MANATEE COUNTY COURTHOUSE - BRADENTON, FLORIDA 33505 - TELEPHONE (813) 748-4501

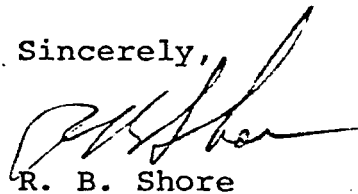
January 30, 1979

Florida Department of State  
The Capitol Building  
Tallahassee, Florida 32304

Gentlemen:

Enclosed is an Emergency Ordinance number 79-3 passed by the Manatee County Commission on January 30, 1979.

Sincerely,



R. B. Shore

RBS:bth  
Enclosure

CLERK CIRCUIT AND COUNTY COURT - CLERK BOARD OF COUNTY COMMISSIONERS - COUNTY COMPTROLLER, AUDITOR AND RECORDER







PS Form 3811, Apr. 1977

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● SENDER Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse

1. The following service is requested (check one).  
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1574

☆GPO 1977 - O - 249-595