

ORDINANCE NO. 79-4

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, RESTRICTING THE PERMITTING OR OTHER APPROVALS OF INSTALLATION AND USE OF SEWER COLLECTION SYSTEMS OR SEWAGE TRANSMISSION SYSTEMS FOR CERTAIN SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS AND SITE PLANS; REPEALING MANATEE COUNTY ORDINANCE NO. 79-3; AND PROVIDING AN EFFECTIVE DATE.

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 for approval by the Florida Department of Environmental Regulation, the Florida Department of Health and Rehabilitative Services, the Manatee County Health Department or the Manatee County Pollution Control Department of installation and use of a sewer collection system or a sewage transmission system pursuant to the applicable provisions of law, the Florida Administrative Code or County Ordinances, 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 providing for or requiring force mains, lift stations or other sewer collection facilities shall be recommended by the Manatee County Health Department, the Manatee County Pollution Control Department or the Manatee County Utilities System to the Florida Department of Environmental Regulation or the Florida Department of Health and Rehabilitative Services for a permit or other approval, and shall not be permitted or approved by the Manatee County Health Department, the Manatee County Pollution Control Department or the Manatee County Utilities System subsequent to January 30, 1979, at 1:31 P.M., if it is determined in the judgment and discretion of the Manatee County Health Department, the Manatee County Pollution Control Department or the Manatee County Utilities System that the Southwest Regional Treatment Plant or any other sewage treatment plant of the County to which it is proposed that the wastewater flows from the particular sewer collection system or the particular sewage transmission system for said subdivision, planned unit

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development or site plan is to be transmitted for treatment does not have at that time the authorized or permitted capacity or capability of treating said wastewater flows.

Section 2. Nothing herein contained shall be construed as limiting the processing, handling, considering and determining the possible recommendation for a permit, permitting or other approvals by the Manatee County Health Department, the Manatee County Pollution Control Department or the Manatee County Utilities System of the installation and use of a sewer collection system or a sewage transmission system pursuant to the applicable provisions of law, the Florida Administrative Code or County ordinances in connection with subdivisions, planned unit developments and site plans for real property in the service areas of said Sewer Treatment Plant in situations where same contain duly approved package sewage treatment plants 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 or some other sewage treatment plant of the County, at which time the operation of said package sewer treatment plant shall be discontinued and all of said wastewater flows shall be duly transmitted the Southwest Regional Treatment Plant or such other sewage treatment plant of the County.

(B) Any such duly approved septic tank system by specific written agreement of the owner or developer thereof 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 or some other sewage treatment plant of the County for treatment when it has been determined that said wastewater flows can be safely and duly transmitted to said Southwest Regional Treatment Plant or some other sewage treatment plant of the County.

(C) Appropriate departments, agencies or officers of the

County may require, where reasonable and appropriate, that the construction drawings for the subdivisions, planned unit developments and site plans contain provisions for the construction and installation of dry or unconnected sewer transmission lines adjacent to existing sewer collection mains and transmission lines of the Central Sewer System of the County for use at the time the operation of said package sewer treatment plant or said septic tank system is to be discontinued and all of said wastewater flow is transmitted to a sewage treatment plant of the County.

Section 3. Manatee County Ordinance No. 79-3 entitled "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" adopted January 30, 1979, by the Board of County Commissioners of Manatee County, Florida, and effective as of 1:31 P.M. on January 30, 1979, is hereby repealed.

Section 4. In the event any provision or portion of this Ordinance is declared by a court of competent jurisdiction to be void, unconstitutional or unenforceable, then in that event all remaining provisions and portions of this Ordinance shall remain in full force and effect. All of the provisions of this Ordinance are severable and the legality or enforceability of any one or more of said provisions are not contingent or dependent upon the validity or enforceability of any other provisions of this Ordinance.

Section 5. This Ordinance shall take effect immediately upon the receipt of this official acknowledgment from the Office of the

Secretary of State of the State of Florida that this Ordinance has been filed with that Office.

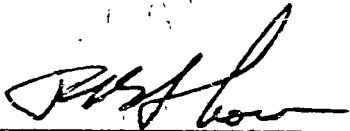
PASSED AND DULY ADOPTED, by this Board of County Commissioners of Manatee County, Florida, this the 20th day of March, 1979.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By:


Chairman

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



STATE OF FLORIDA

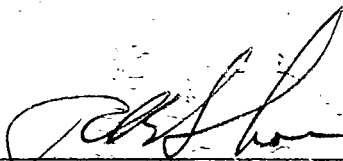
COUNTY OF MANATEE

I, R. B. Shore, Clerk of Circuit Court, in and for the County of Manatee, State of Florida, do hereby certify that the foregoing is a true copy of Ordinance 79-4

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, RESTRICTING THE PERMITTING OR OTHER APPROVALS OF INSTALLATION AND USE OF SEWER COLLECTION SYSTEMS OR SEWAGE TRANSMISSION SYSTEMS FOR CERTAIN SUBDIVISION, PLANNED UNIT DEVELOPMENTS AND SITE PLANS; REPEALING MANATEE COUNTY ORDINANCE NO. 79-3; AND PROVIDING AN EFFECTIVE DATE.

approved by the Board of County Commissioners of said County in session on the 20th day of March 1979.

WITNESS my hand and official seal this 20th day of March 1979 in Bradenton, Florida.



R. B. Shore, Clerk of Circuit Court, Manatee County, Florida



Secretary of State

STATE OF FLORIDA
THE CAPITOL
TALLAHASSEE 32304

GEORGE FIRESTONE
SECRETARY OF STATE

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

March 23, 1979

E. N. Fay, Jr., Esquire
Attorney at Law - County Attorney
Law Offices of Mann & Fay
Post Office Box 959
Bradenton, Florida 33505

Dear Mr. Fay:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge:

- ✓ 1. Receipt of your letter/s of March 20, 1977
and certified copy/ies of Manatee
County Ordinance/s No./s 79-4
- ✓ 2. We have filed this/these Ordinance/s in this office
March 23, 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 _____
_____ 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,

Nancy Kavanaugh
(Mrs.) Nancy Kavanaugh
Chief, Bureau of Laws

NK/ mb