



ORDINANCE NO. 2007-60

AN ORDINANCE AMENDING COLLIER COUNTY ORDINANCE NO. 2004-31, THE COLLIER COUNTY UTILITIES STANDARDS AND PROCEDURES ORDINANCE, TO AMEND FOUR DEFINITIONS; TO APPLY THIS ORDINANCE TO RECLAIMED WATER SYSTEMS OR PORTIONS THEREOF; TO REQUIRE THAT THE DEDICATION BLOCK IN PLATS PROVIDE THAT COUNTY UTILITY EASEMENTS AUTHORIZE THE WATER-SEWER DISTRICT TO INSTALL CONNECTING UTILITY FACILITIES AFTER FINAL ACCEPTANCE OF UTILITY FACILITIES; DELETING DEFINITION OF AND REFERENCES TO UTILITY CODE SUBCOMMITTEE OF THE DEVELOPMENT SERVICES ADVISORY COMMITTEE; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AS THE GOVERNING BODY OF COLLIER COUNTY, FLORIDA, AND AS THE EX-OFFICIO GOVERNING BOARD OF THE COLLIER COUNTY WATER-SEWER DISTRICT AND OF THE GOODLAND SUB-DISTRICT, that Ordinance No. 2004-31 is amended as follows:

SECTION ONE: That in SECTION SIX: DEFINITIONS AND ABBREVIATIONS, the definitions of Developer; District Service Area; Interim Utility Facility or Interim Utility System (and Utility Facility); Utility Code Subcommittee of the Development Services Advisory Committee, and Utilities Performance Security (UPS) are hereby amended as follows.

Developer: Any individual, partnership, corporation, owner, sub-divider, including a governmental agency, or designated agents, successors, or assigns, or such other entity that proposes and/or undertakes the construction of potable water, non-potable irrigation water and/or wastewater systems, or portion(s) thereof, to provide service for any property or properties, area, development or subdivision in which the potable water, non-potable irrigation water and/or wastewater systems ~~are~~ might sometime ~~to be extended,~~ connected to, ~~or ultimately become part of the~~ a potable water, non-potable water irrigation or wastewater systems of Collier County Water-Sewer District (CCWSD), ~~Collier County, Florida.~~

District Service Area: All geographic areas where the District is then authorized to provide potable water and/or wastewater service, and/or non-potable irrigation water, and/or bulk service, by general law or by Special Act(s) of the Florida Legislature, including all such geographic areas then being served with interim service by any other service provider. The following areas are not included in the District's Service Area (1) All geographic areas within the geographic boundaries of each municipality as those municipal boundaries existed on the effective date of Chapter 2003-353, Laws of Florida; and (2) all areas within the City of Golden Gate (which is not a municipal corporation) as such area is now or hereafter defined in subsection 5(C) of Section 3 of Chapter 2003-353, Laws of Florida);

and (3) all area within the geographic boundaries of each independent Special Improvement District the Immokalee Water and Sewer District; and (4) all area within each Community Development District area; and (5) all area within the geographic boundaries of each utility service area then actively certificated to the subject utility by the Collier County Water-Wastewater (or hereafter by the Florida Public Service Commission in the event the County cedes such Chapter 367, Florida Statute, jurisdiction back to the FPSC (for as long as such certificated area is viable). Except as to the geographic areas listed herein, this Ordinance applies to each person or entity, lessee, trustee and/or receiver, owning, operating, managing, or controlling such facilities of system, or proposing construction of such facilities and/or system, who or which is providing or proposes to provide any such service, or any combination thereof, within the unincorporated area of the County except:

a) Property used solely or principally in the business of bottling, selling, distributing or furnishing bottled water; and

b) Subject to Chapter 2003-353, Laws of Florida, such facilities or system(s) owned, operated, managed, or controlled by another government or governmental agency.

Subject to Chapter 2003-353, Laws of Florida and to other then applicable Florida Special Acts, if any, and subject to then applicable Federal Laws, if any, and general law of Florida, the District's service areas may from time-to-time be expanded, contracted or otherwise changed by Resolution of the Board or by Collier County Ordinance, or by amendment to Chapter 2003-353, Laws of Florida, a Special Act that controls the powers of the Board and the Collier County Water-Sewer District.

Interim Utility Facility or Interim Utility System: (and Utility Facility): A potable water, non-potable irrigation water distribution, transmission, treatment, and/or supply system, a wastewater collection, transmission, treatment and/or disposal system, which meets all applicable rules and regulations associated with any federal, state or local regulatory authority, and which is owned by the applicant/developer or other person/entity other than the Collier County Water-Sewer District (CCWSD) and which, upon completion, or anytime thereafter is planned capable to be dedicated to the CCWSD. All such Interim Facility and/or Interim System shall remain interim until such time (if and when) each Interim facility (or facilities) and/or Interim System is interconnected into the District's system to be served by the District's system and the Interim Facilities and/or Interim System has been dedicated to the District pursuant to paragraph 10 in Section 5 of Chapter 2003-353, Laws of Florida.

~~Utility Code Subcommittee of the Development Services Advisory Committee (DSAC)~~ A committee of DSAC created pursuant to Ordinance No. 95-60, that is

~~to make recommendations on technical, operational and other issues relating to utility matters, and to serve as the primary communication link between the Community Development and Environmental Services Division, the Public Utilities Division, the development industry, and the citizens and residents of the County on such matters.~~

Utilities Performance Security (UPS): A Performance Bond, Cash Bond, Irrevocable Letter of Credit, or other authorized form of security furnished by the Developer to the County or the District, prior to recording of plat or conveyance of utility facilities, ~~for (potable water and/or wastewater facilities) and/or non-utility facilities (reclaimed or supplemental water facilities) other utility facilities~~ construction to guarantee the construction, workmanship and/or materials for the warranty period after the utility system(s) or portion(s) and the non-utility facilities and portions thereof have been conveyed to the County, District, or other appropriate Water-Sewer District, or upon completion of the utility system(s) or portion(s) and the non-utility systems and portions thereof when construction occurs on private property. (Refer to Sec. 8.5: Utilities Performance Security.)

SECTION TWO: That in SECTION SEVEN: POLICIES AND STANDARDS, subsection 7.6 is hereby amended as follows:

7.6. Utilities Conveyance and Acceptance.

The transfer of ownership of any utility facility, including any interim utility facility, and/or any reclaimed water system or portion thereof, to the District shall comply with the requirements of law, as set forth in the *Florida Statutes*, and applicable County Resolutions. (Refer to Section 10: Utility Conveyance Procedures herein.)

SECTION THREE: That in SECTION EIGHT: CONSTRUCTION APPROVAL AND DOCUMENT SUBMISSIONS, Subsection 8.4 (a) is hereby amended as follows:

8.4. Plats.

8.4.1. A copy of the proposed plat for new subdivisions that contain potable water, non-potable irrigation water and/or wastewater system(s) or portion(s) thereof shall be submitted with the construction drawings to the County staff for review and approval. All utility easements that will be required for the potable water, non-potable irrigation water and/or wastewater system(s) or portion(s) thereof shall be shown on the plat, if possible. Further, the dedication block on the cover sheet shall contain the following statements:

a) That all Utility Easements for potable water, non-potable irrigation water and/or wastewater system(s) or portion(s) thereof and Ingress and Egress rights, where appropriate, are provided to the Collier County Water-Sewer District to ~~install~~, operate and maintain potable water, non-potable irrigation water and/or wastewater utility systems or portion(s) thereof within the Platted Area after final conveyance to the CCWSD; and, where applicable, to install the CCWSD's

connecting utility facilities within such easement(s).

SECTION FOUR: That in SECTION TEN: UTILITIES CONVEYANCE POLICIES AND PROCEDURES, Subsection 10.1.4.2, is hereby amended as follows:

10.1.4.2. All projects requiring irrigation shall provide a non-potable irrigation water distribution system with Pantone Purple 522C piping, ~~and~~ If and when the project is legally and physically capable of being connected, such system shall be available to be connected to the County (or District's) CCWSD'S system when County's (or District's) reclaimed the CCWSD's non-potable irrigation water system is available to supply such service the project. The project can be issued a deviation from this connection requirement if the applicant can prove that the project is legally and/or physically incapable of being connected to the CCWSD's non-potable irrigation water system. Owner(s) shall bear the sole responsibility of all costs associated with any additions, extensions and/or improvements necessary to allow connection to the County's (or District's) non-potable irrigation water mains.

SECTION FIVE: That SECTION ELEVEN: AMENDMENTS, is hereby amended as follows:

County staff may recommend amendments to this Ordinance (including the Manual and documents incorporated by reference into the Manual) as may be deemed necessary or appropriate ~~upon prior review by the Utilities Committee Utility Code Subcommittee of the Development Services Advisory Committee,~~ and by the Public Utilities Administrator and, in case of actual or possible conflict with the LDC, upon the additional prior review by the Community Development and Environmental Services Administrator (it being understood that as a matter of law this Ordinance cannot conflict with the LDC and the LDC controls to the extent of such conflicts). Revisions to the Standards Manual should be made periodically by the Public Utilities Administrator to reflect the best engineering practices, technology advances, compliance with other agencies, and public input, if any. Such revisions shall also be reviewed by the parties listed above. Revisions to the Standards Manual must be approved by Resolution of the Board of County Commissioners. Each such Resolution must be placed on the BCC agenda under Scheduled Public Hearings or in the Summary Agenda Section.

SECTION SIX: INCLUSION IN THE CODE OF LAWS AND ORDINANCES.

The provisions of this Ordinance shall become, and be made a part of, the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "section," "article," or other appropriate word.

SECTION SEVEN: CONFLICT AND SEVERABILITY.

The provisions of this Ordinance, including the Standards Manual, shall be liberally

construed to effectively carry out its purposes in the interest of public health, safety, welfare, and convenience. If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION EIGHT: EFFECTIVE DATE.

This Ordinance shall become effective upon filing with the Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, As the Governing Body of Collier County, Florida, and as the Ex-Officio Governing Board of the Collier County Water-Sewer District, and the Goodland Sub-District, this 11 day of SEPTEMBER, 2007.

ATTEST:
DWIGHT E. BROCK, Clerk

BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA, AS
THE GOVERNING BODY OF COLLIER
COUNTY AND AS THE EX-OFFICIO
GOVERNING BOARD OF THE COLLIER
COUNTY WATER-SEWER DISTRICT
AND OF THE GOODLAND SUB-DISTRICT

By: *Michelle Virginia*
Deputy Clerk
Attest as to Chairman's
signature only.

BY: *James Coletta*
JAMES COLETTA, Chairman

Approved as to form and legal sufficiency:

By: *Tom Palmer*
Thomas C. Palmer, Assistant County Attorney

This ordinance filed with the
Secretary of State's Office the
14th day of Sept., 2007
and acknowledgement of that
filing received this 21st day
of Sept., 2007
By: *Michelle Virginia*
Deputy Clerk