

CHAPTER 31-3

REGULATIONS FOR SEWER SYSTEMS

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31-3.001 Purpose. The purpose of this rule is to promulgate requirements for connection, to set up maintenance requirements, to prohibit free service and to establish penalties for violation. *Specific Authority Chapter 71-822, Special Acts of Florida, 1971, as amended, Chapter 75-475, Special Acts of Florida, 1975. Law Implemented Chapter 71-822, Section 6(8), (9), (11), (13), (19). History-New 11-12-75, Formerly 31-3.01, Amended 6-15-2000.*

31-3.002 Definitions.

(1) "District" shall refer to the Loxahatchee River Environmental Control District.

(2) "Established Residential Neighborhood." For the purposes of this Rule, an Established Residential Neighborhood shall be considered an area within the geographic boundaries of the District defined by natural geographic boundaries, common restrictions, or other common characteristics as reasonably determined by the District, in which 50% or more of the lots contained completed Residential Units as of May 22, 1971.

Specific Authority 120.53(1), Chapter 71-822, Special Acts of Florida, 1971, as amended. Law Implemented Chapter 71-822, Section 6(10), 6(16), 6(17) and 6(23); Section 6(9)(d) as amended by Chapter 76-429; and Section 6(3) and 6(19) as amended by Chapter 78-559. History-New 11-12-75, Formerly 31-3.02, Amended 1-9-85, 6-15-2000.

31-3.003 Use of Public Sewers Required

(1) It shall be unlawful to discharge to any natural outlet within the geographical area of District any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of these Rules.

(2) Except as otherwise permissible pursuant to the District's Rules, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the treatment or the disposal of wastewater.

(3) The owner of any houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose situated within the geographical area of the District and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the District is hereby required at the owner's expense to install toilet facilities therein, and to connect such facilities directly to the proper public sewer in accordance with the provisions of these Rules, within one (1) year after date of official notice to do so, provided that said public sewer is declared available and is within one hundred (100) feet (30.5 meters) of the property line.

(4) Connections May Be Made by District. If any such owner of any lot or parcel of land within the District shall fail and refuse to connect with and use the facilities of the sewerage system of the District after the same became available as defined herein and notification by the District as provided herein, then the District is hereby authorized to make such connections, entering on or upon any such lot or parcel of land for the purpose of making such connection. The District shall thereupon be entitled to recover the cost of making such connection, together with reasonable penalties and interest and attorney's fees, by suit in any court of competent jurisdiction. In addition and as an alternate means of collecting such costs of making such connections, the District shall have a lien on such lot or parcel of land for such cost, which lien shall be of equal dignity with the lien of state and county and municipal taxes. Such lien may be foreclosed by the District in the same manner provided by the laws of Florida for the foreclosure of mortgages upon real estate.

(5) Maintenance of Plumbing System. The owner of the property shall be responsible for maintaining in a proper and operable manner the sewer pipes leading and connecting from the plumbing system to the District sewers. If any such owner of any property shall fail and refuse to maintain in a proper and operable manner the sewer pipes leading and connecting from the plumbing system to the District sewers, then the District is hereby authorized to conduct such maintenance, and enter on or upon any such property for the purpose of conducting such maintenance. The District shall thereupon be entitled to recover the cost of such maintenance, together with reasonable penalties and interest and attorney's fees, by suit in any court of competent jurisdiction. In addition and as an alternate means of collecting such costs of maintenance, the District shall have a lien on such property for such cost, which lien shall be of equal dignity with the lien of state and county and municipal taxes. Such lien may be foreclosed by the District in the same manner provided by the laws of Florida for the foreclosure of mortgages upon real estate.

Specific Authority Chapter 71-822, Special Acts of Florida, 1971, as amended. Law Implemented Chapter 71-822, Sections 2, 6(2), 6(4), 6(19), (9), (10), (19). History-New 5-5-85, Formerly 31-13.02. Former Rules 31-3.006 moved to 31-13.002(4) & 31-3.014 moved to 31-13.002(5) by 6-15-00 amendment. Amended 6-15-00. Formerly 31-13.002, moved to 31-3.003 by Oct 20, 2011 amendment. Amended 10-20-2011.

HISTORY NOTE: 31-3.003 Connection with Sewer System. (Repealed)

Specific Authority Chapter 71-822, Special Acts of Florida, 1971, as amended, Chapter 75-475, Special Acts of Florida, 1975. Law Implemented Chapter 71-822, Section 6(9), (10), (19). History-New 11-12-75, Formerly 31-3.03, Repealed 6-15-2000.

31-3.004 Private Wastewater Disposal

(1) Where a public sanitary or combined sewer is not available under the provisions of Rule 31-3.003(3), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of District Rules and the regulations of agencies of applicable jurisdiction for Palm Beach and Martin Counties and the State of Florida.

(2) The type, capacity, location, and layout of private wastewater disposal systems shall comply with all regulations of the agencies of applicable jurisdiction for Palm Beach and Martin Counties and the State of Florida. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(3) At such time as a public sewer becomes declared available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within one (1) year after the date of official notice to do so, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

(4) The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the District.

(5) No statement contained in this Chapter shall be construed to circumvent or interfere with any additional requirements that may be imposed by the Florida Department of Environmental Protection or the Health departments of Palm Beach or Martin Counties.

Specific Authority Chapter 78-559, Section 6(19). Law Implemented Chapter 71-822, Sections 6(2), (10); Section 12 as amended by 78-559. History-New 5-5-85, Formerly 31-13.03. Formerly 31-13.003, moved to 31-3.004 by Oct 20, 2011 amendment. Amended 10-20-2011.

HISTORY NOTE: 31-3.004 Connection to Sewer Required. (Repealed)

Specific Authority Chapter 71-822, Special Acts of Florida, 1971, as amended, Chapter 75-475, Special Acts of Florida, 1975. Law Implemented Chapter 71-822, Section 6(9), (10), (19). History-New 11-12-75, Formerly 31-3.04, Repealed 6-15-2000.

31-3.005 Building Sewers and Connections

(1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Executive Director.

(2) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the District for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(3) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Executive Director, to meet all requirements of this Rule.

(4) The size, slope, alignment, and materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, connecting to the public sewer, testing, and backfilling the trench shall conform to the requirements of applicable building and plumbing codes and rules of the District. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the latest edition of the ASTM and WPCF Manual of Practice shall apply, incorporated herein by reference.

(5) Whenever possible, the building sewer shall be brought to the building at an elevation below the ground, or if applicable, basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(6) No person shall make connections of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(7) All connections to the public sewer shall be made watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Executive Director before installation.

(8) The applicant for the building sewer permit shall notify the Executive Director when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the District's representatives.

(9) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District which would be reasonable under the circumstances.

Specific Authority Chapter 78-559, Section 6(19). Law Implemented Chapter 71-822, Sections 6(2), (10); Section 12 as amended by 78-559. History-New 5-5-85, Formerly 31-13.04. Formerly 31-13.004, moved to 31-3.005 by Oct 20, 2011 amendment. Amended 10-20-2011.

HISTORY NOTE: 31-3.005 Exceptions to Connections. (Repealed)

Specific Authority Chapter 71-822, Special Acts of Florida, 1971, as amended, Chapter 75-475, Special Acts of Florida, 1975. Law Implemented Chapter 71-822, Section 6(19). History-New 11-12-75, Formerly 31-3.05, Repealed 6-15-2000.

31-3.006 Connection May Be Made by District. If any such owner of any lot or parcel of land within the District shall fail and refuse to connect with and use the facilities of the sewerage system of the District after the same became available as defined herein and notification by the District as provided herein, then the District is hereby authorized to make such connections, entering on or upon any such lot or parcel of land for the purpose of making such connection. The District shall thereupon be entitled to recover the cost of making such connection, together with reasonable penalties and interest and attorney's fees, by suit in any court of competent jurisdiction. In addition and as an alternate means of collecting such costs of making such connections, the District shall have a lien on such lot or parcel of land for such cost, which lien shall be of equal dignity with the lien of state and county and municipal taxes. Such lien may be foreclosed by the District in the same manner provided by the laws of Florida for the foreclosure of mortgages upon real estate.

Specific Authority Chapter 71-822, Special Acts of Florida, 1971, as amended, Chapter 75-475, Special Acts of Florida, 1975. Law Implemented Chapter 71-822, Section 6(4), (9), (10), (19). History-New 11-12-75, Formerly 31-3.06.

31-3.007 Malicious Damage. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person violating this provision shall be subject to any civil or criminal penalties available pursuant to law.

Specific Authority Chapter 78-559, Section 6(19). Law Implemented Chapter 71-822, Sections 2, 6(2), (13); Section 6(19) as amended by Chapter 78-559. History-New 5-5-85, Formerly 31-13.06. Formerly 31-13.006, moved to 31-3.007 by Oct 20, 2011 amendment. Amended 10-20-2011.

HISTORY NOTE: 31-3.007 Rates. (Repealed)

Specific Authority Chapter 71-822, Special Acts of Florida, 1971, as amended, Chapter 75-475, Special Acts of Florida, 1975. Law Implemented Chapter 71-822, Section 6(3), (6), (8), (9). History-New 11-12-75, formerly 31-3.07, Repealed 6-15-2000.

31-3.008 Unlawful Connection. No person, persons, firm corporation, agency, or organization shall be allowed to connect into any sewer line owned by the District without the written consent of the District and then the connection with such line shall be made only under the direction and supervision of the District, or its authorized agent. Any person, persons, firm, corporation, agency, or organization who shall make any connection without such consent of the District shall, upon conviction, be subject to the penalties hereinafter provided.

Specific Authority Chapter 71-822, Special Acts of Florida, 1971, as amended, Chapter 75-475, Special Acts of Florida, 1975. Law Implemented Chapter 71-822, Section 6(8), (13), 919). History-New 11-12-75, Formerly 31-3.08.

31-3.009 Unlawful Construction. No person, persons, firm, corporation, agency or organization shall build or remodel or cause to be built or remodeled any structure used for human habitation or occupancy within the District unless it is provided with sewage connection and disposal facilities, approved by the District.

Specific Authority Chapter 71-822, Special Acts of Florida, 1971, as amended, Chapter 75-475, Special Acts of Florida, 1975. Law Implemented Chapter 71-822, Section 6(6), (8), (10), (19). History-New 11-12-75, Formerly 31-3.09.

31-3.010 Connecting Old Plumbing. (Repealed)

Specific Authority Chapter 71-822, Special Acts of Florida, 1971, as amended, Chapter 75-475, Special Acts of Florida, 1975. Law Implemented Chapter 71-822, Section 6(6), (8), (13), (19). History-New 11-12-75, Formerly 31-3.10, Repealed 6-15-2000.

31-3.011 Sanitary Requirements. (Repealed)

Specific Authority Chapter 71-822, Special Acts of Florida, 1971, as amended, Chapter 75-475, Special Acts of Florida, 1975. Law Implemented Chapter 71-822, Section 6(10), (19). History-new 11-12-75, Formerly 31-3.11, Repealed 6-15-2000.

31-3.012 Disposal Requirements. (Repealed)

Specific Authority Chapter 71-822, Special Acts of Florida, 1971, as amended, Chapter 75-475, Special Acts of Florida, 1975. Law Implemented Chapter 71-822, Section 6(10), (19). History-New 11-12-75, Formerly 31-3.12, Repealed 6-15-2000.

31-3.013 Septic Tank. (Repealed)

Specific Authority Chapter 71-822, Special Acts of Florida, 1971, as amended, Chapter 75-475, Special Acts of Florida, 1975. Law Implemented Chapter 71-822, Section 6(10). History-New 11-12-75, Formerly 31-3.13, Repealed 6-15-2000.

31-3.014 Maintenance of Plumbing System. (Repealed)

Specific Authority Chapter 71-822, Special Acts of Florida, 1971, as amended. Chapter 75-475, Special Acts of Florida, 1975. Law Implemented Chapter 71-822, Section 6(19). History-New 11-12-75, Formerly 31-3.14.

31-3.015 Payment of Fees and Bills Required. (Repealed)

Specific Authority Chapter 71-822, Special Acts of Florida, 1971, as amended, Chapter 75-475, Special Acts of Florida, 1975. Law Implemented Chapter 71-822, Section 6(9) and Section 8. History-new 11-12-75, formerly 31-3.15, Repealed 6-15-2000.

31-3.016 Collection of Sewer Charges by Lien.

(1) When the fees, rates, or charges for the services and facilities of any system are not paid when due and are in default for thirty (30) days or more, following written notice to such delinquent customer, the District may discontinue and shut off the supply of the services and facilities of said system, to the person, firms, corporation or other body, public or private, so supplied with such services or facilities, until such fees, rates or charges, including legal interest, penalties and charges for the shutting off and discontinuance or the restoration of such services or facilities are fully paid. Such delinquent fees, or charges, together with legal interest, penalties and charges for the shutting off and discontinuance or the restoration of such services or facilities, and reasonable attorneys' fees, costs and other expenses, may be recovered by the board in a court of competent jurisdiction.

(2) The District shall have a lien on all lands and premises served by it for all charges, until paid, for services provided to such lands or premises by the District, or such lien shall be on parity with the lien of state, county, and municipal taxes, and any lien for charges for services created pursuant to Section 159.17, Florida Statutes. Such lien shall be perfected by the District by recording in the official records of the county in which the lands or premises are located a claim of lien in form substantially as provided in Section 713.08, Florida Statutes. A copy of the claim of lien shall be served as provided in Section 713.18, Florida Statutes, within ten (10) days after the claim of lien is recorded. If 30 days after service has been made liens created under this section remain delinquent, such liens may be foreclosed by the District in the manner provided by the laws of Florida for the foreclosure of mortgages on real property, and the District shall be entitled to reasonable interest and attorneys' fees and other court costs.

Specific Authority Chapter 71-822, Special Acts of Florida, 1971, as amended, Chapter 75-475, Special Acts of Florida, 1975. Law Implemented Chapter 71-822, Section 6(9), (19) and Section 8. History-new 11-12-75, Formerly 31-3.16, Amended 9-7-76, 3-19-92.

31-3.017 Failure to Maintain Plumbing System.

Failure to keep the sewer pipe, i.e., the pipe leading from the plumbing system to the District sewer, maintained in a proper manner will give the District the right to cut off the water and/or sewer connection, which shall not be reconnected until the sewer pipe is maintained properly. Plumbing systems, service connections, street laterals, manholes, pumping stations, force mains, treatment plants, and appurtenances not owned by the District and discharging into the District sewerage system shall, if defective, be repaired, and all such facilities shall be maintained so as to prevent the discharge of wastewater containing in excess of 250 p.p.m. of chlorides into the District system is hereby prohibited.

Specific Authority Chapter 71-822, Special Acts of Florida, 1971, as amended, Chapter 75-475, Special Acts of Florida, 1971. Law Implemented Chapter 71-822, Section 6(14), (19). History-New 11-12-75, Formerly 31-3.17.

31-3.018 No Service Free. No sewage disposal service shall be furnished or rendered free of charge to any person, firm, corporation, agency or organization whatsoever, and the District and each and every person, firm, corporation, agency or organization which uses or is required to use such service shall pay therefore at the rates fixed by the Governing Board of the District.

Specific Authority Chapter 71-822, Special Acts of Florida 1971, as amended, Chapter 75-475, Special Acts of Florida, 1975. Law Implemented Chapter 71-822, Section 6(9), (19). History-New 11-12-75, Formerly 31-3.18, Amended 6-15-2000.

31-3.019 Separate Connections for Each Separate Unit. (Repealed)

Specific Authority Chapter 71-822, Special Acts of Florida, 1971, as amended, Chapter 75-475, Special Acts of Florida, 1975. Law Implemented Chapter 71-822, Section 6(9), (19). History-new 11-12-75, Formerly 31-3.19, Repealed 6-15-2000.

31-3.020 Penalties. (Repealed)

Specific Authority Chapter 71-822, Special Acts of Florida, 1971, as amended, Chapter 75-475, Special Acts of Florida, 1975. Law Implemented Chapter 71-822, Section 6(9), (19). History-New 11-12-75, Formerly 31-3.20, Repealed 9-7-76.

31-3.021 Collection Line Construction and Availability in Established Neighborhoods.

The Loxahatchee River Environmental Control District shall not construct, nor declare available, sewerage collection lines and related appurtenances comprising a localized District sewer system in Established Residential Neighborhoods until such time that the District finds any of the following:

- (1) that 50% or more of the record owners of property to be serviced by such localized sewerage system shall desire and consent to the construction and declaration of availability of said system; or
- (2) that a health hazard or emergency situation exists which would justify the construction of and declaring available said localized system; or
- (3) that the water environment is degraded below background or ambient conditions, as defined by prior and representative analyses, to an extent that would justify the construction of and declaring available said localized system.

Cross Reference: See 31-3.002(2) for definition of Established Residential Neighborhoods.

Specific Authority 120.53(1), Chapter 71-822, Special Acts of Florida, 1971, as amended. Law Implemented Chapter 71-822, Section 6(10), 6(16), 6(17) and 6(23); Section 6(9)(d) as amended by Chapter 76-429; and Section 6(3) and 6(19) as amended by Chapter 78-559. History-New 1-9-85, Formerly 31-3.21, Amended 2-2-94.

Annotation: Village of Tequesta v. Loxahatchee River Environmental Control District, Case No. 97-436AD, 15th Judicial Circuit of Palm Beach County, Florida, Final Judgment ordered August 6, 1987, affirmed in Village of Tequesta v. Loxahatchee River Environmental Control District, 714 So.2d 1100, (Fla 4th DCA 1998).