

CHAPTER 31-3

REGULATIONS FOR SEWER SYSTEMS

| | | |
|----------|--|------------|
| 31-3.001 | Purpose | |
| 31-3.002 | Definitions | |
| 31-3.003 | Connections with Sewer System | (Repealed) |
| 31-3.004 | Connections to Sewer Required | (Repealed) |
| 31-3.005 | Exceptions to Connections | (Repealed) |
| 31-3.006 | Connections May Be Made by District | |
| 31-3.007 | Rates | (Repealed) |
| 31-3.008 | Unlawful Connection | |
| 31-3.009 | Unlawful Construction | |
| 31-3.010 | Connecting Old Plumbing | (Repealed) |
| 31-3.011 | Sanitary Requirements | (Repealed) |
| 31-3.012 | Disposal Requirements | (Repealed) |
| 31-3.013 | Septic Tank | (Repealed) |
| 31-3.014 | Maintenance of Plumbing System | |
| 31-3.015 | Payment of Fees and bills Required | (Repealed) |
| 31-3.016 | Collection of Sewer Charges by Lien | |
| 31-3.017 | Failure to Maintain Plumbing System | |
| 31-3.018 | No Service Free | |
| 31-3.019 | Separate Connections for Each Separate Unit | (Repealed) |
| 31-3.020 | Penalties | (Repealed) |
| 31-3.021 | Collection Line Construction and Availability in Established Neighborhoods | |

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 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 (Repealed)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 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 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 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.

Library References: Committee reports, corrections committee, Frederick B. Tygart, 55 Fla. Bar J. 441, 442 (June 1981).

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 of 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. 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.

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).