ORDINANCE NO. 04-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 18, ARTICLE II OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, RELATED TO PUBLIC WATER AND SEWAGE DISPOSAL SYSTEMS; AMENDING SECTION 18-29, "APPLICATION PROCEDURE FOR CONSTRUCTION, OPERATION, ETC. OF SYSTEM"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA that:

Section 1. Chapter 18, Article II, Section 18-29 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 18-29. Application procedure for construction, operation, etc., of system.

(a) *Submission of preapplication.* Any person who desires to construct, operate or own a water system or sewage disposal system within the unincorporated area of the county shall first submit a preapplication to the county administrator.

(b) *Required information.* The following data shall be submitted with the preapplication:

(1) A boundary description on a copy of the county property appraiser's map of the geographical area for which authorization to operate such system is sought.

(2) A copy of the most recent assessment roll of the county property appraiser showing the name, address, item number and description of all property within the area for which authorization is sought.

(3) Conceptual drawings indicating tentatively the system to be constructed, plant location, location of collection system, implementation schedule and any other general information that will determine when and where services will be supplied within the area described.

(4) Information as to the proposed method of financing the water or sewage system for which authorization to construct or operate such system is sought.

~~(e)~~(c) *Fee.* A preapplication fee ~~of $200.00~~ shall be paid to the county prior to the scheduling of a public hearing on the preapplication. The required preapplication fee shall be set forth in a resolution duly adopted by the Board of County Commissioners.

~~(f)~~(d) *Service of notice by mail.* All property owners within the area for which authorization is sought shall be notified of such preapplication and of the time and place set for public hearing thereon at least ten days prior to the date of the hearing by mail to the address shown on the property appraiser's assessment roll.

~~(g)~~(e) *Public notice of hearing.* Public notice of the hearing on the preapplication shall be published once each week for two successive weeks in a newspaper of general circulation published in the county, the first publication to be no sooner than 20 days prior to the hearing and in substantially the following form:

> Notice is hereby given that _____ has applied to the Board of County Commissioners of Leon County, Florida, for authorization to operate a water/sewage disposal system, embracing the following described lands in Leon County, Florida, to wit:
>
> (Description of area by public road, street, or landmark)
>
> Said Board of County Commissioners will hold a public hearing at _____ o'clock ____.m., on said application in the meeting room of the Board of County Commissioners of Leon County, Florida, on the _____ day of _____, ~~19~~ 20____, and all person affected or interested in such application are invited to be present at said time and place to voice their approval or disapproval of said application.
>
> Dated this _____ day of _____, ~~19~~ 20____.
>
> _____
> Chairman, Board of County
> Commissioners, Leon County, Florida

~~(e)~~(f) *Submission of application, fee.* Upon completion of the preapplication procedure and upon receiving approval of the conceptual plans by the county administrator, the applicant may proceed to submit an application for authorization to construct and operate a water or sewage disposal system in the area for which a preapplication has been approved or any portion thereof in the unincorporated area of the county, along with an application fee. The required application fee shall be set forth in a resolution duly adopted by the Board of County Commissioners. ~~in the amount of $150.00 plus $2.00 per proposed tap.~~

~~(d)~~(g) *Required information.* The following data shall be submitted with the application:

(1) Legal descriptions of all properties upon which treatment facilities, wells, life stations, pump stations or other portions of the water or sewage disposal systems will be located other than mains and lines.

(2) A description of the facilities to be provided, including a construction schedule showing dates upon which the facilities will be constructed in each portion of the geographical area for which authorization is sought.

(3) A set of plans and specifications prepared under the direction and supervision of a registered professional engineer for the system to be built, together with a copy of the operating procedures for such system.

(4) A list of the proposed rates and fees to be charged to users of the system.

(5) An estimate of operating costs and revenues on an annual basis for the first three years of operation.

(6) An estimate of the total capital requirements of the system and the amount of anticipated indebtedness, terms for the repayment of the indebtedness, and the security required therefor.

(7) Copies of any agreements between the system owner and other persons relating to the construction or operation of the system.

(8) Instruments of transfer in the event the system is to be transferred to the county at the end of the authorization period.

(9) Such other data as the county may deem appropriate.

Section 2. Conflicts. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail over any part of this ordinance which is inconsistent, either in whole or in part, with the said Comprehensive Plan.

Section 3. Severability. If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Effective date. This ordinance shall have effect upon becoming law.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida, this _____ day of _____, 2004.

LEON COUNTY, FLORIDA

By:_____
Jane G. Sauls, Chairman
Board of County Commissioners

ATTEST:
BOB INZER, CLERK OF THE COURT

By:_____
Clerk

APPROVED AS TO FORM:
COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

By:_____
Herbert W. A. Thiele, Esq.
County Attorney