

CITY OF MARCO ISLAND

ORDINANCE NO. 09- 07

AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA, AMENDING SECTION 18-80 OF THE CODE OF ORDINANCES OF THE CITY OF MARCO ISLAND TO PROVIDE FOR THE OPTION TO CONVERT ABANDONED SEPTIC TANKS TO A CISTERN TO CAPTURE RAINWATER FOR IRRIGATION; PROVIDING FOR SEVERABILITY, CONFLICTS AND INCORPORATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marco Island, Florida (the "City") has acquired and created a public wastewater utility system for the purpose of providing central wastewater collection, treatment and disposal facilities and services within and adjacent to the municipal boundaries of the City (the "Utility System"); and

WHEREAS, the City has initiated a wastewater collection facility construction program with the intent to construct, in a series of phases or districts, to be determined from time to time, within geographic areas served by the Utility System, certain wastewater collection improvements and to provide central wastewater service to owners and users of on-site sewage treatment and disposal systems including, but not limited to, septic tanks and cesspools located within the City and adjacent unincorporated areas served by the Utility System: and

WHEREAS, on or about October 20, 2005, the City provided written notice to all property owners anticipated to be affected by the wastewater collection facility construction program of the anticipated availability of the City's sewerage system, and that connection of all existing structures served by standard on-site sewage treatment and disposal systems to the new wastewater collection facilities is mandatory; and

WHEREAS, Section 18-80 of the City Code of Ordinances provides that property served by a private wastewater disposal system shall connect to the Utility System within 365 days after notice and that wastewater system service charges shall be in effect 90 days following notification of the availability of wastewater service; and this Section currently provides that, after connection to the public wastewater system, the existing septic tank shall be cleaned of sludge and filled with a suitable material, pursuant to applicable closure procedures contained in the Florida Administrative Code; and

WHEREAS, recent amendments to Rule 64E-6.011, Florida Administrative Code, effective June 25, 2009, have been adopted providing an option related to the abandonment of a septic tank serving a single family residence, which provide for converting the septic tank into a cistern for non-potable water irrigation purposes only; and

WHEREAS, it is desirable to amend Section 18-80, City Code of Ordinances, to extend to each property owner the option to convert the septic tank to a cistern after the homeowner is connected to the City central sewer system, consistent with the referenced Florida Administrative Code Rule.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA:

SECTION 1. Recitals. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true, correct and reflective of the legislative intent underlying this Ordinance, and are hereby made a specific part of this Ordinance.

SECTION 2. Amendment of Section 18-80. Section 18-80 of the Code of Ordinances of the City of Marco Island is amended to add the following new part (4) as follows:

Sec. 18-80. Public Wastewater System

.....

(4) Notwithstanding the foregoing, after proper connection to the City central sewer system, a septic tank serving a single family residence may be converted to a cistern consistent with the requirements of Rule 64E-6.011, part (4), effective June 25, 2009. Homeowners opting to convert the septic tank to cistern shall acquire the proper City and County Health Department permits prior to initiating the sewer connection and any septic tank conversion activities.

SECTION 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4. Conflicts. All sections or parts of sections of the Marco Island City Code of Ordinances, all City of Marco Island resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. Inclusion in the Code. The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of the City of Marco Island, Florida. The sections of the Ordinances may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION 6. Effective Date. This Ordinance shall take effect immediately upon adoption by the City Council on second reading.

Passed and Adopted on First Reading the 20th day of July, 2009.

Passed and adopted on Second Reading the 3rd day of August, 2009.

CITY OF MARCO ISLAND, FLORIDA

By: Robert J. Popoff
Robert J. Popoff, Chairman

Attest:

By: Laura M. Litzan
Laura M. Litzan, City Clerk

Approved as to form and legal sufficiency:

By: Alan L. Gabriel
Alan L. Gabriel, City Attorney

