

ORDINANCE NO. 09-13

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 MAINTAIN A PRIVATE ON-SITE WASTEWATER PUMP STATION (GRINDER SYSTEM) CONNECTING TO THE CITY'S SEWER WASTEWATER COLLECTION SYSTEM OR TO CONVERT TO A GRAVITY SYSTEM CONNECTING TO THE CITY'S GRAVITY MAIN SYSTEM; PROVIDING FOR SEVERABILITY, CONFLICTS AND INCORPORATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in November, 2003, the City of Marco Island, Florida (the "City") 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, prior to November 2003, a certain small number of residential and commercial properties within the City, located in areas then without an adjacent gravity system, connected to the then existing sewer force main or remote gravity system via a private on-site wastewater pump station, also known as a "grinder system" and force main; and

WHEREAS, subsequent to 2003, the City 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 (the "gravity sewer and force main system") and to thereby provide central wastewater service to owners and users of on-site sewage treatment and disposal systems including, but not limited to, septic tanks and grinder systems, located within the City and adjacent unincorporated areas served by the Utility System; and

WHEREAS, these certain residential and commercial property owners who previously connected their private grinder systems to the then existing wastewater collection system, thereby permitting them to send domestic sewage to the wastewater system through their on-site grinder systems, paid for that connection in the form of a sewer impact fee to the utility owner; and

WHEREAS, Staff desires to provide these property owners with the option of continuing their wastewater connection to the City's utility system through their existing grinder systems, or to convert to the now existing gravity sewer system for this connection, which conversion will require the payment of the per Equivalent Residential Connection ("ERC") construction cost for the installation of their respective District Septic Tank

Replacement Program ("STRP") collection system (the "Neighborhood Construction Cost"), but not the payment of an additional wastewater impact fee (currently \$4610); and

WHEREAS, all residential properties developed prior to June 1, 2005, are assumed to be one (1) ERC; and

WHEREAS, any property owner opting to convert to the gravity system will be required to obtain all required County Health Department and City permits prior to commencement of construction; and

WHEREAS, it is desirable to amend Section 18-80, City Code of Ordinances, to extend to each affected property owner the option to convert from the grinder system to the gravity system if so desired and to provide for the conditions for this conversion.

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 (5) as follows:

Sec. 18-80. Public Wastewater System
.....

(5) Any property owner who, prior to October 20, 2005, was permitted to connect to the City's wastewater collection system by means of an on-site wastewater pump station (grinder system) shall have the option to continue to send domestic sewage to the City's wastewater system through that grinder system or to convert to a gravity system connection. If such conversion is opted, the property owner shall pay to the City the per ERC construction cost (the "Neighborhood Construction Cost") for the installation of its respective District Septic Tank Replacement Program ("STRP") collection system, but shall not be required to pay an additional wastewater impact fee. The property owner shall acquire the proper City and County Health Department permits prior to initiating the conversion. No new private grinder systems will be permitted to connect to the wastewater system.

Any owner of a private grinder system who opts to continue the use of that system shall be responsible for the maintenance of the system both on its property and in the City's

right of way through the connection to the City's wastewater collection system. Such owner shall be responsible for relocating the system if it comes in conflict with other City utilities located now or in the future in the right of way. Such owner shall also be responsible for the cost of any clean-up resulting from the failure of the system in the City's right of way.

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.

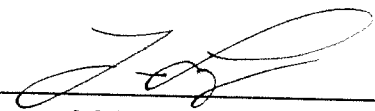
SECTION 6. Effective Date. This Ordinance shall take effect immediately upon adoption by the City Council on second reading.

Passed and Adopted on First Reading the 8th day of September, 2009.

Passed and adopted on Second Reading the 21st day of September, 2009.

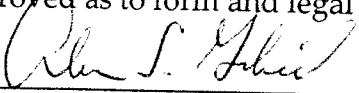
Attest:

CITY OF MARCO ISLAND, FLORIDA

By: 
Laura M. Litzan, City Clerk

By: 
Robert G. Popoff, Chairman

Approved as to form and legal sufficiency:

By: 
Alan L. Gabriel, City Attorney

