

Franklin County Ordinance 89-3

"Septic Tank Abatement Program"

Adopted by Franklin County Board of County Commissioners,
February 21, 1989

Approved by Administration Commission,
June 13, 1989

Effective July 20, 1989

AN ORDINANCE PROVIDING FOR BRINGING ALL SEPTIC
TANKS IN FRANKLIN COUNTY, FLORIDA IN COMPLIANCE
WITH ALL LAWS AND RULES, AND PROVIDING A SCHEDULE
FOR SUCH COMPLIANCE.

ORDINANCE 89-3

FRANKLIN COUNTY, FLORIDA

WHEREAS, pursuant to Section 380.0555, F.S. (1987), the Department of Health and Rehabilitative Services was directed to survey all septic tank soil-absorption systems in the Apalachicola Bay Area to determine their suitability as onsite sewage treatment systems; and

WHEREAS, the above mentioned survey was completed by the Department of Health and Rehabilitative Services Franklin County Public Health Unit in October 1987; and

WHEREAS, Section 380.0555, F.S. (1987), provides that Franklin County, after consultation with Department of Health and Rehabilitative Services and the Department of Environmental Regulation, shall develop a program designed to correct any onsite sewage treatment systems that might endanger the water quality of Apalachicola Bay; and

WHEREAS, Section 380.0555, F.S. (1987), provides that Franklin County shall enact by ordinance procedures implementing this program;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, FLORIDA, in order to protect the health, safety and welfare of the people in Franklin County, Florida and in order to protect the water quality of Apalachicola Bay, onsite sewage disposal systems (OSDS) identified by the HRS Franklin County Public Health Unit that do not comply with Chapter 10D-6, F.A.C. or with other applicable Franklin County regulations shall be corrected according to the following procedures:

(1) Property owners who have an OSDS, properly functioning in accordance with the requirements in effect at the time of original system installation and at least 50 feet landward of Franklin County will be exempt from this ordinance. However, if the OSDS is malfunctioning, or in disrepair, property owners with onsite disposal systems that do not meet current requirements of Chapter 10D-6, F.A.C., Standards for Onsite Sewage Disposal Systems, or applicable ordinances of Franklin County shall be notified by certified mail, return receipt requested, as follows:

(a) Notification shall be mailed to owners of the property on which the substandard system is located by certified mail, return receipt requested, as set forth herein:

1. Lanark Village/St. James: Within thirty (30) days of the enactment of this Ordinance.
2. Green Point/Carrabelle Beach: Within four (4) months of enactment of this Ordinance.
3. Carrabelle: Within eight (8) months of enactment of this Ordinance.
4. Eastpoint: Within twelve (12) months of enactment of this Ordinance.
5. Apalachicola: Within sixteen (16) months of enactment of this Ordinance.
6. St. George Island: Within twenty (20) months of enactment of this Ordinance.

(b) Notification to owners by certified mail, return receipt requested, who will utilize sewer services according to currently proposed and funded sewer plans shall be made by the responsible water and sewer district. The notice shall indicate the form of non-compliance of the unit and the expected date of sewer availability. However, notwithstanding the schedule in paragraph (1) (a) of this ordinance, if any system in non-compliance represents a risk to health and safety (i.e. system failure, illegal system, no system) the Franklin County Public

Health Unit shall notify the owner to take immediate steps to correct the system and to obtain a construction permit for repair/replacement from the HRS Franklin County Public Health Unit and a County Building Department permit. The HRS Franklin County Public Health Unit shall inspect and approve repair/replacement actions in accordance with Chapter 10D-6, F.A.C. Deadline for compliance shall be sixty (60) days after receipt of notification. Non-compliance shall be dealt with as provided in (2) herein. All owners and users of OSDS's in Franklin County shall be required to connect to a central sewerage system when it is available for use pursuant to s.380.0555 (11) (b). F.S.

(c) Notification to owners by certified mail, return receipt requested, who will not utilize sewer services due to unavailability shall be made by the HRS Franklin County Public Health Unit. The notice shall indicate the type of system failure or other form of non-compliance, the public health reasons for speedy compliance; shall establish a sixty (60) day deadline for compliance; and shall inform of the availability of an FmHA program for low-income home improvement loans. The owners shall be notified to correct the system, and pursuant to Chapter 10D-6, F.A.C., Standards for Onsite Sewage Disposal Systems, owners must obtain construction permits for repair/replacement from the HRS Franklin County Public Health Unit and a County Building Department permit. The HRS Franklin County Public Health Unit shall inspect and approve repair/replacement actions in accordance with Chapter 10D-6, F.A.C. and any other applicable Franklin County Ordinances. Non-compliance shall be dealt with as provided in (2) herein.

(2) The procedure below will be followed if an owner does not comply within the time limit designated by this Ordinance or if an owner does not respond to notification of non-compliance.

(a) The Board of County Commissioners will be notified in writing by the HRS Franklin County Public Health Unit of non-compliance with 1(a) or 1(b). A public hearing will be scheduled as part of the next regular or special County Commission meeting

upon notification of non-compliance. The Board of County Commissioners may, depending on demonstrated hardship or other reasons for non-compliance, give an extension of the time period for compliance (not to exceed 2 increments of not more than 30 days each), at the same time notifying the HRS Franklin County Public Health Unit of the extension period. The Board of County Commissioners shall proceed with 2(b) below.

(b) Owners who do not comply with requirements of this Ordinance shall be guilty of a misdemeanor of the first degree and upon conviction thereof, be punished by fine not to exceed \$500 or by imprisonment not to exceed sixty (60) days, or both such fine and imprisonment.

(c) If any word, clause, phrase, portion, or provision of this Ordinance is held invalid or unconstitutional by any duly authorized court in the State of Florida, such a decision shall not affect the validity of the remainder or any other provision of this Ordinance.

This Ordinance adopted in open regular session this 21st day of February, 1989, after notice of intent to consider the same has been made and kept in the Ordinance Book of the Clerk of the Board for at least 15 days exclusive of Sundays and legal holidays, and the title and substance hereof published according to law in a newspaper of general circulation within the County.

This Ordinance shall take effect when notice of receipt of a certified copy of same is returned from the Secretary of State.

THE BOARD OF COUNTY COMMISSIONERS
OF FRANKLIN COUNTY, FLORIDA

BY: Perry Mock
Its Chairman

ATTEST:

Lee R. P. Rivers
Clerk

(SEAL)