

CHAPTER 31-3

REGULATIONS FOR SEWER SYSTEMS

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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 2002-358, Laws of Florida. Law Implemented Chapter 2002-358, Laws of Florida, Section 6(8), (9), (11), (13), (19). History-New 11-12-75, Amended 6-15-2000, 08-17-2017.

31-3.002 Definitions.

Except as discussed below, the general definitions set forth in the enabling legislation of the District, Chapter 2002-358, Laws of Florida, as amended, and as set forth in Loxahatchee River Environmental Control District Chapter 31 Rules shall apply to this Rule. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Rule, shall have the meanings hereinafter designated.

(1) “District” shall refer to the Loxahatchee River Environmental Control District.

(2) “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.

(3) "Private Sewer" includes any pipe, conduit, ditch, or other device used or devised to collect or transport sewage from a source that is not owned by the District. Private Sewer specifically includes plumbing, laterals, gravity mains, manholes, grease interceptor, intercepting sewers, pumping stations, lift stations, valves, force mains, pressure lines, and all associated appurtenances and equipment located on private property or for which the District has not accepted a Bill of Sale.

Specific Authority 120.53(1), Chapter 2002-358, Laws of Florida. Law Implemented Chapter 2002-358, Laws of Florida, Sections 6(3), 6(9)(d), 6(10), 6(16), 6(17), 6(19) and 6(23). History-New 11-12-75, Amended 1-9-85, 6-15-2000, 08-17-2017.

31-3.003 Use of Public Sewer System Required.

(1) It shall be unlawful to discharge to any natural outlet within the geographical area of District any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of these Rules.

(2) Except as otherwise permissible pursuant to the District's Rules, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the treatment or the disposal of wastewater.

(3) The owner of any houses, buildings, or properties used for human occupancy, business, employment, recreation, or other purpose situated within the geographical area of the District and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer system of the District is hereby required at the owner's expense to install toilet facilities therein, and to connect such facilities directly to the proper public sewer system in accordance with the provisions of these Rules, within one (1) year of the actual availability of the sewer system, provided that said public sewer system is declared available and is in a public easement or right-of-way that abuts the property.

(4) Maintenance of Private Sewer. The owner of the property shall be responsible for maintaining in a proper and operable manner the private sewer on their property. Maintenance of Private Sewer specifically excludes work on a low pressure sewer system for which the District has agreed to provide maintenance via an executed License for Maintenance of Low Pressure Sewer System Pump Station. If any such owner of any property shall fail and refuse to maintain in a proper and operable manner the private sewer on their property, then the District is hereby authorized to conduct such maintenance, and enter on or upon any such property for the purpose of conducting such maintenance. The District shall thereupon be entitled to recover the cost of such maintenance, 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 maintenance, the District shall have a lien on such property 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 2002-358, Laws of Florida. Law Implemented Chapter 2002-358, Laws of Florida, Sections 2, 5, 6(2), 6(4), 6(10), 6(19), 6(22), 9, 10, 12. History-New 5-5-85, 6-15-00, 10-20-2011, 08-17-2017.

31-3.004 Private Wastewater Disposal.

(1) Where a public sanitary sewer system is not available under the provisions of Rule 31-3.003(3), the private sewer shall be connected to a private wastewater disposal system complying with the provisions of District Rules, the District's Construction Standards and Technical Specifications, and the regulations of agencies of applicable jurisdiction for Palm Beach and Martin Counties and the State of Florida.

(2) The type, capacity, location, and layout of private wastewater disposal system shall comply with all regulations of the agencies of applicable jurisdiction for Palm Beach and Martin Counties and the State of Florida. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(3) At such time as a public sewer system becomes declared available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer system within one (1) year of the actual availability of the sewer system, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be abandoned in accordance with Florida Statutes 64E-6.011 Abandonment of Systems.

(4) The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the District.

(5) No statement contained in this Chapter shall be construed to circumvent or interfere with any additional requirements that may be imposed by the Florida Department of Environmental Protection or the Health departments of Palm Beach or Martin Counties.

Specific Authority Chapter 2002-358, Laws of Florida, Section 6(19). Law Implemented Chapter 2002-358, Laws of Florida, Sections 6(2), (10) & Section 12. History-New 5-5-85, Amended 10-20-2011, 08-17-2017.

31-3.005 Private Sewers and Connections.

(1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer system or appurtenance thereof without first obtaining written consent from the District.

(2) All costs and expenses incidental to the installation and connection of the private sewer to the District's sewer system shall be borne by the owner. The owner shall indemnify the District for any loss or damage to any District system that may directly or indirectly be occasioned by the installation or connection of the private sewer.

(3) Existing private sewer infrastructure may be used in connection with new buildings only when found, on examination and test by the District, to meet all requirements of this Rule and the District's Construction Standards and Technical Specifications.

(4) The size, slope, alignment, and materials of construction of a private sewer, and the methods to be used in excavating, placing of the pipe, jointing, connecting to the public sewer system, testing, and backfilling the trench shall conform to the requirements of applicable building and plumbing codes, the rules of the District, and the District's Construction Standards and Technical Specifications.

(5) Whenever possible, the private sewer shall be brought to the building at an elevation below the ground, or if applicable, basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer system, sanitary sewage carried by such building drain shall be lifted by a District approved means and discharged to the building sewer.

(6) No person shall make connections of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a private sewer which is connected directly or indirectly to the District's sanitary sewer system.

(7) All connections to the District's sanitary sewer system shall be made in accordance with the District's Construction Standards and Technical Specifications, watertight, verified by proper testing, and inspected and approved by the District. Any deviation from the District's Construction Standards and Technical Specifications must be reviewed and approved in writing by the District before installation.

(8) The applicant seeking to construct a private sewer or connect a private sewer to the District's sanitary sewer system shall notify the District when the private sewer is ready for inspection and

connection to the public sewer system. The connection and testing shall be made under the supervision of the District's representatives.

(9) All excavations for private sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored to the satisfaction of the local authority with jurisdiction over the public property.

Specific Authority Chapter 2002-358, Laws of Florida, Section 6(19). Law Implemented Chapter 2002-358, Laws of Florida, Sections 6(2), (10); Section 12. History-New 5-5-85, Amended 10-20-2011, 08-17-2017.

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 District's sewer system 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 2002-358, Laws of Florida. Law Implemented Chapter 2002-358, Laws of Florida, Section 5, 6(4), 6(9), 6(10), 6(17), 6(19), 6(22), and 9. History-New 11-12-75, Amended 08-17-2017.

31-3.007 Malicious Damage.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person violating this provision shall be subject to any civil or criminal penalties available pursuant to law.

Specific Authority Chapter 2002-358, Laws of Florida. Law Implemented Chapter 2002-358, Laws of Florida, Sections 2, 6(2), 6(13) and 6(19). History-New 5-5-85, Amended 10-20-2011.

31-3.008 Unlawful Connection.

No person, persons, firm, corporation, agency, or organization shall be allowed to connect into any sewer system owned by the District without the written consent of the District and then the connection with such system 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 be subject to all rates, fees and charges as provided for in Chapter 31-10, and be subject to the penalties provided in Chapter 31-13 sections 10 and 11.

Specific Authority Chapter 2002-358, Laws of Florida. Law Implemented Chapter 2002-358, Laws of Florida, Section 6(8), (13), (19). History-New 11-12-75, Amended 08-17-2017.

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 2002-358, Laws of Florida. Law Implemented Chapter 2002-358, Laws of Florida, Section 6(6), (8), (10), (19). History-New 11-12-75.

31-3.010 Connecting Old Plumbing. (Repealed) Repealed 6-15-2000.

31-3.011 Sanitary Requirements. (Repealed) Repealed 6-15-2000.

31-3.012 Disposal Requirements. (Repealed) Repealed 6-15-2000.

31-3.013 Septic Tank. (Repealed) Repealed 6-15-2000.

31-3.014 Maintenance of Plumbing System. (Repealed)

31-3.015 Payment of Fees and Bills Required. (Repealed) Repealed 6-15-2000.

31-3.016 Collection of Sewer Charges by Lien. (Repealed) Repealed 8-17-2017

31-3.017 Failure to Maintain Private Sewer.

Failure to maintain a private sewer in a proper working manner will give the District the right to cut off the water and/or sewer connection, which shall not be reconnected until the private sewer is maintained properly. Private sewers and other appurtenances not owned by the District and discharging into the District sewerage system shall, if defective, be repaired, and all such facilities shall be operated and maintained so as to prevent the discharge of wastewater that violates General Sewer Use Requirements as specified in Chapter 31-13.

Specific Authority Chapter 2002-358, Laws of Florida. Law Implemented Chapter 2002-358, Laws of Florida, Section 6(14), (19). History-New 11-12-75, Amended 08-17-2017.

31-3.018 No Service Free. (Repealed) Repealed 8-17-2017.

31-3.019 Separate Connections for Each Separate Unit. (Repealed) Repealed 6-15-2000.

31-3.020 Penalties.

See Loxahatchee River Environmental Control District Rule Chapter 31-13 Sections 10 & 11.

Specific Authority Chapter 2002-358, Laws of Florida. Law Implemented Chapter 2002-358, Laws of Florida, Section 6(9), (19). History-New 08-17-2017.

**31-3.021 Collection Line Construction and Availability in Established Neighborhoods.
(aka Ellis Rule)**

The Loxahatchee River Environmental Control District shall construct and declare available, sewerage collection lines and related appurtenances comprising a localized District sewer system in Established Residential Neighborhoods based upon the Governing Board's determination of any of the following:

- (1) that 50% or more of the record owners of property to be served by such localized sewerage system shall desire and consent to the construction of said system; or
- (2) that a reasonable alternative to the septic tanks exists for the treatment of the sewerage, taking into consideration factors such as cost; or
- (3) the discharge from the septic tanks is adversely affecting the health of the user or the public, or the groundwater or surface water is degraded; or
- (4) to enhance the environmental and scenic value of surface waters.

Cross Reference: See 31-3.002(2) for definition of Established Residential Neighborhoods.

Specific Authority F.S. 373.451, F.S. 381.0065, 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 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, 6-15-2000.

Annotation: Village of Tequesta v. Loxahatchee River Environmental Control District, Case No. 97-4367AD, 15th Judicial ordered August 6, 1987, affirmed in Village of Tequesta v. Loxahatchee River Environmental Control District, 714 So. 2d 1100, (Fla 4th DCA 1998).