

ORDINANCE NO. 11-2018

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING CHAPTER 96 -IMPROVEMENTS - ARTICLE II - DESIGN AND CONSTRUCTION STANDARDS OF IMPROVEMENTS- SECTION 96-34. - WATER AND SEWER, (C) SEWER FACILITIES; CREATING A NEW SUB-SECTION (C) 7 - RELATING TO SEWER CONNECTION; PROVIDING VOLUNTARY CONNECTION TO SEWER FACILITIES FOR EXISTING RESIDENTIAL CUSTOMERS; PROVIDING FOR CONFLICTS, PROVIDING FOR INCORPORATION OF RECITALS, CODIFICATION, SEVERABILITY AND FOR AN EFFECTIVE DATE.

WHEREAS, it is necessary and desirable to amend Chapter 96 of the City of Deltona Code of Ordinances to specifically include a provision which allows existing residential customers to voluntarily connect to the City of Deltona sewer system, if the customer so desires and if such sewer service is available but does not under any circumstance force an existing residential customer to connect to the City of Deltona's sewer system. The City will continue to require mandatory sewer connection to the City of Deltona's sewer system, if available, for other land uses pursuant to Section 381.00655, Florida Statutes; and

WHEREAS, it is in the best interest of the City to clarify the duties of property owners and the City where connections may be made to the City of Deltona sewer system; and

WHEREAS, this Ordinance is consistent with the City of Deltona's Comprehensive Plan.

NOTE: Underlined words shall constitute additions to the original text of the Ordinance or Code; ~~striketrough~~ shall constitute deletions to the original text of the Ordinance or Code; and asterisks (***) indicate an omission from the existing text of the Ordinance or Code, which is intended to remain unchanged.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, as follows:

SECTION 1: Recitals Adopted. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance upon adoption hereof.

SECTION 96-34. -Water and Sewer. (c) Sewer. The Code of Ordinances of the City of Deltona, Florida is hereby amended to add a new part (7) to Section 96-34 (c) to read as follows;

- **Sec. 96-34 (c). - Sewer.**

(7) Connection to the City sanitary sewer system, if available, shall be voluntary and not required for all existing residential customers with associated septic systems. The City's practice is to support septic system repair, when it is necessary or required, rather than a residential retrofit for sewer connection.

a. All existing land uses other than existing residential uses shall be required to connect to the City's sanitary sewer system, if available.

c. If grants through the Federal Government, State of Florida, or a combination thereto, would become available for the extension of the City's Sanitary sewer system and would assist residents in defraying the costs of a residential retrofit for a sanitary sewer connection then such opportunities would be made known and available to City residents. The existence of such would not change the basic policy that connection to the City's sewer system for existing residential customers is voluntary.

SECTION 3. CONFLICTS. All Ordinances or parts of Ordinances, insofar as they are inconsistent or in conflict with the provisions of this Ordinance, are hereby repealed to the extent of any conflict.

SECTION 4. CODIFICATION. The provisions of this Ordinance shall be codified as

and become and be made a part of the Code of Ordinances of the City of Deltona. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention.

SECTION 5. SEVERABILITY. In the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance on which shall remain in full force and effect.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its final passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF ____, 2018.

FIRST READING: _____

ADVERTISED: _____

SECOND READING: _____

JOHN C. MASIARCZYK SR., MAYOR

ATTEST:

JOYCE RAFTERY, CITY CLERK

**Approved as to form and legality for use
and reliance by the City of Deltona,
Florida**

City Attorney