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ENVIRONMENTAL SERVICES

ORDINANCE NO. 85-14

AN ORDINANCE RELATING TO WASTEWATER REUSE
ESTABLISHING DESIGN AND CONSTRUCTION STANDARDS
FOR THE RECLAIMED WATER SYSTEM; RESTRICTING
CERTAIN WATER USES; PROVIDING ESTABLISHMENT
OF REUSE DISTRICTS; PROVIDING FOR PENALTIES;
AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the waters in Brevard County are among the County's
basic resources; and

WHEREAS, present supplies of potable water are being wasted
on uses whose demand can be met with waters of a much lower
quality; and

WHEREAS, water reuse, that is, using reclaimed water from a
wastewater treatment facility, is a means of converting what has
traditionally been considered a waste product into a valuable
resource; and

WHEREAS, wastewater reuse, as an integral part of water a
management program, can encourage the use of water of the lowest
acceptable quality for that particular purpose intended; and

WHEREAS, the continued withdrawal of ground water would
significantly induce salt water intrusion; and

WHEREAS, it is the declared policy of the Board of
Commissioners of Brevard County, Florida, to promote the
conservation, development and proper utilization of surface and
ground waters in a manner consistent with their resource limitations;
and

WHEREAS, implementation of a water reuse program will relieve
the pressure on limited and diminishing supplies of fresh water
so they can be used to meet the future demands of a growing
population; and

WHEREAS, the Appendix B, Subdivisions, Code of Brevard
County, Florida, does not presently contain the requirements and
regulations to fully implement a program for the use of reclaimed

water; and

WHEREAS, the Brevard County Board of Commissioners has determined that the adoption of the necessary rules and regulations are essential for the implementation and operation of the reclaimed water system; and

WHEREAS, a delay in adopting the necessary requirements and regulations could seriously delay and jeopardize the implementation of a reclaimed water system.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA AS FOLLOWS:

Section 1. Definitions.

For the purpose of this Ordinance, the following terms shall have the meaning set forth in this section. When consistent with the context, words used in the present tense include the future, words in the future tense include the present, words in the plural include the singular, and words in the singular include the plural. The word "shall" is always mandatory and not merely directive.

1. BILLING: the charge made for reclaimed water service. The charge may be made on a separate invoice or may be included on the monthly sewer bill.
2. CENTRAL WATER SUPPLY: shall mean a water system owned by the public; or a private franchise operating under permit of the Public Utilities Commission.
3. CERTIFICATE OF OCCUPANCY: shall mean that certificate issued by the Brevard County Building and Construction Department subsequent to final inspection that all improvements have been completed in conformity with the requirements of the Brevard County Code and the approved construction plans and specifications.
4. COMMERCIAL ESTABLISHMENT: shall mean any enterprise that is involved with the retail of goods or services.
5. COMMISSION: refers to the Board of County Commissioners of Brevard County, Florida.
6. CROSS-CONNECTION: any physical connection or

arrangement which could allow the movement of contaminants or fluids between any non-potable water system, such as the reclaimed water system, and a potable water system.

7. COUNTY: refers to Brevard County, Florida.
8. CUSTOMER: shall mean the actual user of the reclaimed water.
9. DEVELOPMENT: A material change in the use or character of the land including, but not limited to, the placement of any structure on the land or substantial alteration to the site.
10. DISCONTINUATION OF SERVICE: shall mean cessation of a service by physical separation from the system's service lines to insure that no service can be received.
11. DISTRIBUTION MAINS: shall mean those conduits used to supply reclaimed water to service lines from trunk mains.
12. DIVISION: shall mean the Environmental Services Division of Brevard County.
13. DOMESTIC CONSUMPTION: shall mean water used in direct human contact for drinking, cooking, bathing and cleaning purposes inside a residential or commercial establishment.
14. DUAL CHECK DEVICE: shall mean a device composed of two single independently active check valves.
15. IMPROVEMENTS: Buildings, street pavements, water mains, sanitary sewers, reclaimed water mains, or any other physical betterment required by any governmental entity.
16. INDIVIDUAL: shall mean any person, firm, corporation or other legal entity, whether public or private.

17. IRRIGATION: shall mean the method by which water is artificially supplied to land surfaces.
18. LOT: A parcel of land shown on a recorded plat or on the Brevard County Property Appraiser's map, or any piece of land described by deed in the Official Record Books of Brevard County.
19. MASTER CONTROL VALVE: shall mean the manually operated valve which controls total reclaimed water flow to the customer's property located at the point where the reclaimed service line crosses the property line.
20. NEW BUILDING: refers to any proposed construction for which a valid building permit has not been issued, prior to the effective date of this Ordinance.
21. PVC: polyvinyl chloride.
22. RATES: shall mean those charges set by the Board of County Commissioners, from time to time, for costs of providing service.
23. RECLAIMED WATER: is effluent from the Brevard County Wastewater Treatment Plant supplied through the reclaimed water distribution system.
24. SERVICE LINE: shall mean that conduit for reclaimed water from the distribution main to the property line.
25. TRUNK MAINS: shall mean those conduits used to supply reclaimed water from the pumping station or treatment plant to the distribution mains.
26. WASTEWATER: refers to the combination of the liquid or water carried wastes removed from residences, institutions, and commercial and industrial establishments.
27. WATER-SOURCE AIR CONDITIONERS: includes reverse cycle heat pumps and any other equipment for heating or cooling which requires the use of flowing water for heat transfer.
28. WELL: means any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise

constructed when the intended use of such excavation is for the location, acquisition, development or artificial recharge of ground water.

29. WELL WATER: refers to the water which is used as a source for drinking, bathing, cooking, irrigation, or cleaning.

Section 2. Purpose and Authority. The purpose of this Ordinance is to establish a reclaimed water use program. The establishment of a reclaimed water system is a vital step in the progress of conserving potable water. As the general welfare, health, safety and convenience of the community are thereby directly affected by the use of reclaimed water, it is in the interest of the public that the reclaimed water system is designed and developed in accordance with sound rules and proper minimum standards.

The purpose and intent of this Ordinance is as follows:

(1) To establish standards for the reclaimed water system design and construction that will protect the health and welfare of the citizens of Brevard County and encourage the use of reclaimed water;

(2) To provide public facilities and utilities that will have a sufficient capability to support the service areas.

(3) To insure protection of the environment and promotion of the general welfare through the coordination of the furnishing and establishment of reclaimed water transmission lines in an orderly planned manner.

(4) To prevent the pollution of streams and ponds; to safeguard the water table; and to encourage the wise use and management of the natural resources of Brevard County.

Section 3. Implementation.

It shall be unlawful for any individual to use well water or water from a central water supplier for irrigation of lawns, trees or shrubbery at any residential, commercial, or agricultural establishment if reclaimed water is available.

Section 4. Area of Operation; Exemptions.

- (1) The provisions of this Ordinance shall apply to the

following real property located within the unincorporated areas of Brevard County which have been designated as Reuse Districts by resolution of the Commission:

- (a) All undeveloped property; and
- (b) All public and private rights-of-way and easements; and
- (c) All developed or partially developed property where there is an intensification of land use which affects or will affect the lot or the land involved.

(2) The provisions of this Ordinance shall not apply to real property for which any application for a duplex, attached or detached single or multi-family residential building permit or site development plan has been properly submitted to Brevard County, and all applicable fees have been paid to the appropriate department or agency, on or prior to the effective date of this Ordinance.

(3) The area served by the reclaimed water system shall conform with the following provisions:

(a) All wells in existence upon adoption of this Ordinance shall be registered as determined by the Division.

(b) Upon adoption of this Ordinance all new wells shall be registered as determined by the Division.

Section 5. Development of Service Area.

(1) It shall be unlawful for any individual to submit a plat for subdivision of land for site plan review, or Planned Unit Development within the reclaimed water system service area, to the Clerk of the Circuit Court, or his representative, for the purpose of recording such plat in the Office of the Clerk of the Circuit Court of Brevard County, Florida, until said plan has been approved by the Commission, under the provisions of this Ordinance.

(2) There are three stages of review for plat approval: the pre-application conference, the preliminary plat review and the final plat approval.

(a) Pre-application conference: The first stage is the

pre-application conference. This stage is not compulsory for the applicant but allows the applicant to solicit comments from governmental agency staffs on the proposed alteration prior to application for formal plat review.

(b) Preliminary Plat Review: The second stage is the preliminary plat review. This stage is mandatory of all applicants and commences when the applicant makes formal application for plat review to the agency staffs and Commission. At this stage, all applicants shall address the use of reclaimed water, including lines and check valves, and locations.

(c) Final Plat Approval: The third stage is final plat approval. This stage follows the preliminary plat review and is the final stage prior to recording a plat. After preliminary plat approval, the applicant may receive final plat approval by constructing the improvements to his real property in accordance with the approved construction plans for the preliminary plat or by providing the Commission adequate security that the improvements shall be constructed in accordance with the approved plans for the subdivision.

Section 6. General Provisions.

(1) Availability of Service. Reclaimed water service shall be provided for properties located within the service area which comply with the provisions for such service as set forth in this section.

(a) The existence of a reclaimed water system main in the service area does not guarantee service to all real property; service is subject to availability of reclaimed water.

(b) No taps shall be permitted to the reclaimed water system unless specifically approved by the Environmental Services Coordinator or his designee.

(c) Reclaimed water system extensions or improvements shall be accepted by Brevard County upon receipt of approval of the Coordinator of the Environmental Services Division; or proper Federal officials; or proper State officials.

(d) No reclaimed water facilities shall be installed

under the provisions outlined herein and accepted by Brevard County for maintenance unless it is located in a dedicated right-of-way or easement that has been accepted by the Commission. Any new easement shall have a minimum width of twenty-five (25) feet. No obstruction of any kind shall be planted, built or otherwise created within the limits of the easement or right-of-way without permission of the Commission or its designee.

(2) Ownership. When all reclaimed water facilities and appurtenances, other than on-site irrigation systems, are accepted by Brevard County they shall become and remain the property of Brevard County. No person shall by payment of any charges provided herein, or by causing any construction of facilities accepted by Brevard County, acquire any interest or right in any of these facilities, or any portion thereof, other than the privilege of having their property connected thereto for reclaimed water services in accordance to this Ordinance and any amendments thereof.

(3) Unauthorized work on system. No unauthorized person shall tamper with, work on, or in any way alter or damage any county facility without written permission of the Coordinator of the Environmental Services Division or his designee. This shall include the opening and closing of valves, turning on or off of hydrants, or causing any water to flow from the system. No unauthorized person shall cut into or make any connection to the system. The offending person shall pay the cost of all charges attributable to such tampering, including legal expenses.

(4) Right to Refuse Service. No payment of any costs, submittal of any petition or any other act to receive reclaimed water reuse service shall guarantee such service. Brevard County shall have the right, at all times, to refuse to extend services on the basis that a use is detrimental to the system; there is an inadequate supply of reclaimed water; lack of payment of required fees; or for any other reason which, in the judgment of the Coordinator, or his designee, will cause the extension not to be to the benefit of Brevard County.

(5) Maintenance by the Customer. The property owner and customer shall be responsible for the maintenance of all facilities, including irrigation lines and appurtenances, on property served by Brevard County. Brevard County reserves the right to disconnect the service to any property that does not maintain its system. In addition, should the customer require reclaimed water service at different pressures, or in any way different from that normally supplied by Brevard County, the customer shall be responsible for the necessary devices to make these adjustments and for obtaining approval from the Coordinator, or his designee, to make these adjustments.

(6) Service Interruption. Brevard County reserves the right to temporarily discontinue service to the entire reclaimed water system or any portion thereof, as deemed necessary by the Coordinator or his designee for public health or safety purposes.

Section 7. Design Standards.

(1) Reclaimed Water Systems. All new subdivision, commercial, industrial, agricultural and Planned Unit Developments shall install a reclaimed water lines in such a manner as to provide service to the entire property of the development. The distribution mains shall be extended across the total property frontage to facilitate future extensions. The system will be designed, signed and sealed by an engineer, registered in the State of Florida in accordance with regulations of Brevard County and the Florida Department of Environmental Regulation.

(1) The reclaimed water system shall be sized and configured in accordance with the applicable sections of all applicable Brevard County regulations.

(2) Brevard County has established the route for the major trunk and distribution mains of the reclaimed water system. Developments within the service area that abut any public easement or right-of-way shall install the service lines in an appropriate easement. A map depicting the location of the trunk main routes is on file in the Environmental Services Division.

2. Pipe Materials. Pipe materials used for reclaimed water systems will be in accordance with County and State regulations.

3. Identification. All PVC pipe and other approved pipe materials accepted into the existing system shall be adequately identified by color coding to assure correct connection. The color may be characteristic of the pipe material, or added after manufacture of the pipe by a coloring agent. For all new construction the identifying colors shall be:

(1) Potable Water. All PVC pipe shall be either of a solid blue color or white with blue lettering as per lettering specifications listed below.

(2) Sewer Gravity Lines. All PVC pipe shall be either of a solid brown color or white with brown lettering as per the specifications below.

(3) Reclaimed Water Lines. All PVC pipe shall be either of a solid green color or white with green lettering as per the specifications below.

(4) Lettering Specifications. All lettering shall appear on three (3) sides of the pipe, shall be a minimum 3/4" in height and shall appear one or more times every 21" along the entire length of the pipe. The lettering must be permanently impregnated into the PVC and may not be simply stenciled to the pipe surface.

4. Minimum Sized Reclaimed Water Mains. The minimum size of mains installed in Prevard County shall be four (4) inches in diameter, with the following exceptions:

(1) Reclaimed Water Service Line. Service line size shall be required by the property served, but shall in no case be less than three-fourths (3/4) inch in diameter. Size of service line required by an applicant is subject to approval by the Coordinator, or his designee.

(2) Sizing. The listing of minimum sizes shall not, in any way, be construed as the allowable size. The sizing, design, and material used in main extensions shall be subject to the approval of the Commission or their designee.

5. Irrigation Systems. Irrigation systems using reclaimed water

shall be permanently installed, underground, and consist only of sprayhead, underground irrigation and the like. Above ground hose connections and faucets for reclaimed water are prohibited.

6. Sprayheads. Sprayheads used for residential locations shall be of low trajectory-large droplet type and be approved by the Division.

7. Backflow Regulators. All service connections to a potable water supply system on property adjacent to a reclaimed water trunk main, distribution main, or service line, shall have a backflow prevention device approved by the Division to prevent the flow of reclaimed water into the potable water distribution system.

8. Cross Connection: The Reclaimed Water System shall not be connected to any well source or surface body source, or potable water system or any similar source.

Section 8. Fees.

Fees shall be paid in accordance to the schedule established and approved by the Commission. Charges and fees for service are authorized by resolution from the Board of County Commissioners.

Section 9. Penalties.

Any person violating this Ordinance, shall, upon conviction be fined not more than Five Hundred Dollars (\$500.00) or imprisonment in the County jail for a period not to exceed sixty (60) days, or both fine and imprisonment. Each day such a violation occurs shall constitute a separate offense.

Section 10. Alternate Remedies.

In addition to other remedies, whether civil or criminal, for any violation of this Ordinance by any person, owner, contractor, or any other individual, the proper authorities of Brevard County may institute any appropriate action or proceeding including injunction, to prevent such violation by a court of competent jurisdiction. Further, Brevard County is hereby authorized to enforce the provisions of this Ordinance, and violations thereof, pursuant to the provisions of Chapter 15 1/2, Code of Brevard County, Florida.

Section 11. Withholding of Certificates.

Where a reuse line is required under the provisions of this Ordinance, issuance of a Certificate of Occupancy may be withheld by appropriate officials until the provisions of this Ordinance, including any conditions of any permits issued hereunder, have been fully met.

Section 12. Conflicting Regulations.

In the case of direct conflict between any provision of this Ordinance and any part or provision of any other applicable federal, state or local regulation, the more restrictive provision shall apply.

Section 13. Prohibitions.

It shall be unlawful for any individual to violate any provisions of this Ordinance.

Section 14. Severability.

If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which such judgment is rendered.

Section 15. Policies, Procedures by Resolution.

The Board of County Commissioners of Brevard County, Florida is hereby authorized to establish, from time to time, by resolution, such policies and procedures as deemed necessary to implement the provisions of this Ordinance.

Section 16. Effective Date.

This Ordinance shall take effect upon adoption and filing pursuant to law.


DONE AND ADOPTED in regular session this 8th day of October, 1985.

ATTEST:


R.C. Winstead, Jr., Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By:


Thad Altman, Chairman