

ORDINANCE NO. 2022 - 019

1
2
3 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
4 PALM BEACH COUNTY, FLORIDA, SITTING AS THE ENVIRONMENTAL
5 CONTROL BOARD, AMENDING THE UNIFIED LAND DEVELOPMENT
6 CODE, ORDINANCES 2003-067 and 2003-068, AS AMENDED, AS
7 FOLLOWS: REVISION FOR **SEPTIC SYSTEM AUTHORITY AND**
8 **DRINKING WATER SUPPLY SYSTEMS**, AMENDING ARTICLE 1 –
9 GENERAL PROVISIONS: CHAPTER H, DEFINITIONS AND
10 ACRONYMS; ARTICLE 4 – USE REGULATIONS: CHAPTER B, USE
11 CLASSIFICATION; ARTICLE 10 – ENFORCEMENT: CHAPTER D,
12 ENVIRONMENTAL CONTROL HEARING BOARD; ARTICLE 11 –
13 SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS:
14 CHAPTER E, REQUIRED IMPROVEMENTS; ARTICLE 15 – HEALTH
15 REGULATIONS: CHAPTER A, (ENVIRONMENTAL CONTROL RULE I) –
16 ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS (OSTDS);
17 CHAPTER B, (PBC ENVIRONMENTAL CONTROL RULE II) DRINKING
18 WATER SUPPLY SYSTEMS; ARTICLE 18 – FLOOD DAMAGE
19 PREVENTION: CHAPTER A, PERMITTING, ADMINISTRATION AND
20 ENFORCEMENT; CHAPTER D, SITE IMPROVEMENTS, UTILITIES AND
21 LIMITATIONS; CHAPTER H, OTHER DEVELOPMENT; PROVIDING
22 FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN
23 CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE
24 UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.
25

26 **WHEREAS**, the Palm Beach County Environmental Control Act, Chapter 77-616,
27 Laws of Florida, as amended, authorized the Palm Beach County Board of County
28 Commissioners to sit as the Palm Beach County Environmental Control Board to adopt,
29 amend, or repeal various Environmental Control Rules ; and

30 **WHEREAS**, pursuant to its authority, the Environmental Control Board adopted
31 Environmental Control Rule I, concerning Onsite Sewage Treatment and Disposal Systems,
32 and Environmental Control Rule II, concerning Drinking Water Supply Systems; and

33 **WHEREAS**, pursuant to Section 163.3202, Florida Statutes, the Board of County
34 Commissioners sitting as the Environmental Control Board codified these rules into the Unified
35 Land Development Code, Ordinance 2003-068, as amended from time to time; and

36 **WHEREAS**, the County has received public participation and input regarding these
37 Environmental Control Rules through the Land Development Regulation Advisory Board; and

38 **WHEREAS**, the Board of County Commissioners hereby elects to conduct its public
39 hearings on this Ordinance at 9:30 a.m.; and

40 **WHEREAS**, public hearings have been held in conformance with the requirements set
41 forth in Section 125.66, Florida Statutes, and the Palm Beach County Environmental Control
42 Act.

1 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS**
2 **OF PALM BEACH COUNTY, FLORIDA, as follows:**

3 **Section 1. Adoption**

4 The revisions set forth in Exhibits 1 and 2, Septic System Authority and Drinking Water
5 Supply Systems, attached hereto and made a part hereof, are hereby adopted.

6 **Section 2. Interpretation of Captions**

7 All headings of articles, sections, paragraphs, and sub-paragraphs used in this
8 Ordinance are intended for the convenience of usage only and have no effect on
9 interpretation.

10 **Section 3. Repeal of Laws in Conflict**

11 All local laws and ordinances in conflict with any provisions of this Ordinance are
12 hereby repealed to the extent of such conflict.

13 **Section 4. Severability**

14 If any section, paragraph, sentence, clause, phrase, word, map, diagram, or any other
15 item contained in this Ordinance is for any reason held by the Court to be unconstitutional,
16 inoperative, void, or otherwise invalid, such holding shall not affect the remainder of this
17 Ordinance.

18 **Section 5. Savings Clause**

19 All development orders, permits, enforcement orders, ongoing enforcement actions,
20 and all other actions of the Board of County Commissioners, the Environmental Control
21 Hearing Board, the Environmental Appeals Board, all other County decision-making and
22 advisory boards, Special Masters, Hearing Officers, and all other County officials, issued
23 pursuant to the regulations and procedures established prior to the effective date of this
24 Ordinance shall remain in full force and effect.

25 **Section 6. Inclusion in the Unified Land Development Code**

26 The provisions of this Ordinance shall be codified in the Unified Land Development
27 Code and may be reorganized, renumbered, or re-lettered to effectuate the codification of this
28 Ordinance.

29 **Section 7. Providing for an Effective Date**

30 The provisions of this Ordinance shall become effective upon filing with the
31 Department of State.

1 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm Beach
2 County, sitting as the Environmental Control Board, on the 28th day of
3 July, 2022.

4 ATTEST
5 JOSEPH ABRUZZO, CLERK
6 & COMPTROLLER

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

7 By 
8 Clerk

By 
Robert S. Weinroth, Mayor

9 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

10 By 
11 Scott A. Stone, County Attorney

12 Filed with the Department of State on the 29th day of July, 2022.

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EXHIBIT 1

ARTICLE 15 – HEALTH REGULATIONS SEPTIC SYSTEM AUTHORITY AND DRINKING WATER SUPPLY SYSTEMS

Revision Key: Proposed revisions are shown with new text as underlined, deleted text in strike-out, and relocated text italicized. *Stricken and italicized* means text to be totally or partially relocated. Relocation notes are shown in brackets as [Relocated to:] or [Relocated from:]. Unaltered text omitted for brevity is indicated by a series of four bolded ellipses....

Part 1. ULDC Art. 15.A, Health Regulations, (Environmental Control Rule I) – Onsite Sewage Treatment and Disposal Systems (OSTDS) (pages 3-9, Supplement 24), is hereby amended as follows:

1 CHAPTER A ~~(PBC ENVIRONMENTAL CONTROL RULE I)~~ – ONSITE SEWAGE ~~TREATMENT AND~~
2 ~~DISPOSAL SYSTEMS PROGRAMS~~ (OSTDSP)
3

4 This ~~Article~~Chapter shall be designated as “PBC Environmental Control Rule I – Onsite Sewage ~~Treatment~~
5 ~~and Disposal Systems Programs.~~” ~~The Florida Department of Health (FDOH) is the delegated authority for~~
6 ~~the OSP per the Interagency Agreement with the Florida Department of Environmental Protection (FDEP),~~
7 ~~effective July 1, 2021.~~

8 Section 1 Purpose

9 The provisions of this ~~Article~~Chapter shall apply to the following Onsite Sewage Treatment and Disposal
10 Systems (OSTDS) and Private Collection and Transmission Systems (PCTS): [Ord. 2011-002]

- 11 A. An OSTDS regulated under F.S. § 381.0065, as amended, that serves a residence or
12 establishment with an estimated domestic sewage flow of 10,000 gallons or less per day based on
13 Table I of Chapter ~~64E2-6~~, Florida Administrative Code (F.A.C.), which is not currently regulated
14 under F.S. ~~§ch.~~ 403; [Ord. 2011-002]
15 B. An OSTDS regulated under F.S. § 381.0065, that serves an establishment with an estimated
16 commercial sewage flow of 5,000 gallons or less per day, based on Table I of Chapter ~~64E2-6~~,
17 F.A.C., which is not currently regulated under F.S. ~~§ch.~~ 403; and, [Ord. 2011-002]
18 C. An OSTDS which has received variances from the FDEP from the requirements of F.S. ~~§ch.~~ 403,
19 and ~~from the Florida Department of Health (FDOH)~~ from the jurisdictional flow limits of F.S. ~~§ch.~~
20 381. [Ord. 2011-002]

21

22 Section 3 General Provisions: ~~–~~ OSTDS

- 23
24 ~~K.~~ If an existing OSTDS is disconnected from a structure that was made unusable or destroyed
25 following a disaster, the system may be reconnected to a rebuilt structure per the provisions of F.S.
26 § 381.0065(4)(y).
27 ~~KL.~~ When the use of an OSTDS is discontinued, it shall be abandoned and its further use for any
28 purpose prohibited. An abandoned septic tank shall be ~~(a1)~~ pumped out; ~~(b2)~~ the bottom suitably
29 opened or ruptured so as to prevent the tank from retaining water; ~~(c3)~~ and, ~~(e3)~~ filled with clean sand
30 or other suitable material, the actions being taken in the order listed. However, if the Department
31 or its designee approves the use of the retention tank as an integral part of a sanitary sewer system
32 or stormwater management system, the septic tank need not be abandoned.
33 M. A septic tank serving a Single Family residence may, at the owner’s discretion, be converted into
34 a cistern pursuant to the procedures set forth in Rule 62-6.011(4), F.A.C.
35 ~~MN.~~ It shall be the duty of the Department to conduct such technical inspections as are reasonable and
36 necessary to determine compliance with the provisions of this ~~Article~~Chapter.

37 Section 4 Permit Conditions and Approvals

- 38 A. An OSTDS shall not be installed, modified, abandoned, or repaired until a valid permit has been
39 obtained from the Health Department. Permits for system repairs shall be issued in accordance
40 with ~~Rule~~Chapter ~~64E2-6~~, F.A.C. [Ord. 2011-002]
41

42 Section 5 Application Data for an OSTDS: ~~–~~ Single Lot or Parcel

- 43 A. The application and supporting data required for approval of an OSTDS for a single lot or parcel of
44 property shall be submitted to the Health Department by the owner or his authorized representative,
45 or a contractor licensed under F.S. ~~C~~chapter, 489 in accordance with Chapter ~~64E2-6~~, FAC. The
46 completed application form shall be submitted together with the following: [Ord. 2011-017]
47
48 C. **New Construction, Additions, or Repairs**
49 1. For new construction and additions, the supporting data must be prepared by an ~~e~~Engineer
50 and land ~~s~~Surveyor registered in the State of Florida, as specified in ~~Rule~~Chapter ~~64E2-6~~,
51 F.A.C. The ~~s~~Site ~~p~~Plan must be prepared by a ~~p~~Professional Engineer or land ~~s~~Surveyor

1 registered in the State of Florida. The soil classification and system design shall be performed
2 by a ~~p~~Professional ~~e~~Engineer registered in the State of Florida with training in soils, person
3 certified under F.S. § 381.0101, master septic tank contractor licensed under F.S. ch. 489, or
4 professional soil scientist certified and registered by the Florida Association of Environmental
5 Soil Scientists. When fill soils are used, the Department may require that soils be classified by
6 a certified soils engineering testing laboratory registered in the State of Florida. [Ord. 2018-
7 019]

- 8 2. For repairs, an existing ~~s~~Site ~~p~~Plan can be used. The soils profile evaluation can be performed
9 by a septic tank contractor licensed under F.S. ~~C~~hapter, 489 in accordance with Chapter
10 64E2-6, F.A.C. and F.S. § 381.0101. [Ord.2018-019]

11

12 Section 6 Application Data for an OSTDS: ~~–~~ Subdivision

- 13 A. The application and supporting data required for approval of the use of OSTDS for a subdivision
14 shall be submitted to the Department by the owner or his authorized representative. The supporting
15 data must be prepared by a licensed ~~s~~Surveyor or ~~e~~Engineer, as appropriate, and shall include:

16

- 17 6. The natural soil profile delineating soil classification to a depth of six feet or refusal for a
18 representative number of test sites for at least ten percent of the number of lots, for which the
19 minimum information provided is the upper and lower horizon boundaries. Munsell color of the
20 horizon and its components and USDA soil texture; using USDA Soil Classification
21 methodology as described in Chapter 3 of the Soil Survey Manual, USDA, Handbook No. 18;
22 ~~October 1993~~ (March 2017), herein incorporated by reference. Where the replacement of
23 severely limited soil is proposed, soil profiles shall be performed to a minimum depth of six feet
24 or to the depth of the slightly or moderately limited soil layer lying below the replaced layer,
25 whichever is greater;

26

27 Section 7 Approval Standards: ~~–~~ OSTDS

28 In considering applications for permitting construction of an OSTDS, the Health Department shall be
29 governed by the following standards: [Ord. 2011-017]

- 30 A. The lot, unless exempt under Art. 15.A.7.E, of this ~~Article~~Chapter, shall have a minimum net usable
31 land area of: [Ord. 2005-003]
32 1. One-half acre if the water supply is by means of a ~~community well; public water system as~~
33 defined in F.S. § 403.852. [Ord. 2011-017]
34 2. One acre if the water supply is by means of an onsite well. [Ord. 2011-017]
35 B. The drainfield invert shall be a minimum of 30 inches above the wettest season water table
36 elevation.
37 C. Systems shall be placed no closer than the minimum distances required under ~~Rule~~Chapter 64E2-
38 6, F.A.C. except for lots addressed under Art. 15.A.7.F, of this ~~Article; Chapter~~. [Ord. 2005-003]
39 D. Suitable, unobstructed land shall be available for the installation and proper functioning of
40 drainfields as required under ~~Rule~~Chapter 64E2-6, F.A.C.
41
42 G. When an automatic dosing system is required in accordance with ~~Rule~~Chapter 64E2-6, F.A.C., two
43 pumps shall be required for commercial use when the estimated establishment sewage flow
44 exceeds 500 gallons per day and for ~~m~~Multiple-family residential use where three or more units are
45 proposed. A placard on the dosing pump panel must be provided indicating the following:
46 1. Name and phone number of person to contact in case of emergency; and
47 2. Name and phone number of septic tank company to call for pumpout in case of overflow.

48 Section 8 Conditions for Non-Approval of an OSTDS

49 An OSTDS shall not be approved:

- 50 A. Where an existing sanitary sewer is available. A municipal or investor-owned sewage system shall
51 be deemed available for connection if the following conditions exist:
52 1. The system is not under a FDEP moratorium, the sewage system has adequate hydraulic
53 capacity to accept the quantity of sewage to be generated by the proposed establishment, and
54 the existing sewer line is within the following distance from the property:
55 a. For estimated sewage flows of 600 or fewer gallons per day, if a sewer line exists in a
56 public easement or R-O-W which abuts the property or is within 100 feet of the property
57 and if gravity flow can be maintained from the building drain to the sewer line.
58 b. For estimated sewage flows ~~exceeding greater than~~ 600 gallons per day to 1,200 gallons
59 per day, if a ~~sewer line~~, gravity or force main exists in a public easement or R-O-W which
60 is within 100 feet of the property.
61 c. For estimated sewage flows greater than 1,200 gallons per day to 2,500 gallons per day,
62 if a ~~sewer line~~, gravity or force main exists in a public easement or R-O-W which is within
63 500 feet of the property.
64 d. For estimated sewage flows greater than 2,500 gallons per day to 10,000 gallons per day,
65 if a ~~sewer line (gravity or force main)~~ exists in a public easement or R-O-W which is within
66 1,000 feet of the property. [Ord. 2013-002]
67 B. Where the property is located in an area that is subject to frequent flooding.
68 C. For lots in a subdivision where the approved drainage has not been constructed in accordance with
69 the requirements of the SFWMD and/or the PBC Engineering Department.
70 D. For treatment and disposal of industrial hazardous or toxic wastes.

1 **Section 9 Handling of Septage**

2 Collection, treatment, and disposal of septage shall be in accordance with ~~RuleChapter 64E2-6~~, F.A.C. No
3 person(s) or corporation shall engage in the business of servicing septic tanks, grease traps, portable
4 toilets, or other treatment receptacles without first obtaining an annual license from the Department. The
5 issuance of the license would be based upon compliance with the provisions of ~~RuleChapter 64E2-6~~, F.A.C.

6

7 **Section 11 Incorporation by Reference of ~~RuleChapter 64E2-6~~, F.A.C.**

8 ~~RuleChapter 64E2-6~~, F.A.C. as may be amended from time to time and all amendments hereto, is hereby
9 incorporated by reference including, but not limited to, application and permitting procedures, systems
10 design and construction standards, system sizing, system setback requirements, septage disposal, system
11 maintenance, and fee schedule unless higher in Sec. 11-24 of the PBC fee ordinance Code. In the event of
12 a conflict between the provision of ~~RuleChapter 64E2-6~~, F.A.C. and this ~~ArticleChapter~~, the more restrictive
13 provision shall apply.

14

15 **Section 13 Appeals**

16 A. Persons aggrieved by a requirement, interpretation, or determination of this ~~ArticleChapter~~ made
17 by the Department or the ECO may appeal to the EAB by filing a written notice of appeal, with the
18 ECO within 30 days from the determination to be appealed. However, no appeal shall be filed which
19 requests relief from the construction standards required under ~~RuleChapter 64E2-6~~, F.A.C. The
20 notice shall be accompanied by a certified check or money order, made payable to the Department
21 to defray the cost of processing and administering the appeal. The fee for filing the appeal shall be
22 in accordance with ~~the fee schedule [PBC Code Chapter 11, Art. II Sect. 11-24] of the PBC Code~~.
23 **[Ord. 2013-002]**

24

25 I. In order to grant an appeal authorizing OSTDS in subdivisions containing lots smaller than those
26 required under this ~~ArticleChapter~~, the EAB must additionally find:

27

28 3. That all distance and setbacks, soil conditions, water table elevations and other related
29 requirements of this ~~ArticleChapter~~ and ~~RuleChapter 64E2-6~~, F.A.C., are met; and
30

Part 2. ULDC Art. 15.B, Health Regulations, (Environmental Control Rule II) Drinking Water Supply Systems (pages 14, 17, and 18, Supplement 24), is hereby amended as follows:

31 **CHAPTER B (~~PBC ENVIRONMENTAL CONTROL RULE II~~) DRINKING WATER SUPPLY SYSTEMS**

32 This ~~ArticleChapter~~ shall be designated as "PBC Environmental Control Rule II Drinking Water Supply
33 Systems."
34

35

36 **Section 9 Connection Required**

37 ~~A.~~ All existing buildings served by non-transient non-community, transient non-community and limited
38 use water systems, or new limited use and new private water systems shall connect to an approved
39 community water system where such a system has an available water main within 100 feet in a
40 public R-O-W or easement abutting the property on which the building(s) are located. Connection
41 to an approved community water system shall be completed within six months of being notified by
42 the Health Department. Connection to an approved community water system shall not be required:
43 **[Ord. 2011-002]**

- 44 ~~1A.~~ If connection requires an extension of the main; or
- 45 ~~2B.~~ If the main is located across four or more lanes of paved roadway; or
- 46 ~~3C.~~ If the utility is unable to provide water.

47 ~~B.~~ Notwithstanding the provisions of Art. 15.B.9.A, if the Health Department determines that there is
48 an existing or potential health threat on the property served by a non-transient non-community,
49 transient non-community, or limited use water system, then the connection shall be made as
50 required under Art. 15.B.9.C, below. **[Ord. 2011-002]**

51 ~~C.~~ Establishments or buildings that utilize a non-transient non-community, or transient non-community
52 or limited use water system and are being constructed, modified, expanded or changed in operation
53 shall connect to an approved community water supply system when said system is available within
54 1,000 feet by existing R-O-W or easement to the property. Each foot of water crossing, paved
55 roadway, or sidewalk shall be considered as two feet; the proposed supply shall not be required to
56 cross interstate highway or railroad systems. Property owners connecting to community water
57 supply systems under this Subsection shall be required to extend the water main along their public
58 R-O-W utility easements, which abut the property. Connection to an approved community water
59 system shall be completed within six months of being notified by the Health Department. **[Ord.**
60 **2011-002] [Ord. 2017-008]**

61

1 **Section 15 Adoption of Chapters of the F.A.C.**

2 Chapters 62-6, F.A.C., Chapter 62-532, F.A.C., Chapter 62-550, 554F.A.C., Chapter 62-555, F.A.C.,
3 Chapter 62-560, F.A.C., Chapter 62-602, F.A.C., Chapter 62-699, F.A.C., -64E-6 and Chapter 64E-8,
4 F.A.C., and all amendments thereto, are hereby incorporated into this ArticleChapter. In the event of a
5 conflict between the provisions of these ChaptersF.A.C. and this ArticleChapter, the more restrictive
6 provision shall apply.

7

8 **Section 17 Appeals**

9

10 H. In order to grant an appeal authorizing a new or existing well for use in lieu of connecting to a public
11 or investor-owned community water supply, the EAB must find that: **[Ord. 2005-003]**

- 12 1. Satisfactory ground water is available or can be obtained; and
13 2. The well complies with all setbacks, construction standards, and other requirements of this
14 ArticleChapter; and Chapters 62-6, F.A.C., Chapter 62-532, F.A.C., Chapter 62-550, F.A.C.,
15 Chapter 62-555, F.A.C., -62-532, -64E-6, and Chapter 64E-8, F.A.C.; and **[Ord. 2005-003]**

....

EXHIBIT 2
ARTICLES 1, 4, 10, 11, AND 18
SEPTIC SYSTEM AUTHORITY AND
DRINKING WATER SUPPLY SYSTEMS

This exhibit revises the following Articles:

- ARTICLE 1 – GENERAL PROVISIONS**
- ARTICLE 4 – USE REGULATIONS**
- ARTICLE 10 – ENFORCEMENT**
- ARTICLE 11 – SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS**
- ARTICLE 18 – FLOOD DAMAGE PREVENTION**

Revision Key: Proposed revisions are shown with new text as underlined, deleted text in strike-out, and relocated text italicized. *Stricken and italicized* means text to be totally or partially relocated. Relocation notes are shown in brackets as **[Relocated to:]** or **[Relocated from:]**. Unaltered text omitted for brevity is indicated by a series of four bolded ellipses....

Part 1. ULDC Art. 1.H, General Provisions, Definitions and Acronyms (pages 32, 33, 44, 49, 52, 62, 65, 66, 73, 74, 83, 95, 96, 98, 101, and 109, Supplement 30), is hereby amended as follows:

- 1 **CHAPTER H DEFINITIONS AND ACRONYMS**
- 2
- 3 **Section 2 Definitions**
- 4 **A. Terms defined herein or referenced in this Article shall have the following meanings:**
- 5
- 6 26. **Aerobic Treatment Unit** – for the purposes of Art. 15.A, PBC Environmental Control Rule I –
- 7 Onsite Sewage ~~Treatment and Disposal Systems Programs (OSP)~~, as defined by Chapter
- 8 ~~64E2-6~~, F.A.C.
- 9
- 10 40. **Air Space** – for the purposes of Art. 15.A, PBC Environmental Control Rule I – Onsite Sewage
- 11 ~~Treatment and Disposal Systems Programs (OSP)~~, the distance from the liquid level up to the
- 12 inside top of a treatment receptacle.
- 13
- 14
- 15 **C. Terms defined herein or referenced in this Article shall have the following meanings:**
- 16
- 17 43. **Commercial Sewage Waste** – as defined by Chapter ~~64E2-6~~, F.A.C.
- 18
- 19 48. **Community Water System** – for the purposes of Art. 15.B, PBC Environmental Control Rule
- 20 II – Drinking Water Supply Systems, a public water system which serves at least 15 service
- 21 connections used by year-round residents or which serves at least 25 year-round residents.
- 22 49. **Community Well** – for the purposes of Art. 15.A, PBC Environmental Control Rule I – Onsite
- 23 Sewage ~~Treatment and Disposal Systems Programs (OSP)~~, a water well that is a source of
- 24 potable water and functions as part of a community water system.
- 25
- 26
- 27 **D. Terms defined herein or referenced in this Article shall have the following meanings:**
- 28
- 29 54. **Drainfield** – for the purposes of Art. 15, Health Regulations, as defined by Chapter ~~64E2-6~~,
- 30 F.A.C.
- 31
- 32
- 33 **I. Terms defined herein or referenced in this Article shall have the following meanings:**
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- 35 17. **Industrial, Hazardous, or Toxic Waste** – for the purposes of Art. 15, Health Regulations, as
- 36 defined by Chapter ~~64E2-6~~, F.A.C.
- 37
- 38
- 39 **L. Terms defined herein or referenced in this Article shall have the following meanings:**
- 40
- 41 36. **Limitation Ratings** – for the purposes of Art. 15, Health Regulations, as defined by Chapter
- 42 ~~64E2-6~~, F.A.C.
- 43
- 44 56. **Lot**
- 45
- 46 c. For the purposes of Art. 15.A, PBC Environmental Control Rule I – Onsite Sewage
- 47 ~~Treatment and Disposal Systems Programs (OSP)~~, as defined by F.S. § 381.0065(2).
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....
N. **Terms defined herein or referenced in this Article shall have the following meanings:**
....
39. **Non-Potable Water Well** – for the purposes of Art. 15, Health Regulations, as defined by Chapter 64E2-6, F.A.C.

....
O. **Terms defined herein or referenced in this Article shall have the following meanings:**
....
10. **Onsite Sewage Treatment and Disposal System (OSTDS)** – for the purposes of Art. 15, Health Regulations, as defined by Chapter 64E2-6, F.A.C.

....
R. **Terms defined herein or referenced in this Article shall have the following meanings:**
....
19. ~~Repair~~ *—for the purposes of Art. 15, Health Regulations, as defined by Chapter 64E-6, F.A.C.*
a. For the purposes of Art. 1.F, Non-~~e~~Conformities, improvements to restore to a structural sound condition and shall include walls and other improvements included under Maintenance. [Ord. 2010-005]
b. *For the purposes of Art. 15, Health Regulations, as defined by Chapter 62-6, F.A.C.*

....
S. **Terms defined herein or referenced in this Article shall have the following meanings:**
....
108. **Subdivision**
....
c. For the purposes of Art. 15.A, PBC Environmental Control Rule I – Onsite Sewage ~~Treatment and Disposal Systems~~Programs (OSP), any tract of land divided into three or more lots or parcels, regardless of the method by which the lots or parcels are described.
....
115. **Surface Water** – water upon the surface of the earth whether contained within natural or artificial boundaries or diffused.
a. For the purposes of Art. 15.A, PBC Environmental Control Rule I – Onsite Sewage ~~Treatment and Disposal Systems~~Programs (OSP), a recognizable body of water, including swamp or marsh areas, bayheads, cypress ponds, sloughs, and natural or constructed ponds contained within a recognizable boundary. This does not include stormwater retention or detention areas designed to contain standing or flowing water for less than 72 hours after a rainfall.
b. For the purposes of Art. 15.B, PBC Environmental Control Rule II – Drinking Water Supply Systems, a source of water existing above the surface of the ground and exposed to the atmosphere. [Ord. 2005-003] [Ord. 2006-004]

....
T. **Terms defined herein or referenced in this Article shall have the following meanings:**
....
19. **Temporary** – for the purposes of Art. 15.A, PBC Environmental Control Rule I – Onsite Sewage ~~Treatment and Disposal Systems~~Programs (OSP), as defined by Chapter 64E2-6, F.A.C. [Ord. 2019-005]

....
U. **Terms defined herein or referenced in this Article shall have the following meanings:**
....
10. **Unobstructed Land** – for the purposes of Art. 15.A, PBC Environmental Control Rule I – Onsite Sewage ~~Treatment and Disposal Systems~~Programs (OSP), that area on a lot or property which does not contain structures or other hindrances which would affect the installation, operation, and/or maintenance of an OSTDS. This includes, but is not limited to, pools, playgrounds, concrete slabs, trees, buildings, driveways, parking areas, and tennis courts.

....
Section 3 **Abbreviations and Acronyms**

....
OSP Onsite Sewage Program(s)
OSTDS Onsite Sewage Treatment and Disposal System(s)
....

Part 2. ULDC Art. 4.B.10.C.2.e.3), Use Regulations, Use Classification, Excavation Uses, Definitions and Supplementary Use Standards for Excavation Uses, Type 1A Excavation, Separation and Setbacks; and ULDC Art. 4.B.10.C.3.e.3), Use Regulations, Use Classification, Excavation Uses, Definitions and Supplementary Use Standards for Excavation Uses, Type 1B Excavation, Separation and Setbacks (pages 178 and 179, Supplement 30), is hereby amended as follows:

1 CHAPTER B USE CLASSIFICATION

2

3 Section 10 Excavation Uses

4 C. Definitions and Supplementary Use Standards for Excavation Uses

5

6 2. Type 1A Excavation

7

8 e. Separations and Setbacks

9 In addition to the separation requirements in Art. 4.B.10.B.7.b.1), Separation, Type 1A
10 Excavation shall maintain the following minimum setbacks, measured from the inside edge
11 of the lake maintenance easement.

12

13 3) 100 feet from any septic system pursuant to Art. 15.A, PBC Environmental Control
14 Rule I – Onsite Sewage ~~Treatment and Disposal Systems~~ Programs (OSP).

15

16 3. Type 1B Excavation

17

18 e. Separations and Setbacks

19 In addition to the separation requirements of Art. 4.B.10.B.7.b, Construction Standards,
20 Type 1 Excavation shall maintain the following minimum setbacks:

21

22 3) 100 feet from any septic system pursuant to Art. 15.A, PBC Environmental Control
23 Rule I – Onsite Sewage ~~Treatment and Disposal Systems~~ Programs (OSP).

24

Part 3. ULDC Art. 10.D, Enforcement, Environmental Control Hearing Board (page 10, Supplement 21), is hereby amended as follows:

25 CHAPTER D ENVIRONMENTAL CONTROL HEARING BOARD

26

27 Any alleged violation of Art. 15.A, (~~PBC~~ Environmental Control Rule I) – Onsite ~~s~~Sewage
28 ~~treatment~~ Programs (OSP) and, /or Art. 15.B, ~~PBC~~ Environmental Control ~~r~~Rule II – Drinking Water Supply
29 Systems, (~~H~~health, ~~S~~ewage ~~T~~treatment, or ~~D~~drinking ~~W~~water), may be prosecuted by the Environmental
30 Control Hearing Board (ECHB). In addition, ERM may refer any alleged violation of Wetlands Protection to
31 ECHB for prosecution.

32 Section 1 Procedure

33 A. Warning Violation

34 If an alleged violation of Art. 15.A, (~~PBC~~ Environmental Control Rule I) – Onsite ~~s~~Sewage
35 ~~treatment~~ Programs (OSP) and, /or Art. 15.B, ~~PBC~~ Environmental Control ~~r~~Rule II – Drinking Water
36 Supply Systems is determined by the PBC Health Department (PBCHD), the PBC Health Director
37 shall issue a formal notice of violation to the ~~p~~Property ~~e~~Owner or violator. The notice shall specify
38 the corrective actions and a reasonable period of time to correct the violation.

39

Part 4. ULDC Art. 11.E.5.B, Subdivision, Platting, and Required Improvements, Required Improvements, Wastewater Systems, Individual System (page 42, Supplement 28), is hereby amended as follows:

40 CHAPTER E REQUIRED IMPROVEMENTS

41

42 Section 5 Wastewater Systems

43

44 B. Individual System

45 1. In rural subdivisions, a septic tank system is an acceptable method of sewage disposal for each
46 lot, when permitted by the PBCHD as per the standards prescribed in Art. 15.A, PBC
47 Environmental Control Rule I – Onsite Sewage ~~Treatment and Disposal Systems~~ Programs
48 (OSP).

49 2. In subdivisions other than rural subdivisions, and in which each lot has an area of at least one
50 acre, a septic tank system is an acceptable method of sewage disposal for each lot, conditioned
51 upon the following:

1
2
3
4
....
c. The PBCHD permitting the use of septic tanks per the standards prescribed in Art. 15.A,
PBC Environmental Control Rule I – Onsite Sewage ~~Treatment and Disposal~~
~~Systems Programs (OSP)~~.

Part 5. ULDC Art. 18.A.4.H, Flood Damage Prevention, Administration, Permitting and Enforcement, Permits, Other Permits Required;
ULDC Art. 18.D.2, Flood Damage Prevention, Site Improvements, Utilities and Limitation, Sanitary-Sewage Facilities; and,
ULDC Art. 18.H.7, Flood Damage Prevention, Other Development, Other Development in Coastal High Hazard Areas (Zone V) (pages 9, 16, and 20, Supplement 24), is hereby amended as follows:

5 CHAPTER A ADMINISTRATION, PERMITTING AND ENFORCEMENT

6

7 Section 4 Permits

8

9 H. Other Permits Required

10 Floodplain Development Permits shall include a statement that all other applicable ~~s~~State or
11 ~~f~~Federal permits shall be obtained before commencement of the permitted Development, including,
12 but not limited to, the following:

13

14 2. Florida Department of Health for onsite sewage treatment and disposal systems; ~~section~~
15 ~~381.0065~~, F.S. § 381.0065, and Chapter ~~64E2~~-6, F.A.C.

16

17

18 CHAPTER D SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

19

20 Section 2 Sanitary-Sewage Facilities

21 All new and replacement sanitary-sewage facilities, private sewage treatment plants (including all pumping
22 stations and collector systems), and on-site waste disposal systems shall be designed in accordance with
23 the standards for onsite sewage treatment and disposal systems in Chapter ~~64E2~~-6, F.A.C., and ASCE 24,
24 Chapter 7, to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the
25 facilities into flood-waters, and impairment of the facilities and systems.

26

27 CHAPTER H OTHER DEVELOPMENT

28

29 Section 7 Other Development in Coastal High Hazard Areas (Zone V)

30 In Coastal High Hazard Areas, Development activities, other than Buildings and Structures, shall be
31 permitted only if also authorized by the appropriate ~~f~~Federal, ~~s~~State, or ~~l~~Local authority; if located outside
32 the footprint of and not structurally attached to Buildings and Structures; and, if analyses prepared by
33 qualified, registered design professionals demonstrate no harmful diversion of floodwaters or wave runup
34 and wave reflection that would increase damage to adjacent Buildings and Structures. Such other
35 Development activities include but are not limited to:

36

37 C. On-site sewage treatment and disposal systems defined in ~~SectionRule~~ 64E2-6.002, F.A.C., as
38 filled systems or mound systems.

39



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

July 29, 2022

Honorable Joseph Abruzzo
Clerk of the Circuit Court and Comptroller
Palm Beach County
301 North Olive Avenue
West Palm Beach, Florida 33401

Attn: Biaggia Jenkins

Dear Honorable Joseph Abruzzo:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Palm Beach County Ordinance No 2022-019, which was filed in this office on July 28, 2022.

Sincerely,

Anya Owens
Program Administrator

ACO/wlh