

1 *Facilities* shall be defined as the components that form the reclaimed water delivery
2 system, including, but not limited to, piping, valves, pumps, controls, meters, sensors and
3 remote telemetry.

4
5 *FDEP* shall mean the Florida Department of Environmental Protection.

6
7 *Neighborhood* shall be defined (as a minimum size) as the residential, multi-family,
8 commercial and industrial customers within a Pump Station Service Area (PSSA).

9
10 *Reclaimed water* shall mean wastewater that has received advanced secondary
11 treatment in accordance with FDEP regulations, as amended, and is reused after flowing out
12 of a water reclamation facility.

13
14 *Reuse* shall mean the deliberate application of reclaimed water, in compliance with
15 FDEP regulations, as amended, for a beneficial purpose.

16
17 *Service line* shall mean that conduit for reclaimed water from the distribution main to
18 the property line.

19
20 *Transmission mains* shall mean those conduits used to supply reclaimed water from
21 the pumping station or water reclamation facility to the distribution mains.

22
23
24 **Sec. 3-8-193. Availability of service.**

25
26 The term “available” means that a functioning reclaimed water distribution main is
27 located within five hundred (500) feet of the property to be serviced or, in the alternative, that
28 it is cost effective for the county to extend a reclaimed water distribution main to within five
29 hundred (500) feet of the subject property. However, regardless of proximity to a distribution
30 main, the county reserves the right to make a final determination of the availability of service
31 to a property based on the practicality, economics and clear and measurable benefits of
32 providing said service, as determined by the director.

33
34
35 **Sec.3-8-194. Procedure for voluntary distribution main extension.**

36
37 As reclaimed water transmission mains become available, the county shall conduct
38 neighborhood surveys to determine customer interest in receiving reclaimed water. Based on
39 the results of these surveys, and where extending reclaimed water service is determined to be
40 practical and economical, the county shall:

- 41
42 (1) Prioritize areas for extension of distribution mains.
43
44 (2) Prepare and adopt a resolution designating the new service area for reclaimed
45 water.
46
47 (3) Authorize the preparation of construction contract documents for extending
48 distribution mains in accordance with county procurement procedures.

1 (4) Award the construction contract in accordance with county procurement
2 procedures.

3
4 (5) Upon construction completion and engineer's certification of the operation of the
5 system, provide written notification to all customers that service is available. Refer
6 to section 3-8-195 for system connection requirements.
7

8 The county reserves the right to redefine the geographic boundaries of proposed
9 project areas, as necessary to meet the engineering and economic objectives associated with
10 the reclaimed water system.
11

12
13 **Sec. 3-8-195. Connection to system.**
14

15 Customers in designated service areas may connect to the reclaimed water system
16 when service is available and upon submission of a proper application, including projection of
17 use, and land application calculation plans showing proposed tie-in points, signed and sealed
18 by a Florida licensed engineer and in compliance with all county requirements. When service
19 is available, all customers that connect to the reclaimed water system will be charged a
20 monthly usage charge. These charges shall be established by resolution, which may be
21 amended from time to time.
22

23
24 **Sec. 3-8-196. Authority to adopt rates, fees and charges.**
25

26 The board of county commissioners shall have the authority by resolution, duly
27 adopted after a public hearing, to establish rates, fees and charges for the reclaimed water
28 system and to provide terms and conditions for the payment and collection of same. Pursuant
29 to the authority of section 403.064, Florida Statutes, as amended, the county shall have the
30 power to allocate the costs of the reclaimed water system in a reasonable manner and to
31 recover all or a portion of such costs in the rates established for such a system.
32

33
34 **Sec. 3-8-197. Discontinuing service by county.**
35

36 The county may discontinue reclaimed water service to any customer due to a
37 violation of the terms of this article or county regulations; local, state or federal regulations;
38 nonpayment of bills; tampering with any service; cross-connections with any potable water
39 source; or for any reason that may be detrimental to the system or a risk to public health. The
40 county has the right to cease service until the condition is corrected and all costs due the
41 county are paid. Costs due to the county may include past due bills and penalties, connection
42 charges, and payment for any damage caused to the system, together with any charges
43 established on the basis of the expenses incurred in the disconnection and restoration of
44 service, which shall be non-discriminatory in its application. Should discontinued service be
45 turned on without authorization, the department shall remove the service and make such
46 additional charges as are established by resolution or ordinance, or as are incurred.
47
48

1 **Sec. 3-8-198. Service interruption.**

2
3 The county reserves the right to temporarily discontinue service to any portion of, or
4 the entire reclaimed water system as deemed necessary by the director or as required by FDEP
5 regulations, as amended, or for predictable as well as unforeseen shortages and reclaimed
6 water supply issues, or maintenance to the system.
7

8 In addition, the director shall have the authority to establish schedules which restrict
9 the use of the reclaimed water system at certain times in order to control pressure and flow
10 demands within the system and to regulate usage during periods of limited reclaimed water
11 availability.
12

13
14 **Sec. 3-8-199. Right to refuse service.**

15
16 No payment of any costs, submittal of any petition, or any other act to receive
17 reclaimed water service shall guarantee such service. The county shall have the right, at all
18 times, to refuse to extend service on the basis of a use detrimental to the system, a potential
19 risk to public health, inadequate supply of reclaimed water, lack of payment of required fees,
20 or for any other reason which, in the judgment of the director, will cause the extension to be
21 nonbeneficial to the county.
22

23
24 **Sec. 3-8-200. Service application requirements.**

- 25
26 (a) No connection to the county reclaimed water system shall be permitted without a
27 written agreement for reclaimed water service with the county, a completed
28 application for service, and FDEP approval.
29
30 (b) The application for service shall be on a form provided by the county and shall be
31 filed with the department.
32
33 (c) The agreement for reclaimed water service shall provide that the customer consents to
34 the entry by the county upon the property described in said application for the purpose
35 of conducting all inspections permitted or required by this article and waives the right
36 to receive further notice from the county of inspections conducted pursuant to this
37 article and indemnifies the county, its agents and employees, from all claims,
38 damages, judgments and expenses (including attorney fees) incurred by the county as
39 a direct result of the use or discharge of reclaimed water by the customer in violation
40 of the terms of this article or other applicable laws or regulations.
41
42 (d) The county shall inspect each property prior to connection to the reclaimed water
43 system, as described in detail in section 3-8-210 of this article.
44
45 (e) No connection shall be permitted until the customer has a CCU-approved backflow
46 prevention assembly installed on their potable water system to protect the potable
47 water supply.

1 (f) All connections to the reclaimed water system shall be inspected by the department
2 prior to the use of reclaimed water.
3

4 **Sec. 3-8-201. Meter requirements.**
5

6 Reclaimed water shall only be supplied through CCU-approved metered connections.
7 The director shall determine the size and type of meter required for each service. All approved
8 meters for the reclaimed water system shall be installed by the user, unless provided otherwise
9 in a written agreement with the county. Non-residential bulk users, condos, apartments, and
10 other multi-family customers may require master meters if beneficial to the system, as
11 decided by the director.
12

13
14 **Sec. 3-8-202. Cross-connection control.**
15

16 (a) On all properties where reclaimed water service is provided, the public or private
17 potable water supply shall be protected by a CCU-approved backflow prevention
18 assembly, as specified in the county’s most current “Manual for Cross-Connection
19 Control and Backflow Protection.” No cross-connection shall be permitted. All
20 assemblies and material installed for cross-connection control must be approved by the
21 director.
22

23 (b) To determine the presence of any potential hazards to the public potable water system,
24 representatives of the Charlotte county Health Department and/or CCU shall have the
25 right to enter upon the premises of any customer receiving reclaimed and/or potable
26 water service. Upon the execution of an agreement for reclaimed and/or potable water
27 service, the customer shall be deemed to have consented to the entry by the county
28 upon the property described in said agreement for the purpose of conducting all
29 inspections permitted or required by this article and waives the right to receive further
30 notice from the county of inspections conducted pursuant to this article.
31

32 (c) In the event a cross-connection is found on a property receiving reclaimed water
33 service, the director shall have the authority to immediately discontinue reclaimed
34 water service to said property and/or sever the cross-connection. In addition, the
35 Director shall have the authority to clear the potable water lines of any potential
36 contamination and to test for additional cross-connections on said property. Before
37 resuming service, the customer shall make such corrections as may be required by the
38 Director and have the service reinspected in accordance with section 3-8-200. Costs
39 associated with the violation will be applied in accordance with section 3-8-197.
40

41
42 **Sec. 3-8-203. Construction specifications.**
43

44 The following specifications shall apply to irrigation systems, piping and
45 appurtenances to be connected to the reclaimed water system:
46

47 (1) All connections shall meet the specifications and be in accordance with all local,
48 state and federal regulations:

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- a. No reclaimed water is permitted inside any single-family or duplex dwelling unit, or any dwelling unit where the residents have access to the plumbing system for repairs or modifications.
 - b. As approved by CCU, reclaimed water may be used for air-conditioning cooling systems in commercial or industrial facilities or buildings, in accordance with FDEP regulations as amended.
 - c. No above ground reclaimed water hose bibbs (spigots or hand-operated connections) shall be permitted for residential customers.
 - d. For non-residential reclaimed water users, below-ground reclaimed water hose bibbs are permitted when they are clearly labeled as non-potable and can only be operated by use of a special tool to be approved by the director and in accordance with FDEP regulations as amended. Reclaimed water valves will be located in an approved, reclaimed water box.
- (2) Existing residential irrigation systems may connect to reclaimed water systems, provided there are no hose bibbs, no cross-connections and the potable water supply is protected by a CCU-approved backflow prevention assembly.
 - (3) New residential irrigation systems shall comply with all local, state and federal regulations and applicable codes and ordinances. In addition, there shall be no reclaimed water hose bibbs and no cross-connections. Additionally, the potable water supply shall be protected by a CCU-approved backflow prevention assembly.
 - (4) Existing nonresidential irrigation systems that may connect to the reclaimed water system shall have no above ground reclaimed water hose bibbs and no cross-connections. The potable water supply shall be protected by a CCU-approved backflow prevention assembly.
 - (5) All connections, residential and non-residential, require the use of a licensed utility contractor or plumber.
 - (6) New reclaimed water distribution improvements dedicated to the county for maintenance shall meet the following specifications:
 - a. All pipes shall be at least C-900, DR18, Class 150 PVC and shall be purple in color (similar to Pantone 522C) and marked with metallic tape reading "RECLAIMED WATER."
 - b. All improvements shall require a construction permit and shall be constructed by a licensed utility contractor or plumber.
 - c. Three (3) sets of plans and specifications shall be submitted with the permit application, signed and sealed by a licensed Florida professional engineer.

- 1 d. Mains shall be a minimum of three (3) inches in diameter or as required by
2 CCU.
3
- 4 e. Service lines shall be sized as required by the property served, but shall in no
5 case be less than one (1) inch in diameter. Sizes of service lines required by the
6 applicant are subject to approval by CCU.
7
- 8 f. Mains in the public right-of-way shall be located at uniform distance from the
9 curb with locations and separation distances from other utilities per department
10 construction specifications or state requirements.
11
- 12 g. Where water mains are to be turned over to the county, the customer shall
13 submit such documents as are normally required for the dedication of public
14 facilities.
15
- 16 h. An appropriate number of automatic blow-offs shall be provided, per
17 department specifications.
18
- 19 (7) As required by state regulations, advisory signs shall be posted where reclaimed
20 water is utilized in public areas. Advisory signs shall include the following text in
21 both English and Spanish: "Do Not Drink," together with the equivalent standard
22 international symbol.
23
- 24 (8) Advisory signs shall be posted adjacent to lakes and ponds used to store reclaimed
25 water that are not located at the wastewater treatment facility, as well as decorative
26 water features that use reclaimed water. In such cases, the advisory signs shall
27 include the following text in both English and Spanish: "Do Not Drink" and "Do
28 Not Swim," together with the equivalent standard international symbols.
29
- 30 (9) CCU does not guarantee the supply of reclaimed water; therefore the user is
31 responsible for the establishment of a backup system, if needed. Onsite storage
32 ponds or tanks are a recommended means of ensuring an uninterrupted supply. All
33 alternate water sources, such as canals, wells and ponds used as backup sources or
34 to supplement the reclaimed water supply, must comply with local, state and
35 federal regulations, including regulations from FDEP, the South Florida Water
36 Management District, and the Southwest Florida Water Management District.
37
38

39 **Sec. 3-8-204. Maintenance by customer.**
40

41 The property owner and/or customer shall be responsible for the maintenance of all
42 reclaimed water lines and appurtenances on their property not conveyed to the county. The
43 county reserves the right to disconnect the service to any property when the irrigation system
44 or appurtenances are not properly maintained. In addition, should the customer require
45 reclaimed water at different pressures, or different quality, or in any way different from that
46 normally supplied by the county, the customer shall be responsible for the necessary devices
47 for making these adjustments and obtaining approval by the director prior to constructing
48 and/or operating such devices. All signs, markings, etc., which identify an area, pond or

1 piping as reclaimed water shall not be tampered with by the customer. Tampering will result
2 in discontinuance of reclaimed water service.

3
4
5 **Sec. 3-8-205. County maintenance.**

6
7 (a) All facilities that have been accepted by the county shall become the property of the
8 county and will be operated and maintained by the county. No person shall perform
9 any work or be reimbursed for any work on the system unless written authorization
10 from the county is received prior to the work being accomplished.

11
12 (b) The county shall make every effort to inspect and keep its facilities in good repair but
13 assumes no liability for any damage caused by the system that is beyond the control of
14 normal maintenance or due to situations not previously reported to the department.
15 These situations shall include, but are not limited to, damage due to breaking the
16 pipes, poor quality of water caused by unauthorized or illegal entry of foreign material
17 into the system, faulty operation of fire protection facilities, or other reasons.

18
19
20 **Sec. 3-8-206. Chemical injections.**

21
22 All users of direct service connections are prohibited from adding chemicals to the
23 irrigation systems when connected to the county reclaimed water system

24
25
26 **Sec. 3-8-207. Common service lines.**

27
28 The director has the authority to approve one service line to connect two (2) or more
29 customers when sufficient capacity is available. In such cases, property owners shall each pay
30 the full amount of any applicable fees or charges required for service. Common service lines
31 will be sized to provide adequate service to each customer served.

32
33 **Sec. 3-8-208. Public easement.**

34
35 No facilities will be installed and/or accepted by the county for maintenance unless the
36 facilities are in a public right-of-way or dedicated easement. Any new easement shall be
37 adequately sized and approved by CCU to accommodate construction and maintenance of any
38 reclaimed water system component. No obstruction whatsoever shall be planted, built, or
39 otherwise created within the limits of the easement or right-of-way.

40
41
42 **Sec. 3-8-209. Ownership by county.**

43
44 All reclaimed water facilities and appurtenances as determined by CCU within
45 dedicated public easements when constructed or accepted by the county, shall become and
46 remain the property of the county. No person shall by payment of any charges provided
47 herein, or by causing any construction of facilities accepted by the county, acquire any
48 interest or right in any of these facilities or any portion thereof, other than the privilege of

1 having their property connected thereto for reclaimed water service in accordance with this
2 article and any amendments thereof.

3
4
5 **Sec. 3-8-210. Inspections.**

6
7 (a) In order to ascertain and ensure compliance with the provisions of this article and all
8 regulations relating to reclaimed water, the county shall have the right to inspect,
9 secure and disconnect all facilities and devices wherever located which connect to or
10 control any discharge from the reclaimed water distribution system. The inspection
11 shall include the following:

- 12
13 (1) A review of the information in the application for service or written agreement.
14
15 (2) A review of all applicable construction specifications.
16
17 (3) A cross-connection control review.
18
19 (4) Such other matters as the director shall determine to be applicable.
20

21 (b) Upon the execution of an agreement for reclaimed water service, the customer shall be
22 deemed to have consented to the entry by the county upon the property described in
23 said agreement for the purpose of conducting all inspections permitted or required by
24 this article and waives the right to receive further notice from the county of
25 inspections conducted pursuant to this article.

26
27 (c) The denial of access to an authorized agent or employee of the county to any property
28 receiving reclaimed water service for the purpose of conducting any inspection
29 permitted under this article shall constitute a violation of this article and shall be
30 grounds for the immediate discontinuance of reclaimed water service by the county to
31 the subject property.
32
33

34 **Sec. 3-8-211. Liability and indemnity.**

35
36 (a) The county shall not be liable for any damages caused by the use of reclaimed water,
37 provided the reclaimed water has been treated by the department to levels required by
38 applicable federal, state and local laws and regulations for irrigation of lands with
39 public access, or as set forth in section 3-8-205(b) of this article.
40

41 (b) The county shall not be liable for any damages caused by a failure to deliver or supply
42 reclaimed water.
43

44 (c) The customer shall indemnify the county, its agents and employees, from all claims,
45 damages, judgments and expenses (including attorney fees) incurred by the county as
46 a direct result of the use or discharge of reclaimed water by the customer in violation
47 of the terms of this article or other applicable laws or regulations, including, but not
48 limited to, a cross-connection.

- 1
2 (d) The customer shall be liable for any fine or actions imposed on CCU by any local,
3 state, or federal agency as a result of improper or illegal connection made to the
4 reclaimed water system by the customer or agent of the customer.
5
6

7 **Sec. 3-8-212. Fines and penalties for violation of article.**
8

9 CCU shall have the authority to impose fines and penalties, as established through
10 resolution, for any violations of local, state and federal rules relative to the provision of
11 reclaimed water service.
12

13 Fines and penalties may include the costs to the county associated with the labor and
14 materials required to correct cross-connections to the reclaimed water system. Applicable
15 fines and penalties may be applied to property owners who are customers of the reclaimed
16 water service, as well as property owners who are not customers of the reclaimed water
17 service.
18

19 **DIVISION 2.— NEW DEVELOPMENT PROJECT REUSE REQUIREMENTS**
20

21 **Sec. 3-8-221. Intent.**
22

23 It is the intent of the county to maximize the reuse of treated wastewater and minimize
24 new project impacts on potable water resources. It is the responsibility of the project
25 developer to provide for effluent reuse as a condition precedent to wastewater treatment
26 capacity availability. The county makes no guarantee that service will be available at all
27 times.
28
29

30 **Sec. 3-8-222. New development projects.**
31

- 32 (a) *Evaluation.* For all new development projects, there shall be a requirement for
33 evaluation of the incorporation of use of reclaimed water. This evaluation shall be in
34 the form of an application to the department as part of the utility agreement. The
35 Director shall review the water reuse capacity of the project and determine if its
36 incorporation into the reclaimed water system represents a beneficial use of the
37 reclaimed water resource. The water reuse capacity of the project shall be based on the
38 projected irrigated area of the proposed development receiving reclaimed water at an
39 annual average rate of one (1) inch per week and established by an engineering report
40 from a licensed Florida professional engineer and approved by CCU.
41
42 (b) *Mandatory connection.* After consideration of the above evaluation, the director shall
43 have the authority to require the development project to connect to the reclaimed water
44 system and comply with this article. If so required, connection to the reclaimed water
45 system shall be a condition precedent to receipt of potable water and wastewater
46 service for the subject property.
47
48

1 **Sec. 3-8-223. Easement dedications.**

2
3 The applicant shall dedicate perpetual easements on land designated for reuse
4 transmission and distribution facilities as required to provide reclaimed water service.
5

6
7 **Sec. 3-8-224. Permits.**

8
9 The applicant shall obtain and fulfill, at its expense, all necessary permits, licenses,
10 conditions, and approvals for the initial construction and operation of the on-site reclaimed
11 water irrigation facilities and additional costs of any associated CCU treatment facility
12 operating permit modification or as amended by the agreement for reclaimed water.
13

14
15 **Sec. 3-8-225. Reuse system.**

- 16
17 (a) The applicant shall construct, at its expense, all necessary onsite reuse facilities in the
18 nature of pipes, pumps, valves, meters, controls, sensors, telemetry, storage lakes
19 and/or tanks, retaining ponds, and spray or sprinkler facilities for irrigation with
20 reclaimed water, and other equipment deemed necessary by the director for the proper
21 and safe operation of the system.
22
23 (b) The applicant shall construct, at its expense, all necessary transmission lines, pumping
24 stations, and appurtenant improvements for transmitting reclaimed water from the
25 county’s transmission system to the applicant’s site.
26
27 (c) Regardless of reclaimed water service availability in proximity to the property at the
28 time of the service application, if the county has published plans to provide reclaimed
29 water service in the region within five (5) years of the service application date, the
30 applicant shall be required to install “dry lines” and associated appurtenant
31 improvements for reclaimed water distribution and service to the project area. All
32 design and construction standards for such work shall meet or exceed the department’s
33 specifications.
34

35
36 **DIVISION 3. – SUPERCEDANCE OVER ALL PRIOR AGREEMENTS FOR THE**
37 **SUPPLY OF RECLAIMED WATER**

38
39 **Sec. 3-8-226. Supercedance.**

40
41 This article is the master governing law over all agreements between Charlotte county
42 and third-party customers for the supply of reclaimed water. To the extent any provision
43 within a prior agreement shall conflict with the language herein, this article shall supersede
44 and be the controlling document. All prior agreements between Charlotte county and third-
45 party customers for the supply of reclaimed water will be reviewed for compliance with this
46 article, and replaced if deemed by the director to be in conflict with this article.

1 Section 2. Severability.

2
3 In the event this ordinance conflicts with any other provision of the Charlotte County
4 Code or other applicable law, the more restrictive shall apply. If any section, subsection,
5 sentence, clause, phrase or portion of this ordinance is for any reason held invalid or
6 unconstitutional by any court of competent jurisdiction, such portion shall be deemed a
7 separate, distinct, and independent provision and such holding shall not affect the validity of
8 the remainder of the ordinance.

9
10
11 Section 3. Inclusion in the Charlotte County Code.

12
13 It is the intent of the Board of county Commissioners, and it is hereby ordained, that
14 the provisions of this ordinance shall become and be made part of the Code of Laws and
15 Ordinances, Charlotte County, Florida, and the sections of this ordinance may be renumbered
16 to accomplish such intent.

17
18
19 Section 4. Effective Date.

20
21 This ordinance shall take effect upon receipt of the acknowledgement of its filing in
22 the Office of the Secretary of State, State of Florida.

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PASSED AND DULY ADOPTED this _____ day of _____, 2007.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: _____
Richard Loftus, Chairman

ATTEST:
Barbara T. Scott, Clerk of
Circuit Court and Ex-officio
Clerk of the Board of County
Commissioners

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: _____
Janette S. Knowlton
County Attorney