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Chapter 34 - WATER AND SEWERS

ARTICLE II. WATER AND SEWER CONNECTION ORDINANCE

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Sec. 34-33. Short title; application.

This article is to be known as the "Broward County Water and Sewer Connection Ordinance," and shall apply to all areas of Broward County.

(Ord. No. 71-5, § 1, 8-10-71)

Sec. 34-34. Declaration of legislative findings.

- (a) The board of county commissioners finds that numerous residences and other buildings and structures in Broward County abut streets and easements in which water mains have been laid but obtain their water supply from wells and not from said mains. The sewage disposal for the said residences and other structures is usually provided by septic tanks, or similar methods. There are also numerous other buildings and structures in Broward County which are connected to a public water supply but which use septic tanks or similar methods for sewage disposal.
- (b) The Board of County Commissioners also finds that there are numerous residences and other buildings and structures in Broward County which abut streets and easements in which sanitary sewer mains have been laid but which use septic tanks or other similar means of sewage disposal and are not connected to the sanitary sewer mains available.
- (c) The growing population of Broward County, the increasing contamination of groundwater, the easy passage of water through the porous rock and subsoil underlying much of Broward County, particularly in times of heavy rains and high groundwater level, combined with the continued use of individual wells, septic tanks, and similar methods of sewage disposal, constitutes a danger to the public health of Broward County and requires the connection of such residences, buildings and other structures to public water supplies and public sanitary sewage treatment facilities whenever and wherever it is physically feasible.

(Ord. No. 71-5, § 2, 8-10-71)

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Sec. 34-35. Connection to public water and/or sewage in abutting streets and easements required.

- (a) All premises used or intended for human habitation or occupancy, including, but not limited to, establishments to be used for household, domestic, food processing, food handling, restaurant, dairy or bottling processors, public buildings and places of assembly or other establishments where a water supply is or may be used for human consumption and which abuts a water main owned by a public or private water utility system and is within the service area of that system, shall be connected to the said water main within one hundred eighty (180) days of the availability of said water main for use. Written notice of anticipated completion date and the availability of new water system shall be furnished to the owners of all property abutting the system and within the service area of that system by the director of the Broward County Division of Water and Waste Water or the appropriate municipal officer prior to the completion of the system. A water main shall be deemed to abut a building or premise if it is located in a street or easement adjoining the land on which it is located.
- (b) All premises used or intended for human habitation or occupancy, including, but not limited to, establishments to be used for household, domestic, food processing, food handling, restaurant, dairy or bottling processors, public buildings and places of assembly or other establishments within an area served by a public or private sanitary sewage treatment and disposal utility system, or where such system is available, and which abuts a sanitary sewer main owned by such system and is within the service area of that system, shall be connected to the said sanitary sewer main within one hundred eighty (180) days of the availability of said sewer main for use. Written notice of anticipated completion date and the availability of a new sanitary collection and sewage treatment and disposal utility system shall be furnished to the owners of all property abutting the system and within the service area of that system by the director of the Broward County Division of Water and Waste Water or the appropriate municipal officer prior to the completion of the system. A sanitary sewer main shall be deemed to abut a building or premise if it is located in a street or easement adjoining the land on which the building is located.
- (c) It shall be unlawful for anyone to construct, install or repair septic tanks or other similar sewage disposal system in or upon any property which abuts a sanitary sewer main and is within the service area of that system that is available for use; and it shall be unlawful for anyone to drain or cause to be drained any sewage into septic tanks or other similar disposal systems in or upon any property which abuts a sanitary sewer main within one hundred eighty (180) days of the availability of said sewer main for use.
- (d) Service charges to cover operation, maintenance and debt service shall commence no later than ninety (90) days after water and/or sewer service is available, regardless of whether the property abutting the water and/or sewer main is connected into the water and/or sewer system at that time.
- (e) The connection shall be made in accordance with the requirements of all applicable rules and regulations of the county, state or municipal agency having jurisdiction thereof.

(Ord. No. 71-5, § 3, 8-10-71; Ord. No. 75-26, § 1, 8-20-75)

Sec. 34-36. Notice to connect; procedure.

If the director of the Broward County Health Department, hereinafter referred to as director, finds and determines that buildings subject to the terms of this article have not been connected to water mains and/or sewer mains or private utilities, when such mains are available as set forth above, he shall so notify the record owner of the said buildings in writing and demand that such owner cause the connections to be made by duly licensed contractors, or the property owner, in accordance with the applicable regulations within ninety (90) days of the date of service of the notice as hereinafter provided. The notice shall be served by registered mail, addressed to the owner or owners of the property

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described, as they are known to the director, or as their names and addresses are shown upon the records of the county tax assessor, and shall be deemed complete and sufficient when so addressed and deposited in the United States mail with proper postage prepaid. In the event that such notice is returned by the postal authorities, the director shall cause a copy of the notice to be served by law enforcement officer upon the occupant of the land or upon any agent of the owner thereof. In the event that personal service upon the occupant of the land or upon any agent of the owner thereof cannot be performed after reasonable search by a law enforcement officer, the notice shall be served by physical posting on the said property and by publication in a newspaper of general circulation at least twice, seven (7) days between publications, and not less than thirty (30) days before the date the connection is required. The notice shall be in substantially the following form:

NOTICE REQUIRING CONNECTION TO WATER AND/OR SEWER MAIN(S)

Name of Owner _____

Address of Owner _____

Our records indicate that you are the owner(s) of the following land in Broward County, Florida:

(describe property)

An inspection of this land discloses, and I have found and determined, that a building is located thereon which is not connected to water and/or sewer main(s) of the (name of utility) located in (name of street or description of easement) abutting said property.

You are hereby notified that unless the said building is connected to the said main within ninety (90) days of personal service upon you, or on or before _____ days after the second publication hereof, (insert Broward County or municipality, as the case may be) will proceed to effect said connection, and the cost of the work, including advertising costs, connection charges and other expenses necessary to make a complete connection to the building, will be imposed as a lien upon the land if not otherwise paid within thirty (30) days after said connection has been made and the cost thereof ascertained by (Broward County or municipality).

_____ Director, Broward County Health Department
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(Ord. No. 71-5, § 4, 8-10-71)

Sec. 34-37. Connection effected by county or city; lien; recording; etc.

- (a) If within the time set forth above after service of the said notice, or by physical posting of the notice on the property, or by publication in a newspaper, all as set forth in [section 34-36](#), the connection required thereby has not been effected, the director shall notify the Board of County Commissioners of Broward County if the property is located within the unincorporated area of Broward County, or shall notify the governing body of the municipality if the property is located within the territorial limits of a municipal corporation within Broward County. The board of county commissioners or the governing body of the municipality, as the case may be, shall cause the connection to be effected at

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the expense of the property owner. The cost of the said connection shall constitute a lien upon the real estate served thereby as hereafter set out.

- (b) Upon making the connection required by the director, the board of county commissioners or the governing body of the municipality, as the case may be, shall cause to be recorded in the public records of Broward County a notice of water and/or sewer connection lien which shall include a description of the property and a statement that a connection has been ordered, the cost of which constitutes a lien under this article. Said notice shall also include an itemized statement of expenditures sworn to by such agent or employee as may be authorized by the board of county commissioners or of the governing body of the municipality. The cost of recordation of the notice of water and/or sewer connection lien shall be included in and secured by the lien hereby provided.
- (c) The recordation of the notice of water and/or sewer connection lien and the lien granted thereby shall have the same effect as a mortgage lien and shall be enforceable by the same procedure as a mortgage in the State of Florida, and all statutes relative to the enforcement of mortgages in Florida shall be equally applicable to the liens granted hereby. The lien shall be effective for a period of twenty (20) years from the date of recordation and shall become void at the end of said twenty (20) year period.
- (d) After the execution and recordation of the said notice of water and/or sewer connection lien, the board of county commissioners or the governing body of the municipality, as the case may be, may in its discretion, if it determines that undue hardship will occur to the owner of the property subject to the lien, waive payment thereof by resolution and, upon the filing of a certified copy of said resolution with the Clerk of the Circuit Court in and for Broward County, the lien shall be discharged.

(Ord. No. 71-5, § 5, 8-10-71)

Sec. 34-38. Exemptions and exceptions.

Notwithstanding the requirement to connect to an abutting water main owned by a public or private utility system, premises located in the Rural Ranches and Rural Estates land use categories shall be exempt from this requirement. However, this exemption shall only continue for premises abutting a water main if the owner of the premises submits an affidavit certifying that the potable water source utilized by the premises has been tested by the owner for bacteria (non-specific), lead, nitrates, nitrites, pH, total alkalinity, hardness, copper, total chlorine, iron, hydrogen sulfide, and iron bacteria. The original of the affidavit must be submitted to the Florida Department of Health by January 1 of each year. Failure to submit the annual affidavit within sixty (60) days of the January 1 filing date shall automatically terminate the exemption for the premises. In addition to the foregoing exemption, any owner of property who receives a notice to connect to a water main or sanitary sewer main and who would be required to pay a connection charge to a public or private utility system, may petition the board of county commissioners, the governing body of the municipality, or other entity having jurisdiction of the utility service area, for an exception from the connection requirement of this article. If the said board, governing body, or other entity shall find that the said connection charge is not just and reasonable, it shall grant an exception of the said connection requirements; provided, however, that the exception shall not conflict with any findings or orders of the Florida Department of Health, the Florida Department of Air and Water Pollution Control, or any other state or local agency having jurisdiction in the premises. Prior to granting an exception to the requirement for connection to a sanitary sewer main, said board, governing body, or other entity shall determine that such connection is not required in the public interest due to public health considerations and the exception must be approved by the Florida Department of Health.

(Ord. No. 71-5, § 6, 8-10-71; Ord. No. 1998-26, § 1, 7-14-98; Ord. No. 1998-40, § 1, 11-10-98)

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Sec. 34-39. Penalties and remedies.

Any property owner or owners willfully refusing to make a connection ordered by the director pursuant to [section 34-36](#) of this article shall be deemed guilty of a misdemeanor and punished as provided by law. Each day such failure to connect continues shall constitute a separate offense. The violation of any of the provisions of this article may also be enforced by injunction, including a mandatory injunction and such suit or action may be instituted and maintained in the name of Broward County or the municipality, as the case may be.

(Ord. No. 71-5, § 7, 8-10-71)

Sec. 34-40. Reserved.

FOOTNOTE(S):

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Editor's note— At the discretion of the editor, the title of Art. II has been changed from "Connections" to read as hereinabove set out. The reader is referred to Art. II½, "Water and Septic Tank Ordinance," for similar provisions relating to connections. ([Back](#))