

ORDINANCE NO. 87-01

AN ORDINANCE PROHIBITING STRUCTURES BEING PLACED ON AND BEING CONSTRUCTED OR PLACED ON LAND WITHOUT INSTALLATION FOR THE USE OF THE OCCUPANTS THEREOF OF SEPTIC TANK OR OTHER APPROVED DEVICE FOR SEWAGE DISPOSAL; DEFINING CERTAIN WORDS AND TERMS USED IN THE ORDINANCE; PROHIBITING INSTALLATION OF SEWAGE DISPOSAL DEVICES UNTIL ISSUANCE OF "SEPTIC TANK CONSTRUCTION PERMIT" BY CALHOUN PUBLIC HEALTH UNIT; PROHIBITING INSTALLATION OF ELECTRICAL SERVICE UNTIL "SEPTIC TANK CONSTRUCTION PERMIT" ISSUED; PROHIBITING USE OR OCCUPANCY OF STRUCTURES LOCATED OR PLACED IN VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; PRESCRIBING PENALTIES FOR THE VIOLATION OF AND THE EFFECTIVE DATE OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OR CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, there exist numerous structures being placed and being constructed on lands in Calhoun County without full compliance with the laws, regulations and/or rules of the State of Florida and Calhoun County pertaining to installation of septic tanks, or other approved device for sewage disposal; and

WHEREAS, the installation of a septic tank or other approved device for sewage disposal in violation of law adversely affects public health and safety and constitutes a health hazard to the welfare of the people of Calhoun County, both within and outside of all municipalities located in Calhoun County;

NOW, THEREFORE, be it ordained by the Board of County Commissioners of Calhoun County, Florida, that:

SECTION 1. DEFINITIONS.

A. MOBILE HOME: A detached single-family dwelling with following characteristics:

- (a) Designed for long-term occupancy, and containing sleeping accommodations, flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical facilities, with plumbing and electrical connections provided for attachment to outside systems; and
- (b) Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels; and
- (c) Arriving at the site where it is to be occupied as a

dwelling complete, including major appliances and furniture and ready for occupancy except for minor and incidental unpacking and assembly operation, location on foundation supports, connection to utilities, and the like; or

(d) Any vehicle, trailer or similar portable structure, with or without its own motive power, having no integral foundation other than wheels, jacks, or skirtings, and used, designed or constructed to be used as a conveyance on the public streets and designed or constructed to permit permanent occupancy for dwelling or sleeping purposes. Removal of the means of conveyance from a mobile home or the construction of a permanent foundation for a mobile home does not change the meaning of the word mobile home as defined or used in this ordinance.

(e) The term mobile home shall also include any vehicle trailer or trailer coach equipped so as to provide living or sleeping facilities or housing accommodations.

B. STRUCTURE: Any building or portion thereof in which sewage waste is produced (including mobile homes).

C. PERSON: The word "person" shall include and be applied to associations, clubs, societies, firms, partnerships and bodies, political and corporate, as well as to individuals and natural persons.

D. CONSTRUCT: The word "construct" and "construction" shall mean the building or erection of something which did not exist before, as distinguished from the alteration, repair, or improvement of an already existing structure.

E. ABSORPTION FIELD OR DRAINFIELD: A system of openjointed or alternate distribution units of approved type to receive flow from septic tank and designed to

distribute effluent for oxidation and absorption by the soil.

F. SEPTIC TANK: Watertight tank or receptacle used as a reservoir for receiving or disposing sewage wastes.

G. CONSTRUCTION PERMIT: Written authorization from the Calhoun Public Health Unit permitting a person to commence installation of a septic tank or other approved sewage disposal system in the form of a septic tank construction permit; also known as the System Construction Specifications and Construction Approval.

H. FINAL SYSTEM APPROVAL PERMIT: Written authorization from the Calhoun County Public Health Unit permitting a person to commence use of a complete onsite sewage disposal system; also known as System Installation Inspection and Final Installation Approval.

I. DOMESTIC SEWAGE WASTE: Human body waste and household type wastes, including bath and toilet wastes, laundry wastes, kitchen wastes and other similar wastes from structures.

J. TEMPORARY ELECTRICAL SERVICE: Electrical service furnished on a power pole for the purpose of construction of a structure. Temporary Electrical Service shall not be furnished to mobile homes.

K. PERMANENT ELECTRICAL SERVICE: Electrical service furnished on a power pole for mobile homes and electrical service furnished on a meter permanently attached to a structure.

SECTION 2. It shall be unlawful for any person to construct or place any structure or any mobile home on the land on which it is to be located in Calhoun County without the installation for the use of the occupants thereof of a septic tank system (or other device for sewage disposal approved by the Calhoun Public Health Unit), or otherwise in violation of Sections 4 or 6 of this Ordinance.

SECTION 3. It shall be unlawful for any person to construct, install or commence the installation of a septic tank system or other device for sewage disposal unless or until there has first been obtained a "Septic Tank Construction Permit" or existing tank approval for the same issued from the office of the Calhoun Public Health Unit.

SECTION 4. It shall be unlawful for any person to connect or install, or to assist in or procure the connection or installation, of any temporary or permanent electrical service for use in connection with any structure (as defined herein) unless and until:

- a) if the structure is to be serviced by a municipal public or private multi-uses sewage system, this has first been obtained from said municipal public or public multi-uses system and displayed at the subject property written documentation that the structure has been accepted for service by said sewage system; or
- b) in all other cases, this has first been obtained and displayed at the subject property a "final system approval permit" or existing tank approval issued by the Calhoun Public Health Unit for the structure not more than 60 days prior to the connecting or installation of electrical service.

SECTION 5. Section 2 of this Ordinance shall not apply to any structures or mobile homes being placed on lots served by an existing community or public sewage disposal system.

SECTION 6. It shall be unlawful for any person to use or occupy any structure which is located or placed in violation of the provisions of this Ordinance.

SECTION 7. Any person violating any of the provisions of this Ordinance, upon conviction thereof, shall be punished by a fine not exceeding \$500.00 or imprisonment for a term not exceeding 90 days, or both such fine and imprisonment. Each day of violation of this Ordinance shall constitute a separate

offense. In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of this Ordinance shall be deemed a public nuisance and may be abated by Calhoun County, at the expense of the person maintaining the nuisance and including a reasonable attorney fee in favor of the County in the event an injunction is granted, and each day that such condition continues shall be regarded as a new and separate offense.

SECTION 8. SEVERABILITY: Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 9. REPEALER: All ordinances or parts of ordinances in conflict with or inconsistent with the provisions of this Ordinance, are hereby subordinated to the provisions of this ordinance, or repealed, to the extent necessary to give this Ordinance full force and effect.

SECTION 10. EFFECTIVE DATE: This Ordinance shall take effect as provided by law.

ADOPTED in regular session this 15 day of June, 1987.

BOARD OF COUNTY COMMISSIONERS,
CALHOUN COUNTY, FLORIDA

BY: Ronald A. Wood
RONALD WOOD, Chairman

ATTEST:

Willie D. Wise
WILLIE D. WISE, Clerk