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**Sec. 122-55. Use of on-site sewage treatment and disposal systems.**

- (a) It shall be unlawful for any person to construct, install, modify, abandon, operate or repair on-site sewage treatment and disposal systems in violation of this section, the provisions of F.S. §§ 381.0065—381.0067, or Rule 64E-6, Florida Administrative Code. F.S. §§ 381.0065—381.0067 and Rule 64E-6, Florida Administrative Code, as may be amended, are hereby adopted and incorporated into this section by this reference.
- (b) The owner of property served by an on-site sewage treatment and disposal system shall connect the plumbing of an establishment or residence on such property to a publicly owned or investor-owned sewerage system when service is available. "Available," as applied to a publicly owned or investor-owned sewerage system, means that:
  - (1) The publicly owned or investor-owned sewerage system is capable of being connected to the plumbing of an establishment or residence; and
  - (2) The publicly owned or investor-owned sewerage system is not under a department of environmental protection moratorium; and
  - (3) The publicly owned or investor-owned sewerage system has adequate permitted capacity to accept the sewage to be generated by the establishment or residence; and
  - (4) The publicly owned or investor-owned sewerage system complies with all other provisions, including distance limitations of F.S. §§ 381.0065—381.0067.
- (c) Mandatory connection of existing on-site sewage treatment and disposal systems to a publicly owned or investor-owned sewerage system shall be subject to the following:
  - (1) Publicly owned or investor-owned sewerage systems shall comply with all provisions, including notice requirements of F.S. § 381.00655.
  - (2) Owners of an existing on-site sewage treatment and disposal system shall have the option of prepaying the amortized value of required connection charges to a publicly owned or investor-owned sewerage system in equal monthly installments over a period not to exceed two years from the date of the initial notification of anticipated availability.
  - (3) Any connection fee charged under this section by an investor-owned sewerage system may be paid without interest in monthly installments, over a period of time not to exceed five years from the date the sewerage system becomes available, if the county determines that the owner has demonstrated a financial hardship. The county council shall establish criteria for making this determination by resolution, which takes into account the owner's net worth, income and financial needs.
- (d) To the extent permitted by law, violations of this section, the provisions of F.S. §§ 381.0065—381.0067, or Rule 64E-6, Florida Administrative Code, may be enforced by the following entities through the remedies in subsection (e) of this section:
  - (1) By the Volusia County Health Department as an authorized agent of the Florida Department of Health, or the Florida Department of Health; or
  - (2) By the county; or
  - (3) For violations of F.S. § 381.00655, "Connection of existing on-site sewage treatment and disposal systems to central sewerage system; requirements", by a municipality providing sewerage service in the unincorporated county pursuant to F.S. ch. 180, or an interlocal utility service agreement with the county; or
  - (4) For violations of F.S. § 381.00655, "Connection of existing on-site sewage treatment and disposal systems to central sewerage system; requirements", by an investor-owned sewerage system.

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- (e) To the extent permitted by law, all civil and criminal remedies available to the entities listed in subsection (d) of this section may be used to enforce this section, the provisions of F.S. §§ 381.0065—381.0067, or Rule 64E-6, Florida Administrative Code. The following remedies are cumulative, may be pursued simultaneously or consecutively, and include, but are not limited to:
- (1) Citations issued in compliance with F.S. ch. 162; or
  - (2) Fines assessed in compliance with F.S. ch. 162, or F.S. § 125.69; or
  - (3) Administrative actions; or
  - (4) Civil actions, including a complaint for injunctive relief filed in the Seventh Judicial Circuit in the State of Florida; or
  - (5) Referral to the State of Florida Attorney General; or
  - (6) Referral to the Volusia County State Attorney pursuant to F.S. § 125.69, for prosecution as a misdemeanor and upon conviction, punishment by a fine not to exceed \$500.00, or imprisonment not to exceed 60 days, or both; or
  - (7) Any action necessary to prevent imminent danger to public health and safety.
- (f) Proposed development shall provide for sewer service in accordance with chapter 6, Sanitary Sewer Sub-Element, of the Volusia County Comprehensive Plan, and all applicable state and local regulations.
- (Res. No. 86-116, § 25, 8-14-86; Ord. No. 2000-31, § I, 9-21-00; Ord. No. 2015-20, § I, 12-3-15)

Cross reference(s)—Wastewater treatment plants and septic tanks in Indian River Lagoon Surface Water Improvements and Management Zone, § 50-138; use of on-site sewage disposal systems by industrial or manufacturing operations, § 58-1.