

**ORDINANCE NO. 2018 - 36**

**AN ORDINANCE AMENDING COLLIER COUNTY ORDINANCE NO. 2004-31, AS AMENDED, KNOWN AS THE COLLIER COUNTY UTILITIES STANDARDS AND PROCEDURES ORDINANCE, AS CODIFIED IN SECTIONS 134-51 THROUGH 134-64 OF THE CODE OF LAWS AND ORDINANCES, TO UPDATE THE REGULATIONS GOVERNING THE INSTALLATION OF SUSTAINABLE AND SAFE UTILITIES INFRASTRUCTURE WITHIN THE COUNTY; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, on May 11, 2004, the Board of County Commissioners, Ex Officio the Governing Board of the Collier County Water-Sewer District, concurrently adopted Collier County Ordinance No. 2004-31, known as the Collier County Utilities Standards and Procedures Ordinance, together with the Utilities Standards Manual, including all of the Manual's exhibits. These documents provide County procedures and guidelines for the design, construction and repair of both privately constructed and County constructed utility systems in Collier County; and

WHEREAS, on May 8, 2018, the Board accepted an update to the After-Action Report provided during the Board's November 7, 2017 Workshop regarding the effects of Hurricane Irma, in which staff proposed updating both the Utilities Standards Manual and the Collier County Utilities Standards and Procedures Ordinance to ensure greater resiliency in construction; and

WHEREAS, the Board wishes to update the Collier County Utilities Standards and Procedures Ordinance to ensure greater resiliency in construction to better protect the citizens of Collier County during extreme weather events.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AS THE GOVERNING BODY OF COLLIER COUNTY FLORIDA AND EX-OFFICIO GOVERNING BOARD OF THE COLLIER COUNTY WATER-SEWER DISTRICT, that**

**SECTION ONE: The following Sections of Ordinance No. 2004-31, as amended, and codified in Chapter 134, Article III, of the Code of Laws and Ordinances are amended as follows:**

**Sec. 134-51. Findings and purpose.**

- (a) It is the intent and purpose of this ordinance to promote, protect, and improve the health, safety and welfare of the citizens of Collier County by the establishment, herein, of standards and procedures for the construction, development, maintenance, and operation of safe, reliable potable water, non-potable irrigation water and wastewater systems that meet the demands of Collier County's land development and population growth and that are constructed, developed, maintained and operated according to the latest technical and professional standards. This ordinance, therefore, establishes minimum utility

requirements for development of potable water and non-potable irrigation water transmission and distribution and for wastewater collection and transmission systems or portion(s) thereof within the unincorporated areas of Collier County, Florida. This ordinance attempts to ensure that, with respect to all utility construction performed, reliable and economical utility services shall be provided to users of the potable water, non-potable irrigation water and/or wastewater systems within Collier County. All requirements set forth herein are in conjunction with and supplemental to the Collier County Land Development Code (the "LDC"), to the Collier County Growth Management Plan and to such other applicable Collier County Ordinances, Resolutions and/or regulations as are related to land development and/or subdivision of lands within Collier County. ~~The administrative procedures, standards, and policies contained herein, as they apply to the extension and/or development of potable and non-potable water and/or wastewater systems and utility services, shall take precedence, if in conflict, over those contained in the LDC.~~ The public utilities ~~department~~ division shall review deviations (see Standards Manual for Utility Deviation Forms) from the standards and procedures established herein, which are brought about by innovative applications of design principles/solutions to individual projects. Upon such review, the public utilities administrator or designee, at his discretion, may approve such deviations, provided that such deviation shall not result in system/facility operation or maintenance performance that is less than that which would be provided in this ordinance, if recognized, accepted standards are used, and provided further that such deviation promotes, protects, and improves the health, safety and welfare of the citizens of Collier County, Florida. Requested deviations from the requirements of this ordinance shall be referred to the public utilities administrator or designee(s). All deviation requests must include an impact statement. Appeals to rejected deviation requests shall be mailed to the public utilities engineering director of the public utilities division.

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**Sec. 134-53. Applicability.**

This ordinance shall be applicable to development activities within the Collier County Water-Sewer District, ~~the Goodland Sub-District~~ and the remaining unincorporated areas of Collier County, Florida. For the purposes of simplicity and brevity, references herein to the Collier County Water-Sewer District shall also refer to the Goodland Sub-District, where appropriate, as the context requires.

**Sec. 134.54 Water and wastewater ordinances and resolutions.**

The board of county commissioners, acting in their regular capacity as well as their capacity as the ex-officio governing board of the Collier County Water-Sewer District (~~including the Goodland Sub-District~~) has adopted other ordinances, ordinance amendments and resolutions on behalf of the county and the district. Such ordinances, ordinance amendments and resolutions, together with all such duly adopted subsequent ordinances, ordinance amendments and resolutions apply fully except to the extent, if any, specifically and expressly superseded by this ordinance.

**Section 134.55. Service areas.**

- (a) The following requirements shall apply with respect to the county's review of utility construction within the district's service area in the unincorporated area.
- (b) Construction of all utility systems including, but not limited to, interim utility systems, shall comply with the LDC, with this ordinance, and with the Collier County Utilities Standards Manual, which is hereby adopted by the board as part of this ordinance. The penalty provisions of this ordinance apply equally to the manual and to exhibits then incorporated by reference into the manual.
- (c) Utility construction shall not commence until the utility construction documents for each project have been reviewed and approved by the engineering review services department director (county engineer) or designee and the county has thereafter issued a written authorization to construct. Conveyance of completed interim utility system(s) or portion(s) thereof within these certificated or other approved service areas shall be in compliance with the LDC, this ordinance, and the Collier County Utilities Standards Manual.
- (d) Prohibited connections. Refer to the latest revision of the County Cross-Connection Ordinance as well as subsections 134-55(d)(1)—(3).
  - (1) Wastewater and stormwater. No individual or entity owning, possessing or having control of any building, structure, or other improvements within the then existing district shall cause, permit, allow or suffer any stormwater and/or any water used for irrigation to be discharged into any sanitary sewer, drain, cleanout, or manhole that is connected to the district's wastewater collection system (direct discharge), or into any other facility that is connected into such sewer, drain or manhole, (indirect discharge). Only wastewater from toilets, lavatories, sinks, bathtubs or showers upon or in said premises shall be discharged into any such sewer, drain or manhole.
  - (2) Yard, garden, private stormwater drainage facilities. No yard drainage, garden drainage, nor any stormwater, including from a drainage line, roof drain or downspout, shall discharge directly or indirectly into the county's or the district's wastewater collection system.
  - (3) Inspection—Correction of violation condition. An authorized representative of the county may enter premises (except an owner-occupied residence) to determine whether any violation of subsection 134-55(d)(1) or (2) exists. If it is determined that such violation exists, staff shall provide written notice to the owner or occupant of the premises to direct that all such violations be corrected within 30 days of receipt of such notice, and within that 30-day period, the noticed owner or occupant shall notify staff in writing that each such violation has in fact been corrected. If staff does not receive such notification of correction within that 30-day period, staff may correct all such violations subject to providing the owner or occupant not less than three additional work days written notice. Notice from the county or district may be registered mail or by any other lawful means of delivery of such notice, addressed to the owner (or occupant) as the owner's name and address then appear

on the then most current tax assessment roll. In the event county staff corrects the violation(s), the county's may record a lien against the relevant premises, which lien shall run with the land and may be foreclosed upon or otherwise collected by staff.

- e) Private wastewater systems.
- (1) Private pump station owners are required annually to provide the following to the Public Utilities Department:
    - a. Emergency phone number of pump station owner
    - b. Emergency phone number of pump station operator
    - c. Maintenance reports and inspection reports
    - d. If any phone numbers change, an update must be provided within 24-hours.
  - (2) Private pump station access must be secured with a master lock provided by the Public Utilities Department. Public Utilities' lock may be interlocked with the owner/operator's lock to allow access by both.
  - (3) The Public Utilities Department is authorized to conduct inspections of private wastewater pump stations at its discretion. Any non-compliance will be enforced through code enforcement and FDEP code compliance where applicable.
  - (4) Home Owners Associations (HOAs) and/or private wastewater pump station owners will have the opportunity to convey their pump stations including collection systems to the Collier County Water-Sewer District (CCWSD) after bringing the infrastructure into compliance with current utilities standards. System upgrades and repairs of any defects shall be the financial responsibility of the HOA or private wastewater system owner.

#### **Sec. 134-56. - Definitions and abbreviations.**

- (a) *Definitions.* For the purposes of this article, the following terms, phrases, and words, shall have the meaning specified herein. When not inconsistent with the context, words in the present tense include future tense, words used in the singular number include the plural, and words used in the plural include the singular. "Shall" is always mandatory; "may" is discretionary. Definitions in this ordinance supersede definitions in the Standards Manual to the extent of any conflict between a definition in this ordinance and a definition in the manual. No definition in this ordinance shall be construed to affect any definition in the Florida Administrative Code or any other administrative regulation of any superior government agency unless such F.A.C. or other governmental regulation's definition can lawfully be expanded, contracted or otherwise amended by this ordinance and the apparent intent of the conflicting definition in this ordinance is to amend the scope or application of the respective conflicting exterior definition. Many of these definitions contain substantive provisions. The fact that a substantive provision is contained in a definition does not affect full applicability of each such substantive provision.



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~~Community development and environmental services division: A division of Collier County which, for purposes of this article, shall be responsible for processing, reviewing and approving potable water, non-potable irrigation water and/or wastewater construction requests, pursuant to the terms and conditions of this article and/or the LDC, including the engineering evaluation, design and construction of potable water, non-potable irrigation water and/or wastewater utility systems. As outlined herein, and as set forth in the LDC, the "community development and environmental services administrator" shall mean the engineering review services department director (county engineer).~~

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*Development services advisory committee (DSAC):* A 15 member committee created pursuant to Ordinance No. 95-60 to provide reports and recommendations to the board of county commissioners, to assist in the enhancement of the operational efficiency and budgetary accountability within the growth management ~~community development and environmental services~~ and public utilities ~~departments~~ divisions, and to serve as a primary communications link between the ~~departments~~ divisions, the development industry and the citizens and residents of Collier County.

*Deviation:* Requested variation from the requirements of this article or the Collier County Standards Manual requiring written approval from the public utilities department ~~division~~ administrator or designee(s).

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*Growth Management Department:* A department of Collier County which, for purposes of this article, shall be responsible for processing, reviewing and approving potable water, non-potable irrigation water and/or wastewater construction requests, pursuant to the terms and conditions of this article and/or the LDC, including the engineering evaluation, design and construction of potable water, non-potable irrigation water and/or wastewater utility systems. As outlined herein, and as set forth in the LDC, the "community development and environmental services administrator" shall mean the engineering review services division director (county engineer).

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*Public utilities department ~~division~~:* A department ~~division~~ of the Collier County government comprised of various departments including, but not limited to, the water and wastewater departments. The public utilities division is responsible for the management, operation and maintenance of the Collier County Water-Sewer District. The public utilities department ~~division~~, together with the growth management department ~~community development and environmental services division~~ shall have the responsibility to approve potable water, non-potable irrigation water (in dual systems) and wastewater systems requests, as well as engineering evaluations, including, but not limited to, the design and construction of all potable water, non-potable

irrigation water, and wastewater systems eligible to be conveyed to the board for ownership and maintenance as outlined herein.

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(b) *Abbreviations.*

ANSI	American National Standards Institute
ASTM	American Society for Testing and Materials
AWWA	American Water Works Association
BCC	Board of County Commissioners
CCWSD	Collier County Water-Sewer District
<u>GMD</u>	<u>Growth Management Department</u>
<del>CDES</del>	<del>Community Development and Environmental Services Division</del>
CPI	Concrete Pipe Institute
CUE	County Utility Easement
DCA	Department of Community Affairs
DSAC	Development Services Advisory Committee
ERP	Environmental Resource Permit
FAC	Florida Administrative Code
FDEP	Florida Department of Environmental Protection
FDOT	Florida Department of Transportation
GIS	Geographic Information System
LDC	Land Development Code
MSW	Municipal Solid Waste
NAD	North American Datum
NEC	National Electrical Code
NEMA	National Electrical Manufacturers Association

Words Underlined are added; Words ~~Struck Through~~ are deleted.

NFPA	National Fire Protection Association
NPDES	National Pollutant Discharge Elimination System
NWRI	National Water Research Institute
PE	Professional Engineer
PUD	Public Utilities <u>Department</u> <del>Division</del> (can also mean Planned Unit Development)
PWA	Preliminary Work Authorization
ROW	Right-of-Way
SDP	Site Development Plan
SFWMD	South Florida Water Management District
SIP	Site Improvement Plan
UPS	Utilities Performance Security
USACE	U.S. Army Corps of Engineers
WEF	Water Environment Federation

**Sec. 134-57. Policies and standards.**

(a) *Utility service:* Availability of service from the district.

- (1) As a requirement to developer's submittal of construction documents, developer shall obtain prior written verification from the public utilities department ~~division~~ regarding service from the district, which shall (i) ascertain the current status of utility service from the district, if any; (ii) identify restrictions, if any, of availability of such service(s); and (iii) provide pertinent facts regarding location and availability of district's existing and/or then proposed district utility system(s). The department ~~division~~ shall respond in writing to all such requests.

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- (6) Adequate public facilities letter. In the event the proposed development is outside the service area of the CCWSD, but within the then certificated service area of any another utility or utility service provider, that utility or utility service provider shall submit an adequate public facilities letter to GMD ~~CDES~~. That letter must prove that prompt availability of such service is available to adequately provide the utility

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service(s) and must demonstrate that the entity can and will provide service to the proposed development in accordance with Chapter 64E-6 F.A.C. for water and wastewater service systems having a capacity not exceeding 10,000 GPD; also in accord with Chapters 62-550 and 62-555 F.A.C. for water systems having a capacity of greater than 10,000 GPD, and/or with Chapter 62-600 F.A.C. for wastewater systems having a capacity of greater than 10,000 GPD. The adequate public facilities letter must clearly describe the type and capacity of the utility services that is available in accordance with the then existing standards in Chapter 64E-6 F.A.C. or Chapter 62-600 F.A.C., as applicable, and must include all restrictions or requirements the utility (or service provider) may have regarding the issuance of a binding written commitment for such service(s) to the proposed project. In the event that potable water, non-potable irrigation water and/or wastewater service is not readily available to fully serve the proposed project, it shall be the developer's responsibility to extend and/or improve such service so that such service(s) can be utilized, or clearly and fully detail the steps that will be taken to be served with interim utility services. All F.A.C. provisions referred to herein that are renumbered shall be fully applicable. Refer also to this article's definition of adequate public facilities letter, which is incorporated herein. The GMD CDES administrator or designee may require additional information from the utility (or other service provider) in addition to the adequate public facilities letter, whereby the utility (or other service provider) must prove to staff's reasonable satisfaction that the required service(s) are readily available and will be provided promptly. If requested by staff, the other utility (or service provider), at no expense to the county, shall promptly provide staff with a capacity analysis report for such utility service(s), as well as such other additional information as may be requested by staff. The burden of proof is on the utility or service provider.

(b) *FDEP permits.*

- (1) With respect to development and/or release of FDEP construction permit applications from the growth management department ~~community development and environmental services division~~, written approval from the engineering review services division ~~department~~ director (county engineer) or designee of the utility portion of the construction documents for the potable water, non-potable irrigation water and/or wastewater system(s) or portion(s) thereof is mandatory before the county or district executes and releases applications for any required FDEP permits. Prior to commencement of construction, FDEP permit must be issued. With respect to development of and/or construction activities for an interim utility system, the development may obtain executed FDEP permit applications prior to engineering review services division ~~department~~ director (county engineer) final written approval of construction documents. Under no circumstances shall construction commence with regard to the interim utility system until the construction commencement criteria in subsection 134-58(f) herein have been satisfied. With respect to those service areas outside the CCWSD, copies of all approved FDEP construction and operating permits shall be submitted to the county or district immediately upon issuance and receipt.

- (2) With respect to the FDEP certification of completion of construction forms, the engineering review services division ~~department~~ director (county engineer) or designee will have the forms executed by the public utilities division after they receive the preliminary inspection approval letter during the preliminary acceptance process. The engineering review services division ~~department~~ director (county engineer) or designee will release the forms after review and approval of the required utility conveyance checklists items in the standards manual per preliminary conveyance policy.

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(g) *Utility easement.*

- (1) All uses of Collier County Utility Easements (CUE) shall be in accordance with this ordinance or other board approved uses and shall be for the exclusive sub-surface use of the board or other county or district approved uses. All CUEs shall comply with relevant LDC requirements, unless specifically authorized to do otherwise in writing (in the form of a utility deviation form) by the public utilities department ~~division~~ administrator or designee(s). Any use, other than service crossings, of a CUE that is not authorized by the county or district and/or approved by the board is prohibited. Any use of a CUE that creates a hazard or potential hazard to the potable water, non-potable irrigation water and/or wastewater system(s) or portion(s) thereof or to the employees of the board/county/CCWSD in the performance of their duties is prohibited. Private road rights-of-way with CUE overlays are exempt from the exclusive use provision, however, all design setback and construction requirements of the ordinance shall be adhered to.
- (2) Privately-owned utilities may be allowed within a CUE, subject to prior approval by the engineering review services division ~~department~~ director (county engineer) or designee with coordination with the transportation services division and/or the public utilities department ~~division~~, and provided that such privately-owned utility does not hinder operation and/or maintenance and/or repair activities and does not create an unnecessary financial burden to the rate payers of the district. Aboveground improvements such as, but not limited to, paved parking, decorative walls and/or landscaping may be permitted to be installed within a CUE by the grantor, its successors or assigns. However, all costs and expenses of any and all repairs, replacements, maintenance and restorations of all such improvements shall be the sole financial responsibility of the grantor, its successors or assigns. These cost obligations shall be clearly stated on the approved plans, record drawings, and, if applicable, in the homeowners' association documents but failure to state such obligations shall not affect these obligations.
- (3) Combined water-wastewater easements shall be agreed upon on a case-by-case basis, dependent on depth of lines and shall not be combined, unless and until



approved by the engineering review services ~~division~~ department director (county engineer) or designee.

- (4) Width of easements.
  - a. Minimum width of potable water main, force main, and/or non-potable irrigation main easements shall be 15 feet.
  - b. Minimum width of gravity wastewater easements shall be twice the depth of the bottom of the line or 15 feet, whichever is greater; and
  - c. Lift station easements shall be at least twice the depth by twice the depth of the lift station inside-of-wetwell bottom or 30 feet by 30 feet, whichever is greater; and
  - d. Combined water-wastewater easements shall be agreed upon on a case-by-case basis, dependent upon depth of lines.
  - e. In the event that the CUE(s) do not provide the county/district with full, adequate physical access to the respective utility facilities, the county must be provided with other written rights of physical access to such utility facilities.
  - f. For well easements, refer to the LDC.

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**Sec. 134-58. - Construction approval and document submissions.**

(a) *General.* This section establishes the county's or district's minimum requirements, pursuant to, or in addition to, the minimum LDC requirements for the submission of the following construction documents by the developer, owner and/or contractor, for county or district review; however, the engineering review services ~~division~~ department director (county engineer) or designee or district staff may require additional data, as the county or district staff deems necessary, in order to complete its review of:

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(b) *Construction documents.*

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- (4) Schedule of fees and charges. The board shall by resolution establish a schedule of fees and charges for construction plan review and inspection services. The schedule shall be posted in the growth management department ~~division of community development and environmental services~~. The resolution shall be filed with the clerk to the board. The schedule may be revised pursuant to standard resolution adoption and amendment procedures. The construction document review fee shall be submitted with the construction document submission. The construction document review resubmission fee shall be required if the county's staff requires a third review in addition to the initial review and one resubmission. The

resubmission fee shall be submitted at the time the third submission is made. The construction inspection fee shall be submitted prior to the final construction plan approval. The construction document modification fee shall be submitted upon written request by the county staff prior to final approval of the modifications requested. The developer shall be responsible for the payment of all fees identified above.

- (5) Plans, specifications and cost estimate. The engineer of record shall furnish complete sets of the construction drawings and technical specifications (engineer's report) as required by the growth management department ~~community development and environmental services division~~ (a set of bound technical specifications shall be provided for community development's master file if not already done so). Construction drawings shall be prepared on standard size 24" × 36" sheets. Technical specifications (the engineer's report) shall be typewritten on 8½" × 11" sheets and bound in an acceptable manner. Technical specifications (the engineer's report) shall include an estimate of probable construction costs, prepared by the engineer of record, which contains a summary of quantities and estimate of installed cost for the potable water, non-potable irrigation water and/or wastewater system(s) or portion(s) thereof proposed for construction. The cost estimate shall be prepared by the engineer of record and submitted in itemized form to include the cost of all required improvements and/or the contract bid price for all work necessary to complete the required improvements. Incorporation of technical specifications into the construction drawings, in lieu of a separate set of written specifications as described above, shall not be acceptable. The construction documents shall be submitted to the community development and environmental services administrator or designee for review and written approval prior to the commencement of construction. The construction documents shall include, but not be limited to:

- a. Cover sheet with location map;

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- g. Potable water, non-potable irrigation water and/or wastewater standard details. Use of the technical standards contained in the standards manual shall be required for all construction projects. Pavement restoration, backfill standards, compaction requirements, etc., regarding work within the public rights-of-way or CUEs shall be governed by the rules and regulations established by the public utilities department ~~division~~ as outlined in the standards manual. Standard details involving these items shall reflect the requirements of the public utilities department ~~division~~;

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(c) *Fire control district approval.*

- (1) All construction drawings containing potable water distribution systems or portion(s) thereof shall be reviewed by, and shall require written approval by, the appropriate independent fire control districts. Fire hydrant location design shall be in compliance with the LDC or NFPA regulations, latest edition, whichever is more restrictive. The fire control district shall provide the county staff with a letter approving the number and location of the fire protection facilities to serve the project. This letter shall contain an agreement by the fire control district to accept the ownership and maintenance responsibilities for the hydrants after construction is complete pursuant to the established policy of each individual fire control district in effect at such time. The public utilities department ~~division~~ will be responsible for the fire hydrant lead, up to and including the gate valve as specified in the standards manual, unless the fire districts do not accept ownership of the fire hydrants and leads after the isolation valve, in which case the entire lead and fire hydrant shall be dedicated to the district.

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(d) *Plats.*

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- (2) Final approval of construction documents for a project will not be made until the board, pursuant to the LDC requirements, has duly approved the proposed plat. Plats submitted and approved by the board shall be in complete accordance with this ordinance. Any requests for deviations from this ordinance shall be clearly outlined in the executive summary, with a copy sent to the affected division ~~department~~(s). Deviations approved as part of the plat shall not be valid unless clearly outlined in the applicant's submittal letter and a copy of such approval by the public utilities department ~~division~~ administrator or designee(s) is provided. If a plat is not required for a specific project, the engineer of record shall provide documentation confirming such so that the county staff may determine the extent of utility easements that must be provided.

(e) *Utilities performance security and final acceptance obligations cash bond.*

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- (4) The issuer of any letter of credit shall be a federally insured and regulated savings and loan association or commercial bank, authorized to do, and doing business, in the State of Florida. The place of expiry must be in Florida. Any letter of credit must be irrevocable for at least 24 months and must apply to both the construction and maintenance obligations of the developer and all final utility acceptance obligations, including late fees, and must be acceptable to the Collier County Attorney. The beneficiary of any letter of credit shall be the board. The beneficiary

of a letter of credit provided as a UPS shall be entitled to draw on the letter of credit if:

- a. The developer has failed to construct or maintain the subject potable water, non-potable irrigation water and/or wastewater improvements; or has failed to fully perform all final acceptance obligations. Final acceptance obligations must be submitted to community development & environmental services, engineering services division ~~department~~ within 14 months following preliminary acceptance.
  - b. The letter of credit is scheduled to expire prior to final acceptance, as described in subsection 134-60(c) herein, and alternative performance security has not been provided and accepted in accordance with this ordinance within three business days prior to the expiration date.
- (5) A final utility inspection of the subject potable water, non-potable irrigation water and/or wastewater system(s) or portion(s) thereof shall be conducted prior to release of a UPS. All construction and maintenance obligations covered by a UPS shall be guaranteed and maintained by the developer until satisfactory completion of the final utility inspection. To schedule the final utility inspection, the county staff shall provide written notice to the engineer of record, if practicable, approximately 30 days prior to the completion of the one-year period from acceptance by the county, the district or the board of the system(s) or portion(s) thereof. The representatives of the county, engineer of record, contractor, and developer shall conduct final utility inspection.
- (6) The final acceptance obligations cash bond and the UPS shall remain, at all times, in full force and effect until the board approves final acceptance. Upon such approval, the county staff shall return and release the UPS to the project engineer or the developer's designated agent and shall return the then due payment balance, if any, of the final acceptance obligations cash bond, without interest, to the entity that supplied the final acceptance obligations cash bond. The provider of the cash bond shall be strictly responsible to promptly keep county staff advised of sufficient mailing return information to facilitate return of the then due cash bond balance. If the provider of the final acceptance obligations cash bond does not notify staff in writing to the contrary, the final acceptance obligations cash bond shall run with the land if the land is sold or otherwise transferred in the interim and in such event shall be returned to the then current landowner(s) or, if applicable, owner's of the common areas, such as the condominium association or developer's association. If due to default of the provider of the final acceptance obligations cash bond, it is not possible for staff to ascertain the refundable amount of the bond within four years of the date of delivery of that cash bond to the county and the district, the cash bond shall be forfeited to the public utilities department ~~division~~ after deducting all then known obligations payable out of that bond.

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Words Underlined are added; Words ~~Struck Through~~ are deleted.

- (g) *Construction document modification.* The engineering review services ~~division~~ department director (county engineer) or designee, prior to commencement of construction, must approve all modifications to previously approved construction documents. The engineer of record shall submit a construction document modification including a written technical description of all modifications, any and all applicable fees, and revised construction drawings to the county staff for written approval prior to construction.

**Sec. 134-59. Construction observation and inspection.**

- (a) *General.*

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- (d) *Construction observation and inspection.*

- (1) *General.* Pursuant to the F.A.C., Chapter 62-555.533, the construction of potable water and/or wastewater system(s) or portion(s) thereof requires a professional engineer ("P.E.") to certify that the construction was completed in accordance with the approved construction plans and technical specifications. The certification must be based upon on-site observation of construction; therefore, all potable water, non-potable irrigation water and/or wastewater systems construction shall require on-site construction observation in compliance with the LDC and F.A.C., Chapter 62-555.533, as may be amended hereafter. The construction observation shall be performed by a P.E. licensed to practice in the State of Florida or a designated technical representative under the P.E.'s direction.

The P.E.'s certification of construction compliance with county staff approved construction documents verifies that the potable water, non-potable irrigation water and/or wastewater systems or portion(s) thereof have been constructed in accordance with record drawings. Refer to section 134-60: Utilities conveyance procedures.

- (2) *Construction inspections by county representatives.*
- a. Upon final written approval of construction documents by the county staff, the engineer of record shall be provided with a list of standard inspections that require the presence of a county representative. All required inspections shall be identified in the county's staff's approval letter for the project. The engineer of record or applicant's contractor shall be responsible for requesting county inspections based upon the scheduling and progress of construction. Requests for inspections shall be provided to the county staff at least 48 hours prior to the requested inspection to allow scheduling of the county inspector. Verbal confirmation of the inspection time or a request to reschedule the inspection shall be made by the engineer of record. During



the county inspection, the engineer of record or his/her designated representative shall be available on-site.

- b. Routine county inspections shall be performed without notice on all potable water, non-potable irrigation water and/or wastewater systems construction to ensure compliance with county approved construction documents. In the event the county inspector, or an employee of the public utilities department ~~division~~, during an on-site inspection, finds construction in progress which does not comply with the procedures and policies contained herein and/or the approved construction documents, the county inspector, or employee of the public utilities department ~~division~~ shall have full authority to issue a stop work order. Such stop work order shall remain in full force and effect with respect to the non-compliant work until the documented discrepancies have been corrected to the full satisfaction of the public utilities department ~~division~~. Construction-related inspections, where applicable, shall include, but not be limited to, the following:

1. Hot taps to potable water lines larger than six inches and wastewater systems lines greater than four inches.\*
2. Master meter and bypass piping.
3. Jack & bore casings.\*
4. Pressure tests.\*
5. Infiltration/exfiltration tests.\*
6. Lift station installation, prior to cover-up and start-up.\*
7. Lift station start-up.\*
8. Lamping of sewer lines.\*
9. Pigging and flushing of wastewater lines, force mains, potable water mains and non-potable irrigation lines.  
\* Note: full bore flushing and pigging of potable water lines need only water division ~~department~~ inspection.
10. Television video taping of wastewater lines at end of construction and the warranty period ("in-office review").
11. Conflict construction.\*
12. Connections to existing potable water, non-potable irrigation water and wastewater systems.\*
13. Eight inch diameter or larger casing installations.\*
14. Other special requirements as specified by the county staff at the time of construction document approval.
15. Chlorination of water lines and reflusing of line after chlorination (needs only water division ~~department~~ inspection only).\*
16. Installation of temporary meters/backflows.\*
17. Bacteriological sampling (needs water division ~~department~~ inspection only).\*
18. Hot taps to any water concrete mains, pressure tests on lines 20" and greater, and connections to existing potable systems greater than 12"

Words Underlined are added; Words ~~Struck Through~~ are deleted.

need to be inspected by the water ~~division~~ department and GMD  
CDES.\*

19. Fire flow testing.

\*An inspector on behalf of the county or other qualified employee of the county must be present during inspections marked with an asterisk.

\* \* \* \* \*

**Sec. 134-60. Utilities conveyance policies and procedures.**

- (a) *General.* All utility facilities to be conveyed to the county or district, at the time of conveyance to the county or the district must comply with this ordinance and with all then applicable standards and specifications. Nothing in this ordinance requires that the county or the district must accept title to or any responsibility for any utility facility, including each interim facility or interim system, until the facility or system has then received all proper permits/licenses from all applicable agencies prior to and during the construction, expansion, repair and/or maintenance or completion of each such utility facility or interim utility facility or interim system and the facility, interim facility and/or interim system, then complies with all applicable rules and regulations of all federal, Florida and/or local regulatory authorities or agencies, and of this ordinance, the utility standards manual and all of the documents then incorporated by reference in that manual, and each such facility, interim facility and/or interim system is not then under litigation, enforcement action, claims and/or liens prior to the transfer and/or entering into a facilities agreement associated with the district or other independent district utility. Subject to these requirements, potable water, non-potable irrigation water and/or wastewater systems or portion(s) thereof, after public utilities ~~department~~ division approval (if applicable), shall be offered to be conveyed to and accepted by the board. The board will accept title to the offered facilities unless in the specific instance there exists good reason not to accept title to such facilities. Preliminary acceptance shall, after public utilities ~~department~~ division approval (if applicable), be granted by the growth management department ~~community development and environmental services division~~ administrator or designee. Upon approval from the public utilities division, final acceptance of such facilities and/or system may be approved by the board (subsequent to the one year warranty period) and after all final acceptance obligations and requirements have been complied with. All facilities and/or systems shall be located within a CUE (or public right-of-way) if they are to be owned, operated and/or maintained by the county or the district. Neither the county nor the district shall have no duty with regard to, or any responsibility for, any utility facilities until title to such utility facilities has been finally accepted by the board. Notwithstanding that neither the county nor the district has any duty with respect to such facilities or systems, in the event that county staff deems that due to necessity (emergency) the county or the district should expend money and/or perform labor to repair, replace, maintain, relocate, remove or have a contractor or other entity perform any other similar activity with regard to such utility facilities or system, the board is authorized to record a claim of lien against the property, site(s) or units(s) that were

responsible for such utility facilities (or system) at the time the county staff deemed it necessary to act.

\* \* \* \* \*

- (b) *Conveyance documents.* Upon the county's (or district's) final approval of construction documents, engineering review services division ~~department~~ director (county engineer) or designee shall provide the developer with the county's checklist (see standards manual appendix) of conveyance documents required for submission at the time the constructed system(s) or portion(s) thereof is considered for dedication to county or district.
- (1) All conveyance documents, including but not limited to, deeds, bills of sale, affidavits, easements, facilities agreements, subordinations, master condominium/homeowner's association documents, letters of credit and UPSs, shall be in a form acceptable to the Collier County Attorney. A schedule of standard legal document forms, approved by the county attorney, shall be utilized as a guide in the preparation of conveyance documents. (Refer to section 134-64 of this ordinance and Appendix D of the Standards Manual.) Revisions to standard legal document forms as provided herein shall be reviewed and approved by the county attorney prior to submittal to the growth management department ~~community development and engineering services division~~.
  - (2) Each instruction in section 134-64 of this ordinance is a substantive provision of this ordinance that must be complied with unless waived in writing by the reviewing assistant county attorney with regard to the specific document in the specific instance, and subject to such conditions as may be required by that attorney.
  - (3) All documents shall be submitted to the engineering review services division ~~department~~ director (county engineer) or designee for review and written approval prior to preliminary acceptance of the utility system(s) or portion(s) thereof and commencement of service. Recording of all documents shall be made by the county only after written acceptance by the community development and environmental services administrator or designee. All documents recorded hereafter, which do not follow this procedure, shall be returned as "unacceptable."

\* \* \* \* \*

- (e) *Bacterial analysis.* Bacterial analyses shall be required for all new potable and raw water transmission and distribution systems or portion(s) thereof to be constructed. Bacteriological samples for potable and raw water system construction shall be performed prior to preliminary acceptance of the system(s) or portion(s) thereof. All such analyses shall be performed by the water division ~~department~~ laboratory at no cost to the county or the district, with test results submitted in writing to the engineering review services division ~~department~~ director (county engineer) or designee before 30 days of being placed in service for transmission and/or distribution lines. The public utilities department ~~division~~ shall not process meter installations until bacterial tests have been satisfactorily completed and

submitted, and the division has received the FDEP placement in service approval letter or other FDEP written approval. The developer shall be responsible for coordinating all aspects of submission of necessary test results and/or State approvals for placement in service of the potable water system(s) or portion(s) thereof.

- (f) *Final costs.* The developer or engineer of record shall submit to the engineering review services division ~~department~~ director (county engineer) or designee a detailed listing of all materials utilized in the utility system(s) construction. This schedule shall include the description of items, quantities utilized, per unit cost and total cost for each individual item utilized in the potable water, non-potable irrigation water and/or wastewater system construction. The total cost of all items, including labor and installation costs, utilized for the potable water, non-potable irrigation water and/or wastewater system shall be clearly shown on the verification of final cost schedule. A UPS of ten percent will be calculated on the verification of final cost schedule. Costs shall be table separately for proposed county-owned (certification of contributory assets—county) and privately-owned (certification of private material) infrastructure(s). These cost breakdown listings will be for material costs only, exclusive of any and all labor and/or installation costs.

\* \* \* \* \*

- (h) *Lift station submittals.* A copy of the manufacturer's startup report for each facility shall be provided with conveyance documents. Included with this report shall be a written verification from the electrical contractor for the lift station verifying the wire type and size for the electric service and certifying that the voltage drop across the service under full load startup will not exceed five percent of the power company's line voltage at the transformer supplying the station. All tools, such as access cover lock handles, valve wrenches, keys or panel locks, required for the ready access and use of the facilities shall also be submitted to the engineering review services division ~~department~~ director (county engineer) or designee with the documents.
- (i) *Recordation fees.* The developer of a project will be responsible for the payment of all recordation fees associated with the utilities conveyance procedures. The developer shall remit the total amount of the recording fee associated with recording the conveyance documents to the engineering review services division ~~department~~ director (county engineer) or designee prior to the final acceptance of the potable water, non-potable irrigation water and/or wastewater system(s) or portion(s) thereof.

\* \* \* \* \*

#### **Sec. 134-61. Amendments.**

County staff may recommend amendments to this article (including the manual and documents incorporated by reference into the manual) as may be deemed necessary or appropriate by the public utilities administrator and, in case of actual or possible conflict with the LDC, upon the additional prior review by the growth management administrator ~~community development and environmental services administrator~~ (it being understood that ~~as a matter of law this article cannot~~



~~conflict with the LDC~~ and the LDC controls to the extent of such conflicts). Revisions to the standards manual should be made periodically by the public utilities administrator to reflect the best engineering practices, technology advances, compliance with other agencies, and public input, if any. Such revisions shall also be reviewed by the parties listed above. Revisions to the standards manual must be approved by Resolution of the board of county commissioners. Each such resolution must be placed on the BCC agenda under scheduled public hearings or in the summary agenda section.

**SECTION TWO: Conflict and Severability.**

In the event this Ordinance conflicts with any other Ordinance of Collier County or other applicable law, the more restrictive shall apply. If any court of competent jurisdiction holds any phrase or portion of the Ordinance invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

**SECTION THREE: Inclusion in the Code of Laws and Ordinances.**

The provisions of this Ordinance shall become and may be made a part of the Code of Laws and Ordinances of Collier County, Florida. The section of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "Section," "Article," or any other appropriate word.

**SECTION FOUR: Effective Date.**

This Ordinance shall take effect upon filing with the Florida Department of State.

**PASSED AND DULY ADOPTED** by the Board of County Commissioners of Collier County, Florida, this 10th day of July, 2018.

ATTEST:  
CRYSTAL K. KINZEL, INTERIM CLERK

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA, AS THE  
GOVERNING BODY OF COLLIER COUNTY  
FLORIDA AND EX-OFFICIO GOVERNING  
BOARD OF THE COLLIER COUNTY  
WATER-SEWER DISTRICT,

By: [Signature]  
Attest as to Chairman's Deputy Clerk  
signature only.

By: [Signature]  
ANDY SOLIS, CHAIRMAN

Approved as to form and legality:

[Signature]  
Jeffrey A. Klatzkow,  
County Attorney

This ordinance filed with the Secretary of State's Office the 12th day of July 2018 and acknowledgement of that filing received this 12th day of July 2018

By: [Signature]  
Deputy Clerk

Words Underlined are added; Words ~~Struck-Through~~ are deleted.





## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

July 12, 2018

Honorable Dwight E. Brock  
Clerk of the Circuit Court  
Collier County  
Post Office Box 413044  
Naples, Florida 34101-3044

Attention: Teresa Cannon

Dear Mr. Brock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 2018-36, which was filed in this office on July 12, 2018.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb