

**PROPOSED**

## ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD  
2 COUNTY, FLORIDA, PERTAINING TO BROWARD COUNTY'S SEWER USE;  
3 AMENDING SECTION 34-138 OF THE BROWARD COUNTY CODE OF ORDINANCES  
4 ("CODE"); ADDING REGULATORY LANGUAGE TO FACILITATE COMPLIANCE WITH  
5 PROMULGATED CHANGES TO CHAPTER 62-625, FLORIDA ADMINISTRATIVE  
6 CODE, AND THE FEDERAL STREAMLINING RULES OUTLINED IN TITLE 40, CODE  
7 OF FEDERAL REGULATIONS; AND PROVIDING FOR SEVERABILITY, INCLUSION IN  
8 THE CODE, AND AN EFFECTIVE DATE.

9 (Sponsored by the Board of County Commissioners)

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11 WHEREAS, the Florida Department of Environmental Protection ("FDEP") has  
12 requested minor changes to Broward County's Sewer Use Ordinance ("SUO") enacted in  
13 Section 34-138 of the Broward County Code of Ordinances ("Code");

14 WHEREAS, FDEP requires that the Purpose and Policy section of the SUO be  
15 updated to expressly include language to prevent interference with the operation of the  
16 Wastewater Facility ("WWF"), prevent the pass-through of pollutants, protect the general  
17 public and WWF personnel, and improve opportunities to recycle and reclaim wastewater  
18 and sludge;

19 WHEREAS, FDEP further recommends that Broward County include within the  
20 SUO a statement providing for the equitable distribution of the cost of operation,  
21 maintenance, and improvement of the WWF;

WHEREAS, on September 16, 2025, the Broward County Board of County Commissioners (“Commission”) approved a Motion to Direct the County Attorney to amend Section 34-138 of the Code to add regulatory language to facilitate compliance with promulgated changes to the Florida Administrative Code Chapter 62-625 and the Federal Streamlining Rules outlined in Title 40, Code of Federal Regulations; and

WHEREAS, the Commission recognizes the importance of these revisions in safeguarding public health, ensuring effective wastewater treatment, and advancing the County’s environmental and sustainability goals,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. Section 34-138 of the Broward County Code of Ordinances is hereby amended to read as follows:

**Sec. 34-138. General provisions.**

...

(b) *Purpose and Policy.* This article sets forth uniform requirements for users of the Wastewater Facility (“WWF”) of Broward County and enables the County to comply with all applicable federal and state laws required by the Clean Water Act of 1977 (33 U.S.C. 1251, et seq.), the General Pretreatment Regulations (40 CFR, Part 403), and Chapter 62-625, Florida Administrative Code (F.A.C.). The objectives of this article are:

- (1) To prevent the introduction of pollutants into the WWF, which pollutants would interfere with the operation of the WWF;
- (2) To prevent the introduction of pollutants into the WWF that the facility is not capable of adequately treating, and which, if introduced, could pass through

the WWF without adequate treatment into receiving waters or the atmosphere, or otherwise be incompatible with the WWF;

(3) To provide fees for the equitable distribution of the costs recovered from users of the WWF for implementation, operation, and maintenance of the program established herein;

(4) To ensure the quality of the reclaimed water and biosolids is maintained at a level that allows their reuse and disposal in compliance with applicable statutes and regulations;

(5) To protect WWF personnel who may be affected by wastewater and sludge in the course of their employment, and to protect the general public; and

(6) To enable the County to comply with its National Pollutant Discharge Elimination System ("NPDES") permit conditions, biosolids use and disposal requirements, and any other federal, state, or local laws to which the WWF is subject.

This article shall apply to the WWF, all industrial users of the WWF, and to persons outside the system who are, by contract or agreement with the County, users of the WWF. Except as otherwise provided herein, the Director of Broward County Water and Wastewater Services ("Director") shall administer, implement, and enforce the provisions of this article. Any powers granted to, or duties imposed upon, the Director may be delegated by the Director to other Control Authority personnel.

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66           Section 2.    Severability.

67           If any portion of this Ordinance is determined by any court to be invalid, the invalid  
68 portion will be stricken, and such striking will not affect the validity of the remainder of this  
69 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be  
70 legally applied to any individual, group, entity, property, or circumstance, such  
71 determination will not affect the applicability of this Ordinance to any other individual,  
72 group, entity, property, or circumstance.

73           Section 3.    Inclusion in the Broward County Code of Ordinances.

74           It is the intention of the Board of County Commissioners that the provisions of this  
75 Ordinance become part of the Broward County Code of Ordinances as of the effective  
76 date. The sections of this Ordinance may be renumbered or relettered and the word  
77 “ordinance” may be changed to “section,” “article,” or such other appropriate word or  
78 phrase to the extent necessary to accomplish such intention.

80 | This Ordinance is effective as of the date provided by law.

**PROPOSED**

EFFECTIVE

By: /s/ Matthew Haber 12/30/2025  
Matthew Haber (date)  
Senior Assistant County Attorney

By: /s/ Michael J. Kerr (in italics) 12/30/2025  
Michael J. Kerr (date)  
Chief Counsel

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.