

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)

10
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;

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

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

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

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

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

35 . . .

36 (b) *Purpose and Policy.* This article sets forth uniform requirements for users
37 of the Wastewater Facility (“WWF”) of Broward County and enables the County to comply
38 with all applicable federal and state laws required by the Clean Water Act of 1977
39 (33 U.S.C. 1251, et seq.), the General Pretreatment Regulations (40 CFR, Part 403), and
40 Chapter 62-625, Florida Administrative Code (F.A.C.). The objectives of this article are:

41 (1) To prevent the introduction of pollutants into the WWF, which pollutants
42 would interfere with the operation of the WWF;

43 (2) To prevent the introduction of pollutants into the WWF that the facility is not
44 capable of adequately treating, and which, if introduced, could pass through

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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.

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79 | Section 4. Effective Date.

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

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:

Andrew J. Meyers, County Attorney

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)

Michael J. Kehoe
Chief Counsel

MH/tb
Sewer Use Ordinance
12/30/2025
1,195,695

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