

9. Ordinance 2024-41, amending the Code of Ordinances, Chapter 201, Sewer Use, Subchapter 'Private Lift Stations', by including provisions related to emergency power and pumping equipment for residential and multiple family developments, final reading.



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Lisa Frazier, Growth Management Director

**THRU:** Suzanne Sherman, City Manager

**DATE:** September 19, 2024

**RE:** Ordinance 2024-41, amending the Code of Ordinances, Chapter 201, Sewer Use, Subchapter 'Private Lift Stations', by including provisions related to emergency power and pumping equipment for residential and multiple family developments, final reading.

### SUMMARY:

The Palm Bay 2045 Comprehensive Plan Future Land Use Element was adopted on May 1, 2023, and became effective on June 10, 2023. The remaining Palm Bay Comprehensive Plan Elements were adopted on May 18, 2023, and became effective on July 20, 2023. To bring the Land Development Code into compliance with the Comprehensive Plan, an update has been drafted for consideration by the City Council.

The proposed update is more concise and only includes requirements pursuant to Chapter 163, F.S. As such, some regulations are proposed to be moved to other parts of the Palm Bay Code of Ordinances as new "Titles", "Chapters", "Sub-Chapters", and "Sections".

To facilitate the relocation, and to retain the City's authority to regulate certain issues, new "Titles", "Chapters", "Sub-Chapters", and "Sections" were created as listed below.

- Title X, Impact Fees Chapter 103 was created for the relocation of Parks, Police, and Fire Impact Fees
- Chapter 103, Closure and Abandonment of Easements and Drainage Rights-of-Way was created and added to Title IX, General Regulations
- Chapter 204, Stormwater Management Utility was created and added to Title XX, Utilities Code
- Chapter 205, Water Shortage Emergency was created and added to Title XX, Utilities Code
- Chapter 102, Public Nudity was created and added to Title IX, General Regulations
- Provisions For Emergency Power And Pumping Equipment In Residential Areas was moved to Title XX, Utilities Code, Chapter 201, Sewer Use, Subchapter Private Lift Stations
- Section 74.25, Regulation of Vehicles In Residential Areas was created and added to Title VII, Traffic and Vehicles, Chapter 74, Stopping, Standing, and Parking, Subchapter Parking Regulation

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- Chapter 75, Golf Carts was created and added to Title VII, Traffic and Vehicles
- Subchapter 33, Fire Prevention and Protection; Buildings and Structures was created and added to Title III, Administration, Chapter 33, Fire Department

Upon repeal and replacement of Title XVII, Land Development Code, the aforementioned regulations will be retained in other sections of the Palm Bay Code of Ordinances.

**REQUESTING DEPARTMENTS:**

City Attorney's Office

City Manager's Office

Growth Management

**FISCAL IMPACT:**

None.

**STAFF RECOMMENDATION:**

Staff recommends approval of the proposed ordinance.

**ATTACHMENTS:**

1. Ordinance

## ORDINANCE 2024-41

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XX, UTILITIES CODE, CHAPTER 201, SEWER USE, SUBCHAPTER 'PRIVATE LIFT STATIONS', BY INCLUDING PROVISIONS RELATED TO EMERGENCY POWER AND PUMPING EQUIPMENT FOR RESIDENTIAL AND MULTIPLE FAMILY DEVELOPMENTS; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

**SECTION 1.** The City of Palm Bay Code of Ordinances, Title XX, Utilities Code, Chapter 201, Sewer Use, Subchapter 'Private Lift Stations', is hereby amended by creating Section 201.268, Requirement of All Residential Subdivisions of Any Size and Multiple Family Developments Over One Hundred (100) Units in Size to Provide Emergency Power and Pumping Equipment, which shall henceforth read as follows:

### **">>PRIVATE LIFT STATIONS**

**\* \* \***

#### **Section 201.268 REQUIREMENT OF ALL RESIDENTIAL SUBDIVISIONS OF ANY SIZE AND MULTIPLE FAMILY DEVELOPMENTS OVER ONE HUNDRED (100) UNITS IN SIZE TO PROVIDE EMERGENCY POWER AND PUMPING EQUIPMENT.**

(A) The emergency power and pumping requirement is provided for in this subchapter to provide emergency power and/or by-pass pumps for each lift station constructed in specified residential developments where sanitary sewer system is constructed.

(B) Developers with less than four (4) lift stations shall provide at a minimum a by-pass pump for each lift station sufficient to maintain adequate pumping capacity so as not to allow a sewer overflow due to loss of power.

(C) Developers with four (4) or more lift stations in a Planned Unit Development (PUD) shall provide a minimum of one (1) portable generator sufficient to operate every four (4) lift stations or portion thereof in order to maintain adequate pumping capacity so as not to allow a sewer overflow due to loss of power.<<"

**SECTION 2.** All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

**SECTION 3.** It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of Ordinances and the sections may be renumbered to accomplish such intention.

**SECTION 4.** If any portion, clause, phrase, sentence, or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative, or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative, or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

**SECTION 5.** The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2024-XX, held on \_\_\_\_\_, 2024; and read in title only and duly enacted at Meeting 2024-XX, held on \_\_\_\_\_, 2024.

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Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

***~~Strikethrough~~ words shall be deleted; highlighted words that will included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.***