

Sponsored By: Hernstadt
Introduction Date: April 10, 2012
Public Hearing Dates: April 10, 2012
April 24, 2012
Enactment Date: April 24, 2012

CITY OF MARATHON, FLORIDA
ORDINANCE 2012-03

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING CHAPTER 34 OF THE CITY CODE OF ORDINANCES REGARDING WASTEWATER UTILITY SERVICE RULES AND REGULATIONS; CREATING ARTICLE 5 ENTITLED "SLUDGE HAULING SERVICES;" ESTABLISHING REGISTRATION AND RECORD KEEPING REQUIREMENTS; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Marathon, Florida (the "City") has established a Wastewater Utility (the "Wastewater Utility") and adopted rules and regulations with respect to the Wastewater Utility; and

WHEREAS, the City desires to modify its rules and regulations for the Wastewater Utility to include registration and record keeping requirements for sludge hauling services, which it considers to be in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:¹

Section 1. The above recitals are true, correct, and incorporated herein by this reference.

Section 2. Section 34-19 of Chapter 34, Article II of the Marathon Code is hereby amended to read as follows:

Disposal means the deposition of sludge at a state permitted receiving disposal facility that provides weight receipts in accordance with state requirements.

Registration means evidence of licensure and permission to provide sludge hauling services from the City of Marathon that shall be issued to a person who has complied with the requirements of Section 34- of the Marathon Code.

¹ / Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

Sludge Hauling Services means a person engaged in the business of transporting or disposing of sludge or wastewater.

Spill means the unpermitted release, discharge or escape of sludge directly or indirectly into the soil, surface waters or groundwater in the City of Marathon.

Section 3. Division _ of Article II of Chapter 34 of the Code of Ordinances of the City of Marathon, Florida is hereby created to read as follows:

DIVISION . SLUDGE HAULING SERVICES

Section 34- . Requirements.

(a) Competency license required. No septic tank, grease trap, privy, portable toilet, holding tank or other on-site waste disposal facility shall be cleaned or have its contents removed by a sludge hauling service unless such service has obtained a competency license from the Monroe County State of Florida Department of Health.

(b) Registration required. No person shall engage in the business of transporting or disposing of sludge within the City of Marathon without first registering with the City building department. The City shall establish a registration form, which will be checked for completeness at time of submittal. A registration form shall be deemed complete when it contains all required information and documents, which includes, but is not limited to the following:

1. Copies of State of Florida business license for sludge hauling services.
2. Copies of Monroe County Department of Health license(s) for sludge hauling services.
3. Copies of each driver's valid State of Florida driver's license indicating the license holder possesses a Class B commercial driver's license with a tanker endorsement (issued to those who will drive tank vehicles).
4. The permanent location and address of the business where operations originate and where equipment is to be stored when it is not in use (indicate if the locations are different).
5. The sludge disposal facility to be used.

(c) Maintenance of records required. All sludge hauling service providers shall maintain a log at the location and address of the business where operations originate that contains the following information:

1. The date and address of collection;
2. The name and license number of driver(s);

3. Address of the point of collection and whether it was a residence or business. If a business, a brief description of the type of business;
4. Estimated volume of sludge removed, in gallons;
5. Name and location of sludge disposal facility and receipt or other written acknowledgement from the disposal facility of acceptance of sludge;
6. Date and time of sludge delivery to the disposal facility;
7. Receipts for lime or other materials used for sterilization of spilled sludge;

All logs shall be retained for five (5) years.

Section 34- . Prohibitions.

(a) The spilling or discharge of sludge in any other location other than at a State of Florida permitted receiving disposal facility is prohibited.

(b) No owner or occupant of a business, improved property, or residence shall permit the removal of sludge by a sludge hauling service that is not registered with the City.

(c) Compliance with the requirements of this Division does not relieve a sludge hauling service provider of its obligation to comply with all federal requirements under federal, state and local laws.

(d) Failure to comply with the requirements of this Division shall constitute a violation of the Marathon Code and shall be enforced in accordance with the provisions of Section 34-59 of the Marathon Code.

Section 4. Section 34-59 of Division 8, Article II of Chapter 34 of the Code of Ordinances of the City of Marathon, Florida is hereby amended as follows:

Section 34-59. Violations.

* * *

(d) The City may suspend, revoke or deny registration to operate in the City of Marathon if a sludge hauling service provider fails to comply with the requirements of this Chapter.

(e) Alleged violations of these regulations or the Marathon Code may be reported to the Code Compliance Department, the Monroe County Sheriff's Office, or other such provider of municipal law enforcement services, who shall issue an appropriate warning, notice of violation, citation, summons or notice to appear for a violation of these regulations pursuant to Section 1-7 of the Marathon Code

Section 5. The Provisions of the Marathon Code and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

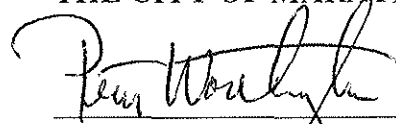
Section 6. The provisions of this Ordinance are declared to be severable, and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences, sections, clauses or phrases of the Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 7. It is the intention of the City Council and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Marathon Code, that sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 8. This Ordinance shall be effective immediately upon enactment.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 24th DAY OF APRIL, 2012.

THE CITY OF MARATHON, FLORIDA



Pete Worthington, Mayor

AYES: Keating, Snead, Ramsay, Worthington
NOES: None
ABSENT: Cinque
ABSTAIN: None

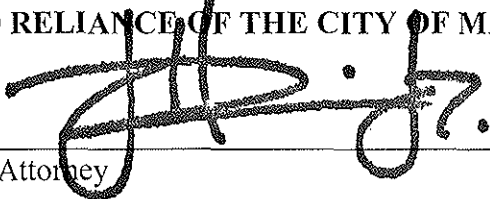
ATTEST:



Diane Clavier, City Clerk

(City Seal)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:



City Attorney