

Sponsored by: Lindsey
Public Hearing Dates: April 12, 2016
April 26, 2016
Enactment date: April 26, 2016

CITY OF MARATHON, FLORIDA
ORDINANCE 2016-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA CREATING A WASTEWATER INFLOW AND INFILTRATION REDUCTION PROGRAM AND SETTING OTHER RESTRICTIONS TO DISCHARGES TO PUBLIC SEWERS AND PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council understands the need to eliminate the introduction of harmful substances and inflow and infiltration into the City's sewer collection system; and

WHEREAS, the City Council has determined that the majority of the existing inflow and infiltration currently exists on privately owned property; and

WHEREAS, the City Council has determined there is a need to reduce, to the extent possible, the inflow and infiltration in order stay in compliance with existing FDEP permits;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:

~~Strikethrough~~ = deletion **bold underline** = addition

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. Chapter 34, Article II, Division 8, of the Code of Ordinances, City of Marathon, Florida is hereby modified as follows:

Sec. 34-43. – Purpose, Policy, and Prohibitions.

(a) The City will not accept any wastewater that does not meet the City's standards for acceptance **nor will the City allow inflow or infiltration into the public sewer system.** Prior to accepting wastewater from any customer, other than a residential customer, the City may require that the customer demonstrate that the wastewater meets City standards. **Prior to connecting any new customer, the city will require integrity testing of the customer's existing collection system at the customer's expense.**

(b) ~~The discharge of pollutants harmful to the City's wastewater system structures and biological processes are prohibited.~~

(b) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. **Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.**
2. **Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two milligrams per liter (mg/l) as cyanides (CN) in the wastes as discharged to the public sewer.**
3. **Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.**
4. **Any waters or wastes having a pH in excess of 9.5.**
5. **Any waters having salinity in excess of 3.0 parts per thousand.**
6. **Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works, such as but not limited to ashes; cinders; sand; mud; straw; shavings; metal; glass; rags; feathers; tar; plastics; wood; unground garbage; whole blood; paunch manure; hair and fleshings; fish skin or scales; entrails; and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.**

(e) The introduction of stormwater, ground water, air conditioning condensate, closed system cooling water or other uncontaminated water is prohibited. If the introduction of such water is suspected, the City may require the customer to investigate the cause of the introduction of the water and to make the necessary repairs or modifications to prevent further introduction.

(c) No person shall allow or cause infiltration and inflow to enter the city's sewer system from private property. After City inspections and/or testing of the water entering the public sewer has been completed, if the City Manager determines that infiltration and inflow is entering the sewer system from private property, he shall provide written notice to the property owner or his agent of such defect. The City Manager may require that the owner make repairs to laterals or make other repairs as the City Manager determines necessary within 30 days of the sending of such notice. If, in the judgment of the City

Manager, the defect presents an emergency, the City Manager may require immediate repairs. Upon receipt of the notice, the property owner may request a hearing before the City's Code Compliance Board at which the owner or his agent may present evidence to rebut the determination of the City Manager or to negotiate terms of the repair. The City Manager may deny such hearing in an emergency situation. If the property owner fails to correct the infiltration and inflow problem immediately in an emergency or otherwise on a timely basis, the City Manager on behalf of the City may undertake either or both of the following actions:

1. Institute penalty proceedings against the property owner as provided in Section 34-59.

2. Make a written finding of the emergency nature of the infiltration and inflow, after consultation with the City Attorney. If the City Manager determines an emergency, he may authorize City workers or agents of the City to enter onto the private property for the limited purpose of effecting repairs. In such event, the City may bill the property owner the cost of repairs, payable within 90 days of mailing. Failure of the property owner to pay the bill timely shall entitle the City to place a lien on the property by an appropriate filing with the Monroe County Clerk of Court. The City shall be entitled to foreclose the lien in the manner provided by the laws of the state, and when applicable the lien shall have priority pursuant to F.S. § 159.17.

(d) No person shall discharge or cause to be discharged any storm water, surface water, air conditioning condensate, groundwater, pool water, roof runoff, surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. However, uncontaminated cooling water or unpolluted industrial process waters may be discharged into a storm sewer or natural outlet upon the prior written approval of the City Manager.

(de) Certain customers, such as restaurants and others that include food preparation facilities may produce wastewater containing high levels of fats, oils and greases. Such customers will be required to install, operate and maintain grease interceptors meeting the requirements specified by the DOH and the Florida Building Code. The wastewater discharge from these facilities, even when passed through a properly sized and maintained grease interceptor, may contain elevated levels of Biochemical Oxygen Demand (BOD). A surcharge may be applied to the customer's wastewater services bill for wastewater discharges with a BOD in excess of 500 parts per million. The surcharge will be applied at a rate to be adopted from time to time in a rate resolution by the City Council

(ef) The City Manager or his designee is authorized to administer requirements for grease interceptors, and grease traps, collect inspection fees, and take appropriate actions to protect the City's wastewater system from blockages, obstructions or overflows due to the contributions and accumulation of greases, or other similar deleterious products.

(fg) Automotive-related facilities including, but not limited to, carwashes and automobile repair shops, which may contribute petroleum-based oil to the wastewater system, are required to have an approved oil/water separator.

(gh) The City Manager shall have the authority to halt or eliminate, immediately and effectively any actual or threatening discharge to the City's wastewater system which presents or causes interferences with the operation of the City's wastewater system.

(h) If any waters or wastes are discharged or proposed to be discharged to the City's wastewater system which contain substances or possess the characteristics enumerated in this section and which may have a deleterious effect upon the City's wastewater system, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance. The City Manager may require payment to cover any costs for handling and treating the grease or oils or disallow connection to the City's wastewater system.

(i) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the City Manager that such wastes can harm either the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the City Manager will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in collection system and the sewage treatment plant, and other pertinent factors. The substances prohibited are as follows:

- 1. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).**
- 2. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (zero and 65 degrees Celsius).**
- 3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the City Manager.**
- 4. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.**
- 5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the City Manager for such materials.**
- 6. Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the**

City Manager as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge.

7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City Manager in compliance with applicable state or federal regulations.

(ij) All **grease** traps shall be cleaned by a licensed liquid waste hauler prior to connection to wastewater system and regularly thereafter to maintain at least 50 percent of the retention capacity. For properties with less than 12 EDUs, the cleaning interval is every 180 calendar days and for all other properties every 90 calendar days unless waived by the City Manager.

(k) No person shall discharge or cause to be discharged any materials which exert or cause:

1. **Unusual concentrations of inert suspended solids, such as but not limited to fuller's earth, lime slurries, and lime residues, or of dissolved solids, such as but not limited to sodium chloride and sodium sulfate.**
2. **Excessive discoloration, such as but not limited to dye wastes and vegetable tanning solutions.**
3. **Unusual or excessive BOD or chemical oxygen demand exceeding 500mg/l, or in such quantities as to constitute a significant load on the sewage treatment works.**
4. **Unusual volume of flow or concentration of wastes constituting slugs as defined under 40 CFR 403.5(b).**
5. **Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.**

(l) Actions of City Manager for potentially harmful wastes

1. **If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in this section. and which, in the judgment of the City Manager, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the City Manager may:**

- a) Reject the wastes;
- b) Require pretreatment to an acceptable condition for discharge to the public sewers;

- c) Require control over the quantities and rates of discharge; and/or

- d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges, i.e.:
 - i. The Wastewater Discharge from certain facilities, even when passed through properly sized and maintained grease interceptors, may contain elevated levels of Biochemical Oxygen Demand "BOD". A surcharge may be applied to the customer's wastewater services bill for wastewater discharges with a BOD in excess of 500 parts per million. The surcharge will be applied at a rate to be adopted from time to time in a rate resolution by the City Council.

2. If the City Manager permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City Manager and subject to the requirements of all applicable codes, ordinances, and laws.

- a) The Utility Director shall notify the City Manager in writing of conditions present to which actions in this section are applicable.

(m) Measurements, testing and analyses of wastes.

1. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the City's point of connection provided or upon suitable samples taken at the owner's list station or buffer tank. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of the premises is appropriate or whether a grab sample should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH's and salinities are determined from periodic grab samples.

(n) Special agreements between City and industrial users:

- 1. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment agreed upon by the industrial concern and the City.**

(Ord. No. 2008-10, § 2(Art. VIII), 5-27-2008; Ord. No. 2011-14, § 6, 10-25-2011)

Section 43. The Provisions of the Code of Ordinances, City of Marathon, Florida and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 54. 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 65. 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 76. This Ordinance shall be effective immediately upon enactment.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 26th DAY OF APRIL, 2016.

THE CITY OF MARATHON, FLORIDA



Mark Senmartin, Mayor

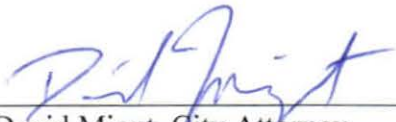
AYES: Bartus, Zieg, Kelly, Coldiron, Senmartin
NOES: None
ABSENT: None
ABSTAIN: None

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:**



David Migut, City Attorney