

Sponsored by: Lindsey  
Introduction Date: January 9, 2018  
Public Hearing Dates: January 9, 2018  
March 13, 2018  
Enactment date: March 13, 2018

CITY OF MARATHON, FLORIDA  
ORDINANCE 2018-01

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING CHAPTERS 24 AND 34 OF THE CODE OF ORDINANCES OF THE CITY OF MARATHON, FLORIDA REGARDING WASTEWATER ASSESSMENT APPEALS AND UTILITY SERVICE RULES AND REGULATIONS; 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 Council of the City of Marathon, Florida (the “City”) has established a wastewater assessment methodology and a wastewater utility and now desires to modify its rules and regulations for wastewater appeals and the wastewater utility.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:<sup>1</sup>**

**Section 1.** The above recitals are hereby confirmed and adopted.

**Section 2.** Section 24-36(c) of Chapter 24, Article II of the Marathon Code is hereby amended to read as follows:

The City Manager or designee shall have the authority at any time, upon his or her own initiative or in response to a timely filed appeal petition from the owner of any property subject to a service assessment, to correct any error in applying the service assessment apportionment method to any particular parcel of property not otherwise requiring the provision of notice pursuant to the Uniform Assessment Collection Act. Although the appeals process for the original assessments was terminated in November of 2012, Properties with a change of use are still able to process an appeal. Any such correction shall be considered valid ab initio and shall in no way affect the enforcement of the service assessment imposed under the provisions of this chapter. All appeals from affected property owners for any such changes, modifications or corrections shall be referred to, and processed by, the City Manager or designee and not the Property Appraiser or Tax Collector. No appeal, however, shall be submitted or considered by

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<sup>1</sup> / 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~~.

the City after three hundred sixty (360) days of the City's official notice of new or modified assessment.

**Section 3.** Section 34-19 of Chapter 34, Article II of the Marathon Code is hereby amended to read as follows:

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*Grease interceptor* (grease trap) shall mean a structure or device designed for the purpose of removing and preventing fats, oils and grease from entering the wastewater collection system. These devices are often below-ground units in outside areas and are built as two or three chamber baffled tanks.

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*Irrigation System for Reclaimed Water* means an underground system with permanently placed sprinkler devices, or hose bibs contained in locked valve boxes with appropriate signage.

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*Oil and grease* shall mean a group of substances including fats, waxes, free fatty acids, soaps, and certain other non-fatty materials which are from animal or vegetable source and biodegradable. This excludes petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin.

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*Secondary Meter* means a certified device used for measurement of the volume of water consumed or delivered for irrigation or other non-residential purposes, obtained, permitted, inspected and approved by the City that may be used for credit or rebate.

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*Tampering* means any willful alteration or interference with a water meter or wastewater system components and facilities owned by the City, except for turning the valve associated with the water meter for the purpose of temporary disconnection of service. Tampering includes obtaining unauthorized service to a property or location not subject to an agreement for service between the City and the present occupants or owners of said property; or changes to the wastewater system without a permit including without limitation to, dismantling, removing, moving, bypassing, damaging or otherwise rendering ineffective any portion of the wastewater system, its appurtenances or other apparatus or devices.

**Section 4.** Article \_\_\_ of Chapter 34 of the Code of Ordinances of the City of Marathon, Florida is hereby created to read as follows:

ARTICLE \_\_\_. CERTIFIED SECONDARY METERS.

Section 34-\_\_\_. Requirements.

(a) The City Manager or his designee is authorized to administer the installation of certified secondary meter ("CSM") for water use not entering the City's wastewater system, including but not limited to permitting certified secondary meters, collecting administration, ~~quarterly meter reading~~ and inspection fees, providing credits, and rebates. Meter reading and rebate frequency shall be set by Resolution of the City Council.

(b) Each property owner or customer must submit application, plans and obtain a building permit for installation of a CSM for irrigation purposes with appropriate inspections by City. The property must have an average minimum water usage of 4,500 gallons per month.

(c) Use of CSM's for aesthetic purposes, fountains, landscape irrigation, boat washing, and other approved applications as permissible under the Florida Administrative Code must be approved in writing by the City Manager or designee prior to such use.

(d) The City may charge a fee, to be established by resolution, for the initial quarterly readings of each CSM.

**Section 5.** Article \_\_\_ of Chapter 34 of the Code of Ordinances of the City of Marathon, Florida is hereby created to read as follows:

ARTICLE \_\_\_. RECLAIMED WATER PROGRAM

Section 34-\_\_\_. Requirements.

(a) The City Manager or his designee is authorized to administer a program for the distribution of reclaimed wastewater within the City, enter into reclaimed water service agreements, collect connection and inspection fees, recurring charges, and provide credits and rebates. No reclaimed water shall be provided by the City except pursuant to the terms and conditions of a properly executed reclaimed water service agreement.

(b) Each property and customer shall comply with all associated rules and regulations promulgated by federal, state and municipal agencies as applicable.

(c) The property owner or customer must have a compliant irrigation system or reclaimed water piping system.

- (1) An irrigation system to be provided by the applicant shall consist of an underground system with permanently placed sprinkler devices or below-ground hose bibs contained in a locked valve box.
- (2) No system for irrigation or other authorized uses with a cross-connection to the potable water system will be considered for connection to the reclaimed water system. The system shall not include above-ground faucets or other devices or connections that could permit reclaimed water to be used for any purpose other than irrigation or other authorized uses, unless such uses and systems have been approved in writing by the City.
- (3) All reclaimed water valves, hose bibs, and outlets shall be clearly labeled as being non-potable, and bearing the words "Do Not Drink" in English and Spanish together with the equivalent standard international symbol.

(d) Above ground hose bibs shall be prohibited. Hose bibs shall be located in lockable, below grade vaults and clearly labeled as being of non-potable quality. The vault covers shall be color coded purple.

(e) The City may authorize the use of tank vehicles to provide reclaimed water service pursuant to the terms and conditions of a properly executed reclaimed water service agreement. Tank vehicles transporting reclaimed water shall post placards labeled "Reclaimed Water - Do Not Drink" at all discharge valves. Tank trucks used to transport and distribute reclaimed water should not be used to transport waters or other fluids that do not meet, at a minimum, the requirements of Part III of Chapter 62-610, F.A.C., unless the tank has been evacuated and properly cleaned prior to the addition of the reclaimed water.

(f) Tank vehicles used to transport products intended for human consumption shall not be used to transport reuse. Tank vehicles transporting reuse shall post placards labeled "Reuse Water - Do Not Drink" at all discharge valves.

(g) All property owners or customers using reclaimed water as an auxiliary source of water supply shall install a reduced pressure principle backflow preventer (RP) assembly on the potable water service connection. The RP assembly shall be installed immediately adjacent to the water meter serving the property. New water customers who own or operate such facilities shall install a RP assembly as a condition to permitting, issuance of a certificate of occupancy, and installation of a water meter. The testing, maintenance, repair, and annual re-certification of backflow prevention assemblies shall be the responsibility of the property owner or customer by providing proof of testing within thirty (30) days of the installation date and the anniversary of each year thereafter.

(h) Cross-connection control shall be established and maintained in accordance with Chapter 62-610.660, F.A.C. Cross-connections to potable water systems shall be prohibited. All potable water service lines serving a property shall be equipped with an

approved backflow prevention device prior to receiving reuse service. All reuse service lines serving a property shall be equipped with an approved backflow prevention device prior to receiving reuse service. The customer shall install and maintain all required backflow prevention devices at the customer's expense. Where any cross-connection is found, it shall be disconnected. Before reconnection of that service, the public potable water system shall be protected against the possibility of future cross-connections, and additional devices may be required as specified by the City and installed at the customer's expense.

(i) Pipe, including color and labeling, shall meet or exceed standards set by the Florida Department of Environmental Protection and standards of the American Waterworks Association.

(j) Vertical and horizontal clearances from potable water lines and sewage collection lines shall be as specified in the applicable Florida Department of Environmental Protection rules and the Florida Keys Aqueduct Authority.

(k) All valves and outlets shall be appropriately tagged or labeled to warn the public and employees that the water is not intended for drinking.

(l) All new irrigation systems or reclaimed water piping system constructed in areas where the City has determined to make reclaimed water available shall be constructed in accordance with Chapter 62-610, Florida Administrative Code. The Applicant shall provide the city with an irrigation system plan or reclaimed water piping system plan consisting of a schematic drawing of the irrigation or reclaimed water piping system before receiving service, including applicable building permits and inspections.

(m) Before an application for reclaimed water irrigation service will be approved, the user must have an approved irrigation system. The approved irrigation system shall consist of an underground system with permanently placed sprinkler devices. The approved irrigation system shall not include devices, faucets or other connections that could permit the reclaimed water to be used for any purpose other than irrigation, unless such uses and the system have been approved in writing by the city manager or designee. All irrigation system piping, fixtures and devices shall be color coded purple. The purple color shall be added as a pigment to the material at the time of manufacture.

(n) Applications for all reclaimed water services shall include a dimensional plan showing the location of the requested service line relative to the nearest street.

(o) Location of mains and connections shall be submitted on plans for approval by the City.

(p) As-built drawings shall be submitted to the City upon completion of the irrigation system.

(q) The rules and regulations appearing in Chapter 62-610, F.A.C., as may be amended from time to time, are hereby adopted by reference as though fully set forth within this Article. In the event of any variation between the provisions of Chapter 62-610, F.A.C., and the provisions of this Article, the more strict provision shall prevail.

(r) All reclaimed water users shall be required to install, operate, and maintain an appropriate sized flow meter approved by the City prior to use. All meters for the reclaimed water system will be installed and owned by the property owner or customer, and he/she/it shall allow the City to inspect the flow meter as needed.

(s) Use of reclaimed water for aesthetic purposes, crop irrigation, dust control, fire protection, and other applications permissible under the Florida Administrative Code may be approved in writing by the city manager or designee prior to such use. Reclaimed water fire hydrants shall be color coded purple, shall have tamper proof hold down nuts, shall be capable of being operated only with a special wrench, and shall be of a type approved by the City. Fire hydrants supplied by reclaimed water shall have no connection to the potable water supply system.

(t) Except as required by existing agreements or by law, free reclaimed water service will not be furnished or rendered to any person or to any private or public entity, except as authorized by the City Council.

Section 34-\_\_\_. Reclaimed water service agreements.

(a) Reclaimed water service shall be applied for by completing and signing a "Reclaimed Water Service Application, and Hold Harmless Agreement" form.

(b) For reclaimed water lines and appurtenances which are initially installed by a person or entity other than the City, said lines and appurtenances shall not be accepted by the City for maintenance unless the facilities are within a dedicated public right-of-way or easement and the facilities are determined by the city manager or designee to be in good working order.

(c) To determine the presence of any potential hazards to the public potable water system and for the purposes of perpetual maintenance and repair of reclaimed water system appurtenances, the City shall have the right to enter upon the premises of any property owner or customer receiving reclaimed water. Each property owner or customer of reclaimed water service shall, by entering into a reclaimed water service agreement with the City, give written consent to such entry upon his/her/its premises.

Section 34-\_\_\_. Maintenance.

(a) The property owner or customer shall be responsible for the repair and maintenance of any reclaimed water systems, facilities, or appurtenances on private property or up to the City owned service connection point. In addition, should the

customer require reclaimed water at different pressures, or different quality, or in any way different from that normally supplied by the City, the property owner or customer shall be responsible for the necessary devices to make these adjustments and obtaining approval by the city. The City shall only be responsible for the repair and maintenance of City owned reclaimed water facilities. A property owner or customer's failure maintain any facility, or appurtenances in accordance with this Article may result in the disconnection of service by the City in addition to any other administrative, equitable, or legal remedies the City may have.

(b) The City shall make a reasonable effort to inspect and keep its facilities in good repair, but assumes no liability for any damage caused by the system that is beyond the control of normal maintenance, or due to situations not previously reported to the City. This shall include damage due to breaking of the pipes, poor quality of water caused by unauthorized or illegal entry of foreign material into the system, faulty operation of fire protection facilities, or other reasons.

#### Section 34-\_\_\_. Rates, fees, and charges

The City is authorized to impose rates, fees, and charges as appropriate for the construction, operation, and maintenance of its reclaimed water service program. Rates, fees, and charges shall be half of the Florida Keys Aqueduct Authority rate for potable water and may be amended by resolution of the City Council prospectively.

#### Section 34-\_\_\_.Prohibitions.

(a) Reclaimed water shall not be used for any purpose that is prohibited by Florida Administrative Code.

(b) Extending or connecting reclaimed water lines without first receiving City approval and paying all charges incident to the application.

(c) Using reclaimed water without first obtaining a reclaimed water service agreement from City and paying all charges incident to the application.

(d) Using reclaimed water services for purposes other than those specified in the reclaimed water service agreement with the City.

(e) Selling, bartering, trading, or otherwise transferring reclaimed water to any other person or entity, after having initially received said reclaimed water from the city, without prior written authorization from the City.

(f) Reclaimed water service shall not be resold or disposed of in any manner.

(g) Damaging, tampering with or altering reclaimed facilities of the City's reclaimed water system, including, without limitation, tampering with or damaging any

pipe, meter or fittings connected with or belonging to the reclaimed water system, providing cross connections with any other water or wastewater system without approval, or altering or interfering with the proper operation of such system.

(h) Making any material false statement or representation in connection with any application or agreement with the City.

Section 34-\_\_\_. Violations, penalties, and suspension of service.

(a) Any person in violation of any provisions of this Article shall be subject to the penalty provisions of Section 1-7 and Chapter 10 of the Marathon Code, which shall be cumulative in nature. Any person found to be in violation of any of the provisions of this Article shall be liable to the City for any expense, loss, or damage incurred by reason of such violation. Nothing herein shall limit any administrative, equitable, or legal remedy available to the City with regard to the enforcement of any provision of this Article.

(b) The City may without notice suspend any agreement for reclaimed water service when such suspension is necessary, in the opinion of the city manager or designee, to stop an actual or threatened endangerment of the public health, safety, or general welfare.

(c) The City upon notice and opportunity to be heard may suspend reclaimed water service when such suspension is necessary, in the opinion of the city manager or designee, to ensure proper operation and maintenance of these systems.

(d) Any property owner or customer who refuses an authorized representative of the City reasonable access to the property owner's or customer's premises for the purpose of inspection and monitoring the use of reclaimed water, or who violates any of the terms and conditions of the reclaimed water service agreement is subject to suspension of service.

(e) Upon notice of a suspension of a reclaimed water service agreement, the property owner or customer shall immediately cease the use of reclaimed water. In the event of a failure to comply voluntarily with the suspension order, the city manager or designee shall refer the violation to the City's Code Compliance Board.

**Section 6.** Section 34-43 of Division 8, Article II of Chapter 34 of the Code of Ordinances of the City of Marathon, Florida is hereby created to read as follows:

Section 34-43. Purpose and policy.

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(e) 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.

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

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

(j) Inflow and Infiltration Ordinance 2016-02 further regulates influent characteristics, including grease, and states penalties for any non-compliance.

**Section 7.** Section 34-59 of Division 8, Article II of Chapter 34 of the Code of Ordinances of the City of Marathon, Florida is hereby created to read as follows:

Section 34-59. Violations.

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(b) The City may also avail itself of enforcement procedures set forth in section 1-7 of the City Code. The fine for any offense shall be the maximum fine pursuant to Section 10-8 of the City Code.

**Section 8.** 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 9.** 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 10.** 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 11.** This Ordinance shall be effective immediately upon enactment.

**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 27 DAY OF FEBRUARY, 2018.**

**THE CITY OF MARATHON, FLORIDA**


  
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**Michelle Coldiron, Mayor**

AYES: Zieg, Bartus, Senmartin, Cook, Coldiron  
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:**

  
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David Migut, City Attorney