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**ORDINANCE  
NUMBER. 2020-08**

**AN ORDINANCE AMENDING CHAPTER 18 –  
UTILITIES OF THE CITY OF LABELLE  
MUNICIPAL CODE RELATING TO FATS, OIL AND  
GREASE MANAGEMENT. PROVIDING FOR  
ADOPTION OF SPECIFIC STANDARDS FOR  
GREASE TRAP LOCATION, DESIGN,  
INSTALLATION, CONSTRUCTION, OPERATION,  
AND MAINTENANCE WITHIN; TITLE, PURPOSE  
AND SCOPE; PROVIDING DEFINITIONS;  
GENERATORS; LIMITATIONS AND STANDARDS;  
ENTRY, INSPECTION AND SAMPLING;  
ENFORCEMENT, PRETREATMENT REVIEW  
COMMITTEE, MEETINGS, CITATION,  
INJUNCTIVE RELIEF AND  
DAMAGEASSESSMENTS PLAN; CONFLICT;  
PROVIDING FOR SEVERABILITY;  
CODIFICATION; AND AN EFFECTIVE DATE.**

**RECITALS**

**WHEREAS**, the Board of City Commissioners of The City of LaBelle, Florida is  
the governing body in and for The City of LaBelle, Florida; and

**WHEREAS**, the Board of City Commissioners of The City of LaBelle, Florida is  
authorized pursuant to Chapter 125, Florida Statutes, to enact Ordinances necessary in the  
exercise of its powers; and

**WHEREAS**, wastewater discharges containing high concentrations of fats, oils  
and grease from fats, oil and grease (FOG) Generators such as Food Service Establishments  
contribute to blockages or sanitary sewer overflows in the City of LaBelle Utilities'  
wastewater collection system; and

**WHEREAS**, the City desires to be proactive in complying with the Clean Water  
Act (CWA) and cooperating with the Environmental Protection Agency (EPA) initiative

35 to abate sanitary sewer overflows within The City of LaBelle in order to protect the public  
36 health and the quality of surface water; and

37

38 **WHEREAS**, The City of LaBelle desires to establish one Ordinance that addresses  
39 all aspects of fats, oil and grease management, establishing uniform requirements,  
40 provisions, and regulations.

41 **NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of  
42 LaBelle, Florida:

43 **Section 1. Title, Purpose, and Scope**

44 Section 1-1. Title

45 This Ordinance will be known and cited as the City of LaBelle Fats, Oil and Grease  
46 (FOG) Ordinance.

47

48 Section 1-2. Purpose

49 The purpose of this Ordinance is to establish uniform requirements for Generators  
50 discharging wastewater containing fats, oil and grease into The City of LaBelle Utilities  
51 wastewater collection system and to enable the City to comply with all the most up-to-date  
52 and applicable Federal and State laws, including those, which apply to sanitary sewer  
53 overflows.

54 It is the intent of these City of LaBelle FOG Ordinance to provide the specifications  
55 for grease trap location, design, installation, construction, operation, inspection and  
56 maintenance (Standards) so as to ensure compliance with the FOG Ordinance. It should  
57 be noted that failure to comply with these Standards shall be considered a violation of the

58 applicable sections of the existing City ordinance and subject to applicable penalties as  
59 allowed by law and/or denial or discontinuance of wastewater service.

60 Wastewater discharges containing high concentrations of oil and grease from food  
61 service facilities are a cause of blockages and overflows in the City's wastewater collection  
62 system. Overflows of wastewater into the stormwater collection system and natural bodies  
63 of water could be greatly reduced by controlling the discharge of oil and grease into the  
64 wastewater collection system.

65

### 66 Section 1-3. Scope

67 The territorial scope of this Ordinance includes all areas of The City of LaBelle in  
68 which the wastewater collection system is owned and maintained by City Utilities. The  
69 FOG Ordinance will amend City of LaBelle Municipal Code Chapter 18 - Utilities, Article  
70 II - Sewers, Division 1 – Generally, only.

71 **Section 2. Definitions.** In construing the provisions of this chapter, where the  
72 context will permit and no definition is provided herein, the definitions provided in Chapter  
73 403, Florida Statutes, as may be amended from time to time, and in rules and regulations  
74 promulgated thereunder, as may be amended from time to time, shall apply. The following  
75 words and phrases when used in this chapter shall have the meanings ascribed to them in  
76 this section:

77 “Analytical Laboratory” shall mean a laboratory that complies with Florida  
78 Administrative Code 64E-1, for the examination of environmental samples by the State of  
79 Florida Department of Health, Bureau of Public Health Laboratories for the water quality  
80 parameters and analytical methods included in this Ordinance.

81 “Captured Material” shall mean any FOG, or organic matter captured and retained  
82 in the Grease Handling Facilities.

83 “Control Authority” shall mean The City of LaBelle Utilities Superintendent or its  
84 designee.

85 “Environmental Protection Agency (EPA)” shall mean the United States  
86 Environmental Protection Agency of the United States, its Administrator, or other duly  
87 authorized representative of said agency.

88 “Fats, Oils and Grease” or “FOG” shall mean any substance such as vegetable or  
89 animal product used in, or a byproduct of, the cooking, food preparation, or cleaning  
90 process, that can cause or lead to corrosion, blockages, reduced flow, or interference with  
91 the sanitary sewer system when discharged alone or combined with other materials or  
92 waste.

93 “Floatable Grease” shall mean FOG in a physical state such that it will separate, by  
94 gravity, from wastewater by treatment in an approved pretreatment device.

95 “FOG Capacity Limit” shall mean the combined FOG and solids depth equal to  
96 twenty-five percent (25%) of the design hydraulic depth in any location of a grease  
97 handling facility, or seventy- five percent (75%) of the rated FOG and solids capacity  
98 established by third party certification.

99 “Food Service Establishment” shall mean any facility engaged in preparing and/or  
100 packaging food or beverages for sale or consumption, on or off site, with the exception of  
101 private residences. Food service establishments shall include, but are not limited to  
102 restaurants, cafeterias, hospitals, schools, bars, food courts, food manufacturers, food  
103 packagers, grocery stores, convenience stores, bakeries, cafeterias, correctional facilities,

104 hotels, nursing homes, churches, and schools and any other facility that, in the City's  
105 opinion, would require a grease handling facility installation by virtue of its operation.  
106 Such definition normally includes any establishment required to have a State of Florida  
107 food service license.

108 "Garbage Grinder" shall mean a device that shreds or grinds up solid or semisolid  
109 waste materials into smaller particles for discharge into the wastewater collection system.

110 "Generator" shall mean any nonresidential facility, including, but not limited to,  
111 Food Service Establishments or such other nonresidential facilities that can introduce FOG  
112 into building sanitary drains, building sewers, onsite sewage treatment and disposal  
113 systems, or non-utility or utility sanitary sewer systems. A FOG Generator also includes  
114 those nonresidential facilities that produce yellow grease.

115 "Grab Sample" shall mean a sample that is taken from a grease handling facility or  
116 wastewater discharge on a one-time basis with no regard to the volume of flow in the  
117 discharge.

118 "Gray Water" shall mean all of the liquid contained in a grease interceptor that lies  
119 below the floating grease layer and above the food solids layer.

120 "Grease" shall mean a material either liquid or solid, composed primarily of fat, oil  
121 and grease from animal or vegetable sources. The terms "fats, oils and grease" (FOG) and  
122 "oil and grease" shall be included within this definition.

123 "Grease Handling Facilities" shall mean the physical structures, piping and  
124 equipment used to collect and separate FOG. Grease handling refers to the entire grease  
125 trap, grease interceptor and/or alternative grease removal devices or technology system  
126 used by a Generator.

127 “Grease Interceptor” shall mean a device whose rated flow exceeds 50 gpm, which  
128 has a minimum storage capacity of 750 gallons or more, and is located underground and  
129 outside a Generator establishment. This device is designed to collect, contain and remove  
130 food wastes and grease from the waste stream while allowing the balance of the liquid  
131 waste to discharge to the wastewater collection system by gravity. The construction and  
132 location criteria for grease interceptors shall be in accordance with the Florida Building  
133 Code.

134 “Grease Trap” shall mean a device, whose rated flow is less than 50 gpm, located  
135 inside a Generator and designed to collect, contain and remove food wastes and grease  
136 from the waste stream while allowing the balance of the liquid waste to discharge to the  
137 wastewater collection system by gravity. The construction and location criteria for grease  
138 traps shall be in accordance with the Florida Building Code.

139 “Notice of Violation (NOV)” shall mean a written notice informing an Owner that  
140 a violation of this Ordinance has occurred.

141 “Notify” shall mean contact by telephone, in person, electronic mail or via certified  
142 United States Mail, return receipt requested.

143 “Owner” shall mean the legal owner(s) of the structure in which the FOG Generator  
144 is located and/or the operator(s).

145 “Premises” shall mean a parcel of real estate or portion thereof including any  
146 improvements thereon which is determined by the Control Authority to be a single user for  
147 the purposes of receiving, using and paying for sewer services.

148 “Pretreatment Review Committee” shall mean a panel made up of the following  
149 individuals whose main function is to review user appeals relating to grease issues, Chief

150 Building Inspector or designee, Utilities Superintendent or designee, and the Pretreatment  
151 Coordinator or designee.

152 “Wastewater Treatment Facility (WWTF)” shall mean a treatment works, also  
153 referred to as a Wastewater Treatment Plant (WWTP) or publicly owned treatment works  
154 (POTW), which is owned by the City. Any devices and systems used to pump, store, treat,  
155 recycle and reclaim municipal sewage or industrial wastes of a liquid nature. WWTF shall  
156 include piping and City owned and maintained lift stations and pump stations that convey  
157 wastewater to the WWTF. Any sewers that convey waste waters to the WWTF from  
158 persons outside the City who are users of the WWTF by contract or agreement with the  
159 City.

160 “Replacement Costs” shall mean expenditures for obtaining and installing  
161 equipment, accessories or appurtenances necessary to retain design capacity and  
162 performance of the WWTF throughout the jurisdiction of the City.

163 “Sanitary Sewer Overflow” shall mean releases of untreated sewage into the  
164 environment.

165 “Utilities Superintendent” shall mean the person designated by the City to oversee  
166 and administer the activities of the Utilities Division, supervise the operation of the  
167 WWTF, maintain records of such operation, prepare operating budgets and make  
168 recommendations to the City of LaBelle’s City Commissioners concerning activities within  
169 his responsibility and authority.

170 “Wastewater” shall mean the liquid and water containing industrial or domestic  
171 wastes from dwellings, commercial buildings, industrial facilities, institutions and any

172 other source, whether treated or untreated which is contributed to or permitted to enter the  
173 WWTF.

174 **Section 3. Generators**

175

176 Section 3-1. General

177 Liquid wastes, mostly from Food Service Establishments, containing FOG can  
178 become a significant problem for wastewater collection and treatment systems if they are  
179 disposed directly in the sanitary sewer collection system. Once in the sanitary sewer  
180 collection system, FOGs coat and accumulate in pipes and on equipment causing backups  
181 and overflows. As a result, the City of LaBelle is requiring Generators to restrict the  
182 disposal or discharge of any FOG into any City sanitary sewer system, onsite sewage  
183 treatment and disposal system, non-utility or utility sanitary sewer system in quantities  
184 which hinder the operation of any onsite sewage treatment and disposal system, sewage  
185 collection, transmission or treatment system, exceeds the standards in Section 4, or causes  
186 a sanitary sewer overflow, sanitary sewer nuisance or partial blockage of the City sanitary  
187 sewer system due to FOG discharge.

188

189 Section 3-2. Existing Facilities

190 For the purposes of sizing and installation of grease interceptors, all existing  
191 Generators within the City prior to the effective date of this Ordinance shall be permitted  
192 to operate and maintain existing grease handling facilities provided same are in efficient  
193 operating condition. Upon the effective date of this Ordinance, the City will require an  
194 existing Generator to install, operate and maintain a new grease handling facilities which

195 comply with the requirements of this Ordinance or to modify or repair any noncompliant  
196 existing plumbing or grease handling facilities within ninety (90) days of written  
197 notification by the City when any one or more of the following conditions exist:

- 198 1. The Generator is found to be contributing FOG in quantities sufficient to cause  
199 sanitary sewer line blockages, sanitary sewer overflows, or necessitate  
200 increased maintenance on the wastewater collection system; and / or
- 201 2. The Generator is found to be contributing FOG in quantities exceeding the  
202 limits listed in Section 4; and / or,
- 203 3. The Generator has an undersized, irreparable or defective grease handling  
204 facilities; and / or,
- 205 4. The Generator has a garbage grinder; and / or,
- 206 5. Remodeling of the Food Service Establishment preparation or kitchen waste  
207 plumbing system is performed which requires a plumbing or building permit to  
208 be issued; and / or,
- 209 6. The existing Generator is sold or undergoes a change of ownership.

210  
211 Section 3-3. Food Service Establishments

212 All Food Service Establishments (Generators) are required to have a grease  
213 handling facilities as per the requirements of the Florida Building Code as may be amended  
214 from time to time. A grease handling facility inspection fee of two dollars and zero cents  
215 (\$ 2.00) per interceptor / trap or alternative grease handling facility, per month is hereby  
216 imposed and may be amended from time to time through a Rate Resolution approved by  
217 the City of LaBelle Board of Commissioners pursuant to this Ordinance. Such fee shall be

218 paid through the City of LaBelle Utilities monthly service bill by all Food Service  
219 Establishments required to install and maintain grease handling facilities pursuant to State  
220 regulations.

#### 221 Section 3-3-1. Plumbing Connections

222 Grease handling facilities shall be located in the Food Service Establishment's  
223 lateral sewer line between all fixtures, which may introduce FOG into the sanitary sewer  
224 system and the connection to the City's wastewater collection system. Such fixtures shall  
225 include but not be limited to, sinks, dishwashers, automatic hood wash units, floor drains  
226 in food preparation and storage areas, and any other fixture which is determined to be a  
227 potential FOG source. Garbage grinders installed within Food Service Establishments shall  
228 be plumbed through the grease handling facilities and a solids interceptor shall separate the  
229 discharge before connecting to the grease handling facilities. Solids interceptors and grease  
230 handling facilities shall be sized and rated for the discharge of the garbage grinder.  
231 Wastewater from sanitary facilities and other similar fixtures shall not be introduced into  
232 the grease handling facilities under any circumstances.

#### 233 Section 3-3-2. Grease Traps

234 The Controlling Authority shall approve the installation of a grease trap instead of  
235 a grease interceptor at a new Food Service Establishment, as specified in the Florida  
236 Building Code. All Food Service Establishments shall comply with the following  
237 guidelines:

##### 238 1. Inspection, Cleaning and Maintenance:

239 Each Food Service Establishment shall be solely responsible for the cost of  
240 trap installation, inspection, cleaning and maintenance. Cleaning, FOG removal

241 and maintenance must be performed when the total volume of captured grease and  
242 solid material displaces more than twenty percent (20%) of the total volume of the  
243 unit. Each Food Service Establishment shall determine the frequency at which their  
244 grease trap shall be cleaned, but all grease traps shall be opened, inspected, and  
245 maintained at a minimum of once per week. Generators shall provide written  
246 documentation of the grease trap inspection, maintenance and repairs in accordance  
247 with Section 3-5 of this Ordinance.

248

249 2. Repairs:

250 The Food Service Establishment shall be responsible for all cost and scheduling of  
251 all repairs to its grease trap(s). Repairs required by the Control Authority shall be  
252 completed within thirty (30) consecutive calendar days after the date of written notice of  
253 required repairs is received by the Generator, unless the City approves in writing of a  
254 different schedule.

255

256 3. Disposal:

257 Captured materials removed from a grease trap shall be legally disposed of as solid  
258 waste.

259

260 Section 3-3-3. Grease Interceptors

261 Grease interceptors shall be installed at all new Food Service  
262 Establishments as specified by the Florida Building Code. All Food Service Establishments  
263 shall comply with the following guidelines:

264 1. Inspection, Pumping, and Maintenance:

265 Each Food Service Establishment shall be responsible for the costs of installing,  
266 inspecting, pumping, cleaning, and maintaining its grease interceptor(s). Pumping services  
267 shall include the initial complete removal of all captured material, including floating  
268 materials, wastewater and bottom sludge and solids from the interceptor. Grease interceptor  
269 cleaning shall include scraping excessive solids from the walls, floors, baffles and all pipe  
270 work. The return of gray water back into the grease interceptor from which the wastes were  
271 removed is allowable, provided that FOG and solids are not returned to the interceptor. The  
272 grease hauler shall wait at least twenty (20) minutes to allow the Interceptor waste to  
273 separate in the truck tank before attempting to reintroduce the gray water to the interceptor.  
274 It shall be the responsibility of each Food Service Establishment to inspect its grease  
275 interceptor during the pumping procedure to ensure that the interceptor is properly cleaned  
276 out and that all fittings and fixtures inside the interceptor are in working condition and  
277 functioning properly. Generators shall provide written documentation of the grease  
278 interceptor inspection, maintenance and repairs in accordance with Section 3-5 of this  
279 Ordinance.

280 2. Interceptor Pumping Frequency:

281 Food Service Establishment interceptor(s) shall be pumped out when any of the  
282 following criteria are reached:

283 a. When the floatable grease layer exceeds six inches (6") in depth as  
284 measured by an approved dipping method; or,

285 b. When the settleable solids layer exceeds eight inches (8") in depth as  
286 measured by an approved dipping method; or,

287 c. When the total volume of settable solids is more than seventy-five percent  
288 (75%) of the total clearance of the outlet pipe located at the bottom of the interceptor; or,

289 d. When the total volume of captured grease and solid material displaces more  
290 than twenty percent (20%) of the interceptor capacity as calculated using an approved  
291 dipping method; or,

292 e. When the interceptor is not retaining/capturing oils and greases; or the  
293 oil/grease concentration of the water being discharged, as determined through sampling  
294 and analysis, exceeds the limits indicated in Section 4.

295 3. Repairs:

296 Each Food Service Establishment shall be responsible for the cost and scheduling  
297 of all repairs to its grease interceptor(s). Repairs required by the Control Authority shall be  
298 completed within thirty (30) consecutive calendar days after written notice is received by  
299 the Generator unless the Control Authority establishes a different compliance date.

300 4. Disposal:

301 Captured Material removed from each grease interceptor shall be disposed of at a  
302 facility permitted to receive such wastes. Captured Material removed from interceptors  
303 shall not be returned to any grease handling facility, private sewer line or to any portion of  
304 the City's wastewater collection system.

305 5. Interceptor Additives:

306 Any chemicals, enzymes, emulsifiers, live bacteria or other grease cutters or  
307 additives shall be approved by the Control Authority, prior to their use by the Food Service  
308 Establishment or the grease hauler. Safety Data Sheets and any other applicable  
309 information concerning the composition, frequency of use and mode of action of the

310 proposed additive shall be sent to the Control Authority together with a written statement  
311 outlining the proposed use of the additive(s). Based upon the information received and any  
312 other information solicited from the potential user or supplier, the Control Authority shall  
313 permit or deny the use of the additive in writing. Permission to use any specific additive  
314 may be withdrawn by the Control Authority at any time.

315 Section 3-3-4. Alternative Grease Removal Devices or Technology:

316 Alternative devices and technologies such as automatic grease removal systems  
317 shall be subject to written approval by the Control Authority prior to installation. Approval  
318 of the device shall be based on demonstrated (proven) removal efficiencies and reliability  
319 of operation. The Control Authority may approve these types of devices depending on  
320 manufacturers' specifications on a case-by-case basis. The Food Service Establishment  
321 may be required to furnish analytical data demonstrating that grease discharge  
322 concentrations to the City wastewater collection system will not exceed the established  
323 limitation.

324 Section 3-4. New Facilities

325 Upon the effective date of this Ordinance, Generators which are newly proposed or  
326 constructed, or existing facilities which will be expanded or renovated, where such facility  
327 did not previously exist, shall be required to install, operate and maintain a grease  
328 interceptor or grease trap according to the requirements of the Florida Building Code.

329

330 Section 3-5 Grease Handling Facilities Operation and Maintenance

331 Generators shall perform weekly inspections of their grease handling facilities and  
332 shall document the inspection findings. Generator shall generate and retain for at least three

333 (3) years, written documentation of Grease Handling Facilities operations, maintenance  
334 and repairs including, but not limited to, date and time, level, date of grease removal,  
335 cleanings performed, date of cleanings, date of additive(s) addition, type and quantity of  
336 additive(s), and analytical sampling results, and any other applicable grease handling  
337 facility information required by the Florida Building Code, Florida Administrative Codes  
338 or EPA.

339

340 **Section 4. Limitations and Standards**

341 Section 4-1. Rules and Regulations of the State of Florida

342 All of the following rules and regulations are hereby adopted and are incorporated  
343 herein by reference hereto as same may updated from time to time.

- 344 1. Chapter 62-160 of the Florida Administrative Code – Quality Assurance
- 345 2. Chapter 62-761 of the Florida Administrative Code – Underground Storage  
346 Tank Systems
- 347 3. Chapter 64E-6 of the Florida Administrative Code – Standards for Onsite  
348 Sewage Treatment and Disposal Systems

349

350 Section 4-2. General Pollutant Standards and Local Limits

351 It shall be unlawful for any person to throw, drain, run or otherwise discharge into  
352 a sanitary sewer, or to cause, permit, allow or suffer, be thrown, run, drained, or otherwise  
353 discharged into such sewer any effluent that is in excess of the following local limits:

354

355

| <i>Parameter</i>  | <i>Analytical Method</i>  | <i>Limit</i>  |
|---|---|---|
| Biochemical oxygen demand, 5 day (BOD5)                             | EPA method 405.1 or SM 5210 B.                                    | 145 lbs/day at a concentration not to exceed 200 mg/L, unless allowed by the WWTP |
| Total suspended solids (TSS)  | SM 2540 C.  | 145 lbs/day at a concentration not to exceed 200 mg/L, unless allowed by the WWTF |
| Oil and grease  | EPA 1664 (Hexane Extractable Materials)                           | 100.0 mg/L  |
| Oil and Grease strictly for facilities classified as FOG Generators | EPA Method 1664 (Hexane Extractable Materials)                    | 150.0 mg/L  |
| Total Recoverable Petroleum Hydrocarbons                            | EPA Method 1664 (Silica Gel Treated Hexane Extractable Materials) | 50.0 mg/L   |
| Ammonia (un-ionized)  | EPA 350.1 or SM 4500  | 100.0 mg/L  |
| Temperature   |   | 150°F (See Note 1)  |
| pH  | EPA 150.1 or SM 4500<br>H <sup>+</sup> -B                         | 5.5 - 11.5 standard units (SU). (See Note 2)                                      |

357 Notes:

- 358 1. Shall not cause the plant influent to exceed 104°F (40°C) nor inhibit WWTF biological activity.
- 359 2. Shall not cause damage to or create a hazard to structures, equipment, or WWTF personnel.

360

361 **Section 5. Entry, Inspection, and Sampling**

362 Section 5-1. Entry

363 All Generators shall allow the Control Authority, bearing proper credentials and  
364 identification, access to all parts of the premises during reasonable business hours, for the  
365 purpose of inspection, observation, and sampling in accordance with the provisions of this  
366 Ordinance. Any user refusing the Control Authority entry to or upon the premises of the  
367 user for the purposes of inspection, sampling effluents or performing such other duties as  
368 required by this Ordinance shall constitute a violation of the terms of this Ordinance. The  
369 Control Authority may seek a warrant or use any other legally available procedures to  
370 discharge their duties.

371

372 Section 5-2. Inspection

373 The Control Authority may inspect the facilities of any Food Service  
374 Establishment, to ascertain compliance with this Ordinance. The City will provide seven  
375 (7) days' notice to the Generator before this inspection occurs. Grease handling facilities  
376 shall be inspected by the Generator to ensure compliance with these Standards and to  
377 determine if proper cleaning and maintenance schedules are being performed and  
378 documented in accordance with this Ordinance. Generators shall make the written copies

379 of the inspection, operation, maintenance repair and analytical results available to the  
380 Control Authority upon inspection, to demonstrate compliance with this Ordinance.

381 The Control Authority will provide the Generator with a written summary of  
382 inspection findings including compliance with the Ordinance and any deficiencies  
383 observed during the inspection to be corrected by the Generator, including deficiencies in  
384 operation, maintenance repairs and documentation of same. The Control Authority may  
385 collect effluent samples to determine compliance. The Control Authority shall re-inspect  
386 any Generator that received a deficiency notice after the original inspection within thirty  
387 (30) consecutive calendar days. In the event that the Generator has corrected all of the  
388 deficiencies and is compliant with the remainder of this Ordinance, there shall be no charge  
389 for the re-inspection. In the event of continuing Generator non-compliance, the City will  
390 issue a Notice of Violation, successive re-inspections will be scheduled and appropriate  
391 fees shall be charged to the Generator for the first and all successive re-inspections. Such  
392 fees may be charged to the appropriate account of the City Utilities Water & Sewer bill for  
393 cost recuperation in accordance with this Ordinance.

394

### 395 Section 5-3. Monitoring

396 Monitoring is defined as the act of sampling, laboratory analysis and analysis  
397 results reporting. Generators shall be responsible for monitoring FOG effluent as follows:

- 398 1. Perform annual monitoring for the parameters listed in the table in Section 4.  
399 Interval between monitoring events shall be at least two hundred and seventy (270)  
400 consecutive calendar days.
- 401 2. Monitoring location: Draw a grab samples at the Grease Handling Facilities outlet.

402 3. Grab sample(s) shall be shipped to an analytical laboratory in accordance with the  
403 analytical method requirements. The analytical method requirements may be  
404 provided by the analytical laboratory.

405 4. Analytical laboratory sample(s) shall be analyzed at an analytical laboratory in  
406 accordance with the analytical methods listed in Section 4. If a different analytical  
407 method is used, the results shall be deemed invalid and the Generator shall be  
408 responsible for any charges incurred by the analytical laboratory including the  
409 original monitoring and subsequent monitoring events.

410 Results reporting: Report the results to the City upon receipt from the analytical  
411 laboratory. Retain a written copy from the analytical laboratory of the analytical results for  
412 at least three (3) years from date of monitoring.

413 **Section 6. Enforcement, Citation, Injunctive Relief, and Damage Assessments**

414 Whenever the Control Authority determines that a grease trap or interceptor is in  
415 need of pumping, repairs or other maintenance, or in the event that an additional grease  
416 interceptor is required, the Control Authority shall proceed as prescribed below:

417

418 **Section 6-1. Enforcement Response Plan**

419 The Control Authority conducting the inspection who determines that a violation  
420 exists shall immediately notify the Owner that a violation exists and must be addressed  
421 promptly. The Control Authority may issue the Generator a Notice of Violation (NOV)  
422 stating the deficiencies and nature of the violation(s).

423 If the Generator responds with an acceptable explanation for the violation, and a  
424 plan for rectifying the situation, or makes good a deficiency within the prescribed time,  
425 enforcement ceases at the discretion of the Control Authority.

426

#### 427 Section 6-2. Civil and Injunctive Relief

428 If a Generator continues to violate the provisions set forth in this Ordinance, or fails  
429 to initiate/complete corrective action in response to a NOV, the Control Authority may  
430 pursue one or more of the following options:

- 431 i. Pump the grease interceptor and place the appropriate charge on the facility's  
432 monthly the City of LaBelle's Utilities service bill for cost recuperation as  
433 provided in Section 6.4; and/or,
- 434 ii. Assess further inspection fees as provided; and/or,
- 435 iii. Terminate water and sewer service.

436

#### 437 Section 6-3. Non-Compliance Fines

438 The Control Authority shall perform a first re-inspection ten (10) calendar days,  
439 after issuance of the NOV, to allow sufficient time for corrective action by the Generator  
440 to be completed. In the event that the Generator is compliant with all of the deficiencies,  
441 there shall be no charge for the re-inspection. If all of the deficiencies have not been  
442 corrected, a first re-inspection fee of two hundred fifty dollars (\$250) shall be charged to  
443 the Generator. A second re-inspection will be performed after a minimum of ten (10)  
444 additional calendar days have passed. In the event that the Generator is compliant with all  
445 of the deficiencies, there shall be no additional charge for the re-inspection. If all of the

446 deficiencies have still not been corrected, a second reinspection fee of four hundred dollars  
447 (\$400) shall be charged to the Generator. If a third or more re-inspections are required a  
448 re-inspection fee of seven hundred fifty dollars (\$750) for each successive re-inspection  
449 shall be charged to the Generator in addition to other enforcement actions if all of the  
450 deficiencies have still not been corrected. All fees shall be added to the City of LaBelle's  
451 Utilities monthly service bill of the Generator.

452 **Section 6-4. Cost Recuperation for the City of LaBelle**

453 The charge for the cost recuperation shall include any and all actual costs incurred  
454 by the City to remove the captured material from the Generator grease handling facilities  
455 and / or City sewer collection system, maintenance directly attributable to the Generator's  
456 non-compliance with this Ordinance and legal disposal of captured material and FOG  
457 removed from the City sewer collection system. Costs shall include, but not be limited to:  
458 labor, material and equipment rental or use fees, captured material landfill transportation  
459 and disposal fees, and administrative fees. The Control Authority will provide the  
460 Generator with supporting materials documenting the labor charges and associated fees  
461 incurred by the Control Authority for the above referenced work.

462 **Section 7. Conflict.** Whenever the requirements or provisions of this Ordinance  
463 conflict with the provisions of any other lawfully adopted Ordinance or Statute, the most  
464 restrictive requirements shall apply. Such agreement must meet all current Federal, state,  
465 and local requirements for inter-municipal agreements.

466 **Section 8. Severability.** The provisions of this Ordinance are severable, and it is the  
467 intention to confer the whole or any part of the powers herein provided for. If any provision,  
468 paragraph, word, section or article of this Ordinance is invalidated by any court of

469 competent jurisdiction, the remaining provisions, paragraphs, words, sections, and  
470 ordinances shall not be affected and shall continue in full force and effect.

471 **Section 9. Codification.** It is the intention of the Board of City Commissioners that  
472 the provisions of this Ordinance will become and be made a part of the City of LaBelle  
473 Code; and that sections of this Ordinance may be renumbered or re-lettered and that the  
474 word "Ordinance" may be changed to "section", "article", or such other appropriate word  
475 or phrase in order to accomplish such intention; and regardless of whether such inclusion  
476 in the Code is accomplished, sections of this Ordinance may be renumbered or re-lettered  
477 and typographical errors which do not affect the intent may be authorized by the Control  
478 Authority, or the Control Authority's designee, without need of public hearing, by filing a  
479 corrected or re-codified copy of same with the Clerk of Circuit Court.

480 **Section 10. Effective Date.** This ordinance shall become effective 1 year after the  
481 date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only  
482 upon an override by this Board.