

**ORDINANCE NO. 2021-O-45**

**AN ORDINANCE AMENDING CHAPTER 19 (UTILITIES AND SERVICES) OF THE CODE OF ORDINANCES, ARTICLE I (IN GENERAL) AND ARTICLE V (SOLID WASTE COLLECTION & DISPOSAL), CITY OF EDGEWATER, FLORIDA; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; PROVIDING FOR CODIFICATION, AN EFFECTIVE DATE AND FOR ADOPTION.**

**WHEREAS**, the City Council of the City of Edgewater, Florida, has made the following determinations:

1. It is necessary for the preservation and enhancement of the public health, safety and welfare and in the best interest of the city and its citizens to amend Chapter 19 (Utilities and Services), Article I (In General) and Article V (Solid Waste Disposal), of the Code of Ordinances to include changes reflecting the use of carts and other updates.

2. The City of Edgewater finds that the conditions identified above negatively impact the City and the City has a significant interest in ensuring that properties in default are managed and do not become blighted.

**NOW THEREFORE, BE IT ENACTED** by the City Council of the City of Edgewater, Florida:

**PART A. AMEND CHAPTER 19 (UTILITIES AND SERVICES) OF THE CODE OF ORDINANCES, ARTICLE I (IN GENERAL) AND ARTICLE V (SOLID WASTE COLLECTION & DISPOSAL), CITY OF EDGEWATER, FLORIDA; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; PROVIDING FOR CODIFICATION, AN EFFECTIVE DATE AND FOR ADOPTION.**

Chapter 19 (Utilities and Services), is amended pursuant to Exhibit “A”, which is attached and incorporated herein.

**PART B. CONFLICTING PROVISIONS**

All conflicting ordinances and resolutions, or parts thereof in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict.

**PART C. SEVERABILITY AND APPLICABILITY**

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provisions thereof shall be held to be inapplicable to any person, property, or circumstances, such holding shall not affect its applicability to any other person, property or circumstance.

**PART D. CODIFICATION**

Provisions of this ordinance shall be incorporated in the Code of Ordinances of the City of Edgewater, Florida, and the word “ordinance”, may be changed to “section”, “article”, or other appropriate word, and the sections of this ordinance may be renumbered or re-lettered to accomplish such intention; provided, however, that Parts B through F shall not be codified.

**PART E. EFFECTIVE DATE**

This ordinance shall take effect upon adoption.

**PART F. ADOPTION**

After Motion to approve by \_\_\_\_\_, with Second by \_\_\_\_\_, the vote on the first reading of this ordinance held on, \_\_\_\_\_, was as follows:

	<b>AYE</b>	<b>NAY</b>
Mayor Mike Thomas	_____	_____
Councilwoman Christine Power	_____	_____
Councilwoman Gigi Bennington	_____	_____
Councilwoman Megan O’Keefe	_____	_____
Councilman Jonah Powers	_____	_____

After Motion to approve by \_\_\_\_\_ with Second by \_\_\_\_\_  
\_\_\_\_\_ the vote on the second  
reading of this ordinance held on \_\_\_\_\_, was as follows:

	<b>AYE</b>	<b>NAY</b>
Mayor Mike Thomas	_____	_____
Councilwoman Christine Power	_____	_____
Councilwoman Gigi Bennington	_____	_____
Councilwoman Megan O’Keefe	_____	_____
Councilman Jonah Powers	_____	_____

**PASSED AND DULY ADOPTED** this \_\_\_ day of \_\_\_\_\_, 2021.

**ATTEST:**

**CITY COUNCIL OF THE  
CITY OF EDGEWATER, FLORIDA**

\_\_\_\_\_  
**Bonnie Brown, CMC**  
City Clerk

\_\_\_\_\_  
**Mike Thomas**  
Mayor

For the use and reliance only by the City of Edgewater,  
Florida Approved as to form and legality by:  
Aaron R. Wolfe, Esquire  
City Attorney  
Doran, Sims, Wolfe & Yoon

Approved by the City Council of the City of Edgewater  
at a meeting held on this \_\_ day of\_, 2021 under Agenda  
Item No 8 \_\_\_\_\_

## EXHIBIT “A”

### Chapter 19 UTILITIES AND SERVICES

#### ARTICLE I. IN GENERAL

##### Sec. 19-1. Definitions.

*Abbreviations:* The following abbreviations shall have the designated meanings:

*BMP* means best management practices.

*BOD* means biochemical oxygen demand.

*CFR* means Code of Federal Regulations.

*COD* means chemical oxygen demand.

*CWA* means Clean Water Act.

*DOH* means the Florida Department of Health.

*EDU* means equivalent drainage unit.

*EPA* means environmental protection agency.

*ERU* means equivalent residential unit.

*F.A.C.* means Florida Administrative Code.

*FOG* means fats, oils and grease.

*FDEP* means Florida Department of Environmental Protection.

*GT* means grease trap.

*IWDP* means industrial wastewater discharge permit.

*l* means liter.

*Mg* means milligrams.

*MGD* means million gallons per day.

*mg/l* means milligrams per liter.

*MS4* means municipal separate storm sewer systems, i.e. the city's stormwater system.

*NPDES* means National Pollutant Discharge Elimination System.

*SIC* means standard industrial classification.

*SIU* means significant industrial user.

*SWDA* means Solid Waste Disposal Act 42 U.S.C. 6901 et seq.

*TSS* means total suspended solids.

*U.S.C.* means United States Code.

*WTP* means the water treatment facility or water treatment plant.

*WWTP* means wastewater facility or wastewater treatment plant.

*Act or the act (otherwise known as the Federal Water Pollution Control Act or the Clean Water Act)*, means that act enacted by Public Law 92-500, October 18, 1972, 33 U.S.C. 1251 et seq., as amended by Pub. L. 95-217, December 28, 1977; Pub. L. 97-117, December 29, 1981; Pub. L. 97-440, January 8, 1983; and Pub. L. 100-04, February 4, 1987, and as may be amended from time to time.

*Approval authority* means the administrator of the EPA, DOH, FDEP or other regulatory agency.

*Business or commercial* applies to any establishment or firm wherein a business or commercial certificate of use and business tax receipt is required by the city, except as otherwise provided herein.

*City* means the City of Edgewater.

*City council or council* means the duly elected officials of the City of Edgewater.

*City manager* means the person designated by the city council to administer all city activities.

*Consolidated statement* means the bill which has all utility service fees that the customer has available or is using and may include any or all water, wastewater, reclaimed water, stormwater, solid waste (refuse and recycling), and all associated delinquency and service fees associated with the service(s).

*County* means the County of Volusia.

*Customer* means the actual user, potential user or beneficiary of the water, wastewater, reclaimed water, stormwater or solid waste services provided by the city.

*Department* means the environmental services department, which includes the following divisions: water, wastewater, field operations, wastewater collections, stormwater and solid waste.

*Developed property* means any property altered in appearance by removal of vegetation, grading of the ground surface and construction of a structure or impervious surface.

*Director* means the director of environmental services of the city or the director's authorized representative.

*District* means the St. Johns River Water Management District.

*Environmental protection agency or EPA* means the United States Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of the agency.

*Equivalent drainage unit (EDU)* means a standard unit of measure determined to represent the stormwater runoff generated by a typical residential unit (consisting of a weighted average of a single-family and multi-family units) in the city. Such measure provides a basis for comparing the runoff generated by one parcel with that generated by another.

*Florida Department of Environmental Protection or FDEP* means the State of Florida Department of Environmental Protection, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of the agency.

*Multiple dwelling* means a structure or structures having more than one single family unit, and shall include apartment buildings, condominiums, motels and hotels.

*Nonresidential unit* means any building, structure or facility used other than as a dwelling unit or single-family unit.

*Owner, tenant, occupant* shall include the executors, administrators, successors, and assigns of the person referred to; and the covenants and agreements contained in any contract between the department and its consumers should be binding upon an inure to the benefit of the successors, heirs, executors, administrators or assigns of the respective persons thereto.

*Private* means that property or facilities owned by individuals, corporations, and other organizations and not by a city, county, state or federal government agency.

*Reclaimed water* means the water that meets the current state department of environmental protection standards for reuse after flowing out of any treatment plant or works.

*Recyclable materials* shall mean those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste including newspapers, glass and plastic containers, aluminum cans and such other materials as designated by resolution of the city council.

*Refuse* means household garbage and items meant to be discarded other than recyclable materials, trash, construction debris and hazardous waste.

*Residence* means a single-family residential unit and includes mobile homes, manufactured homes and each individual unit in a townhome, apartment complex or condominium.

*Reuse* means the deliberate application of reclaimed water for beneficial purpose. Uses include landscape irrigation, agricultural irrigation, aesthetic uses, ground water recharge, industrial uses, fire protection or other useful purposes.

*Shall* is mandatory, may is permissive.

*State* means the State of Florida.

*Superintendent* means the superintendents of the various divisions of the environmental services department of the city.

*Trailer park, mobile home park* means any business enterprise maintaining a premises for the rent of mobile homes, manufactured homes or house trailers or mobile home, manufactured home or house trailer sites, and each mobile home, manufactured home or trailer contained in said trailer park or mobile home park shall be considered as a separate unit whether or not the same is permanently affixed to the realty.

*Trash* means all accumulations of grass, shrubbery or weed cuttings, pine needles, and other refuse incident to the care of lawns, shrubbery, vines and gardens. The term "trash" shall not be taken to include used or broken appliances, furniture, bedding, building materials, lumber or other material of like nature.

*Utility system* means water, wastewater, solid waste, stormwater and reclaimed water.

*Vacant* means any piece or parcel of land that is without any building, structure, appurtenance, or improvements.

*Wastewater* means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any solids and other pollutants which may be present, whether treated or untreated, which is contributed into or permitted to enter the WWF.

*Wastewater system* means pipes, pumps, force mains, wastewater treatment plant and any other appurtenances that collect and treat wastewater.

*Wastewater treatment plant or WWTP* means a treatment works as defined by section 212 of the Act (33 U.S.C. 1292) which is owned by the city. This definition includes any or all of the collection/transmission system, treatment plant, and reuse or disposal system.

### **Sec. 19-2. Utility deposit, service charge and transfer fee.**

- (a) The owner of each property receiving utility services provided by the city, regardless of whether the residence or building on the property is being occupied by the owner and regardless of the date or means by which the owner came into ownership of the residence, shall be absolutely responsible for the payment of all fees, rates or charges relating to utilities and services provided for the property, unless the city has contracted with the owner's tenant at the owner's request. Absence of such notification shall be assumed by the city that the property is owner occupied or vacant. If the owner of the property so desires, the city will enter into a contract with the owner's tenant whereby the tenant will be solely responsible to pay charges for base water, sewer, refuse, stormwater, and reclaimed water as well as charges for water, sewer and reclaimed water consumption. If the city has entered into a contract with the owner's tenant, the account will revert back to the property owner once the tenant or owner notifies the city of termination, or in the event of services being disconnected for "reason of nonpayment" for 30 consecutive days services and the account is 60 days past due, the City shall be entitled to terminate close Tenant account with the City and account will revert back to owner. In this event, the property owner will then be solely and absolutely responsible for the payment of all fees, rates or charges relating to utilities and services provided for the property including charges for base water, sewer, refuse, stormwater, and reclaimed water as well as water, sewer and reclaimed water consumption, until such time that the city is notified that a new tenant occupies the property and establishes an account. . The City may deny tenant billing where there is a pattern of unpaid tenant accounts at a property. The City may refuse to open a separate water service account in the name of a tenant, if the owner of the property has a delinquent account, until the owner pays all delinquencies in full.
- (b) The city may require a utility deposit and a service charge before water, wastewater, reclaimed water, stormwater and/or refuse service(s) are initiated to any equivalent residential unit (ERU) as defined in article II. The utility deposits and service charges required before the initiation of service are as established by resolution of the city council. For those connections made outside the city limits, said charges shall be in an amount equal to the equivalent charge for a corresponding connection inside the city limits plus a surcharge in amount allowed by applicable state statutes and established by resolution of the city council. Except upon receipt of a request as provided in subsection (c), the city shall retain the deposit as established by resolution of the city council. The deposit amount shall be applied to the current or final bill. Any amount remaining at termination of account shall be returned to the customer. However, no refund checks on deposits shall be issued for an amount less than \$10.00.
- (c) Upon written request, a customer, provided they are the land owner, may request that a credit refund in the amount of the utility deposit be given after establishment of 36 successive months of good credit. Good credit shall be defined as no service shutoff and no

penalty for late payment during any successive 36-month period. Upon receipt of the written request by the finance department, the refund shall be applied during the next billing cycle. An additional deposit and service charge in the amount set forth in subsection (b) shall be required if subsequent to application of the credit refund, service is shut off and a request for reinstatement of service is made.

- (d) Tenant customers are not permitted to receive a deposit refund until account termination. The deposit amount shall be applied to the final bill. Any amount remaining at termination of account shall be returned to the customer. However, no refund checks on deposits shall be issued for an amount less than \$10.00.

### **Sec. 19-3. Unpaid fees to constitute lien.**

The city may place liens on properties for all unpaid utility bills, including consumption when the account is in the owner's name and/or the property is occupied by the owner.

If the fees, rates or charges for the utilities and services provided for the owner occupied and/or vacant property are not paid as and when due, any unpaid balance with interest, as established in the fee resolution, from the due date may be placed as a lien on any lands or premises affected or served thereby. Such liens shall be superior and paramount to the interest in such lands or premises of any owner, lessee, tenant, mortgagee or other person except the lien of state, county and municipal taxes and shall be on a parity with the lien of such state, county and municipal taxes. If any such fee, rate or charge shall not be paid as and when due and shall be in default for 30 days or more, the unpaid balance thereof and all interest accrued thereon, together with attorneys' fees and costs, may be recovered and such liens may be foreclosed by the city in the manner provided by the laws of the state for the foreclosure of mortgages on real property.

### **Sec. 19-4. Unlawful connections.**

No person shall be allowed to connect into any water, wastewater or reclaimed water line owned by the city without the consent of the city. Such connection(s) shall be made under the direction and supervision of the city. Any person making a connection without such consent of the city shall, upon conviction, be subject to punishment as provided in section 19-29.

### **Sec. 19-5. No free service.**

No water, wastewater, reclaimed water, stormwater or solid waste service shall be furnished or rendered free of charge to any person whatsoever. A minimum bill shall be rendered whether service is used or not.

### **Sec. 19-6. Payment of bills; service charges.**

- (a) Rates for water, wastewater, reclaimed water, stormwater, refuse and recycling services shall be as established by resolution of the city council. Bills for the monthly fee for water, wastewater, reclaimed water, stormwater, refuse and/or recycling services shall be payable as of the billing date. A delinquency charge as established by resolution of the city council for utility service(s) shall be charged against the customer by the city if the customer shall fail to pay the charges due for those utility service(s) within 20 days of the billing date of said charges. Should there be a failure by the customer receiving utility service(s) to pay the bill in full for said service not later than 30 days from the billing date for said service, then said service may be terminated and shall not be reinstated after discontinuance until all past due water, wastewater, reclaimed water, stormwater, refuse and/or recycling bills are fully



paid, together with said delinquency charge for past due bills and payment of a service charge as established by resolution of the city council for reinstatement during normal working hours. A service charge as established by resolution of the city council shall be imposed for reinstatement made during other than normal working hours. No service will be discontinued for a delinquent bill of less than the amount as identified in the fee resolution. The utility fees are part of a consolidated statement for a utility customer which is generally paid by a single payment. In the event that a partial payment is received, the payment shall first be applied to utility tax, next applied to penalties, next applied to recycling, next applied to refuse, next applied to stormwater, next applied to wastewater, next applied to reclaimed water, next applied to irrigation water, and finally applied to the water account.

- (b) Customers who have an outstanding bill at one location shall not be served utilities at a new location until such time that all charges and fees are paid on the previous account.
- (c) In the instance that the City has opted to utilize the Non-Ad Valorem Assessment method of collection for ~~solid waste and~~ Stormwater, Prior to the building department issuing a certificate of occupancy on a residential dwelling or commercial structure, the builder or owner is required to pay the annual solid waste and stormwater assessment for residential dwelling or commercial structure if services are to be provided. These assessments covers the cost for removal of garbage, recycling, yard waste, and other solid waste programs and stormwater management. Each improved property within the City of Edgewater is charged the solid waste and stormwater assessment.

These assessments ~~are~~ will be prorated for the month that the certificate of occupancy is applied for, and ~~it~~ covers the remainder of that fiscal year (October 1 - September 30). Subsequent assessments ~~may be~~ charged each year on the property tax bill after the City of Edgewater Council approves the annual rate and certifies the solid waste and stormwater assessment roll to the tax collector. If the City has not elected to utilize the Non-Ad Valorem Assessment method of collection for ~~solid waste and~~ Stormwater, these charges will be included in the monthly utility bill

#### **Sec. 19-7. Same—Rate increase; annual review of rates.**

The foregoing rates shall be reviewed annually by the city council to determine if revenues are sufficient to properly operate and maintain the utility systems. The city council at that time will take official action concerning the utility rates.

#### **Sec. 19-8. Maintenance of plumbing system.**

Either the tenant or property owner, as agreed pursuant to the terms of the lease, shall be responsible for maintaining and repairing the water, wastewater and reclaimed service from the privately owned plumbing system to the city distribution water lines, reclaimed water lines and wastewater lines. In the absence of any such lease provision, the owner shall be responsible for maintaining and repairing the water, wastewater and reclaimed service from the privately owned plumbing system to the city distribution water lines, reclaimed water lines and wastewater lines. In the event of a wastewater line obstruction, including, but not limited to grease, toys and diapers, it shall be the responsibility of either the tenant or property owner to hire a private plumbing contractor to clear the obstruction. The cost of a private plumbing contractor is solely the responsibility of either the tenant or property owner. Failure to keep the wastewater pipe, i.e., the pipe leading from the plumbing system to the city main, cleaned and maintained in the proper

~~Struck through~~ passages are deleted.

Underlined passages are added

manner will give the city the right to discontinue potable water service until the wastewater pipe is cleaned and maintained properly. Failure to repair water leaks, potable or reclaimed, in a timely manner shall grant the city the right to discontinue such water service until repairs are made.

#### **Sec. 19-9. Expansion of utility systems outside the City of Edgewater.**

Where water, wastewater and/or reclaimed water service is requested beyond the limits of the present distribution/collection systems, the city shall make determination as to whether or not to provide service based on economic, public health, and system integrity considerations. In the event the application is determined to be economically unfeasible, service may still be provided if the persons requesting such service pay all costs in connection therewith. The city council shall have the power and authority to authorize said extension(s) upon whatever terms and conditions the city council shall determine to be in the best interest of the utility system and customers thereof. At the discretion of the city council, the policy of the city may be to limit expansion or extension of the utility systems owned by the city.

### ***ARTICLE II. WATER***

#### **Sec. 19-10. Equivalent residential unit (E.R.U.).**

- (a) *Residential.* Each single-family residence served by the city through a single wastewater service and/or water meter (  $\frac{5}{8}$ "  $\times$   $\frac{3}{4}$ " ) shall be one equivalent residential unit.
- (b) *Multi-family residential.* Unless specifically identified in a development order, each residential room, combination of rooms, apartment or prepared mobile home space that is occupied, offered separately for rent as a rental unit, or vacant shall be one equivalent residential unit regardless if all are served by one meter.
- (c) *Nonresidential.* For nonresidential uses not specifically defined elsewhere in this chapter, the number of equivalent residential units shall be computed as defined by chapter 21, Code of Ordinances of the City of Edgewater, Florida Department Public Health (DOH) or Florida Department of Environmental Protection permit application. Each independent unit shall be one equivalent residential unit regardless if all are served by one meter.
- (d) *Level of service.* The city's adopted level of services (LOS) for water shall be established in the City of Edgewater Comprehensive Plan and identified as gallons per day (gpd) per equivalent residential unit (E.R.U.).
- (e) *Changes in E.R.U.'s.* If a building permit is issued for an existing nonresidential, commercial, or industrial connection which will increase water demand, or if a building changes from residential to nonresidential property occupancy, the net change in gallons shall be determined by subtracting old flow in gallons from the total new number of flow in gallons in the entire facility. The fee will be assessed on the new flow in gallons.
- (f) *Multiple minimum.* Each equivalent residential unit will be subject to a minimum charge. The minimum charge for a building complex served through one water meter will be the current E.R.U. minimum for the in-city or if applicable, out-of-city accounts for each equivalent residential unit. Monthly water allowance under the minimum billing will be equal to one current allowance for single service per equivalent residential unit.

**Sec. 19-11. Meters and connections to water distribution system required.**

- (a) Each building or outlet (except fire hydrants and fire protection systems) whether public or private shall be served by the city water system through a metered connection.
- (b) The owner of each lot or parcel of land within the city upon which lot or parcel of land any building, structure or trailer used as a dwelling or to be occupied by human beings in or situated or shall hereafter be situated, for either residential, commercial or other use, shall connect or cause such building, structure or trailer to be connected with the public water distribution system of the city; provided, however, that this section shall only apply to lots or parcels where the department has certified by the department of health that said lot is available for water services through the water distribution system.
- (c) If the unit is occupied when service was certified to be available, the connection shall be made within 90 days of written notification by the city. The owner shall be liable for all impact fees, connection fees and deposits at the time said connection is made.

**Sec. 19-12. Water impact fees and connection charges.**

- (a) Impact fees shall be established by resolution of the city council. Impact fees shall be based on a new user's contribution toward its equitable share of the cost of capital improvements required to serve new users.
- (b) Water connection charges shall be required for each water connection based on fees established from time to time by resolution of the city council.
- (c) Impact fees and connection charges shall be required for each connection made to the potable water system. For those connections made outside the city limits, said charge shall be in an amount equal to the equivalent charge for a corresponding connection inside the city limits plus a surcharge in an amount allowed by applicable state statutes and established by resolution of the city council.

**Sec. 19-13. Water utility fees.**

- (a) All bills for water utility fees shall be incorporated in the consolidated statement for utility services and shall be payable in accordance with section 19-7. The water usage charges shall become effective upon installation of the water meter or when availability of such water service occurs as outlined within the City of Edgewater Code of Ordinances Land Development Code and this section.
- (b) The established fees shall be applicable irrespective of whether the customer is using said service.

**Secs. 19-14—19-16. Reserved.**

**Sec. 19-17. Extraordinary service calls.**

- (a) There shall be a service charge for a customer request of a meter bench test for accuracy. If the meter is found to be malfunction, this charge will be credited.
- (b) Extraordinary service calls, outside of regular maintenance, shall require a charge; for example, locating the meter when covered during sodding or filling on the property. Actual replacement cost shall be charged for meter damage caused by building or construction on the property or any other causes.

- (c) Charges for meter bench tests and/or extraordinary service calls outside of regular maintenance shall be as established by resolution of the city council.

**Sec. 19-18. Special provisions for water for irrigation and swimming pools.**

- (a) *Separate meter authorized.* Upon request of any customer and upon payment of the fees and charges herein authorized and established, the city shall install for such customer a separate water meter for the purpose of measuring the amount of water used by such customer only for irrigation and/or swimming pool purposes.
- (b) *Deposit, connection charge and impact fee.* The amount of the deposit, connection charge and impact fee for each such meter, and the charge for water metered through such meter, shall be the same as established by resolution of the city council.
- (c) *Wastewater excluded in computing utility bills.* All water measured through such irrigation meters shall be excluded from the computation of wastewater consumed under the terms of section 19-35, for the purpose of computing the monthly wastewater service charge, and the rates for wastewater service established by section 19-7 of this chapter shall not be applied to water measured through such meters.
- (d) *Location of meters; consumer to provide connections; city's right-of-entry.* Such irrigation meters shall be placed by the city only on property on which the city has an easement or right-of-way, and the customer shall be responsible for providing connections from such meter to his home property. The city, through its officers, agents and employees, shall have a right of access to any property upon which such irrigation meter or connections thereto is located, for the purpose of inspecting the same or otherwise regulating the operation of said irrigation meter under the terms of this section.

**Sec. 19-19. Special provisions for temporary metering.**

- (a) *Water used to fill tank trucks, such as pest control vehicles, from city approved sources shall be measured through a meter provided by the city.* Notice of the filling operation must be approved prior to the customer's use. Water consumed by the customer shall be billed at the applicable rate for the appropriate classification of the user.
- (b) *Water used by developers of property shall be metered.* Meters may be obtained from the city. Water consumed shall be billed in accordance with the applicable rate for the appropriate classification of the user. Hydrant meters shall require a deposit as set forth by resolution of the city council.

**Secs. 19-20, 19-21. Reserved.**

**Sec. 19-22. Tampering with meters, tap, etc.; unlawful.**

It shall be unlawful for any person to open a hydrant or tap, or to take water therefrom, or in any manner to tamper with any meter, or extend water pipe, or open or use any sealed fixture placed in or about a building exclusively for fire protection except in cases of fire, or to tamper with, remove or injure any curb or meter box or install below finished grade. The building official for the city shall not issue a certificate of occupancy for any new building as long as any of the violations listed herein remain uncorrected.

**Sec. 19-23. Booster pumps not to be connected to water systems.**

No person shall connect any booster pump to the city water distribution system, or to any distribution system to which the city supplies water, without the express written permission of the city.

**Sec. 19-24. Limitations of structures.**

- (a) Any structure which does not have a service meter installed for the purpose of measuring water from the city, or from a distribution system which receives its water supply from the city, shall not be served with city water.
- (b) No building permit for any structure shall be issued by the city until preliminary plans for the building water supply system have been examined by the department of environmental services and certified to be in compliance herewith. Further, before actual connection of the water service meter, the department of environmental services shall have received certified compliance that the potable water system was constructed in compliance with the FDEP/DOH permit.

**Sec. 19-25. Cross-connection—General policy.**

- (a) *Purpose.* The purpose of this section is to:
  - (1) Protect the public potable water supply of the city from the possibility of contamination or pollution by isolating within its customer's private water system(s) such contaminants or pollutants which could backflow or back-siphon into the public water supply system.
  - (2) Promote the elimination or control of existing cross-connections, actual or potential, between its customer's in-plant potable water system(s) and non-potable water systems, plumbing fixtures and industrial piping systems.
  - (3) Provide for the maintenance of a continuing program of cross-connection which will systematically and effectively prevent the contamination or pollution of all potable water systems.
- (b) *Responsibility.* The city shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or back-siphonage of contaminants or pollutants through the potable water system. An approved backflow prevention device is required at the city's water service connection to any customer's premises for the safety of the water system. The city shall give notice in writing to said customer to install such approved backflow prevention device at each service connection to his premises. The customer shall immediately install such approved device or devices at his own expense; and failure, refusal or inability on the part of the customer to install said device or devices immediately shall constitute a ground for discontinuing water service to the premises until such device or devices have been properly installed. For residential reclaimed water customers, the city shall purchase and install the backflow device as part of the connection fee for the reclaimed water service. This device remains the property of the city.

**Sec. 19-25.1. Same—Requirements.**

- (a) *Water system.*

- (1) The water system shall be considered as made up of two parts: The utility system and the customer system.
  - a. The utility system shall consist of the source facilities and the distribution system; and shall include all those facilities of the water system under the complete control of the utility, up to the point where the customer's system begins.
    1. The source shall include all components of the facilities utilized in the production, treatment, storage and delivery of water to the distribution system.
    2. The distribution system includes the network of conduits used for the delivery of water from the source to the customer's system.
  - b. The customer's system shall include those parts of the facilities beyond the termination of the utility distribution system which are utilized in conveying utility-delivered domestic water to points of use and under the complete control of the customer.

(b) *Policy.*

- (1) No water service connection to any premises shall be installed or maintained by the city unless the water supply is protected as required by state laws and regulations and this chapter. Service of water to any premises shall be discontinued by the city if a backflow prevention device required by this chapter is not installed, or if it is found that a backflow prevention device has been removed, bypassed, damaged or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.
- (2) The customer's system should be open for inspection at all reasonable times to authorized representatives of the city to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the city shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with state and city rules and regulations relating to plumbing and water supplies and the regulations adopted pursuant thereto.
- (3) An approved backflow prevention device shall also be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served; but in all cases, before the first branch line leading off the service line wherever the following conditions exist:
  - a. In the case of premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source by the city, the public water system shall be protected against backflow from the premises by installing a backflow prevention device in the service line appropriate to the degree of hazard.
  - b. In the case of premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be

protected against backflow from the premises by installing a backflow prevention device in the service line appropriate to the degree of hazard. This shall include the handling of process waters and waters originating from the utility system which have been subject to deterioration in quality.

- c. In the case of premises having (1) internal cross-connection that cannot be permanently corrected and controlled, or (2) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing a backflow prevention device in the service line.
- (4) The type of protective device required under this article shall depend upon the degree of hazard which exists as follows:
- a. In the case of any premises where there is an auxiliary water supply as stated in this article and it is not subject to any of the following rules, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device.
  - b. In the case of any premises where there is water or substance that would be objectionable but not hazardous to health, if introduced into the public water system, such as reclaimed water, the public water system shall be protected by an approved double check valve assembly.
  - c. In the case of any premises where there is any material dangerous to health which is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries and plating plants.
  - d. In the case of any premises where there are "uncontrolled" cross-connections, either actual or potential, the public water system shall be protected by an air-gap separation or an approved reduced pressure principle backflow prevention device at the service connection.
  - e. In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected against backflow or back-siphonage from the premises by the installation of a backflow prevention device in the service line. In this case, maximum protection will be required; that is, an approved air-gap separation or an approved reduced pressure principle backflow prevention device shall be installed in each service to the premises.
- (5) Any backflow prevention device required herein shall be of a model and size approved by the city. The term "approved backflow prevention device" that has been manufactured in full conformance with the standards established by the American Water Works Association entitled: "AWWA C506-69. Standards for

Reduced Pressure Principle and Double Check Valve Backflow Prevention Devices," and, have met completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California established by: "Specifications of Backflow Prevention Devices - #69-2," dated March, 1969, or the most current issue. Said AWWA and FCCC&HR standards and specifications have been adopted by the department. Final approval shall be evidenced by a "certificate of approval" issued by an approved testing laboratory certifying full compliance with said AWWA standards and FCCC&HR specifications. The following testing laboratory has been qualified by the department to test and certify backflow preventers: "Foundation for Cross-Connection Control and Hydraulic Research"; "University of Southern California"; "University Park"; Los Angeles, California 90007." Testing laboratories other than the laboratory listed above will be added to an approved list as they are qualified by the department. Backflow preventers which may be subjected to back pressure or back-siphonage that have been fully tested and have been granted a certificate of approval by said qualified laboratory and are listed on the laboratory's current list of "approved devices" may be used without further test or qualification.

- (6) It shall be the duty of the city at any premises where backflow prevention devices are installed to have certified inspections and operational tests made at least once per year. However, residential reclaimed water connections which have a backflow prevention device on the potable water supply shall be inspected biennially by the city. In those instances where the city deems the hazard to be great enough, the city may require certified inspections at more frequent intervals. These inspections and tests shall be at the expense of the water user and shall be performed by a certified city tester. The required non-residential backflow device testing/inspections shall be conducted by the city at required/specified intervals. Said fees for inspections and tests shall be as established by resolution of the city council. These devices shall be repaired, overhauled or replaced at the expense of the customer-user whenever said devices are found to be defective. Records of such tests, repairs, and overhaul shall be kept and made by the city.
- (7) All presently installed backflow prevention devices which do not meet the requirements of this section, but were approved devices for the purposes described herein at the time of installation and which have been maintained, shall, except for the inspection and maintenance requirements under subsection (b)(1), be excluded from the requirements of these rules so long as the department is assured that they will satisfactorily protect the utility system. Whenever the existing device is moved from the present location or requires more than minimum maintenance or when the department finds that the maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this section.

#### **Sec. 19-26. City's right to refuse service.**

The city shall refuse to supply water service to any customer or structure which does not comply with the requirements of sections 19-24 and 19-25. No consecutive water distribution system which receives its water supply from the city shall permit any customer or structure to connect with such water distribution system in violation of sections 19-24 and 19-25.

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2021-O-45



**Secs. 19-27, 19-28. Reserved.**

**Sec. 19-29. Penalty for violation of sections 19-1 through 19-26.**

Any person violating any of the provisions of sections 19-1 through 19-28 [19-26] or failing to comply therewith shall be deemed guilty of a misdemeanor and may be subject to fines as outlined by resolution of the city council as approved by resolution of the city council. Each day any such violation shall continue shall constitute a separate offense.

***ARTICLE III. WASTEWATER***

**Sec. 19-30. Purpose and policy.**

This article sets forth uniform requirements for direct and indirect contributions into the wastewater collection and treatment system for the city and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this article are as follows:

- (a) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (c) To improve the opportunity to recycle and reclaim wastewaters and sludge from the system; and
- (d) To provide for equitable distribution of the cost of the municipal wastewater system.

This article provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain nondomestic users and through enforcement activities, requires user reporting, assumes that existing customer's capacity will not be pre-empted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This article shall apply to the city and to persons outside the city who are, by contract or agreement with the city, users of the city's publicly owned treatment works.

**Sec. 19-31. Equivalent residential unit (E.R.U.).**

- (a) *Residential.* Each single-family residence served by the city through a single wastewater service and/or water meter shall be one equivalent residential unit.
- (b) *Multi-family residential.* Unless specifically identified in a development order, each residential room, combination of rooms, apartment or prepared mobile home space that is occupied, offered separately for rent as a rental unit, or vacant shall be one equivalent residential unit regardless if all are served by one meter.
- (c) *Nonresidential.* For nonresidential uses not specifically defined elsewhere in this chapter, the number of equivalent residential units shall be computed by the building official using the fixture unit count as defined by chapter 21, Code of Ordinance of the City of Edgewater,

Florida Department of Health or by a licensed professional engineer through the Florida Department of Environmental Protection permit application.

- (d) *Level of service.* The city's adopted level of service (LOS) for wastewater flow shall be established in the City of Edgewater Comprehensive Plan and identified as gallons per day (gpd) per equivalent residential unit (E.R.U.).
- (e) *Changes in E.R.U.'s.* If a building permit is issued for an existing connection which will increase wastewater demand, or if a building changes from residential to nonresidential occupancy, the net change in gallons generated for the old and new parts of the facility shall be computed by subtracting the old gallons generated from the total gallons generated in the entire facility. The fee will be assessed on the number of new gallons generated.
- (f) *Multiple minimum.* Each equivalent residential unit will be subject to a minimum charge. The minimum charge for a building complex served through one water meter will be the current E.R.U. minimum for in-city, or if applicable, out-of-city accounts for each equivalent residential unit. Monthly wastewater allowance under the minimum billing will be equal to one current allowance for single service per equivalent residential unit.

**Sec. 19-32. Owners, occupants of property abutting wastewater system required to connect.**

The owners or occupants of lots or parcels abutting on a wastewater main, or which can use the services and facilities of the wastewater system of the city, are hereby required to connect with and use the services and facilities of said wastewater system. Such connection shall be made prior to the certificate of occupancy being issued. The connection shall be made by the owners or occupants of all lots or parcels which are located within 100 feet of such wastewater mains. Where extensions to the wastewater system are needed, the owner shall be responsible for all engineering, permitting and construction costs. If the unit was already occupied when service was made available, then the connections shall be made within 90 days of the date of notification from the city that service is available. Provided, however, that no person shall be required to cross private property of another to make such connection or connections to the municipal wastewater system. The owner shall be liable for all impact fees, connection fees and deposits required.

**Sec. 19-33. Unauthorized connections prohibited.**

- (a) It shall be unlawful for any person to tap, cut or in any way use any line, branch, or part of the municipal wastewater collection and wastewater treatment facilities without a written permit issued by the city and without payment of all fees required by the city for the use of such facilities.
- (b) A separate and independent building wastewater connection shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private wastewater line is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building may be extended to the rear building and the whole considered as one building wastewater connection, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.
- (c) Old building wastewater laterals may be used in connection with new buildings only when they are found to meet all requirements of this section and city standards. Any tests required to ensure compliance shall be at the owner's expense.

**Sec. 19-34. Wastewater impact fees and connection charge.**

- (a) Impact fees shall be established by resolution of the city council. Impact fees shall be based on a new user's contribution toward its equitable share of the cost of capital improvements required to serve new users.
- (b) Wastewater connection charges shall be required for each wastewater connection based on fees as established by resolution of the city council. If a lateral service needs to be installed, the property owner shall be billed by the city for actual cost of labor and materials to install such lateral.
- (c) Impact fees and connection charges outside the city shall be in amount equal to the equivalent charge for a corresponding connection inside the city limits plus a surcharge in amount allowed by applicable state statutes and established by resolution of the city council.

**Sec. 19-35. Wastewater utility service fees.**

- (a) All bills for wastewater utility fees shall be incorporated into the consolidated statement and shall be payable in accordance with section 19-7. The wastewater utility fees shall become effective upon the construction of all connections thereto in the wastewater system serving such lot or parcel, or the availability of such wastewater system to serve such lot or parcel,; provided, however, that as to new construction, wastewater utility fees shall accrue upon issuance of the certificate of occupancy (CO).
- (b) The established fees shall be applicable irrespective of whether the customer is using said service.

**Sec. 19-36. Schedule of monthly charges.**

Wastewater service charges shall be based on water consumption as determined by the monthly water meter readings. Wastewater rates shall be as established by resolution of the city council.

**Sec. 19-37. Making or maintaining connections for disposal of certain substances prohibited.**

No person shall make or maintain any connection with any public or private wastewater, or appurtenance thereof, whereby there may be conveyed into the same suffocating corrosive, inflammable or explosive liquid gas, vapor, substance or material.

**Sec. 19-38. Prohibition of acts or substances which impair, obstruct wastewater flow regulation of fats, oils, and grease (fog).**

- (a) *General.* No person shall do any act or thing which may impair or obstruct the flow to any public or private wastewater line or clog up any appurtenance thereof, or place therein any substance, solid or liquid, other than the waste products for which wastewater lines are provided.
- (b) *Regulation of fats, oils and grease (FOG).* This chapter sets forth the requirements to aid in the prevention of sanitary sewer blockages, obstructions, and overflows due to the contribution and accumulation of fats, oils, and greases into said sewer system from commercial, industrial, and institutional food service establishments.

- (1) *Definitions.* For the purposes of this section, the following words shall have the following meanings.
- a. *Black water* means wastewater containing human waste from sanitary fixtures such as toilets and urinals.
  - b. *Brown grease* means fats, oils, and greases that are discharged to the grease control equipment.
  - c. *City* shall mean the City of Edgewater.
  - d. *Director* means the director of environmental services department or designee.
  - e. *FOG (fats, oil, and grease)* means organic polar compounds derived from animal and/or plant sources. FOG may be referred to as "grease" or "greases" in this chapter.
  - f. *Food service establishment (FSE)* means any establishment, business or facility engaged in preparing, serving or making food available for consumption. Single-family residences are not an FSE, however, multi-residential facilities may be considered an FSE at the discretion of the city.
  - g. *Gray water* refers to all other wastewater other than black water as defined in this chapter.
  - h. *Grease control equipment (GCE)* means a device for separating and retaining wastewater FOG prior to wastewater exiting the FSE and entering the city's sewer system. Devices include grease interceptors, grease traps, or other devices approved by the city.
  - i. *Grease interceptor* means grease control equipment as a large tank, usually 1,000 to 3,000 gallon capacity, which provides FOG control for an FSE. Grease interceptors will be located outside the FSE at a location easily accessed by the city unless a variance request has been granted.
  - j. *Grease recycle container* means a container used for the storage of yellow grease.
  - k. *North American Industry Classification System (NAICS).*
    1. Class 1: Deli - Engaged in the sale of cold cut and microwaved sandwiches/subs with no frying or grilling onsite, ice cream shops and beverage bars as defined by NAICS 77213, mobile food vendors as defined by NAICS 722330.
    2. Class 2: Limited - Service restaurants (a.k.a. fast food facilities, daycares) as defined by NAICS 722211 and caterers as defined by NAICS 722320.
    3. Class 3: Full-service restaurants as defined by NAICS 722110.
    4. Class 4: Buffet and cafeteria facilities as defined by NAICS 72212.
    5. Class 5: Institutions (schools, hospitals, prisons, etc.) as defined by NAICS 722310 but not excluded self-run operations.

1. *NOV (Notice of violation)* means a written notice informing a FSE owner or grease hauler that a violation of the City of Edgewater grease ordinance has occurred.
- m. *User* means a customer operating a food service establishment and discharging to the sanitary sewer system.
- n. *Yellow grease* means fats, oils, and grease that has not been in contact or contaminated from other sources (water, wastewater, solid waste, etc.) and can be recycled. Yellow grease is normally stored in a grease recycle container or bin for beneficial use.

(2) *General requirements.*

- a. All new and existing food service establishments (FSE's) are required to have grease control equipment (GCE) installed, maintained and operated properly, in accordance with this chapter.
- b. All FSE's will be required to maintain records of cleaning and maintenance of GCE. GCE maintenance records include, at a minimum, the date of cleaning/maintenance, company or person conducting the cleaning/maintenance, volume (in gallons) of grease wastewater removed and final disposal location. GCE maintenance records will be available at the FSE premises so they can be provided to the city and/or health department. The FSE shall maintain GCE maintenance records for two years. Grease interceptors shall be pumped out bi-annually, or
  1. When the settled solids layer exceeds the invert of the outlet pipe (typically eight inches in depth), or
  2. When the total volume of captured grease and solid material displaces more than 25 percent of the capacity of the interceptor, or
  3. When the interceptor is not retaining or capturing oils and grease.
- c. No FSE will discharge oil and grease in concentrations that exceed the city's numerical limit for oil and grease as stated in chapter 19-45.
- d. Owners of commercial property will be held responsible for wastewater discharges from a leaseholder on their property.
- e. Grease control equipment requirement. All establishments with grease control equipment must have their grease interceptor or trap inspected and certified every two years by a city-certified grease waste hauler or plumber. If a grease interceptor or grease trap achieves (passes) the certification requirement, then no further action is required. If a grease interceptor or grease trap fails the certification requirement, then a corrective action response is required from the FSE owner to the city within 14 calendar days.
- f. FSE's shall dispose of yellow grease in an approved container or recycle container, and the contents shall not be discharged to any sanitary sewer line, stormwater grate, drain or conveyance. Yellow grease, or oils, poured or discharged into the FSE sewer lines, city's sewer system or any stormwater system is a violation of this chapter.

- g. It shall be a violation of this chapter to push or flush the non-water portion of GCE into the public sewer.
- (3) *Approved grease waste haulers.* To ensure proper disposal of FOG waste, all grease waste haulers must operate trucks that are marked with a company name, phone number, waste hauler permit, city and state and capacity of the tank in gallons of legible size and color. The hauler must provide proof upon the request of the city that it is certified to operate in any of the surrounding communities of Volusia County. Waste removed from each grease interceptor or trap shall be disposed of at a grease disposal facility permitted by the State of Florida to receive such waste. Grease, solid materials or graywater removed from interceptors or traps shall not be returned to any grease interceptor, trap, private sewer line or to any portion of the city's sewer system. A Notice of Violation (NOV) will be issued to any grease hauler who is found to be in non-compliance with this chapter. Response to this NOV must be received by the city within 14 calendar days of its receipt by the grease hauler. The grease hauler will be required to describe how the violation occurred, verification that the violation has been corrected, and shall provide assurance that steps will be taken to prevent re-occurrence of the violation. Failure to provide an acceptable response to the NOV in the stated timeframe will be grounds for the grease hauler to lose certification to provide hauling services within the city for a minimum period of 90 calendar days. Repeated violations without satisfactory resolution and/or delay in providing an acceptable response to an NOV will be grounds for longer periods of suspension, up to an including permanent denial of service, at the discretion of the environmental services director, or designee thereof.
- (4) *Approval of grease control equipment.* All existing FSE's that have upgraded their plumbing facilities must contact the city for final approval of the grease control equipment. This will include onsite inspection of the grease control equipment by the city. Any FSE that has changed its name or ownership will be treated as if the FSE is a new establishment and will be subjected to a re-inspection of the grease control equipment by the city.
- (5) *Grease control equipment sizing.*
- a. Minimum size of grease control equipment for each FSE classification will be as follows:
1. Class 1: Deli, ice cream shops, beverage bards, mobile food vendors - 20 gpm/40 pound grease trap (NAICS 72213, 72233)
  2. Class 2: Limited-service restaurants/cafeterias/daycares - 1,000 gallon grease interceptor (NAICS 722211, 722320)
  3. Class 3: Full service restaurants - 1,000 gallon grease interceptor (NAICS 722110)
  4. Class 4: Buffett and cafeteria facilities - 1,500 gallon grease interceptor (NAICS 72212)
  5. Class 5: Institutions (schools, hospitals, prisons, etc.) - 2,000 gallon grease interceptor (NAICS 722310)

- b. To calculate the appropriate size GCE, the FSE's engineer, architect or plumbing contractor should use a formula that considers fixture units, storage capacity, type of facility and an adequate retention time. The grease control equipment minimum acceptable size for the above listed FSE classification must be met.
- c. The city will review and approve of the GCE sizing received from the FSE's engineer, architect or plumbing contractor. The city will make a decision to approve or require additional grease interceptor volume based on the type of FSE, the number of fixture units and additional calculations. Grease interceptor capacity should not exceed 3000 gallons for each interceptor tank. In the event that the grease interceptor calculated capacity needs to exceed 3000 gallons, the FSE shall install an additional interceptor of the appropriate size and plumbed in series. Tanks that are plumbed in series shall be installed so that the inlet invert of each successive tank shall be a minimum of two inches below the outlet invert of the proceeding tank.

(6) Grease interceptor design and installation

- a. Access to grease interceptors shall have a minimum of one manhole per interceptor chamber. Each manhole cover shall be a minimum of 24 inches in dimension, terminating a minimum of one inch above finished grade of grass or landscaping or at grade within asphalt or concrete parking areas with cast iron frame and cover.
- b. Access openings shall be mechanically sealed and gas tight to contain odors and bacteria and to exclude vermin and ground water, in a manner that permits regular uses.
- c. Grease interceptors shall be located so as to be readily accessible for cleaning, maintenance, and inspections. If possible, the grease interceptor should not be installed in "drive thru" lanes or parking areas. Grease interceptor access manholes located in areas with access by vehicular traffic shall have a sealed and gasketed traffic rated cover with a concrete pad all around.

(7) *Additives for use as grease management and control.*

- a. Additives include but are not limited to products that contain solvents, emulsifiers, surfactants, caustics, acids, enzymes and bacteria.
- b. Use of biological agents is discouraged. Any additive placed into the grease trap or building discharge designed to absorb, purge, consume, treat or otherwise eliminate grease shall require written approval from the city. If the city identifies FOG in the downstream sewer system from an FSE that is using an additive, the city can require the FSE to discontinue use of the additive.
- c. Additive use will not be a substitute for regular, required cleaning or pumping of grease control equipment.

(8) Right of entry - inspection and monitoring: the city shall have the right to enter the premises of FSE's to determine whether the FSE is complying with the requirements of this chapter. FSE's shall allow city personnel or their authorized representative, upon presentation of proper credentials, full access to all parts of the

premises for the purpose of inspection, monitoring, and/or records examination. Unreasonable delays in allowing city personnel access to the FSE premises shall be a violation of this chapter and the City Code of Ordinances. All grease interceptors/traps shall be subject to review, evaluation and inspection by city personnel during normal working hours. The city reserves the right to make determinations interceptor/trap condition and adequacy based on review of all information regarding the interceptor/trap performance and may require cleaning, maintenance, modification or replacement. All records will be available onsite for review by the city for a period of 24 months. The city may require that the FSE install monitoring or additional pretreatment equipment deemed necessary for compliance with this chapter and or the city sewer use ordinance.

(9) *Violations and enforcement action.*

- a. Violations of this FOG regulatory program include, but are not limited to:
  1. Failure to clean or pump grease control equipment.
  2. Failure to maintain grease control equipment.
  3. Failure to control FOG discharge from the FSE.
  4. Failure to certify grease control equipment.
  5. Being responsible for sewer line obstruction or for sanitary sewer overflow.
  6. Using additives to dilute FOG push the FOG downstream of the FSE.
  7. Failure to use a city-certified grease hauler.
- b. Whenever the city determines that a grease interceptor or trap is in need of installation, pumping, repairs, maintenance or replacement an NOV will be issued stating the nature of the violation(s) and timeframe for corrective actions. Any repairs or maintenance needed to a grease trap shall be performed within 14 days.
- c. The city shall have the authority to discontinue water service if the FSE presents an imminent endangerment to the health or welfare of persons or to the public or environment, or causes stoppages or excessive maintenance to the sanitary sewer system, causes significant interference with the wastewater treatment plant, or causes the city to violate any condition of its NPDES permit. Service shall be reinstated when such conditions have been eliminated as determined by the city.
- d. If the FSE fails to initiate action within 14 days of a NOV, a second NOV will be issued and civil fines imposed. If inspections and field investigations determine that any fats, oils or grease interference or blockage in the sewer system, a sewage pumping station, or the wastewater treatment plant is caused by a particular FSE, then that FSE shall reimburse the city for all labor, equipment, supplies and disposal costs incurred by the city to clean the interference or blockage. The charges will be added to the FSE's utility bill. Failure to reimburse the city may result in termination of water service.



**Sec. 19-39. Penalty for violation of sections 19-30 through 19-38.**

Any person violating any of the provisions of this section or failing to comply therewith shall be deemed guilty of a misdemeanor and shall be punished by a fine as approved by resolution of the city council. Each day any such violation shall continue shall constitute a separate offense.

***ARTICLE IV. INDUSTRIAL PRETREATMENT PROGRAM***

**Sec. 19-40. Purpose, policy and objectives.**

- (a) This section sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the city and enables the city to provide efficient wastewater treatment to protect the public health and the environment and to meet requirements contained in the Clean Water Act, the general pretreatment regulations contained in 40 CFR parts 122 and 403, and chapter 62-625, F.A.C.
- (b) The objectives of this division include, but are not limited to, the following:
  - (1) Prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge or reclaimed water.
  - (2) Prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters, reclaimed water or the atmosphere or otherwise be incompatible with the system.
  - (3) Improve the opportunity to recycle and reclaim wastewaters and sludge from the system.
  - (4) Provide for equitable distribution of the cost of the municipal wastewater system.
  - (5) Provide for the general health, safety and welfare of both city employees and citizens of the city.
- (c) This section provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for the other users; authorizes monitoring and enforcement activities; requires user reporting; assumes the existing customer's capacity will not be preempted; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

**Sec. 19-41. General discharge prohibitions.**

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interfere with the operation or performance of the WWTP. These general prohibitions apply to all such users of a WWTP whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to any WWTP.

- (a) Any liquids, solids or gases which, by reason of their nature or quantity, are, or may be, sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the WWTP or to cause the

successive readings on an explosion hazard meter at the point of discharge into the system (or any point in the system) to be more than five percent or any single reading over ten percent of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides, and any other substances which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system.

- (b) Solid or viscous substances which may cause obstruction to the flow in a wastewater pipe or other interference with the operation of the wastewater treatment facilities, such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.
- (c) Any wastewater having a pH less than 5.5 or higher than 8.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the WWTP.
- (d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the WWTP, or exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to section 307(a) of the Act.
- (e) Any noxious or malodorous liquids, gases or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the wastewater system for maintenance and repair.
- (f) Any substance which may cause the WWTP's effluent, or any other product of the WWTP such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the WWTP cause the WWTP to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act; or state criteria applicable to the sludge management method being used.
- (g) Any substance which will cause the WWTP to violate its DEP operating permit, its NPDES and/or state disposal system permit or the receiving water quality standards.
- (h) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

- (i) Any wastewater having a temperature which will inhibit biological activity in the WWTP treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the WWTP which exceeds 40 degrees Celsius (104 degrees Fahrenheit).
- (j) Any pollutants, including oxygen-demanding pollutants (BOD, COD, ethylene glycol, etc.), released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the WWTP. In no case shall a slug load have a flow rate or contain concentrations or qualities of pollutants that exceed for any time period longer than 15 minutes more than five times the average twenty-four-hour concentration, quantities or flow during normal operation.
- (k) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the director of environmental services in compliance with applicable state or federal regulations.
- (l) Any wastewater which causes a hazard to human life or creates a public nuisance.
- (m) Any pollutant or waste with a closed cap flashpoint of less than 60 degrees Celsius (140 degrees Fahrenheit), as determined by the test methods specified in 40 CFR 261.21.
- (n) Any water or waste containing fats, wax, grease, oil, or related substances, whether or not emulsified, in excess of 100 parts per million by weight or which may solidify or become viscous at temperatures between 4.5 degrees Celsius (40 degrees Fahrenheit) and 65.5 degrees Celsius (150 degrees Fahrenheit). Specifically prohibited is the heating of the contents of grease traps and subsequent discharge to the wastewater system.
- (o) Any substance which may reasonably be expected to cause the WWTP's effluent or any other product of the WWTP such as residues, sludge or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. This shall particularly include, but not be limited to, all forms of copper containing chemicals used for root control in wastewater systems. In no case shall a discharge to the WWTP be permitted which causes the WWTP to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the Act or any other federal or state law or regulation applicable to any reclaimed product of the WWTP.
- (p) Any discharges containing compounds that are labeled for the control of pest species of any type, such as, but not limited to, acaricides, bactericides, fungicides, herbicides, insecticides, molluscicides, nematicides and rodenticides.
- (q) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- (r) Pollutants which result in the presence of toxic gasses, vapors or fumes within the WWTP in a quantity that will cause acute worker health or safety problems.
- (s) Any trucked or hauled pollutants or sewage except those lawfully discharged at specific points designated by the director of environmental services.

When the city determines that a user(s) is contributing to the wastewater collections system, any of the above-enumerated substances in such amounts as to interfere with the operation of the

WWTP, the city shall advise the user(s) of the impact of the contribution on the WWTP and develop effluent limitation(s) for such user(s) to correct the interference with the WWTP.

**Sec. 19-42. Regulation of waste from other jurisdictions.**

- (a) Discharges received from entities outside the jurisdictional boundaries of the city are regulated to the same extent as are discharges from within its jurisdictional boundaries. Any multijurisdictional agreements amended or initiated after the effective date of this ordinance shall comply with this section.
- (b) If another jurisdiction or user located within another jurisdiction contributes wastewater to the WWTP, the control authority shall enter into an agreement with the contributing jurisdiction.
- (c) Prior to entering into an agreement required by subsection (b) above, the control authority shall request the following information from the contributing jurisdiction:
  - (1) A description of the quality and volume of wastewater discharged to the WWTP by the contributing jurisdiction;
  - (2) An inventory of all users located within the contributing jurisdiction that are discharging to the WWTP; and
  - (3) Such other information as the control authority may deem necessary.
- (d) An agreement required by subsection (b) above shall contain the following conditions:
  - (1) All contributors to the WWTP shall comply with this division and the specific pollutant limits;
  - (2) A requirement for the contributing jurisdiction to submit a revised user inventory on at least an annual basis;
  - (3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing jurisdiction, which of these activities will be conducted by the control authority, and which of these activities will be conducted jointly by the contributing jurisdiction and the control authority;
  - (4) A requirement for the contributing jurisdiction to provide the control authority with access to all information that the contributing jurisdiction obtains as part of its pretreatment activities;
  - (5) Limits on the nature, quality, and volume of the contributing jurisdiction's wastewater at the point where it discharges to the WWTP;
  - (6) Requirements for monitoring the contributing jurisdiction's discharge;
  - (7) A provision ensuring the control authority access to the facilities of users located within the contributing entity's jurisdictional boundaries for the purpose of inspection, sampling enforcement, and any other duties deemed necessary by the control authority; and
  - (8) A provision specifying remedies available for breach of the terms of the agreement.

### **Sec. 19-43. Federal Categorical Pretreatment Standards.**

Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this division for sources in that subcategory, shall immediately supersede the limitations imposed under this division. The city shall notify all affected users of the applicable reporting requirements under rule 62-625.410, F.A.C.

### **Sec. 19-44. Modification of federal categorical pretreatment standards.**

Where the city's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the city may apply to the approval authority for modification of specific limits in the federal pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95 percent of the samples taken when measured according to the procedures set forth in rule 62-625.420, F.A.C. The city may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in rule 62-625.420, F.A.C, are fulfilled and prior approval from the approval authority is obtained.

### **Sec. 19-45. Specific pollutant limitations.**

No person shall discharge wastewater in excess of:

- 0.41 mg/l arsenic.
- 1.00 mg/l barium.
- 0.005 mg/l beryllium.
- 250 mg/l BOD.
- 1.00 mg/l boron.
- 0.23 mg/l cadmium.
- 10.0 mg/l chromium, total.
- 0.76 mg/l copper.
- 1.0 mg/l cyanide.
- 5.00 mg/l iron.
- 35.0 mg/l Kjeldahl nitrogen.
- 0.66 mg/l lead.
- 1.00 mg/l manganese.
- 0.0001 mg/l mercury.
- 0.22 mg/l molybdenum.
- 1.0 mg/l nickel.
- 50.0 mg/l oil and grease.
- 10.0 mg/l total phosphoms [phosphorus].

- 0.80 mg/l selenium.
- 0.34 mg/l silver.
- 5.00 mg/l sulfides.
- 250 mg/l suspended solids.
- 4.0 mg/l total chromium.
- 3.0 mg/l chromium (trivalent).
- 1.00 mg/l chromium (hexavalent).
- 4.0 mg/l zinc.
- 1.00 mg/l total identifiable chlorinated hydrocarbons.
- 0.10 mg/l phenolic compounds.

All of the following shall be excluded from the treatment works unless certain conditions and volumes of pretreatment have been specifically described and approved by the city: antimony, beryllium, bismuth, cobalt, molybdenum, rhenium, strontium, tellurium, tin, uranylion.

**Sec. 19-46. State requirements.**

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this division.

**Sec. 19-47. City's right of revisions.**

- (a) The city reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in this section.
- (b) The city reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the WWTP. In no case shall a special agreement waive compliance with a pretreatment standard or requirement. However, the industrial user may request a net gross adjustment to a categorical standard in accordance with chapter 62-625, FAC. The industrial user may also request a variance from the categorical pretreatment standard from EPA or FDEP. Such a request shall be approved only if the industrial user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA or FDEP when establishing that pretreatment standard. An industrial user requesting a fundamentally different factor variance shall comply with the procedural and substantive provisions of chapter 62-625, F.A.C.

**Sec. 19-48. Excessive discharge.**

No user shall ever increase the use of process water, or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this article, the federal categorical pretreatment standards, or in any other pollutant-specific limitation developed by the city, state or federal government.

(Ord. No. 2012-O-05, Pt. A, 6-4-12)

### **Sec. 19-49. Accidental discharges.**

- (a) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this section. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or users own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city for review, and shall be approved by the city before construction of the facility. All existing users shall complete such a plan within 180 days after notification from the city or other approval authority that protection measures from accidental discharges are required. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this division. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the WWTP of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.
- (b) Within five days following an accidental discharge, the user shall submit to the director of environmental services a detailed written report describing the cause of the discharge, corrective actions performed, and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the WWTP, fish kills or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this division or other applicable law.
- (c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

### **Sec. 19-50. Fees.**

- (a) *Purpose.* It is the purpose of this section to provide for the recovery of costs from users of the city's wastewater disposal system for the implementation and continued operation of the program established herein. These fees shall be established by resolution of the city council.
- (b) *Charges and fees.* The city may adopt charges and fees which may include:
  - (1) Fees for reimbursement of costs of setting up and operating the city's pretreatment program.
  - (2) Fees for monitoring; inspections and surveillance procedures.
  - (3) Fees for reviewing accidental discharge procedures and construction.
  - (4) Fees for permit applications.
  - (5) Fees for filing appeals.
  - (6) Fees for consistent removal (by the city) of pollutants otherwise subject to federal pretreatment standards.
  - (7) Other fees as the city may deem necessary to carry out the requirements contained herein.

**Sec. 19-51. Compliance generally.**

It shall be unlawful to discharge without a city permit to any natural outlet within the city or in any area under the jurisdiction of the city, and/or to the WWTP any wastewater except as authorized in writing by the city in accordance with the provisions of this division.

**Sec. 19-52. Wastewater discharge permits.**

- (a) *Required.* All significant users proposing to connect to or to contribute to the WWTP shall obtain a wastewater discharge permit before connecting to or contributing to the WWTP. All existing significant users connected to or contributing to the WWTP shall obtain a wastewater discharge permit within 180 days after notification by the city or other approval authority requiring them to do so.
- (b) *Application.* Users required to obtain a wastewater discharge permit shall complete and file with the city an application in the form prescribed by the city, and accompanied by a fee as prescribed by the city. Any industrial user notified by the city as having been designated a significant industrial user pursuant to F.S. § 62-625 shall, within 30 days of such notification, apply for a wastewater discharge permit. Proposed new users shall apply at least 90 days prior to connecting to or contributing to the WWTP. In support of the application, the user shall submit in units and terms appropriate for evaluation, the following information:
- (1) Name, address and location (if different from the address).
  - (2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget 1972, as amended.
  - (3) Wastewater constituents and characteristics, including, but not limited to, those mentioned in section 19-45 as determined by a reliable certified analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Act and contained in 40 CFR part 136, as amended, and chapter 62-625, F.A.C.
  - (4) Time and duration of contribution.
  - (5) Average daily and thirty-minute peak wastewater flow rates, including daily, monthly and seasonal variations if any.
  - (6) Site plans, floor plans, mechanical and plumbing plans and details to show all wastewater pipes, wastewater connections and appurtenances by the size, location and elevation.
  - (7) Description of activities, facilities and plan processes on the premises, including all materials which are or could be discharged, together with plans for facilities to prevent accidental discharge of prohibited materials as specified by section 19-49.
  - (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance and/or



additional pretreatment is required for the user to meet applicable pretreatment standards.

- (9) If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
  - a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
  - b. No increment referred to in subsection (b)(9)a. shall exceed nine months.
  - c. Not later than 14 days following each date in the schedule and the final date for compliance the user shall submit a progress report to the city including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the schedule established.
- (10) Each product produced by type, amount, process or processes and rate of production.
- (11) Type and amount of raw materials processed (average and maximum per day).
- (12) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system.
- (13) Development and implementation of spill control plans or other special conditions, including additional management practices necessary to adequately prevent accidental, unanticipated or routine discharges.
- (14) Installation of pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate or prevent the introduction of pollutants into the WWTP.
- (15) A list of any environmental control permits held by or for the facility.
- (16) A statement in a form acceptable to the city and signed by an authorized representative of the user certifying that the application and all attachments were prepared under the direction or supervision of the authorized representative, that the information submitted is true, accurate and complete, and that there are penalties for submitting false information.
- (17) Any other information as may be deemed by the city to be necessary to evaluate the permit application.

The city will evaluate the data furnished by the user within 30 days of receipt. If additional information is required, the user will submit a response within 30 days. If no response is received by the city from the user within the 30 days, the application will become null and void and the

user will be required to reapply and pay all applicable fees. The city shall have authority to extend the time frame, if sufficient documentation is given from the user of extenuating circumstances that prohibit the user from a timely response. After evaluation and acceptance of the data furnished, the city may issue a wastewater discharge permit subject to terms and conditions provided herein.

- (c) *Permit modifications.* Within 180 days of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be advised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by subsection (B), the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater discharge permit shall submit to the director of environmental services within 180 days after the promulgation of an applicable federal categorical pretreatment standard the information required by subsections (b)(8) and (b)(9).
- (d) *Permit conditions.* Wastewater discharge permits shall be expressly subject to all provisions of this division and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:
  - (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community wastewater system.
  - (2) Limits on the average and maximum wastewater constituents and characteristics.
  - (3) Limits on average and maximum rate and time of discharge or requirements for the flow regulations and equalization.
  - (4) Requirements for installation and maintenance of inspection and sampling facilities.
  - (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.
  - (6) Compliance schedules.
  - (7) Requirements for submission of technical reports or discharge reports (see section 19-53).
  - (8) Requirements for maintaining and retaining plant records relating to wastewater discharge for a minimum of three years as specified by the city and as specified in rule 62-625.600(14), F.A.C., and affording city access thereto.
  - (9) Requirements for notification to the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
  - (10) Requirements for notification of slug discharges as per section 19-53(j).
  - (11) Authorization for the city to carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by industrial users, compliance or noncompliance with applicable pretreatment standards and requirement by industrial users. Representatives of the control

authority shall be authorized to enter any premises of any industrial user in which a discharge source or treatment system is located or in which records are required to be kept under rule 62-625.600 (14), F.A.C., to assure compliance with pretreatment standards. Such authority shall be at least as extensive as the authority provided under F.S. § 403.091.

(12) Provisions for compliance with the confidentiality requirements set forth in rule 62-625.800, F.A.C.

(13) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements.

(14) Other conditions as deemed appropriate by the city to ensure compliance with this division.

(e) *Duration.* Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year. All permits shall be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements as identified in section 19-41 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(f) *Transfer.* Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

### **Sec. 19-53. Reporting requirements for permittee.**

(a) *Compliance date report.* Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the WWTP, any user subject to pretreatment standards and requirements shall submit to the city a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

(b) *Periodic compliance reports.*

(1) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or in the case of a new source, after commencement of the discharge into the WWTP, shall submit to the city during the months of January and July, unless required more frequently in the pretreatment standard by the city, a

report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported pursuant to section 19-52. At the discretion of the city and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the city may agree to alter the months during which the above reports are to be submitted.

- (2) The city may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (b)(1) shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the city, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Act and contained in 40 CFR part 136, chapter 62-625, F.A.C., and amendments thereto, or with any other test procedures approved by the EPA. Sampling shall be performed in accordance with the techniques approved by the EPA. (Comment: Where 40 CFR part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the EPA or with any standard procedures approved by the FDEP.)

(c) *Baseline report.* Reporting requirements for industrial users upon the effective date of categorical pretreatment standards is the baseline report.

- (1) *Existing users.* Within 180 days after the effective date of a categorical pretreatment standard, or 180 days after the final administrative decision made upon a category determination request under rule 62-625.410(2)(d), F.A.C., whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging, or scheduled to discharge, to a WWTP, shall submit to the control authority a report which contains the information listed in subparagraph (2)g. of this section. Where reports containing this information have already been submitted to the control authority in compliance with the requirement of rules 62-625.410(2)(b) and (c), F.A.C., the industrial user shall not be required to submit this information again.
- (2) *New users.* At least 90 days prior to commencement of discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical pretreatment standard, shall submit to the control authority a report which contains the information listed in subsections (c)(2)a. through (c)(2)e. below. New sources shall include in this report information on the method of pretreatment they intend to use to meet applicable pretreatment standards. New

sources shall give estimates of the information requested in subparagraphs (c)(2)d. and (c)(2)e.

- a. *Identifying information.* The industrial user shall submit the name and address of the facility, including the name of the operator and owners.
- b. *Permits.* The industrial user shall submit a list of any pollution control permits held by or for the facility.
- c. *Description of operations.* The industrial user shall submit a brief description of the nature, average rate of production, and SIC codes of the operations carried out by such industrial user. This description shall include a schematic process diagram which indicates points of discharge to the WWTP from the regulated processes.
- d. *Flow measurement.* The industrial user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the WWTP from each of the following:
  1. Regulated process streams; and
  2. Other streams as necessary to allow use of the combined waste stream formula of rule 62-625.410(6), F.A.C. or the flow weighted average formula. The control authority shall allow for verifiable estimates of these flows where justified by cost or feasibility considerations.
- e. *Measurement of pollutants.*
  1. The industrial user shall identify the pretreatment standards applicable to each regulated process.
  2. In addition, the industrial user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the pretreatment standard or control authority) of regulated pollutants in the discharge from each regulated process. All laboratory and analytical reports shall comply with rule 62-160.670, F.A.C. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations.
  3. Grab samples shall be used for any tests to measure pH, cyanide, total phenols, oil and grease, sulfide, volatile organics, temperature, dissolved oxygen, chlorine residual, unionized ammonia, microbiology, specific conductance, and dissolved constituents (e.g. ortho phosphate, etc). For all other pollutants, twenty-four-hour composite samples shall be obtained through flow-proportional composite sampling techniques where feasible. The control authority shall waive flow-proportional composite sampling for any industrial user that demonstrates that flow-proportional sampling is technically infeasible. In such cases, samples shall be obtained through time-proportional composite sampling techniques or through a minimum of four grab samples where the industrial user demonstrates that this will provide a representative sample of the effluent being discharged.
  4. The industrial user shall take a minimum of one representative sample to compile the data necessary to comply with these requirements.

5. Samples shall be taken immediately downstream from pretreatment facilities, if such exist, or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the industrial user shall measure the flows and concentrations necessary to allow use of the combined waste stream formula of rule 62-625.410(6), F.A.C., in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit is required in accordance with rule 62-625.410(6), F.A.C., this adjusted limit, along with supporting data, shall be submitted to the control authority.
6. All activities related to sampling and analysis shall comply with chapter 62-610, F.A.C., and shall be conducted under the requirements of rule 62-160.300(4), F.A.C., for category 2A. Sampling activities and laboratory analyses shall be performed according to procedures specified in "The Department of Environmental Regulation Standard Operating Procedures for Laboratory Operations and Sample Collection Activities" (DER-OA-001/92), September, 1992.
7. The industrial user may submit a baseline report utilizing only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
8. The baseline report shall indicate the time, date and place, of sampling, methods of analysis, and test results for each component, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the WWTP.
- f. *Certification.* The industrial user shall submit a statement, reviewed by an authorized representative of the industrial user, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements.
- g. *Compliance schedule.* If additional pretreatment or operation and maintenance will be required to meet the pretreatment standards, the industrial user shall provide such additional pretreatment or operation and maintenance as specified in a compliance schedule. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.
  1. Where the industrial user's categorical pretreatment standard has been modified by the control authority using methods approved in chapter 62-625, F.A.C., at the time the industrial user submits the report required by this subsection, the certification statement and compliance schedule shall pertain to the modified limits.
  2. If the categorical pretreatment standard is modified as described above after the industrial user submits the report required by this subsection, any necessary amendment to the certification statement and compliance schedule shall be submitted by the industrial user to the control authority within 60 days after the modified limit is approved.

3. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the operation of additional pretreatment required for the industrial user to meet the applicable categorical pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction).
  4. No increment referred to in subsection (d)(1) shall exceed nine months.
  5. Within 14 days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the control authority including at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the control authority.
- h. *Report on compliance with categorical pretreatment standard deadline.* Within 90 days following the date for final compliance with applicable categorical pretreatment standards or in the case of a new source, following commencement of the introduction of wastewater into the WWTP, any industrial user subject to pretreatment standards and requirements shall submit to the control authority a report containing the information described in subparagraphs (c)(2)d. through (c)(2)f. For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures specified by rule 62-625.410(4), F.A.C., this report shall contain a reasonable measure of the industrial user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period.
- i. *Periodic reports on continued compliance.*
1. Any industrial user subject to a categorical pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the WWTP, shall submit to the control authority as specified in the permit a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in subparagraph (c)(2)d., except that the control authority shall require more detailed reporting of flows if necessary to comply with the requirements of this rule.
  2. Where the control authority has imposed mass limitations on industrial users as provided for by rule 62-625.410(5), F.A.C., the report required by subsection (c) shall indicate the mass of pollutants regulated by pretreatment standards in the discharge from the industrial user.

3. For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in rule 62-625.410(4), F.A.C., the report required by subsection (c) above shall contain a reasonable measure of the industrial user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by subsection (c) above shall include the industrial user's actual average production rate for the reporting period.
- j. *Notice of potential problems, including slug discharges.* All categorical and significant non-categorical industrial users shall notify the control authority and WWTP immediately of all discharges that could cause problems to the WWTP, including any slug discharges and prohibited discharges, as specified by rule 62-625.400(2), F.A.C.
- k. *Monitoring and analysis to demonstrate continued compliance.*
  1. The reports required in subsections (a), (b) and (c) shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the control authority, of pollutants contained therein which are limited by the applicable pretreatment standards. This sampling and analysis may be performed by the control authority in lieu of the industrial user. Where the control authority performs the required sampling and analysis in lieu of the industrial user, the industrial user shall not be required to submit the compliance certification required under subparagraph (c)(2)e. In addition, where the control authority itself collects all the information required for the report, including flow data, the industrial user shall not be required to submit the report. All laboratory analytical reports prepared by the industrial user or the control authority shall comply with rule 62-160.670, F.A.C.
  2. If sampling performed by an industrial user indicates a violation, the industrial user shall notify the control authority within 24 hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within 30 days after becoming aware of the violation.
  3. The reports required in subsection (b) shall be based upon data obtained through sampling and analysis performed during the period covered by the report. This data shall be representative of conditions occurring during the reporting period. The control authority shall require frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.
  4. All activities related to sampling and analysis shall be subject to the same requirements as specified by sub-subparagraph (c)(2)e.6.
  5. If an industrial user subject to the reporting requirement in subsection (b) of this section monitors any pollutant more frequently than required by the control authority, using the procedures required by sub-subparagraph



(c)(2)e.6. of this section, the results of this monitoring shall be included in the report.

1. *Reporting requirements for industrial users not subject to categorical pretreatment standards.*
  1. The control authority shall require appropriate reporting from those industrial users with discharges that are not subject to categorical pretreatment standards. Significant non-categorical industrial users shall submit to the control authority a report at the frequency stated in the permit and contain a description of the nature, concentration and flow of the pollutants required to be reported by the control authority.
  2. The reports shall be based on sampling and analysis performed by the user in the period covered by the report, and are subject to the same requirements specified in sub-subparagraph (c)(2)e.6.
- m. *Notification of changed discharge.* All industrial users shall promptly notify the control authority in advance of any change in the volume or character of pollutants in their discharge that may result in pass through or interference at the WWTP, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under subsection (q).
- n. *Signatory requirements for industrial user reports.* The reports required by subsections (a), (b) and (c) shall include the certification statement as set forth in rule 62-625.410(2)(b)2, F.A.C., and shall be signed by an authorized representative of the industrial user.
- o. *Provisions governing fraud and false statements.* Any person, including a responsible corporate officer, submitting or maintaining reports and other documents required under this section shall be subject to the civil and criminal penalties of F.S. § 403.161, for any falsification described in that section.
- p. *Record-keeping requirements.*
  1. Any industrial user and control authority subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. All sampling and analysis activities shall be subject to the record-keeping requirements specified in rule 62-160.600, F.A.C.
  2. Any industrial user or control authority subject to the reporting requirements established in this section shall be required to retain for a minimum of three years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the control authority. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or control authority.
- q. *Provisions governing hazardous waste.*
  1. The industrial user shall notify the control authority and the FDEP hazardous waste and pretreatment authorities in writing of any discharge into the WWTP of a substance, which, if otherwise disposed of, would be hazardous

waste under chapter 62-730, F.A.C. Such notification shall include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms (100 kg/L) of such waste per calendar month to the WWTP, the notification shall also contain information (to the extent such information is known and readily available to the industrial user) identifying the hazardous constituents in the waste stream discharged during that calendar month, and estimating the mass of constituents in the waste stream expected to be discharged during the following 12 months. Industrial users who commence discharging after the effective date of this chapter shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Notifications of changed discharges shall be submitted under subsection (m). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of subsections (a), (b), and (c).

2. Industrial users shall be exempt from the requirements of subsection (q)(1) during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in chapter 62-730, F.A.C.
3. In the case of any new FDEP regulations identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user shall notify the control authority and the department's hazardous waste and pretreatment authorities of the discharge of such substance within 90 days of the effective date of such regulations.
4. In the case of any notification made under this subsection, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated.

#### **Sec. 19-54. Monitoring facilities.**

- (a) The city shall require to be provided and operated at the user's own expense monitoring facilities to allow inspection, sampling and flow measurement of the building's wastewater pipes and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to lie constructed in the public right-of-way area and located so that it will not be obstructed by landscaping or parked vehicles. When deemed necessary by the city, the owner of any property serviced by a building carrying industrial and/or commercial wastes shall install a suitable control manhole together with meters and other appurtenances in the building's wastewater system necessary to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the city. The manhole shall be installed at the expense of the owner, and shall be maintained by the owner in a safe and accessible condition at all times.
- (b) There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Whether constructed on public or private property, the sampling and

monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the city.

**Sec. 19-55. Inspection and sampling.**

- (a) The city shall inspect the facilities of any user to ascertain whether the purpose of this section is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or its representatives ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of their duties. The city, FDEP and the EPA shall have the right to set up on the user's property such devices as are necessary to conduct records examination or duplication, sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with its security guards so that upon presentation of suitable identification personnel from the city, FDEP, EPA, or any other governmental entity or agency will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected, monitored, metered and/or sampled shall be promptly removed by the user at the written or verbal request of the city and shall not be replaced. The costs of clearing such access shall be borne by the user. The provisions of F.S. §§ 933.20 through 933.30, inclusive, relating to inspection warrants, are hereby adopted by reference in this section.
- (b) This sampling and analysis may be performed by the control authority in lieu of the industrial user. Where the WWTP performs the required sampling and analysis in lieu of the industrial user, the user will not be required to submit the compliance certification required under the provisions of 40 CFR 403.12(b)(6) and 403.12(d). In addition, where the WWTP itself collects all the information required for the report, including flow data, the industrial user will not be required to submit the report.
- (c) If sampling performed by an industrial user indicates a violation, the user shall notify the control authority within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within 30 days after becoming aware of the violation, except the industrial user is not required to resample if.
  - (1) The control authority performs sampling at the industrial user at a frequency of at least once per month; or
  - (2) The control authority performs sampling at the user between the time when the user performs sampling and the time when the user receives the results of this sampling.

**Sec. 19-56. Pretreatment.**

- (a) Users shall provide necessary wastewater treatment as required to comply with this section and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the

city before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this division. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes. Nothing herein will relieve the industrial user from any and all required permitting for construction as may be required.

- (b) The city shall annually publish in a newspaper of general circulation within the city a list of the users which were in significant noncompliance with any pretreatment requirements or standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.
- (c) All records relating to compliance with pretreatment standards shall be made available to officials of the EPA, FDEP or city upon request.

#### **Sec. 19-56.1. Confidentiality.**

The provisions of rule 62-625.800, F.A.C., relating to confidentiality, are hereby adopted by reference in this section.

#### **Sec. 19-57. Enforcement.**

- (a) *Suspension of service.* The city may suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the city, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the WWTP or causes the city to violate any condition of its NPDES permit. Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary, including immediate severance of the wastewater connection, to prevent or minimize damage to the WWTP system or endangerment to any individuals. The city shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contributions and the measures taken to prevent any future occurrence shall be submitted to the city within 15 days of the date of occurrence.
- (b) *Revocation of permit.* Any user who violates the following conditions of this division, or applicable state and federal regulations, is subject to having its permit revoked in accordance with the procedures of this section:
  - (1) Failure of a user to report factually the wastewater constituents and characteristics of his discharge.
  - (2) Failure of the user to report significant changes in operations or wastewater constituents and characteristics.
  - (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.
  - (4) Violation of conditions of the permit.

- (5) Falsifying periodic compliance reports.
  - (6) Tampering with monitoring equipment.
  - (7) Failure to pay administrative surcharges.
  - (8) Failure or refusal to accept notices of violation or compliance schedules or other enforcement procedures.
  - (9) Reasonably imminent endangerment of facility personnel or the public.
- (c) *Notification of violation.* Whenever the city finds that any user has violated or is violating this division, a wastewater contribution permit or any prohibition or limitation of requirements contained herein, the city may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the city by the user.

**Sec. 19-58. Penalty.**

- (a) A person violating any of the terms, conditions, orders, rules, regulations, permits, limitations or provisions of this industrial pretreatment program shall be deemed guilty of a misdemeanor and may be subject to fines as outlined by resolution of the city council, subsection 19-58(c). Each day that any such violation shall continue to exist shall constitute a separate and distinct offense, punishable as herein provided.
- (b) Violations of the industrial pretreatment program ordinance codified in this section may be referred to the citizens code enforcement board as prescribed by section 19-57.
- (c) Any person who knowingly makes any false statements, representations or certifications in any applications, record, report, plan or other document filed or required to be maintained pursuant to this section or wastewater contribution permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this section, shall, upon conviction, be subject to fines as outlined by resolution if the city council.

**Sec. 19-59. Reserved.**

***ARTICLE V. SOLID WASTE COLLECTION AND DISPOSAL***

***DIVISION I. GENERALLY***

**Sec. 19-60. Definitions.**

Aluminum cans shall mean all soft drink, beverage or beer cans that are one hundred (100) percent aluminum. Additionally, recyclables in this category shall include any food can or specialized food containers that are one hundred (100) percent aluminum.

*Biohazardous waste* means any solid waste or liquid waste which may present a threat of infection to humans. The term includes, but is not limited to, non-liquid human tissue and body parts, laboratory and veterinary wastes which contain human disease-causing agents, used disposable sharps, human blood, human blood products and body fluids, and other materials which represent a significant risk of infection to persons outside the generating facility.

*Bulk waste* means all large household items that do not require extraordinary management including, but not limited to, sofas, tables, bathroom fixtures, bedroom and living room furniture, appliances not considered white goods, ladders and carpet.

*City* means the City of Edgewater, Florida.

*Collection* means the process of picking up, transporting, and dropping off waste at the appropriate disposal facility.

*Commercial service* means service provided to lodges, clubs, schools, churches, hospitals, nursing or convalescent homes, multiple dwelling units and mobile home parks being billed against a master water meter and all other nonresidential establishments at which refuse may be generated. Persons requiring commercial service shall deposit all refuse in cans, bins, receptacles, storage rooms or containers in such a manner and at such locations as may be required by the environmental services department.

*Construction and demolition debris* means the non-putrescible solid waste and debris resulting from those construction or demolition activities that require a building permit. The wood and vegetative debris from land clearing on any lot is also considered to be construction and demolition debris.

*Director* means the environmental services director for the City of Edgewater, Florida.

*Dumpster* means a large metal (or plastic) box used for storage of garbage, usually one to eight cubic yards in size that is lifted and emptied mechanically by trucks.

*Dwelling unit* means one or more rooms designed, occupied or intended for occupancy as separate living quarters with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

*Franchise* means a franchise contract granted by the city containing specific provisions of the franchise and includes the provisions contained in this article.

*Franchise area* means the entire city limits of the City of Edgewater and any portion thereof subsequently annexed.

*Franchisee* means any natural person or persons, partnerships, domestic and foreign corporations, associations, joint venture or organization of any kind, which has been legally granted a franchise by the city.

*Franchise fee* means the percentage as specified by this chapter of franchisee's gross revenues derived from the operation of the franchise within the city limits of the City of Edgewater.

*Garbage* means wastes resulting from the preparation, use, cooking and serving of food; wastes from the handling, storage and sale of produce, meats, fish or fowl; and papers, bags, sacks, cartons, boxes, cans, bottles or other containers; and other small rubbish, accumulated about residential premises, business establishments or public institutions. Industrial process wastes from manufacturing or processing plants are not classified as garbage for the purpose of this article.

*Garbage can* means a galvanized metal can or plastic receptacle used to collect solid waste, with a capacity of 35 gallons or less and a loaded weight not to exceed 50 pounds. Such can or receptacle shall have two handles upon the sides of the can or receptacle or a rail by which same may be lifted and shall have a tight-fitting metal or plastic lid. Plastic bags designed to store refuse may be used, provided such bags are strong enough to support the weight of the contents without tearing or splitting when lifted by the top and are securely tied to prevent spillage. The total weight of such bags and contents shall not exceed 40 pounds.

*Garbage cart* means a garbage cart issued to the account holder by the city.

Glass shall mean clear, green, brown colors of glass bottles, jars and containers. It shall exclude mirrors, ceramics, plate glass, window glass, auto glass and kitchen glassware.

Gross revenue shall mean all revenues or receipts received by the franchisee from any customer within the city limits of the City of Edgewater.

*Hazardous waste* means solid wastes or a combination of solid wastes which because of quantity, concentration or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed. Such wastes include, but are not limited to, paint, gasoline, chlorine bleach, ammonia, motor oil, muriatic acid, fertilizer, etc.

Industrial refuse shall mean solid wastes resulting from erecting, removing, repairing or razing buildings, industrial processes and manufacturing operations such as food processing wastes, wood, plastics, metal scrap, chemicals, etc. (excludes restaurant wastes from an industrial firm when handled separately).

Institutional wastes shall mean refuse from schools, hospitals, research institutions, nonprofit organizations, public buildings and churches.

*Multiple-family dwelling* units means a group of more than two adjoining dwelling units. Multiple-family dwelling units individually billed are considered residential. Multiple-family dwelling units being billed against a master water meter are deemed commercial.

Newsprint and Newspapers shall mean old newspapers, including the normal percentage of rotogravure and colored sections; collected and packed loose as received, tied in twine, in paper bags or corrugated boxes.

*Person* means any and all persons, natural or artificial, including any individual, firm or association, partnership, joint venture, or other entity of any kind, type or description engaging in the conduct or activity with which this section is concerned.

Plastics shall mean plastic carbonated beverage containers, bottles or jugs and plastic milk containers. This excludes juice, water, liquor, sports drink and other drink containers as well as dish soap, clothes detergent, food containers or any other plastic containers or plastic bags. Also excluded are automotive/maintenance or other plastic containers that contained hazardous or toxic materials such as motor oil, transmission and brake fluid, windshield washer fluid, gas treatment containers, pool supplies and chemicals, or garden pesticide containers

*Program recyclables* means recovered materials included in the city's recycling program, as determined by the director or their designee.

*Recovered materials* means metal, paper, glass, plastic, textile or rubber materials that have known recycling potential, can be feasibly recycled and have been diverted and source separated or have been removed from the solid waste stream for sale, use or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. Recovered materials as described above are not solid waste.

*Recyclables or recyclable material* means any of those materials such as newsprint, glass jars/bottles, aluminum cans, cardboard, office paper and junk mail, phone books, magazines,

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catalogs and plastic containers which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.

*Recycling bin* means containers owned and provided by the city or subcontractor for the collection of program recyclables from residential customers.

*Refuse* means garbage and rubbish. Industrial process wastes from manufacturing or processing plants are not classified as refuse for the purpose of this article.

*Residential service* means solid waste collection service that is individually billed to single-family dwellings, mobile homes, two-family dwellings and multiple-family dwelling units, and other buildings used for residential purposes.

*Single stream recycling* means a system in which all paper fibers, plastics, metals and other containers are mixed in a collection truck instead of being sorted by the depositor into separate commodities.

*Solid waste* means sludge unregulated under the Federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, refuse, special waste or other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. Recyclable materials are not solid waste.

*Solid waste collection service* means the collection of refuse, yard trash, program recyclables, bulk waste, and white goods from residential service customers and the collection of refuse and yard trash from commercial service customers.

*Solid Waste Division* means the solid waste division of the City of Edgewater within the environmental services department.

*Special waste* means solid wastes which require special handling and management and include, but are not limited to, white goods, whole tires, used oil and lead acid batteries.

Used oil shall mean any oil which has been refined from crude oil or synthetic oil and, as a result of use, storage, or handling has become unsuitable for its original purpose due to the presence of impurities or loss of its original properties, but which may be suitable for further use and is economically recyclable.

*White goods* means inoperative and discarded refrigerators, ranges, freezers, water heaters and other similar domestic and commercial large appliances.

*Yard trash* means trimmings from yard grass, shrubbery and trees, leaves and other vegetative waste materials, resulting from ordinary maintenance and care of homes and businesses. For the purpose of this article, two distinct types of yard trash are defined as follows:

- (1) *Bulk yard trash* means wood matter, including tree branches, larger than four inches in diameter and greater than four feet long.
- (2) *Regular yard trash* means leaves, grass and shrubbery clippings and smaller tree trimmings.

#### **Sec. 19-61. Refuse/recycling utility fees.**

(a) All bills for refuse/recycling utility fees shall be incorporated into the consolidated statement or shall be incorporated into the annual tax bill as a non-ad valorem assessment.

The refuse/recycling utility fee shall become effective upon the issuance of the certificate of



occupancy (CO). In the event of annexation of an existing building, service will be effective upon discontinuance of service by the County of Volusia.

- (b) The established fees shall be applicable irrespective of whether the customer is using said service. The city shall make an initial determination of the number of units within multiple building units and shall be billed for solid waste service(s) on the basis of the units or lots therein. The city may adjust the number of billable units when it shall determine that the actual number of units or lots has changed during the billing period.
- (c) Any business conducted upon or in a homestead may be charge as a single residence or as a business or commercial customer, as determined by the director or designee.

### **Sec. 19-62. Garbage and yard trash containers required.**

- (a) The occupants of each residence, multiple dwelling, business or commercial enterprise and trailer park are required to provide garbage cans and yard trash containers to sufficiently hold the accumulation of garbage and yard trash from each such residence, multiple dwelling, business or commercial establishment or trailer park between the times of said garbage and yard trash is collected. Such cans shall have a maximum capacity of 35 gallons; have a tight-fitting cover/lid and handles on the sides or a rail by which it may be lifted.
- (b) *Carts provided by the city.*
  - (1) Carts provided by the city are the property of the city. Each customer will be provided one cart per equivalent residential unit. Additional carts may be obtained by paying a deposit service charge for the additional cart as outlined in the fee resolution.
  - (2) Upon issuance of a cart from the city, each customer shall use the cart for disposal of household garbage and trash.
  - ~~(3) New account holders will be required to pay a deposit and be offered a choice as to what size cart they will need. Such deposit will be held in a non interest bearing account and will be refunded when the account is closed and the cart is found to be on premises and in good condition or is returned to the environmental services department.~~
  - (4) Each account holder shall have the option of requesting a different size cart one time within a 24-month period free of charge. Additional requests to exchange a cart will be charged a service fee as outlined in the fee resolution.
  - (5) Carts shall be of sufficient size to hold the accumulation of garbage and trash from each residence. The ~~e~~Director of ~~e~~Environmental ~~s~~Services, or designee shall have the right to exchange a smaller cart for a larger cart.
  - (6) Carts are to be rinsed out and cleaned by the customer as necessary to minimize odors and discourage animals.
  - (7) Carts are to remain with the premises. At no time shall a cart be transported to another premises without the express consent of the environmental services department.
  - (8) Stolen carts are to be reported to the City of Edgewater Police Department. No cart will be replaced until such time as a police report number is provided to the environmental services department and the proper form filled out.

**Sec. 19-63. Wrapping and preparation of garbage; keeping covered.**

- (a) All household garbage matter shall be wrapped in paper or plastic before being placed in carts. Tin cans, bottles and other containers shall be first drained of all liquids prior to being placed in carts or recycling containers.
- (b) All broken or shattered glass shall be placed in a separate container from other garbage and trash and said container shall be legibly marked indicating that contents thereof are broken glass and should be handled with caution.
- (c) All garbage cans and carts shall be kept tightly covered at all times except when it becomes necessary to lift the covers for the purpose of depositing garbage in the garbage can or for the purpose of emptying such can in a garbage truck.
- (d) Carts shall not be used for disposal of biohazardous or hazardous waste or construction debris. Weight limits of the carts will be made at the discretion of the director or designee.

**Sec. 19-64. Preparation of yard trash.**

- (a) Leaves, grass clippings, branches and other landscaping maintenance debris must be separately bagged or contained in the required yard trash containers, and shall not be blown, swept or placed into public or private roadways, swales, retention ponds or adjacent properties. Yard trash containing no combustible matter, which will deteriorate or decay without giving off offensive odors, may be accumulated by the owner as mulch or compost at the rear of the premises provided that such is maintained in a neat, orderly and sightly condition.
- (b) Piles of larger yard trash shall be stacked in piles not to exceed four feet in height, four feet in width, and four feet in length.
- (c) No yard trash pickups will be made from vacant lots; provided however, the owner of any vacant lot may make arrangements with the city for pickup of yard trash, and a reasonable charge for such service shall be determined by the city as established by resolution by the city council.
- (d) Yard trash which is not prepared as required herein will not be picked up until additional fees are paid in accordance with the fee resolution and may be a violation of this division.

**Sec. 19-65. Location of containers.**

Garbage and yard trash containers, including city owned carts, when not in use shall be kept away from the front of any building or premises. No garbage or yard trash container or cart shall be kept or maintained upon or adjacent to any street, sidewalk, parkway or front yard and shall not be placed within five feet of any property line. No garbage can or yard trash container or cart shall be deposited upon any adjoining lot, or premises, whether vacant or improved, occupied or unoccupied, or in any street, alley or park in the city. Garbage and yard trash containers and carts may be placed in front of the building or premises after 4:00 p.m. the evening before the scheduled pick-up service. Garbage and trash containers and carts shall be placed at a location on the premises, or on right-of-way immediately adjacent to the premises, which is easily accessible to employees of the solid waste division and which location is no more than five feet from the curb, street pavement or other transportation surface immediately fronting the premises. No carts shall be placed on sidewalks, streets or other locations where interference with public travel may occur, nor shall carts be placed on or in front of neighboring property not in the ownership or

tenancy of the person by whom such refuse are accumulated. All garbage and yard trash containers shall be removed from the front of any building or premises receiving garbage and yard trash pick-up not later than 11:00 p.m. of the day of the scheduled pick-up.

**Sec. 19-66. Inspection of garbage cans and yard trash containers, condemnation.**

All garbage cans and yard trash containers shall be subject to the approval and condemnation by the city's solid waste division staff. Upon condemnation of any garbage can, a notice of condemnation will be placed on the can. The owner or occupant of such premises shall immediately provide a new can or request an additional cart from the city per the requirements of the fee resolution. If a cart is deemed to be condemned, the city will provide a new cart. However, carts intentionally damaged or broken shall be charged a fee for replacement of the cart as outlined in the fee resolution. No appeal for such condemnation shall be possible except to the special magistrate of the City of Edgewater.

**Sec. 19-67. Builders, building contractors and privately employed tree trimmers and tree surgeons.**

Builders, building contractors and privately employed tree trimmers and tree surgeons must remove all yard trash and debris from the premises upon which they are working at their own expense, which shall include limbs, tree trunks, roots, concrete slabs, concrete blocks, wood, dry wall, bricks and all other materials used by contractors in the course of building and/or alterations. If builders, building contractors or privately employed tree trimmers and tree surgeons fail to remove all trash and debris, it shall be the property owner's responsibility to remove such at their own expense.

**Sec. 19-68. Transporting and disposing of solid waste.**

- (a) It shall be unlawful for any person other than city employees to transport solid waste through or over the streets or alleys of the city, unless as exempted below.
- (b) It shall be unlawful for any person to allow accumulations of broken or used appliances, furniture, bedding, building materials or other unsightly accumulations to exist upon any such premises; and it shall be the duty of said person to make arrangements for a private contractor to collect and dispose of said accumulations or request a special pickup from the city for which a separate fee will be charged based on the amount of solid waste to be collected and as outlined in the fee resolution.
- (c) Exemptions from this section shall include the following.
  - (1) Landscape maintenance contractors hauling yard trash to a permitted landfill or transfer station.
  - (2) Private tree trimmers or tree surgeons hauling yard trash to a permitted landfill or transfer station.
  - (3) Private residents hauling yard trash or construction debris to a permitted landfill or transfer station.
  - (4) Permitted and licensed solid waste contractors providing solid waste service to businesses or transporting solid waste through the city in en route to a permitted landfill or transfer station.

- (5) Any organization or business that has an agreement, contract or franchise with the city to transport solid waste.

**Sec. 19-69. Miscellaneous provisions.**

- (a) It shall be unlawful for any customer to place any waste identified as biohazardous or hazardous waste in any solid waste container to be serviced by the city. Such waste shall be disposed of in accordance with local, state and federal laws.
- (b) It shall be unlawful for any person to throw, dump, deposit or place any trash, garbage or litter of any kind in or upon any of the lakes, lake bottoms or public parks or upon the property of another, without the express consent of the owner of such property within the city.

**Secs. 19-70—19-73. Reserved.**

*DIVISION 2. RECYCLABLE MATERIALS*

**Sec. 19-74. Unauthorized collection of recycling containers or recyclable materials.**

- (a) *Prohibited.* No person, firm or corporation shall be permitted to collect or remove either recycling containers or recyclable materials placed in or near the recycling containers or designated collection location unless previously authorized by the city.
- (b) *Penalties for unauthorized collection.* Penalties for unauthorized collection of recycling containers or recyclable materials shall be to the extent permitted by law.

**Sec. 19-75. Recycling containers.**

- (a) Recycling containers shall be provided by the city or the city's designated contractor for the purpose of collecting recyclable materials. All recyclables shall be placed in the container. Any additional items over and above what the container can hold shall be placed near the recycling container in such a manner that the recyclables will not be scattered nor be obtrusive.
- (b) Recycling containers, when not in use, shall be kept away from the front of any building or premises. No recycling container shall be kept or maintained upon or adjacent to any street, sidewalk, parkway or front yard and shall not be placed within five feet of any property line. No recycling container shall be deposited upon any adjoining lot, or premises, whether vacant or improved, occupied or unoccupied, or in any street, alley or park in the city. Recycling containers may be placed in front of the building or premises after 4:00 p.m. the evening before the scheduled pick-up service. Recycling containers shall be placed at a location on the premises, or on right-of-way immediately adjacent to the premises, which is easily accessible to employees of the recycling contractor and which location is no more than five feet from the curb, street pavement or other transportation surface immediately fronting the premises. No recycling container shall be placed on sidewalks, streets or other locations where interference with public travel may occur, nor shall recycling containers be placed on or in front of neighboring property not in the ownership or tenancy of the person by whom such recyclables are accumulated. All recycling containers shall be removed from the front of any building or premises receiving recycling pick-up not later than 11:00 p.m. of the day of the scheduled pick-up.

Sec.s 19-77—19-79. Reserved.

**ARTICLE VI. STORMWATER UTILITY**

**Sec. 19-~~8089~~. Stormwater utility.**

Pursuant to the home rule power of Article VIII, 2(b), Florida Constitution; F.S. ch. 166; and F.S. § 403.0893, the city has established a stormwater management utility and has declared its intention to acquire, own, construct, equip, operate and maintain open drainage ways, underground storm drains, treatment facilities, equipment and appurtenances necessary, useful or convenient for a complete stormwater management system, and also including maintenance, extension and construction of the present stormwater management system of the city; to minimize by suitable means the system's contribution to flooding; to minimize by suitable means the system's adverse effect on the water quality of lakes, ponds, rivers and basins within the city and to seek the cooperation of the county and other municipalities in minimizing the effects of all such systems and other sources of accelerated runoff to the flooding and water quality.

**Sec. 19-~~8190~~. Findings, determination and intent.**

It is hereby found, determined and declared as follows:

- (a) Those elements of the stormwater system for the collection of and disposal of storm and surface water are of benefit and provide services to all property within the city, including property not presently served by the storm elements of the system.
- (b) The cost of operating and maintaining the city's stormwater management utility system and financing necessary repairs, replacements, improvements and extension thereof should to the extent practicable, be allocated in relationship to the user impacts, benefits enjoyed and services received there from.
- (c) All property within the city demonstrates a hydrologic response to rainfall events which generates stormwater runoff. The volume, rate, and quality of this runoff will vary with the soil type, land use conditions, topographic conditions, and other variables. In particular, the construction of nonresidential units on previously undeveloped property will generally increase the volume and rate of stormwater runoff, and adversely affect its water quality.
- (d) It is the intent of this article to declare stormwater management as a city utility and to maintain a program of service charges and fees for stormwater management services, which charges and fees are to be levied against all developed property within the city to accomplish the purposes of the utility.

**Sec. 19-~~8291~~. Stormwater utility fee—Imposed; purpose.**

A stormwater fee in an amount as established by resolution of the city council is hereby imposed upon each developed lot and parcel within the city for services and facilities provided by the stormwater management utility system. For purposes of imposing the stormwater fee, all lots and parcels within the city are classified as residential or nonresidential.

**Sec. 19-~~8392~~. Same—Schedule.**

There is hereby established a uniform schedule of charges and fees for the services and uses of the facilities of the stormwater system by the owner of property (to include the tenant(s) or occupant(s)), using the services and facilities of the system:

- (a) *Residential.* Each single-family residential unit shall be billed a flat fee based upon one equivalent drainage unit (EDU) per dwelling unit. For multifamily residential developments, the account holder of the master meter shall be billed the fee established by resolution of the city council for an EDU multiplied by the number of residential units.
- (b) *Nonresidential.* For nonresidential properties, the number of equivalent drainage units (EDU) shall be determined. All nonresidential properties, not covered by subsection (1) shall be billed based on the total impervious area of the property divided by the equivalent drainage unit factor and then multiplied by the rate established for each EDU. The calculation of the EDU amount shall be done to the nearest hundredth of an equivalent drainage unit. Gross parcel area and impervious area shall be determined for each parcel using site plans, tax maps, REDI maps, aerial photos, and any other appropriate information. For nonresidential properties, the total bill will be sent to the account holder of the master meter or to the property owner as determined by the city.
- (c) *Charge per EDU.* The charge per EDU will be as established by resolution of the city council.
- (d) *Minimum bill.* The minimum bill for developed property shall be for one EDU.

**Sec. 19-~~8493~~. Equivalent drainage unit calculation.**

The equation for calculating the number of EDU's applicable to any property is as follows:

$$IP/CA = EDU$$

Where:

IP = Impervious area in square feet of utility account.

CA = Contributing area of a residential unit equal to 2,027 square feet.

EDU = Equivalent drainage unit.

**Sec. 19-~~8594~~. Appeal of surface calculation.**

Any person disagreeing with the calculation of EDU's as determined by the city, may appeal such determination to the city manager or his designee. Any appeal must be filed in writing and, as determined by the city manager, shall include a survey prepared by a registered surveyor showing total property area and impervious surface area. Based upon the information provided by the city and the appealing party, the city manager or designee shall make a final calculation of pervious and impervious surfaces. The city manager shall notify the parties, in writing, of the decision. If still dissatisfied, a party may appeal the city manager's decision to the city council in the same manner as preceded. The decision of the city council shall be final. Any adjustment to the originally determined area shall be retroactive to commencement of the charges and fees provided said adjustment was requested within one year from the commencement of the charges

and fees; thereafter any adjustment to the impervious area shall apply only from the date of the request for the adjustment.

**Sec. 19-~~8695~~. Stormwater utility fund.**

- (a) All stormwater management utility fees collected by the city shall be paid into a separate fund to be known as the "stormwater utility fund". Such fund shall be used for the purpose of paying the cost of stormwater drainage facilities to be constructed in the various storm drainage basins and paying the cost of operation, administration and maintenance of the stormwater system of the city. To the extent that the stormwater management fees collected are insufficient to construct and/or maintain the needed stormwater system, the cost of the same may be paid from such city fund as may be determined by the city council, but the city council may order the reimbursement of such fund if additional fees are thereafter collected. When the fund has surplus dollars on hand in excess of current needs, the surplus dollars will be invested to return the highest yield consistent with proper safeguards.
- (b) The fees and charges paid shall not be used for general or other governmental or proprietary purposes of the city, except to pay for the equitable share of the cost of accounting, management and government thereof. Other than as described above, the fees and charges shall be used solely to pay for the cost of operation, repair, maintenance, improvements, renewal, replacement, design, permitting, right-of-way acquisition and construction of public stormwater drainage facilities and costs incidental thereto.

**Sec. 19-~~8796~~. Stormwater utility fee collection.**

All bills for stormwater utility fees shall be incorporated into the consolidated statement or shall be incorporated into the annual tax bill as a non-advalorem assessment and shall be payable in accordance with section 19-7. The stormwater utility fees shall become effective upon the issuance of the certificate of occupancy (CO).

**Sec. 19-~~8897~~. Enforcement.**

- (a) The city shall be permitted to enter all properties tributary to the city's stormwater system for the purposes of inspections, observations, measurements and testing in accordance with the provisions of this chapter and any rules or regulations adopted pursuant hereto.
- (b) Any person violating any of the provisions of this article shall be punished as provided herein and shall become liable to the city for any expense, loss or damage occasioned by the city by reason of such violation to include reasonable attorney's fees whether or not litigation is necessary.

**Sec. 19-~~8998~~. Municipal separate storm sewer system (MS4) illicit discharges and connections.**

- (a) Discharges to the city stormwater system. No discharge to the city's stormwater system ("MS4") shall be permitted to impair the operation of the MS4 or contribute to the failure of the MS4 to meet any local, state or federal requirements, including, but not limited to NPDES permits.
- (b) Stormwater discharges to a MS4 from industrial, commercial or construction activities or from new development or redevelopment projects are required to obtain appropriate local, state and/or federal permits prior to discharging to the MS4.

- (c) Any person determined by the city to be responsible for a discharge contributing to the failure of the city's MS4 to comply with the provisions and conditions of an NPDES permit shall be guilty of a violation of this section and shall provide corrective measures as determined necessary by the city and shall be liable for fines and damages, including reasonable attorney's fees whether or not litigation is necessary.
- (d) Stormwater discharges from industrial, commercial and construction activities.
  - (1) Stormwater discharges from industrial and commercial activities shall be treated or managed on-site, in accordance with appropriate federal, state or local permits and regulations, prior to discharge to the city's MS4.
  - (2) Stormwater discharges from significant construction activities shall be treated or managed on-site in accordance with appropriate federal, state or local permits and regulations, prior to discharge to the city's MS4. Erosion, sediment and pollution control for the construction site shall be properly implemented, maintained and operated according to a pollution prevention plan required by an NPDES permit for the discharge of stormwater from construction activities, or according to a state permit issued by the Florida Department of Environmental Protection or St. John River Water Management District.
  - (3) Construction activity which is not defined as significant is still characterized as an illicit connection or illicit discharge if the activity causes an impairment of the operation of the MS4 or contributes to the failure of the MS4 to meet any local, state or federal requirements, including, but not limited to NPDES permits.
  - (4) The owners or operators of industrial facilities, commercial entities and construction sites which discharge stormwater to the city's MS4 shall provide prior written notification to the city of the discharge and shall have received prior approval of the discharge from the city.
- (e) Control of pollutant contributions from interconnected stormwater systems. The discharge of stormwater between interconnected state, county, cities or other MS4's shall not be permitted to cause the city's MS4 to be in violation of the provisions of an NPDES permit. Owners of any portion of the interconnected MS4 shall be responsible for controlling the quality and quantity of discharge of stormwater to the city's MS4.
- (f) Prohibition of illicit discharges and illicit connections.
  - (1) Illicit discharges and illicit connections to the city's MS4 are prohibited.
  - (2) Failure to report a connection to the city's MS4 or to waters of the United States from industrial activities, commercial entities or construction activities constitutes an illicit connection.
  - (3) Failure to report to the city a discharge to the city's MS4 or to waters of the United States from industrial activities, commercial entities or construction activities constitutes an illicit discharge.
  - (4) Any discharge to the city's MS4 or to waters of the United States which is in violation of federal, state or local permits or regulations constitutes an illicit discharge.



- (5) Persons responsible for illicit discharges or illicit connections shall immediately cease the illicit discharge or illicit connection, and obtain appropriate approvals from applicable regulatory agencies prior to resuming the discharge or connection.
- (g) Inspection and monitoring for compliance. City personnel shall be granted access for inspection of facilities discharging or suspected of discharging to the city's MS4 or waters of the United States in order to effectuate the provisions of this article and to investigate violations or potential violations of any of the terms herein. All structures and processes which allow discharges to the city's MS4, as well as records concerning them, shall be made accessible to the city's personnel for this purpose.
- (h) Maintenance of structures. Structural control and other BMPs used for controlling the discharge of pollutants to the city's MS4 or to waters of the United States shall be operated and maintained so as to function in accordance with permitted design and performance criteria and in compliance with federal, state or local permit conditions and regulations.
- (i) Exemptions. The following activities shall not be considered an illicit discharge or illicit connection, unless such activities cause, or significantly contribute to, the impairment of the use of the city's MS4 or the violation of the conditions of the city's NPDES permit:
- (1) Water line flushing;
  - (2) Flushing of reclaimed water lines;
  - (3) Street cleaning;
  - (4) Sidewalk/building power washing;
  - (5) Construction dust control;
  - (6) Landscape and lawn irrigation;
  - (7) Diverted stream flows or lake waters;
  - (8) Foundation, footing and roof drains;
  - (9) Uncontaminated groundwater infiltration;
  - (10) Discharges from potable water sources;
  - (11) Air conditioning condensate or cooling water;
  - (12) Springs;
  - (13) Individual residential car washing;
  - (14) Flows from riparian habitat and wetlands; and
  - (15) Discharges or flow from emergency fire fighting activities and emergency response activities done in accordance with adopted spill response/action plans.
- (j) Discharges of polluting matter in stormwater systems prohibited. It shall be unlawful for any person to drain, deposit, place or otherwise discharge pollutants into any stormwater system within the city, or to cause or permit to be drained, deposited, placed or otherwise discharged into such stormwater system any organic or inorganic matter which causes pollution, pursuant to the water quality standards established by all applicable regulatory agencies. Polluting matter includes, but is not limited to the following:
- (1) Petroleum products, including, but not limited to, oil, gasoline and grease;

- (2) Solid waste;
- (3) Paints;
- (4) Steam cleaning waste;
- (5) Pesticides, herbicides or fertilizers;
- (6) Degreasers, solvents;
- (7) Sanitary sewage;
- (8) Gray water, such as washing machine wastewater;
- (9) Chemically treated cooling water;
- (10) Antifreeze and other automotive products;
- (11) Lawn clippings, leaves, branches, etc.;
- (12) Animal carcasses;
- (13) Recreational vehicle waters;
- (14) Dyes;
- (15) Construction materials;
- (16) Any liquids in quantity or quality which are capable of causing a violation of the city's NPDES stormwater permit; and
- (17) Solids in such quantities or of such size capable of causing interference or obstruction to the flow in the city's stormwater system.
- (18) Washing of any public or private streets, buildings, sidewalks or parking areas, unless all visible debris and sediments have been removed prior to washing. If the removal of the debris and sediments is not feasible, as determined by the director or designee, then the street, building, sidewalk or parking area may only be washed with the city's written approval, which may include requirements to clean the affected drainage pipelines or provide treatment of wastewater to prevent downstream pollution.

(k) Enforcement, penalties and legal proceedings.

- (1) All persons in violation of this regulation shall remedy such violations immediately. All persons in violation shall, in addition to all other required remedial actions, upon detection and/or written notification by the city, provide a written response outlining the temporary and permanent measures that will be taken to correct the violation and a proposed schedule for completion of the corrective measures. All such proposals for corrective action are subject to the approval of the city.
- (2) The city is authorized to issue cease and desist orders in the form of written official notices hand delivered or sent by registered mail to the person(s) believed to be responsible for the violation and/or the owner of the property from, or on which the violation is believed to be occurring. Specific activities and operations may be ordered to cease based upon the following conditions:

- a. In a situation that may have a serious effect on the health, safety or welfare of the public or the environment, including the quality of stormwater in the city's MS4; or
  - b. When irreversible or irreparable harm may result, in the opinion of the city, and immediate cessation of the activity is necessary to protect the quality of the stormwater in the city's MS4, the public or the environment.
- (3) Should any person responsible for a violation of this regulation fail to take the remedial action as required by the city, the city may take such remedial action, and all costs incurred by the city shall be the responsibility of the person or persons responsible for the violation, and the city may record a lien against the personal and/or real property of the violators to recover said costs and to collect all fines and penalties imposed.
  - (4) In addition to the remedies provided herein, the city may make application to a court of competent jurisdiction for injunctive relief to restrain any person from violating or continuing to violate the provisions of this regulation. In addition, the city may also seek entry of a court order requiring restoration and mitigation of any impacted facilities, lands of waters, and may request any other appropriate legal remedy, including reimbursement of court costs. The city shall be entitled to an award of attorney's fees in prosecuting such actions, together with all attorney's fees and costs on appeal.
  - (5) Any fines or other funds received as a result of enforcement action under this regulation and which are not used for the specific purposes enumerated herein shall be deposited into the stormwater utility fund, established under City Code.
  - (6) Penalties for violation of this article shall be outlined in a separate resolution as approved from time to time by the city council.

## ***ARTICLE VII. WATER CONSERVATION STANDARDS***

### **Sec. 19-~~9099~~. Definitions.**

*Address* means the house number of a physical location of a specific property. This includes "rural route" numbers but excludes post office box numbers. If a lot number in a mobile home park or similar community is used by the U.S. Postal Service to determine a delivery location, the lot number shall be the property's address. An "even numbered address" means an address ending in the numbers 0,2,4,6,8 or the letters A-M. An "odd numbered address" means an address ending in the numbers 1, 3, 5, 7, 9 or the letters N—Z.

*Nonresidential landscape irrigation* means the irrigation of landscape not included within the definition of "residential landscape irrigation", such as that associated with public commercial and industrial property, including commercial or transient housing units, hotel and motel units and public medians and rights-of-way.

*Residential landscape irrigation* means the irrigation of landscape associated with any housing unit having sanitary and kitchen facilities designed to accommodate one or more residents, including multiple housing units and mobile homes.

**Sec. 19-~~91~~100. Variances.**

- (a) When the city finds that compliance with any of the requirements of this article would result in undue hardship for a specific user, a variance from any one or more such requirements may be granted by the city, provided the variance is the minimum necessary to alleviate such undue hardship for the user and to the extent such variance can be granted without impairing the intent and purpose of this article.
- (b) All users requesting a variance from the provisions of this article shall file a petition for variance to the city, but must conform to the greatest possible extent to the water use restrictions of this article until such variance is granted. The city shall respond to the petitioner within five working days as to whether the variance is approved. In the event of denial, petitioner may request city council to overturn the director's decision.
- (c) A petition for variance shall be in writing and contain the following:
  - (1) The petitioner's name and address.
  - (2) The specific provision from which the petitioner is requesting a variance.
  - (3) A detailed statement of the facts which the petitioner believes demonstrate that the request qualifies for variance from section 19-92.
  - (4) A description of the variance desired.
  - (5) The period of time for which the variance is sought, including the reasons and facts in support thereof.
  - (6) The damage or harm resulting or which may result to the petitioner from compliance with the provision.
  - (7) The steps the petitioner is taking to meet the provisions from which the variance is sought and when compliance could be achieved.
  - (8) Other relevant information the petitioner believes supports his/her petition for variance.
- (d) No petition for variance shall be approved unless the petitioner affirmatively demonstrates that one or more of the following circumstances exists:
  - (1) The variance is essential to protect health or safety;
  - (2) Compliance with the provision from which a variance is sought will require measures which, because of their extent or cost, cannot be accomplished;
  - (3) Compliance with the provision from which a variance is sought will result in a substantial economic, social or health burden on the petitioner or those served by the petitioner; or
  - (4) Alternative restrictions which achieve the same level of demand reduction as the provision are available and reflect the intent and purpose of this article.
- (e) No variance shall be granted from section 19-92 to allow a single irrigation zone to be irrigated more than two days per week during Daylight Savings Time or more than one day per week during Eastern Standard Time.

**Sec. 19-~~92~~101. Declaration of water shortage.**

- (a) The City of Edgewater has determined that the groundwater resource available to its citizens is a sole-source aquifer and is not connected to other groundwater resources. The city deems it necessary to be able to determine water shortages based on the data available in the city independent of data available elsewhere in the district.
- (b) The city council shall declare a water shortage or water shortage emergency based on public concern and technical information, such as, but not limited to, well draw down levels, groundwater levels and rainfall, and establish a specific level of water conservation and use corresponding to a level as set forth in this article.
- (c) In the event the district declares a water shortage and implements its water shortage plan, 40C-21, Florida Administrative Code, the water shortage plan and all elements of said plan become effective and take precedence over the provisions of this article, provided that the plan provides for a more restrictive level of water conservation than the level in effect, until the water shortage declaration expires.

**Sec. 19-~~102~~93. Landscape irrigation schedules.**

The city, in order to provide the necessary levels of year-round water conservation and provide for the most logical transition to a declared water shortage, water shortage emergency or the district water shortage plan, shall establish the following levels of water conservation and use for landscape irrigation using ground or surface water, from a private well or pump, or from a public or private utility:

When Daylight Savings Time is in effect, landscape irrigation shall occur only in accordance with the following schedule:

Residential landscape irrigation at odd numbered addresses or no address:

- a. Potable or well water irrigation may occur only on Wednesday and Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
- b. Reclaimed water system includes systems in which the primary source is reclaimed water, which may or may not be supplemented from another source during peak demand periods. Irrigation with reclaimed water may occur only on Monday, Wednesday and Saturday, unless provided for by an exception as identified within this article, and shall not occur between 10:00 a.m. and 4:00 p.m.; and

Residential landscape irrigation at even numbered addresses:

- a. Potable or well water irrigation may occur only on Thursday and Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
- b. Reclaimed water system includes systems in which the primary source is reclaimed water, which may or may not be supplemented from another source during peak demand periods. Irrigation with reclaimed water may occur only on Sunday, Tuesday, and Thursday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

Nonresidential landscape irrigation may occur only on Tuesday and Friday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

No more than  $\frac{3}{4}$  inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than one hour per irrigation zone on each day that irrigation occurs.

When Eastern Standard Time is in effect, landscape irrigation shall occur only in accordance with the following schedule:

Residential landscape irrigation at odd numbered addresses or no address:

- a. Potable or well water irrigation may occur only on Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
- b. Reclaimed water system includes systems in which the primary source is reclaimed water, which may or may not be supplemented from another source during peak demand periods. Irrigation with reclaimed water may occur only on Monday, Wednesday and Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

Residential landscape irrigation at even numbered addresses:

- a. Potable or well water irrigation may occur only on Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
- b. Reclaimed water system includes systems in which the primary source is reclaimed water, which may or may not be supplemented from another source during peak demand periods. Irrigation with reclaimed water may occur only on Sunday, Tuesday, and Thursday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

Nonresidential landscape irrigation may occur only on Tuesday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

No more than  $\frac{3}{4}$  inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than one hour per irrigation zone on each day that irrigation occurs.

All landscape irrigation shall be limited in amount to only that necessary to meet landscape needs and in accordance with the schedules herein:

*Level II.* Level II shortage corresponds to the district's Phase II Severe Water Shortage Plan and all provisions therein as set forth in 40C-21.631, F.A.C. which are incorporated herein by reference. Upon declaration of a severe water shortage by the District, and landscape irrigation conducted in violation of the schedule established by the District shall be punishable as set forth in this article.

*Level III.* Level III shortage corresponds to the district's Phase III Extreme Water Shortage Plan and all provisions therein as set forth in 40C-21.641, F.A.C. which are incorporated herein by reference. Upon declaration of an extreme water shortage by the district, any landscape irrigation conducted in violation of the schedule established by the district shall be punishable as set forth in this Article.

*Level IV.* Level IV shortage corresponds to the district's Phase IV Critical Water Shortage Plan and all provisions therein as set forth in 40C-21.651, F.A.C. which are incorporated herein by reference. Upon declaration of a critical water shortage by the district, any landscape

irrigation conducted in violation of the schedule established by the district shall be punishable as set forth in this article.

**Sec. 19-~~94~~103. General restrictions on water use.**

*Excessive and unnecessary water use.* Excessive, wasteful and unnecessary water use is hereby prohibited. Excessive, wasteful and unnecessary water use includes but is not limited to:

Allowing water to be dispersed without any practical purpose to the water user, regardless of the type of water use;

Allowing water to be dispersed in a grossly inefficient manner, regardless of the type of water use; and

Allowing water to be dispersed to accomplish a purpose for which water use is unnecessary or which can be readily accomplished through alternative methods of significantly less water use.

*Discharge of groundwater used in heating or air conditioning systems.* All groundwater utilized in water-to-air heating and air conditioning systems must be directed to landscape irrigation systems, groundwater injection or exfiltration systems. Off-site discharge from heating and air conditioning systems is prohibited.

All automatic landscape irrigation systems, regardless of date of installation, shall be equipped with rain sensor devices or soil moisture sensing devices that overrides the irrigation system when adequate rainfall has occurred.

**Sec. 19-~~95~~104. Exceptions.**

Landscape irrigation shall be subject to the following irrigation schedule exceptions:

- (a) Irrigation using a micro-spray, micro-jet, drip or bubbler irrigation systems is allowed anytime.
- (b) Agricultural uses are exempt from the provisions of this article, as long as they follow the agricultural water conservation requirements of the district.
- (c) Irrigation of new landscape is allowed at any time of day on any day for the initial 30 days and every other day for the next 30 days for a total of one 60-day period, provided that the irrigation is limited to the minimum amount necessary for such landscape establishment.
- (d) Watering in of chemical, including insecticides, pesticides, fertilizers, fungicides, and herbicides, when required by law, the manufacturer, or best management practices, is allowed at any time of day on any day within 24 hours of application. Watering in of chemicals shall not exceed ¼ inch of water per application except as otherwise required by law, the manufacturer, or best management practices.
- (e) Irrigation systems may be operated at any time of day on any day for maintenance and repair purposes not to exceed 20 minutes per hour per zone.
- (f) Irrigation using hand-held hose equipped with an automatic shut-off nozzle is allowed at any time of day on any day.
- (g) Discharge of water from a water-to-air air conditioning unit or other water-dependent cooling system is not limited. Exemption stickers shall be applied for

and issued by the city for water-to-air conditioning units and shall be displayed in a conspicuous location easily viewed by enforcement personnel.

- (h) The use of recycled water from wet detention treatment ponds for irrigation is allowed anytime provided the ponds are not augmented from any ground or off-site surface water, or public supply sources.
- (i) Filling or refilling of swimming pools, except as necessary during construction process, repairs, or following any voluntary cessation of use of the pool to prevent leakage of water, and except as necessary to raise the level of water to allow the pool's skimmer to properly function, is prohibited. The continuous refilling of swimming pools while a leak is occurring is hereby prohibited.
- (j) It is understood there may be times when it is in the best interest for the continued operation and permit requirements of the wastewater treatment plant to temporarily rescind reclaimed water restrictions. At the discretion of the city, reclaimed water irrigation on additional days and/or times is hereby authorized. Such deviation shall occur only as long as necessary to meet the needs of the wastewater treatment plant and the city shall publicly announce when the additional days and/or times are no longer necessary and that the schedule set forth herein is back in effect.

**Sec. 19-~~96~~105. Violations; declaration.**

The city hereby finds and declares that a violation of this article presents a serious threat to the public health, safety, and welfare and is irreparable or irreversible in nature. Penalties for violation of this article shall be outlined in a separate resolution as approved from time to time by the city council.

**Sec. 19-~~97~~106. Enforcement.**

- (a) Each employee with designated code enforcement authority, in connection with his/her duties imposed by law, and are hereby authorized to enforce the provisions of this article, shall have the power to enforce violations as set forth in the Code of Ordinances of the City of Edgewater.
- (b) It shall be the duty of the designated enforcement employees to investigate complaints of violations of City Codes and to initiate enforcement proceedings as outlined in the City of Edgewater Code of Ordinances.
- (c) The city is hereby authorized to discontinue reclaimed water service to any property wherein a violation of this article continues to exist after service of warning notice or citation as provided above. Reclaimed water service shall not be restored until the violation is corrected and the appropriate reconnection fee is paid.

**Sec. 19-~~107~~98. Penalty.**

Any person, firm or corporation violating any provisions of this article shall, upon conviction, be fined in accordance to penalties adopted by resolution by the city council. If a person who has committed the violation does not contest the citation, a civil penalty of less than the maximum allowed will be assessed. Any citation may be contested to the City of Edgewater Citizens Code Enforcement Board.



**Secs. 19-99, 19-100. Reserved.**

***ARTICLE VIII. GREATER EDGEWATER WATER, WASTEWATER AND RECLAIMED WATER SERVICE AREA***

**Sec. 19-108~~1~~. Creation; purpose.**

There is hereby created under authority of F.S. § 180.02 (1985) an area defined as the "City of Edgewater, Wastewater and Reclaimed Water Service Area" for the purpose of delivering to that area water, wastewater and reclaimed water services and exercising within that area the powers provided for by law.

**Sec. 19-109~~2~~. Property map.**

The Edgewater Water, Wastewater and Reclaimed Water Service Area shall include the property in Volusia County, attached hereto as Exhibit "A", and by reference incorporated herein as if fully set forth on file and available for inspection in the office of the city clerk. The map may be updated from time to time.

**Sec. 19-~~103~~110. Extension from corporate limits.**

The Greater Edgewater Water, Wastewater and Reclaimed Water Service Area shall not extend for more than five miles from the corporate limits from the city, as amended from time to time.

**Sec. 19-~~104~~111. Property within any other incorporated municipality excluded.**

None of the Greater Edgewater Water, Wastewater and Reclaimed Water Service Area includes any area within the city limits of any other incorporated municipality.

**Sec. 19-~~105~~112. Legal description.**

The legal description by metes and bounds of the land in Volusia County, Florida, included within the City of Edgewater City Water, Wastewater, and Reclaimed Water Service Area is on file with the city clerk and available for inspection and copying.

**Sec. 19-106. Reserved.**

**Sec. 19-107. Water and wastewater availability.**

- (a) To the full extent permitted by law, all buildings and structures which are located or constructed on property in the Greater Edgewater Water, Wastewater and Reclaimed Water Service Area and which are adjacent to a public right-of-way or easement that has a water main or gravity sanitary wastewater located in it, are hereby required, except as provided in paragraphs (b) and (c), to connect with and use the services and facilities of the city water and wastewater systems in order to preserve the health, safety and welfare of the citizens and inhabitants of the Edgewater Water, Wastewater and Reclaimed Water Service Area.
- (b) A water main or gravity sanitary wastewater is considered adjacent or available to a property when it is located anywhere in a public right-of-way or easement adjoining the property. A water main or gravity sanitary wastewater will not be considered available in a state road right-of-way unless it is located on the same side of the paved roadway as the property to be served. When the water main and/or gravity sanitary wastewater is available

to a property that property will be billed a water service availability charge and/or a wastewater service availability charge as set forth by resolution of the city council. The service availability charge will be credited toward the development fee at the time the building or structure located on the property is connected to the city water and/or wastewater systems as set forth in this article.

- (c) If a water main is adjacent or available to a property, and a building or structure located on that property is connected to an individual well, then that building or structure will be required to be connected to the City of Edgewater's water system when the well system fails, becomes contaminated or experiences a dry well condition or a permit is requested from the Volusia County Health Department or other appropriate authority for a replacement well but shall be connected to the water main no greater than 90 days from the date of notification.

**Sec. 19-108. Reserved.**

***ARTICLE IX. FLORIDA-FRIENDLY FERTILIZER USE***

**Sec. 19-109. Findings.**

As a result of impairment to surface waters caused by excessive nutrients, and as a result of increasing levels of nitrogen in the surface and around water within the aquifers and springs, the city council hereby determines that the use of fertilizers creates a risk of contributing to adverse effects on surface and groundwater. Accordingly, the city council hereby finds that management measures promulgated by the Florida Department of Environmental Protection (FDEP) as contained in the most recent edition of the manual "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" are required.

**Sec. 19-110. Purpose and intent.**

This article regulates the proper use of fertilizers by any applicator; requires proper training of commercial and institutional fertilizer applicators; establishes training and licensing requirements; establishes a prohibited application period; and specifies allowable fertilizer application rates and methods, fertilizer-free zones, low maintenance zones, and exemptions. This article requires the use of best management practices, which provide specific management guidelines to minimize negative secondary and cumulative environmental effects associated with the misuse of fertilizers. These secondary and cumulative effects have been observed in and on natural and constructed stormwater conveyances, rivers, creeks, canals, springs, lakes, estuaries and other waterbodies. Collectively, these waterbodies are an asset critical to the environmental, recreational, cultural and economic well-being of city residents and the health of the public in general. Overgrowth of algae and vegetation hinder the effectiveness of flood attenuation provided by natural and constructed stormwater conveyances. Regulation of nutrients, including both nitrogen and phosphorus contained in fertilizer, will help improve and maintain water and habitat quality.

**Sec. 19-111. Definitions.**

For the purposes of this article, the following terms shall have the meanings set forth in this section. Words used in the singular shall include plural, and the plural, singular; words used in the present tense shall include future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined herein shall have the meaning given in other

sections of this Code and if not therein, shall have the meaning given by common and ordinary use:

*Administrator* means the city manager or an administrative official designated by the city manager to administer and enforce the provisions of this article.

*Application* or *apply* means the actual physical deposit of fertilizer to turf and/or landscape plants.

*Applicator* means any person who applies fertilizer on turf and/or landscape plants.

*Approved best management practices training program* means a training program approved pursuant to F.S.§403.9338 or any more stringent requirements set forth in this article that includes the most current version of the Florida Department of Environmental Protection (FDEP) manual "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries," as may be amended.

*Best management practices* means turf and landscape practices or a combination of practices based on research, field-testing, and expert review determined to be the most effective and practicable on-location means, including economic and technological considerations, for the improving water quality, conserving water supplies and protecting natural resources.

*Code enforcement officer, official or inspector* means any designated employee or agent whose duty is to enforce codes and ordinances.

*Commercial fertilizer applicator*, except as provided in F.S. §482.1562(9), means any person who applies fertilizer for payment or other consideration to property not owned by the person or firm applying the fertilizer or the employer of the applicator.

*Fertilize* means the act of applying fertilizer to turf, specialized turf or landscape plants.

*Fertilizer* means any substance or mixture of substances that contains one or more recognized plant nutrients and promotes plant growth or controls soil acidity or alkalinity or provides other soil enrichment, or provides other corrective measures to the soil. Fertilizer does not include unmanipulated peat or compost which make no claims as described in the preceding sentence.

*Guaranteed analysis* means the percentage of plant nutrients or measures of neutralizing capability claimed to be present in a fertilizer.

*Institutional fertilizer applicator* means any person, other than a private, noncommercial or a commercial fertilizer applicator (unless such definitions also apply under the circumstances), that applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional fertilizer applicators shall include, but not be limited to: owners, managers or employees of public lands, schools, parks, religious institutions, utilities, industrial or business sites and any residential properties maintained in condominium and/or common ownership.

*Landscape plant* means any native or exotic tree, shrub or groundcover (excluding turf).

*Low maintenance zone* means an area a minimum of ten feet wide adjacent to watercourses which is planted and managed in order to minimize the need for fertilization, watering, mowing, etc.

*Person* means any natural person, business, corporation, limited liability company, partnership, limited partnership, association, club, organization, and/or any group of people acting as an organized entity.

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Underlined passages are added

*Prohibited application period* means the time period during which a flood watch or warning, a tropical storm watch or warning, a hurricane watch or warning is in effect for any portion of Volusia County, issued by the National Weather Service, or if heavy rain, as defined by the World Meteorological Organization, as rainfall greater than or equal to two inches in a 24-hour period is likely.

*Saturated soil* means a soil in which the voids are filled with water. Saturation does not require flow. For the purposes of this article, soils shall be considered saturated if standing water is present or the pressure of a person standing on the soil causes the release of free water.

*Slow release, controlled release, timed release, slowly available, or water insoluble nitrogen* means nitrogen in a form which delays its availability for plant uptake and use after application, or which extends its availability to the plant longer than a reference rapid or quick-release product.

*Turf, sod or lawn* means a piece of grass-covered soil held together by the roots of the grass.

### **Sec. 19-112. Applicability.**

This article shall apply and regulate any and all applicators of fertilizer and areas of application of fertilizer within the incorporated limits of the city, unless such applicator is specifically exempted by the terms of this article. This article shall be prospective only and shall not impair any existing contracts.

### **Sec. 19-113. Timing of fertilizer application.**

- (a) No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during the prohibited application period, or to saturated soils.
- (b) Fertilizer containing nitrogen or phosphorus shall not be applied before seeding or sodding a site and shall not be applied for the first 30 days after seeding or sodding, except when hydro-seeding for temporary or permanent erosion control in an emergency situation, or in accordance with an adopted stormwater pollution prevention plan for that site.
- (c) Fertilizer containing nitrogen or phosphorus shall not be applied to turf or landscape plants June 1 through September 30 of each year.

### **Sec. 19-114. Fertilizer-free zones.**

Fertilizer shall not be applied within 15 feet of any pond, stream, watercourse, lake, canal or wetland as defined by the Florida Department of Environmental Protection Rule 62-340, Florida Administrative Code, or from the top of a seawall. Newly planted turf and/or landscape plants may be fertilized in this zone only for a 60-day period beginning 30 days after planting if needed to allow the plants to become well established. Caution shall be used to prevent direct deposition of nutrients into the water.

### **Sec. 19-115. Low maintenance zones.**

A voluntary ten-foot low maintenance zone is strongly recommended, but not mandated from any pond, stream, watercourse, lake, wetland or from the top of a seawall. A swale/berm system is recommended for installation at the landward edge of this low maintenance zone to capture and filter runoff. No mowed or cut vegetative material may be deposited or left remaining in this zone or deposited in the water. Care should be taken to prevent the over-spray of aquatic weed products in this zone.

**Sec. 19-116. Fertilizer content and application rates.**

- (a) Fertilizers applied to turf shall be applied in accordance with requirements and directions provided by Rule 5E-1.003 Florida Administrative Code, "Fertilizer Label Requirements for Urban Turf, Sports Turf or Lawns."
- (b) Nitrogen or phosphorus fertilizer shall not be applied to turf or landscape plants except as provided in subsection (a) for turf or in the University of Florida/IFAS recommendations for landscape plants, vegetable gardens and fruit trees and shrubs, unless a soil or tissue deficiency has been verified by an approved test.
- (c) Fertilizers containing phosphorous shall not be applied to turf, sod, lawns or landscape plants in the City of Edgewater. No fertilizer containing phosphorus shall be applied to turf, sod, lawns or landscape plants unless a soil or plant tissue deficiency is verified by a testing methodology approved by the University of Florida, Institute of Food and Agricultural Sciences. If a deficiency is verified, the application of fertilizer containing phosphorus shall adhere to the rates and directions for the appropriate region of Florida as adopted by Florida Administrative Code Rule. This subsection supersedes any inconsistent provisions in subsections (a) and (b) regarding phosphorus.
- (d) Fertilizers containing nitrogen applied to turf or landscaping plants within the City of Edgewater shall contain no less than 50 percent slow release nitrogen per guaranteed analysis label. This subsection supersedes any inconsistent provisions in subsections (a) and (b) regarding nitrogen.

**Sec. 19-117. Application practices.**

- (a) Spreader deflector shields are required when fertilizing via rotary (broadcast) spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces, fertilizer-free zones and waterbodies, including wetlands.
- (b) Fertilizer shall not be applied, spilled or otherwise deposited on any impervious surfaces.
- (c) Any fertilizer applied, spilled or deposited, either intentionally or accidentally on any impervious surface shall be immediately and completely removed to the greatest extent practicable.
- (d) Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container.
- (e) In no case shall fertilizer be washed, swept or blown off impervious surfaces into stormwater drains, ditches, conveyances or waterbodies.

**Sec. 19-118. Management of grass clippings and vegetative matter.**

In no case shall grass clippings, vegetative material and/or vegetative debris be washed, swept or blown off into stormwater drains, ditches, conveyances, waterbodies, wetlands or sidewalks or roadways. Any material that is accidentally so deposited shall be immediately removed to the maximum extent practicable.

**Sec. 19-119. Exemptions.**

This article shall apply to:

- (1) Bona fide farm operations as defined in F.S. §823.14, "Florida Right to Farm Act."
- (2) Other properties not subject to or covered under subsection (a) that have pastures used for grazing livestock.
- (3) Any lands used for bona fide scientific research, including, but not limited to: research on the effects of fertilizer use on stormwater, water quality, agronomics or horticulture.
- (4) Golf courses, athletic fields and turf managed for active recreation, whose owners implement best management practices as described in Rule 5E-1.003(2)(d), Florida Administrative Code, "Fertilizers Labeled for Sports Turf at Golf Courses, Parks and Athletic Fields."

**Sec. 19-120. Training.**

- (a) All commercial and institutional fertilizer applicators shall abide by and successfully complete the six-hour training program in the annual "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" offered by the Florida Department of Environmental Protection (FDEP) through the University of Florida/IFAC Florida-Friendly Landscapes Program, or an approved equivalent.
- (b) Private, noncommercial applicators are encouraged to follow the recommendations of the University of Florida/IFAS Florida Yards and Neighborhoods Program when applying fertilizers.

**Sec. 19-121. Licensing of commercial fertilizer applicators.**

- (a) By September 30, 2019, all commercial fertilizer applicators shall abide by and successfully complete training and continuing education requirements in the manual "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" offered by the Florida Department of Environmental Protection through the University of Florida/IFAS Florida-Friendly Landscapes Program or an approved equivalent program. Commercial fertilizer applicators shall provide proof of completion of the program prior to obtaining a new certificate of use for any category of occupation which may apply any fertilizer to turf and/or landscape plants. Commercial fertilizer applicators with an existing certificate of use for any category of occupation which may apply any fertilizer to turf and/or landscape plants shall provide proof of completion of the program within 30 days after completing the program and prior to September 30, 2019.
- (b) After September 30, 2019, all commercial fertilizer applicators shall have and carry in their possession at all times when applying fertilizer, evidence of certification by the Florida Department of Agriculture and Consumer Services, as a commercial fertilizer applicator pursuant to Rule 5E-14.117(18), Florida Administrative Code.
- (c) By September 30, 2019, all businesses applying fertilizer to turf and/or landscape plants (including, but not limited to: residential lawns, commercial properties and multifamily and condominium properties) shall ensure that at least one employee has a "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" training certificate. Business owners for any category of occupation which may apply any fertilizer to turf and/or landscape plants shall provide proof of completion of the program by at least one employee prior to the business owner obtaining a new certificate of use. Business owners for any category of occupation which may apply any fertilizer to turf

and/or landscape plants with an existing certificate of use shall provide proof of completion of the program by at least one employee within 30 days after completing the program and prior to September 30, 2019.

**Sec. 19-122. Enforcement; declaration.**

The city council hereby finds and declares that a violation of this article presents a serious threat to the public health, safety and welfare and is irreparable or irreversible in nature. No violator of this article shall be entitled to an opportunity to correct a violation prior to the levy of a civil penalty in accordance with any of the enforcement methods prescribed in Section 1-8 (General penalty; continuing violations) and Section 10-347 (Administrative fines and liens) or other applicable sections of this Code. The civil penalty shall be in an amount as set forth in the City of Edgewater's fee resolution in effect at the time of levying such penalties.

***ARTICLE X. RECLAIMED WATER REUSE PROGRAM***

**Sec. 19-123. Required use of reclaimed water system.**

- (a) Connection to the reclaimed water system for single-family residential lots shall be on a voluntary basis except that existing irrigation meters shall be disconnected from the potable water system and reconnected to the reclaimed water system when reclaimed water becomes available.
- (b) Lots or parcels may connect to the reclaimed water system when available prior to the issuance of a certificate of occupancy.
- (c) Reclaimed water shall be deemed available to a lot or parcel if a reclaimed water distribution pipe with capacity to serve the site is installed and in service within 50 feet of any property line of the lot and can be accessed by a service line through public right-of-way or a recorded utility easement.

**Sec. 19-124. Limitations on use of reclaimed water.**

- (a) Use of reclaimed water shall be limited to irrigation of residential lawns, golf courses, cemeteries, parks, landscaped areas, highway medians and rights-of-way or other uses specifically authorized by rule 62-610 F.A.C.
- (b) Since reclaimed water has not received the higher degree of treatment required for potable water, reclaimed water shall not be used:
  - (1) To fill swimming pools, wading pools, or hot tubs.
  - (2) For drinking or cooking purposes.
  - (3) For flushing commodes in private homes.
  - (4) For direct spraying on edible crops that will not be peeled, skinned or cooked.
  - (5) In the sharing of a reuse line.
  - (6) For cooling air conditioners.
  - (7) For connecting to another water service.
- (c) Reclaimed water shall not be applied to areas within 100 feet of any public eating, drinking or bathing facility unless low trajectory, non-aerosol nozzles are used.

- (d) Reclaimed water shall not be applied to impervious surfaces that allow drainage to surface waters.
- (e) Reclaimed water may be used for flushing commodes in industrial and commercial buildings, motels, hotels, condominiums and apartment buildings where the occupant does not have access to the building's plumbing for repairs or modifications.
- (f) Edible crops that will be peeled, skinned or cooked may receive direct contact with reclaimed water.

**Sec. 19-125. Reclaimed water systems for new subdivisions.**

- (a) Developers of all subdivisions, except minor subdivisions as defined in chapter 21 (Land Development Code) of City of Edgewater Code of Ordinances, shall install reclaimed water distribution systems in the public right-of-way or recorded utility easements within the subdivision.
- (b) Construction plans and hydraulic calculations for the required reclaimed water distribution systems shall be submitted to the city for approval. The plans and calculations shall be prepared by a professional engineer licensed in the state. If applicable at the time of installation, FDEP construction permits will be required.
- (c) Upon completion by the developer and acceptance by the city, the reclaimed water distribution system shall become the property of the city.

**Sec. 19-126. Ownership and maintenance of reclaimed water system.**

- (a) The city shall own and maintain all reclaimed water facilities within the public right-of-way and utility easements.
- (b) The property owner shall be responsible for maintenance of the irrigation system on his property from the master control valve at the property line and shall be responsible for the prevention of ponding and runoff from the irrigation area and all requirements provide within this section.

**Sec. 19-127. Prohibited activities and biennial inspections.**

- (a) No person shall tamper with, alter, connect to without the city's approval, operate the valves of, or damage the city's reclaimed water distribution system.
- (b) The city may discontinue reclaimed water service to any customer for tampering with any service, violation of cross-connection rules or other regulations, or for any other reason that may be detrimental to the system.
- (c) The city will conduct inspections of irrigation systems on initial connection to the reclaimed water supply and biennially thereafter to determine the existence of illegal hookups, violation of ordinances, or cross-connections. Authorization for these inspections will be given by the applicant in conjunction with the application for reclaimed water. Refusing to permit such an inspection shall be grounds for immediate discontinuance of the reclaimed water service by the city to the subject premises.



**Sec. 19-128. Installation/construction of reclaimed water irrigation systems.**

- (a) Wells connected to existing irrigation systems shall be disconnected and plugged by a licensed well driller prior to connection to the reclaimed water system or upon approval of the city, a reduced pressure zone backflow prevention device may be installed on the well.
- (b) Existing irrigation systems shall be disconnected from potable water systems prior to connection to the reclaimed water system. A backflow prevention device shall be installed on the potable water supply by a certified technician at the expense of the customer prior to connection to the reclaimed water system. At a minimum, private homes will be retrofitted with a double check valve that can be field-tested for proper operation as a means of protecting the city's potable water supply. As determined by the city, additional safeguards may be required to protect the city's potable water supply. Testing of the backflow prevention device will be done biennially by the city's certified backflow technician.
- (c) Any commercial/industrial building or hotel, motel, condominium or apartment building desiring to use reclaimed water for flushing commodes will be required to have a backflow device that is commensurate with the degree of hazard associated with their business as determined by the city.
- (d) Installation, operation, maintenance and annual inspections of backflow prevention devices shall be in accordance with this article.
- (e) Irrigation lines may be installed either in-ground or above-ground except in the case of multi-family residential or commercial customers where in-ground lines are required.
  - (1) In-ground systems shall be connected to the supply source at the reclaimed water box using approved plumbing devices to prevent breakage at the connection point. Where possible there shall be a minimum of three feet horizontal separation of the reclaimed water line from the potable water or sewage collection line. If a three-foot separation cannot be achieved, one of the following conditions shall be met:
    - a. The top of the reclaimed line is at least 18 inches below the potable line.
    - b. The reclaimed water line is sleeved or encased in concrete.
  - (2) For above-ground irrigation lines, a "quick disconnect" device shall be installed in the reclaimed water box. To prevent inadvertent use for drinking, no above-ground spigots shall be installed.
    - a. Performance of the irrigation system will be contingent upon the flow and pressure provided by the city's reclaimed water supply system. The customer is responsible for sizing and zoning irrigation lines to achieve maximum efficiency of the system.
    - b. Special "quick disconnect" hose connections will be provided by the city on the customer provided three-fourth-inch hose with the connection to in-ground hose bibs.
    - c. City control valve boxes and boxes for in-ground hose bibs shall be labeled "reclaimed water". The boxes shall be of the size and design required by the city.
    - d. All pipes and above ground appurtenances for reclaimed water systems shall be identified by color and permanent labeling. All pipes shall be purple.

**Sec. 19-129. Application for reclaimed water connection.**

Application for connection to the reclaimed water system shall be made to the city on the form provided for that purpose. Connection and inspection fees as established by resolution of the city council shall accompany the application.

(Ord. No. 2012-O-05, Pt. A, 6-4-12)

**Sec. 19-130. Reclaimed water utility fees.**

- (a) All bills for reclaimed water utility fees shall be incorporated into the consolidated statement and shall be payable in accordance with section 19-7. The reclaimed water utility fees shall become effective at the time of meter installation.
- (b) When, at the request of the customer, the reclaimed water connection is removed, reclaimed water shall not be reinstalled until a new connection fee is paid in full.
- (c) Discontinuance of the potable water service for non-payment will be grounds for disconnection of reclaimed water service.
- (d) A service resumption fee for resumption of service either in the case of prior termination at the request of the customer or termination by the city for failure to comply with applicable rules and regulations shall be established by the city council. This fee shall be in addition to any past due charges and shall cover the cost of actual service resumption as well as on-site system inspection by the city. If the request for service resumption follows termination of service for failure to comply with applicable rules or regulations, service shall not be reconnected until the director of environmental services receives adequate assurance that the previous violation will not reoccur.
- (e) To encourage connection of reclaimed water reuse service by existing city utilities customers, the city council may by resolution temporarily amend or suspend various elements of the fee structure established in this section to encourage connection to the reclaimed water system.

(Ord. No. 2012-O-05, Pt. A, 6-4-12)

Secs. 19-131—19-140. Reserved.

**EXHIBIT "A"**  
**GREATER EDGEWATER WATER, WASTEWATER AND RECLAIMED WATER  
SERVICE AREA**

